

**Effective 5/12/2015**

**57-21-3 Exemptions -- Sale by private individuals -- Nonprofit organizations -- Noncommercial transactions.**

- (1) This chapter does not apply to a single-family dwelling unit sold or rented by its owner if:
  - (a) the owner is not a partnership, association, corporation, or other business entity;
  - (b) the owner does not own an interest in four or more single-family dwelling units held for sale or lease at the same time;
  - (c) during a 24-month period, the owner does not sell two or more single-family dwelling units in which the owner was not residing or was not the most recent resident at the time of sale;
  - (d) the owner does not retain or use the facilities or services of a real estate broker or salesperson; and
  - (e) the owner does not use a discriminatory housing practice under Subsection 57-21-5(2) in the sale or rental of the dwelling.
- (2) This chapter does not apply to a dwelling or a temporary or permanent residence facility if:
  - (a) the discrimination is by sex, sexual orientation, gender identity, or familial status for reasons of personal modesty or privacy, or in the furtherance of a religious institution's free exercise of religious rights under the First Amendment of the United States Constitution or the Utah Constitution; and
  - (b) the dwelling or the temporary or permanent residence facility is:
    - (i) operated by a nonprofit or charitable organization;
    - (ii) owned by, operated by, or under contract with a religious organization, a religious association, a religious educational institution, or a religious society;
    - (iii) owned by, operated by, or under contract with an affiliate of an entity described in Subsection (2)(b)(ii); or
    - (iv) owned by or operated by a person under contract with an entity described in Subsection (2)(b)(ii).
- (3) This chapter, except for Subsection 57-21-5(2), does not apply to the rental of a room in a single-family dwelling by an owner-occupant of the single-family dwelling to another person if:
  - (a) the dwelling is designed for occupancy by four or fewer families; and
  - (b) the owner-occupant resides in one of the units.
- (4)
  - (a)
    - (i) Unless membership in a religion is restricted by race, color, sex, or national origin, this chapter does not prohibit an entity described in Subsection (4)(a)(ii) from:
      - (A) limiting the sale, rental, or occupancy of a dwelling or temporary or permanent residence facility the entity owns or operates for primarily noncommercial purposes to persons of the same religion; or
      - (B) giving preference to persons of the same religion when selling, renting, or selecting occupants for a dwelling, or a temporary or permanent residence facility, the entity owns or operates for primarily noncommercial purposes.
    - (ii) The following entities are entitled to the exemptions described in Subsection (4)(a)(i):
      - (A) a religious organization, association, or society; or
      - (B) a nonprofit institution or organization operated, supervised, or controlled by or in conjunction with a religious organization, association, or society.
  - (b)
    - (i) This chapter does not prohibit an entity described in Subsection (4)(b)(ii) from:

- (A) limiting the sale, rental, or occupancy of a dwelling, or a temporary or permanent residence facility, the entity owns or operates to persons of a particular religion, sex, sexual orientation, or gender identity; or
  - (B) giving preference to persons of a particular religion, sex, sexual orientation, or gender identity when selling, renting, or selecting occupants for a dwelling, or a temporary or permanent residence facility, the entity owns or operates.
- (ii) The following entities are entitled to the exemptions described in Subsection (4)(b)(i):
- (A) an entity described in Subsection (4)(a)(ii); and
  - (B) a person who owns a dwelling, or a temporary or permanent residence facility, that is under contract with an entity described in Subsection (4)(a)(ii).
- (5)
- (a) If the conditions of Subsection (5)(b) are met, this chapter does not prohibit a private club not open to the public, including a fraternity or sorority associated with an institution of higher education, from:
    - (i) limiting the rental or occupancy of lodgings to members; or
    - (ii) giving preference to its members.
  - (b) This Subsection (5) applies only if the private club owns or operates the lodgings as an incident to its primary purpose and not for a commercial purpose.
- (6) This chapter does not prohibit distinctions based on inability to fulfill the terms and conditions, including financial obligations, of a lease, rental agreement, contract of purchase or sale, mortgage, trust deed, or other financing agreement.
- (7) This chapter does not prohibit a nonprofit educational institution from:
- (a) requiring its single students to live in a dwelling, or a temporary or permanent residence facility, that is owned by, operated by, or under contract with the nonprofit educational institution;
  - (b) segregating a dwelling, or a temporary or permanent residence facility, that is owned by, operated by, or under contract with the nonprofit educational institution on the basis of sex or familial status or both:
    - (i) for reasons of personal modesty or privacy; or
    - (ii) in the furtherance of a religious institution's free exercise of religious rights under the First Amendment of the United States Constitution or the Utah Constitution; or
  - (c) otherwise assisting another person in making a dwelling, or a temporary or permanent residence facility, available to students on a sex-segregated basis as may be permitted by:
    - (i) regulations implementing the federal Fair Housing Amendments Act of 1988;
    - (ii) Title IX of the Education Amendments of 1972; or
    - (iii) other applicable law.
- (8) This chapter does not prohibit any reasonable local, state, or federal restriction regarding the maximum number of occupants permitted to occupy a dwelling.
- (9) A provision of this chapter that pertains to familial status does not apply to the existence, development, sale, rental, advertisement, or financing of an apartment complex, condominium, or other housing development designated as housing for older persons, as defined by Title VIII of the Civil Rights Act of 1968, as amended.

Amended by Chapter 13, 2015 General Session