

***Superseded 5/10/2016***

**57-21-9 Procedure for an aggrieved person to file a complaint -- Conciliation -- Investigation -- Determination.**

- (1) Any aggrieved person may file a written verified complaint with the division within 180 days after an alleged discriminatory housing practice occurs.
- (2)
  - (a) The commission shall adopt rules consistent with the provisions of 24 C.F.R. Sec. 115.3 (1990), relating to procedures under related federal law, to govern:
    - (i) the form of the complaint;
    - (ii) the form of any answer to the complaint;
    - (iii) procedures for filing or amending a complaint or answer; and
    - (iv) the form of notice to parties accused of the acts or omissions giving rise to the complaint.
  - (b) The commission may, by rule, prescribe any other procedure pertaining to the division's processing of the complaint.
- (3) During the period beginning with the filing of the complaint and ending with the director's determination, the division shall, to the extent feasible, engage in conciliation with respect to the complaint.
- (4) The division shall commence proceedings to investigate and conciliate a complaint alleging a discriminatory housing practice within 30 days after the filing of the complaint. After the commencement of an investigation, any party may request that the commission review the proceedings to insure compliance with the requirements of this chapter.
- (5) The division shall complete the investigation within 100 days after the filing of the complaint, unless it is impracticable to do so. If the division is unable to complete the investigation within 100 days after the filing of the complaint, the division shall notify the complainant and respondent in writing of the reasons for the delay.
- (6)
  - (a) If, as a result of the division's investigation, the director determines that there is no reasonable cause to support the allegations in the complaint, the director shall issue a written determination dismissing the complaint.
  - (b) If the director dismisses the complaint pursuant to Subsection (6)(a), the complainant may request that the director reconsider the dismissal pursuant to Section 63G-4-302.
  - (c) Notwithstanding the provisions of Title 63G, Chapter 4, Administrative Procedures Act, the director's determination to dismiss a complaint or, in the case of a request for reconsideration, the director's order denying reconsideration is not subject to further agency action or direct judicial review. However, the complainant may commence a private action pursuant to Section 57-21-12.
- (7) If, as a result of the division's investigation of a complaint, the director determines that there is reasonable cause to support the allegations in the complaint, all of the following apply:
  - (a) The division shall informally endeavor to eliminate or correct the discriminatory housing practice through a conciliation conference between the parties, presided over by the division. Nothing said or done in the course of the conciliation conference may be made public or admitted as evidence in a subsequent proceeding under this chapter without the written consent of the parties concerned.
  - (b) If the conciliation conference results in voluntary compliance with this chapter, a conciliation agreement setting forth the resolution of the issues shall be executed by the parties and approved by the division. The parties may enforce the conciliation agreement in an action filed in a court of competent jurisdiction.

- (c) If the division is unable to obtain a conciliation agreement, the director shall issue a written determination stating the director's findings and ordering any appropriate relief under Section 57-21-11.