

Sex-Designated Housing Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: David Shallenberger

Senate Sponsor:

LONG TITLE**General Description:**

This bill creates an exemption in the Utah Fair Housing Act allowing a landlord to designate housing as single-sex based on biological sex.

Highlighted Provisions:

This bill:

- defines terms;
- permits a landlord to restrict occupancy in single-sex housing to individuals of the designated biological sex;
- clarifies that such restriction is not unlawful discrimination under the Utah Fair Housing Act; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:**AMENDS:**

57-21-2, as last amended by Laws of Utah 2015, Chapter 13

57-21-4, as last amended by Laws of Utah 1993, Chapter 114

57-21-5, as last amended by Laws of Utah 2015, Chapter 13

80-3-204, as last amended by Laws of Utah 2025, Chapter 426

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **57-21-2** is amended to read:

57-21-2 . Definitions.

As used in this chapter:

(1) "Affiliate" means the same as that term is defined in Section 16-6a-102.

(2) [~~"Aggrieved person" includes a person~~] "Aggrieved individual" means an individual who:

(a) claims to have been injured by a discriminatory housing practice; or

(b) believes that the [~~person~~] individual will be injured by a discriminatory housing practice that is about to occur.

(3) "Biological sex at birth" means the same as that term is defined in Section 26B-8-101.

[~~(3)~~] (4) "Commission" means the Labor Commission.

[~~(4)~~] (5) "Complainant" means an aggrieved [~~person~~] individual, including the director, who [~~has commenced~~] commences a complaint with the division.

[~~(5)~~] (6) "Conciliation" means the attempted resolution of an issue raised in a complaint of discriminatory housing practices by the investigation of the complaint through informal negotiations involving the complainant, the respondent, and the division.

[~~(6)~~] (7) "Conciliation agreement" means a written agreement setting forth the resolution of the issues in conciliation.

[~~(7)~~] (8) "Conciliation conference" means the attempted resolution of an issue raised in a complaint or by the investigation of a complaint through informal negotiations involving the complainant, the respondent, and the division[~~-. The conciliation conference~~] which is not subject to Title 63G, Chapter 4, Administrative Procedures Act.

[~~(8)~~] (9) "Covered multifamily dwelling" means:

(a) a building consisting of four or more dwelling units if the building has one or more elevators; and

(b) the ground floor units in other buildings consisting of four or more dwelling units.

[~~(9)~~] (10) "Director" means the director of the division or [a] the director's designee.

[~~(10)~~] (11)(a) "Disability" means a physical or mental impairment that substantially limits [~~one or more of a person's~~] an individual's major life activities, including [a ~~person~~] an individual having a record of such an impairment or being regarded as having such an impairment.

(b) "Disability" does not include current illegal use of, or addiction to, any federally controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C. Sec. 802.

[~~(11)~~] (12) "Discriminate" includes segregate or separate.

[~~(12)~~] (13) "Discriminatory housing practice" means an act that is unlawful under this chapter.

[~~(13)~~] (14) "Division" means the Division of Antidiscrimination and Labor established under the commission.

65 [(14)] (15) "Dwelling" means:

66 (a) a building or structure, or a portion of a building or structure, occupied as, designed
67 as, or intended for occupancy as a residence of one or more families; or

68 (b) vacant land that is offered for sale or lease for the construction or location of a
69 dwelling as described in Subsection [(14)(a)] (15)(a).

70 [(15)] (16)(a) "Familial status" means one or more individuals who have not attained the
71 age of [18 years] 18 years old being domiciled with:

72 (i) a parent or another person having legal custody of the one or more individuals; or

73 (ii) the designee of the parent or other person having custody, with the written
74 permission of the parent or other person.

75 (b) [~~The protections afforded against discrimination on the basis of familial status apply~~
76 ~~to a person who:~~] "Familial status" includes protections afforded against
77 discrimination of an individual who:

78 (i) is pregnant;

79 (ii) is in the process of securing legal custody of any individual who has not attained
80 the age of 18 years; or

81 (iii) is a single individual.

82 [(16)] (17) "Gender identity" has the same meaning as provided in the Diagnostic and
83 Statistical Manual (DSM-5)[~~—A person's gender identity can be shown—which an
84 individual may show by providing evidence, including[, ~~but not limited to,~~] :~~

85 (a) medical history[;] ;

86 (b) care or treatment of the gender identity[;] ;

87 (c) consistent and uniform assertion of the gender identity[;] ; or

88 (d) other evidence that the gender identity is sincerely held, part of [a person's] the
89 individual's core identity, and [~~not being~~] asserted for [~~an improper~~] a proper purpose.

90 [(17)] (18) "National origin" means the place of birth of an individual or of any lineal
91 ancestors.

92 [(18)] "Person" includes ~~one or more individuals, corporations, limited liability companies,~~
93 ~~partnerships, associations, labor organizations, legal representatives, mutual companies,~~
94 ~~joint-stock companies, trusts, unincorporated organizations, trustees, trustees in cases~~
95 ~~under the United States Bankruptcy Code, receivers, and fiduciaries.]~~

96 (19) "Presiding officer" has the same meaning as provided in Section 63G-4-103.

97 (20) [~~"Real estate broker" or "salesperson"~~] "Real estate broker or salesperson" means a
98 principal broker, an associate broker, or a sales agent as those terms are defined in

Section 61-2f-102.

(21) "Respondent" means a person against ~~[whom]~~ which a complaint of housing discrimination ~~[has been]~~ is initiated.

(22) "Sex" means gender and includes pregnancy, childbirth, and disabilities related to pregnancy or childbirth.

(23) "Sexual orientation" means an individual's actual or perceived orientation as heterosexual, homosexual, or bisexual.

(24) "Single-sex housing" means housing accommodations designated for occupancy exclusively by individuals of the same biological sex at birth, where residents share a bedroom or a bathroom.

~~[(24)]~~ (25) "Source of income" means the verifiable condition of being a recipient of federal, state, or local assistance, including medical assistance, or of being a tenant receiving federal, state, or local subsidies, including rental assistance or rent supplements.

Section 2. Section **57-21-4** is amended to read:

57-21-4 . Conduct and requirements excluded -- Defenses.

(1) Except as provided in ~~[Subsection 57-21-5(4)]~~ Subsections 57-21-5(4) and (5), this chapter does not:

(a) require ~~[any]~~ a person to exercise a higher degree of care toward ~~[a person]~~ an individual who has a disability than toward ~~[a person]~~ an individual who does not have a disability;

(b) relieve ~~[any person]~~ a person of ~~[obligations]~~ an obligation generally imposed on all persons regardless of disability in a written lease, rental agreement, contract of purchase or sale, mortgage, trust deed, or other financing agreement; or

(c) prohibit any program, service, facility, or privilege intended to habilitate, rehabilitate, or accommodate ~~[a person]~~ an individual with a disability.

(2)(a) It is a defense to a complaint or action brought under this chapter that the complainant has a disability that, in the circumstances and even with reasonable accommodation, poses a serious threat to the health or safety of the complainant or others.

(b) The respondent bears the burden of proving [this] a defense~~[is upon the respondent]~~ in accordance with Subsection (2)(a).

Section 3. Section **57-21-5** is amended to read:

57-21-5 . Discriminatory practices enumerated -- Protected individuals, classes enumerated.

- (1) It is a discriminatory housing practice to do any of the following because of [~~a person's~~
an individual's race, color, religion, sex, national origin, familial status, source of
income, disability, sexual orientation, or gender identity:
- (a)(i) refuse to sell or rent after the making of a bona fide offer;
 - (ii) refuse to negotiate for the sale or rental; or
 - (iii) otherwise deny or make unavailable a dwelling from any person;
- (b) discriminate against [~~a person~~] an individual in the terms, conditions, or privileges:
- (i) of the sale or rental of a dwelling; or
 - (ii) in providing facilities or services in connection with the dwelling; or
- (c) represent to [~~a person~~] an individual that a dwelling is not available for inspection,
sale, or rental when the dwelling is available.
- (2) It is a discriminatory housing practice to make a representation orally or in writing or
make, print, circulate, publish, post, or cause to be made, printed, circulated, published,
or posted any notice, statement, or advertisement, or to use any application form for the
sale or rental of a dwelling, that directly or indirectly expresses any preference,
limitation, or discrimination based on race, color, religion, sex, national origin, familial
status, source of income, disability, sexual orientation, or gender identity, or expresses [
~~any~~] an intent to make [~~any~~] such a preference, limitation, or discrimination.
- (3) It is a discriminatory housing practice to induce or attempt to induce, for profit, a person
to buy, sell, or rent a dwelling by making a representation about the entry or prospective
entry into the neighborhood of [~~persons~~] individuals of a particular race, color, religion,
sex, national origin, familial status, source of income, disability, sexual orientation, or
gender identity.
- (4) A discriminatory housing practice includes:
- (a) a refusal to permit, at the expense of the [~~person~~] individual with a disability,
reasonable modifications of existing premises occupied or to be occupied by the [
~~person~~] individual if the modifications are necessary to afford that [~~person~~] individual
full enjoyment of the premises, except that in the case of a rental, the landlord, where
it is reasonable to do so, may condition permission for a modification on the renter
agreeing to restore the interior of the premises, when reasonable, to the condition that
existed before the modification, reasonable wear and tear excepted; and
 - (b) a refusal to make a reasonable accommodation in a rule, policy, practice, or service
when the accommodation may be necessary to afford the [~~person~~] individual equal
opportunity to use and enjoy a dwelling[~~;~~ and] .

167 ~~[(e)]~~ (5) ~~[in connection with]~~ For the design and construction of a covered multifamily [
168 dwelling] dwelling for first occupancy after March 13, 1991, a discriminatory housing
169 practice includes the failure to design and construct the covered multifamily [dwellings]
170 dwelling in a manner that[:] has at least one building entrance on an accessible route,
171 unless it is impracticable to have one because of the terrain or unusual characteristics of
172 the site, and for a covered multifamily dwelling with a building entrance on an
173 accessible route:

174 ~~[(i)]~~ ~~the covered multifamily dwellings have at least one building entrance on an~~
175 ~~accessible route, unless it is impracticable to have one because of the terrain or~~
176 ~~unusual characteristics of the site; and]~~

177 ~~[(ii)]~~ ~~with respect to covered multifamily dwellings with a building entrance on an~~
178 ~~accessible route:]~~

179 ~~[(A)]~~ (a) the public use and common use portions of the covered multifamily dwelling
180 are readily accessible to and usable by ~~[a person]~~ an individual with a disability;

181 ~~[(B)]~~ (b) all the doors designed to allow passage into and within the covered multifamily
182 dwellings are sufficiently wide to allow passage by ~~[a person]~~ an individual with a
183 disability who is in a wheelchair; and

184 ~~[(C)]~~ (c) all premises within the covered multifamily dwellings contain the following
185 features of adaptive design:

186 ~~[(H)]~~ (i) an accessible route into and through the covered multifamily dwelling;

187 ~~[(H)]~~ (ii) light switches, electrical outlets, thermostats, and other environmental
188 controls in accessible locations;

189 ~~[(H)]~~ (iii) reinforcements in the bathroom walls to allow later installation of grab
190 bars; and

191 ~~[(IV)]~~ (iv) kitchens and bathrooms such that an individual in a wheelchair can
192 maneuver about and use the space.

193 ~~[(5)]~~ (6)(a) This section also applies to discriminatory housing practices because of race,
194 color, religion, sex, national origin, familial status, source of income, disability,
195 sexual orientation, or gender identity based upon ~~[a person's]~~ an individual's
196 association with another ~~[person]~~ individual.

197 (b)(i) It is not unlawful discrimination under this chapter for a landlord, lessor, or
198 property manager to:

199 (A) designate housing as single-sex housing; and

200 (B) limit occupancy of single-sex housing to individuals whose biological sex at

birth matches the designated sex for the single-sex housing.

(ii) Section (5)(b)(i) applies to:

(A) a dormitory, a boarding house, a shared rental property, or other group-living accommodation; and

(B) a private landlord and a property owner.

(iii) This exemption does not apply to:

(A) housing that the state or a political subdivision owns or operates unless otherwise expressly provided by law; or

(B) housing where the designation as single-sex housing would violate federal law or a condition of federal funding.

Section 4. Section **80-3-204** is amended to read:

80-3-204 . Protective custody of a child after a petition is filed -- Grounds.

- (1) When an abuse, neglect, or dependency petition is filed, the juvenile court shall apply, in addressing the petition, the least restrictive means and alternatives available to accomplish a compelling state interest and to prevent irretrievable destruction of family life as described in Subsections 80-2a-201(1) and (7)(a) and Section 80-4-104.
- (2) After an abuse, neglect, or dependency petition is filed, if the child who is the subject of the petition is not in protective custody, a juvenile court may order that the child be removed from the child's home or otherwise taken into protective custody if the juvenile court finds, by a preponderance of the evidence, that any one or more of the following circumstances exist:
 - (a)(i) there is an imminent danger to the physical health or safety of the child; and
 - (ii) the child's physical health or safety may not be protected without removing the child from the custody of the child's parent or guardian;
 - (b)(i) a parent or guardian engages in or threatens the child with unreasonable conduct that causes the child to suffer harm; and
 - (ii) there are no less restrictive means available by which the child's emotional health may be protected without removing the child from the custody of the child's parent or guardian;
 - (c) the child or another child residing in the same household has been, or is considered to be at substantial risk of being, physically abused, sexually abused, or sexually exploited, by a parent or guardian, a member of the parent's or guardian's household, or other individual known to the parent or guardian;
 - (d) the parent or guardian is unwilling to have physical custody of the child;

- 235 (e) the child is abandoned or left without any provision for the child's support;
- 236 (f) a parent or guardian who has been incarcerated or institutionalized has not arranged
- 237 or cannot arrange for safe and appropriate care for the child;
- 238 (g)(i) a relative or other adult custodian with whom the child is left by the parent or
- 239 guardian is unwilling or unable to provide care or support for the child;
- 240 (ii) the whereabouts of the parent or guardian are unknown; and
- 241 (iii) reasonable efforts to locate the parent or guardian are unsuccessful;
- 242 (h) subject to Subsection 80-1-102(58)(b) and Sections 80-3-109 and 80-3-304, the child
- 243 is in immediate need of medical care;
- 244 (i)(i) a parent's or guardian's actions, omissions, or habitual action create an
- 245 environment that poses a serious risk to the child's health or safety for which
- 246 immediate remedial or preventive action is necessary; or
- 247 (ii) a parent's or guardian's action in leaving a child unattended would reasonably
- 248 pose a threat to the child's health or safety;
- 249 (j) the child or another child residing in the same household has been neglected;
- 250 (k) the child's parent:
- 251 (i) intentionally, knowingly, or recklessly causes the death of another parent of the
- 252 child;
- 253 (ii) is identified by a law enforcement agency as the primary suspect in an
- 254 investigation for intentionally, knowingly, or recklessly causing the death of
- 255 another parent of the child; or
- 256 (iii) is being prosecuted for or has been convicted of intentionally, knowingly, or
- 257 recklessly causing the death of another parent of the child;
- 258 (l) an infant is an abandoned infant, as defined in Section 80-4-203;
- 259 (m)(i) the parent or guardian, or an adult residing in the same household as the parent
- 260 or guardian, is charged or arrested pursuant to Title 58, Chapter 37d, Clandestine
- 261 Drug Lab Act; and
- 262 (ii) any clandestine laboratory operation was located in the residence or on the
- 263 property where the child resided; or
- 264 (n) the child's welfare is otherwise endangered.
- 265 (3)(a) For purposes of Subsection (2)(a), if a child has previously been adjudicated as
- 266 abused, neglected, or dependent, and a subsequent incident of abuse, neglect, or
- 267 dependency occurs involving the same substantiated abuser or under similar
- 268 circumstance as the previous abuse, that fact is prima facie evidence that the child

cannot safely remain in the custody of the child's parent.

(b) For purposes of Subsection (2)(c):

(i) another child residing in the same household may not be removed from the home unless that child is considered to be at substantial risk of being physically abused, sexually abused, or sexually exploited as described in Subsection (2)(c) or Subsection (3)(b)(ii); and

(ii) if a parent or guardian has received actual notice that physical abuse, sexual abuse, or sexual exploitation by an individual known to the parent has occurred, and there is evidence that the parent or guardian failed to protect the child, after having received the notice, by allowing the child to be in the physical presence of the alleged abuser, that fact is prima facie evidence that the child is at substantial risk of being physically abused, sexually abused, or sexually exploited.

(4)(a) For purposes of Subsection (2), if the division files an abuse, neglect, or dependency petition, the juvenile court shall consider the division's safety and risk assessments described in Section 80-2-403 to determine whether a child should be removed from the custody of the child's parent or guardian or should otherwise be taken into protective custody.

(b) The division shall make a diligent effort to provide the safety and risk assessments described in Section 80-2-403 to the juvenile court, guardian ad litem, and counsel for the parent or guardian, as soon as practicable before the shelter hearing described in Section 80-3-301.

(5) In the absence of one of the factors described in Subsection (2), a juvenile court may not remove a child from the parent's or guardian's custody on the basis of:

(a) educational neglect, truancy, or failure to comply with a court order to attend school;

(b) mental illness or poverty of the parent or guardian;

(c) disability, as defined in Section 57-21-2, of the parent or guardian~~[, as defined in Section 57-21-2]~~; or

(d) the possession or use, in accordance with Title 26B, Chapter 4, Part 2, Cannabinoid Research and Medical Cannabis, of cannabis in a medicinal dosage form, a cannabis product in a medicinal dosage form, or a medical cannabis device, as those terms are defined in Section 26B-4-201.

(6) A child removed from the custody of the child's parent or guardian under this section may not be placed or kept in detention, unless the child may be admitted to detention under Chapter 6, Part 2, Custody and Detention.

- (7) This section does not preclude removal of a child from the child's home without a warrant or court order under Section 80-2a-202.
- (8)(a) Except as provided in Subsection (8)(b), a juvenile court and the division may not remove a child from the custody of the child's parent or guardian on the sole or primary basis that the parent or guardian refuses to consent to:
- (i) the administration of a psychotropic medication to a child;
 - (ii) a psychiatric, psychological, or behavioral treatment for a child; or
 - (iii) a psychiatric or behavioral health evaluation of a child.
- (b) Notwithstanding Subsection (8)(a), a juvenile court or the division may remove a child under conditions that would otherwise be prohibited under Subsection (8)(a) if failure to take an action described under Subsection (8)(a) would present a serious, imminent risk to the child's physical safety or the physical safety of others.

Section 5. Effective Date.

This bill takes effect on May 6, 2026.