Chapter 21
Utah Fair Housing Act

57-21-1 Short title.

This chapter is known as the "Utah Fair Housing Act."

Enacted by Chapter 233, 1989 General Session

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 individual" means an individual who:

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

(b) believes that the 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.

(4) "Commission" means the Labor Commission.

(5) "Complainant" means an aggrieved individual, including the director, who commences a complaint with the division.

(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.

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

(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 which is not subject to Title 63G, Chapter 4, Administrative Procedures Act.

(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.

(10) "Director" means the director of the division or the director's designee.

(11)

(a) "Disability" means a physical or mental impairment that substantially limits an individual's major life activities, including 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.

(12) "Discriminate" includes segregate or separate.

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

(14) "Division" means the Division of Antidiscrimination and Labor established under the commission.

(15) "Dwelling" means:

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

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

(16)

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

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

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

(b) "Familial status" includes protections afforded against discrimination of an individual who:

(i) is pregnant;

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

(iii) is a single individual.

(17) "Gender identity" has the same meaning as provided in the Diagnostic and Statistical Manual (DSM-5) which an individual may show by providing evidence, including:

(a) medical history;

(b) care or treatment of the gender identity;

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

(d) other evidence that the gender identity is sincerely held, part of the individual's core identity, and asserted for a proper purpose.

(18) "National origin" means the place of birth of an individual or of any lineal ancestors.

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

(20) "Real estate broker or salesperson" means a 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 which a complaint of housing discrimination 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.

(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.

Amended by Chapter 315, 2026 General Session

57-21-2.5 Supremacy over local regulations -- No special class created for other purposes.

(1) This chapter supersedes and preempts any ordinance, regulation, standard, or other legal action by a local government entity, a state entity, or the governing body of a political subdivision that relates to the prohibition of discrimination in housing.

(2) This chapter shall not be construed to create a special or protected class for any purpose other than housing.

Enacted by Chapter 13, 2015 General Session

57-21-2.7 Nonseverability.

Laws of Utah 2015, Chapter 13, is the result of the Legislature's balancing of competing interests. Accordingly, if any phrase, clause, sentence, provision, or subsection enacted or amended in this chapter by Laws of Utah 2015, Chapter 13, is held invalid in a final judgment by a court of last resort, the remainder of the enactments and amendments of Laws of Utah 2015, Chapter 13, affecting this chapter shall be thereby rendered without effect and void.

Enacted by Chapter 13, 2015 General Session
Revisor instructions Chapter 13, 2015 General Session

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 does not own an interest in four or more single-family dwelling units held for sale or lease at the same time;
  (b) 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;
  (c) the owner does not retain or use the facilities or services of a real estate broker or salesperson; and
  (d) 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, as defined in Section 68-3-12.5, 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, including a degree-granting institution of higher education listed in Subsection 53H-1-102(1)(a), 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, as defined in Section 68-3-12.5, regardless of gender identity, 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 9, 2025 Special Session 1

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

(1) Except as provided in Subsections 57-21-5(4) and (5), this chapter does not:
  (a) require a person to exercise a higher degree of care toward an individual who has a disability than toward an individual who does not have a disability;
  (b) relieve a person of 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 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 a defense in accordance with Subsection (2)(a).

Amended by Chapter 315, 2026 General Session

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 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 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 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 an intent to make 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 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 individual with a disability, reasonable modifications of existing premises occupied or to be occupied by the individual if the modifications are necessary to afford that 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 individual equal opportunity to use and enjoy a dwelling.

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

(a) the public use and common use portions of the covered multifamily dwelling are readily accessible to and usable by an individual with a disability;

(b) all the doors designed to allow passage into and within the covered multifamily dwellings are sufficiently wide to allow passage by an individual with a disability who is in a wheelchair; and

(c) all premises within the covered multifamily dwellings contain the following features of adaptive design:

(i) an accessible route into and through the covered multifamily dwelling;

(ii) light switches, electrical outlets, thermostats, and other environmental controls in accessible locations;

(iii) reinforcements in the bathroom walls to allow later installation of grab bars; and

(iv) kitchens and bathrooms such that an individual in a wheelchair can maneuver about and use the space.

(6)

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

(b)

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

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

(B) limit occupancy of single-sex housing to individuals whose biological sex at birth matches the designated sex for the single-sex housing.

(ii) Subsection (6)(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.

Amended by Chapter 315, 2026 General Session

57-21-6 Discriminatory housing practices regarding residential real estate-related transactions -- Discriminatory housing practices regarding the provisions of brokerage services.

(1)
(a) It is a discriminatory housing practice for a person whose business includes engaging in residential real estate-related transactions to discriminate against a person in making available a residential real estate-related transaction, or in the terms or conditions of the residential real estate-related transaction, because of race, color, religion, sex, disability, familial status, source of income, national origin, sexual orientation, or gender identity.
(b) Residential real estate-related transactions include:
(i) making or purchasing loans or providing other financial assistance:
(A) for purchasing, constructing, improving, repairing, or maintaining a dwelling; or
(B) secured by residential real estate; or
(ii) selling, brokering, or appraising residential real property.

(2) It is a discriminatory housing practice to, because of race, color, religion, sex, disability, familial status, source of income, national origin, sexual orientation, or gender identity:
(a) deny a person access to, or membership or participation in, a multiple-listing service, real estate brokers' organization, or other service, organization, or facility relating to the business of selling or renting dwellings; or
(b) discriminate against a person in the terms or conditions of access, membership, or participation in the organization, service, or facility.

(3) This section also applies to a discriminatory housing practice because of race, color, religion, sex, national origin, familial status, source of income, disability, sexual orientation, or gender identity based upon a person's association with another person.

Amended by Chapter 13, 2015 General Session

57-21-6.1 Discriminatory housing practices regarding real estate -- Existing real property contract provisions.

(1) As used in this section:
(a) "Association" means the same as that term is defined in Section 57-8-3 or 57-8a-102.
(b) "Board" means:
(i) a management committee as defined in Section 57-8-3; or
(ii) the same as that term is defined in Section 57-8a-102.
(c) "Governing documents" means the same as that term is defined in Section 57-8-3 or 57-8a-102.

(2) Any provision in a previously recorded written instrument relating to real property that 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 is void.

(3) It is a discriminatory housing practice to enforce a provision described in Subsection (2).

(4) Except as provided in Subsection (5), a person with a fee simple interest in the real property that is subject to the recorded written instrument described in Subsection (2) may record with the county recorder a modification document on the real property in the following form:

"Any provision in a previously recorded written instrument that 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 is void under Utah Code Section 57-21-6.1.".

(5)
(a) If a written instrument described in Subsection (2) is a governing document, an association may, in accordance with this section, amend the association's governing documents to remove a provision described in Subsection (2).
(b)
(i) If an owner believes an association's governing documents include a provision described in Subsection (2), the owner may submit a written request to remove the provision.
(ii) Within 90 days after the day on which the board receives a written request, the board:
(A) shall investigate a claim that the association's governing documents include a provision described in Subsection (2); and
(B) if the board determines the association's governing documents include a provision described in Subsection (2), may remove the provision from the governing documents by amending the association's governing documents through a majority vote of the board, regardless of any contrary provision in the association's governing documents.
(c) Any association officer may execute the amendment to remove the provision described in Subsection (2) from the governing documents.
(d) Notwithstanding any contrary provision in the association's governing documents, an amendment under this subsection does not require approval of the association's members.
(6) A provision in a recorded written instrument that is void under this section does not affect the validity of the remainder of the previously recorded written instrument.
(7) An owner who records or causes to be recorded a modification document under Subsection (4) that contains modifications not authorized by this section is solely liable for the recordation.
(8) A county recorder may not charge a fee for recording a modification document under this section.

Enacted by Chapter 294, 2021 General Session

57-21-7 Prohibited conduct -- Aiding or abetting in discriminatory actions -- Obstruction of division investigation -- Reprisals.
(1) It is a discriminatory housing practice to do any of the following:
(a) coerce, intimidate, threaten, or interfere with a person:
(i) in the exercise or enjoyment of a right granted or protected under this chapter;
(ii) because that person exercised a right granted or protected under this chapter; or
(iii) because that person aided or encouraged any other person in the exercise or enjoyment of a right granted or protected under this chapter;
(b) aid, abet, incite, compel, or coerce a person to engage in a practice prohibited by this chapter;
(c) attempt to aid, abet, incite, compel, or coerce a person to engage in a practice prohibited by this chapter;
(d) obstruct or prevent a person from complying with this chapter, or any order issued under this chapter;
(e) resist, prevent, impede, or interfere with the director or a division employee or representative in the performance of duty under this chapter; or
(f) engage in a reprisal against a person because that person:
(i) opposed a practice prohibited under this chapter; or
(ii) filed a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this chapter.

(2) This section also applies to discriminatory housing practices because of race, color, religion, sex, national origin, familial status, source of income, disability, sexual orientation, or gender identity based upon a person's association with another person.

Amended by Chapter 13, 2015 General Session

57-21-8 Jurisdiction -- Commission -- Division.

(1) The commission has jurisdiction over the subject of housing discrimination under this chapter and may delegate the responsibility of receiving, processing, and investigating allegations of discriminatory housing practices and enforcing this chapter to the division.

(2) The commission may:

(a) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, adopt rules necessary to administer this chapter;

(b) appoint and prescribe the duties of investigators, legal counsel, and other employees and agents that it considers necessary for the enforcement of this chapter; and

(c) issue subpoenas to compel the attendance of witnesses or the production of evidence for use in any investigation, conference, or hearing conducted by the division, and if a person fails to comply with a subpoena, petition a court of competent jurisdiction for an order to show cause why that person should not be held in contempt.

(3) The division:

(a) may receive, reject, investigate, and determine complaints alleging discriminatory housing practices prohibited by this chapter;

(b) shall attempt conciliation between the parties through informal efforts, conference, persuasion, or other reasonable methods for the purposes of resolving the complaint;

(c) may seek prompt judicial action for appropriate temporary or preliminary relief pending final disposition of a complaint if the division and the commission conclude that an action is necessary to carry out the purposes of this chapter;

(d) may, with the commission, initiate a civil action in a court of competent jurisdiction to:

(i) enforce the rights granted or protected under this chapter;

(ii) seek injunctive or other equitable relief, including temporary restraining orders, preliminary injunctions, or permanent injunctions;

(iii) seek damages;

(iv) enforce final commission orders on the division's own behalf or on behalf of another person in order to carry out the purposes of this chapter; and

(v) enforce the terms of a conciliation agreement in the event of a breach;

(e) may initiate formal agency action under Title 63G, Chapter 4, Administrative Procedures Act; and

(f) may promote public awareness of the rights and remedies under this chapter by implementing programs to increase the awareness of landlords, real estate agents, and other citizens of their rights and responsibilities under the Utah Fair Housing Act, but may not solicit fair housing complaints or cases.

Amended by Chapter 244, 2016 General Session

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

(1) An aggrieved person may file a written verified complaint with the division within 180 days after the day on which an alleged discriminatory housing practice occurs.

(2)
(a) The commission shall adopt rules consistent with 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 a party accused of the act or omission 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)
(a) The division shall commence proceedings to investigate and conciliate a complaint alleging a discriminatory housing practice within 30 days after the day on which the complainant files the complaint.
(b) After the commencement of an investigation, any party may request that the commission review the proceedings to ensure compliance with the requirements of this chapter.
(5)
(a) The division shall complete the investigation within 100 days after the day on which the complainant files the complaint, unless it is impracticable to do so.
(b) If the division is unable to complete the investigation within 100 days after the day on which the complainant files the complaint, the division shall notify the complainant and respondent in writing of the reasons for the delay.
(6) If, as a result of the division's investigation, the director determines that there is no reasonable cause to support an allegation in the complaint, the director shall issue a written determination dismissing the complaint.
(7) If, as a result of the division's investigation of a complaint, the director determines that there is reasonable cause to support an allegation in the complaint:
(a)
(i) 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; and
(ii) nothing said or done in the course of a conciliation conference described in Subsection (7)(a)(i) may be made public or admitted as evidence in a subsequent proceeding under this chapter without the written consent of the parties concerned; and
(b)
(i) if the conciliation conference described in Subsection (7)(a) results in voluntary compliance with this chapter:
(A) the parties shall execute a conciliation agreement, approved by the division, setting forth the resolution of the issues; and
(B) the parties or the division may enforce the conciliation agreement in an action filed in a court of competent jurisdiction; or
(ii) if the division is unable to obtain a conciliation agreement, the director shall issue a written determination stating the director's findings and ordering appropriate relief under Section 57-21-11.

Amended by Chapter 100, 2019 General Session

57-21-10 Judicial election or formal adjudicative hearing.

(1)

(a) If, pursuant to Subsection 57-21-9(6) or (7)(b)(ii), the director issues a written determination, a party to the complaint may obtain de novo review of the determination by submitting a written request for a formal adjudicative hearing to be conducted by the commission's Division of Adjudication in accordance with Title 34A, Chapter 1, Part 3, Adjudicative Proceedings, to the director within 30 days after the day on which the director issues the determination.

(b) If the director does not receive a timely request for review, the director's determination becomes the final order of the commission and is not subject to further agency action or direct judicial review.

(2) If a party files a timely request for review pursuant to Subsection (1):

(a) any party to the complaint may elect to have the de novo review take place in a civil action in the district court rather than in a formal adjudicative hearing with the Division of Adjudication by filing an election with the commission in accordance with rules established by the commission pursuant to Title 63G, Chapter 3, Utah Administrative Rulemaking Act, regarding the form and time period for the election;

(b) the complainant shall file a complaint for review in the forum selected pursuant to Subsection (2)(a) within 30 days after the completion of the forum selection process; and

(c) the commission shall determine whether the director's determination is supported by substantial evidence.

(3)

(a) The commission shall provide legal representation on behalf of the aggrieved person, including the filing of a complaint for review as required by Subsection (2)(b), in the de novo review proceeding, if:

(i) in accordance with Subsection 57-21-9(7)(b)(ii), the director issued a written determination finding reasonable cause to believe that a discriminatory housing practice had occurred, or was about to occur; and

(ii) under Subsection (2)(c), the commission determines that the director's determination under 57-21-9(7)(b)(ii) is supported by substantial evidence.

(b) An attorney who provides legal representation under Subsection (3)(a) shall consult with the parties in good faith and attempt to resolve the matter based upon a review of the facts, witnesses, evidence, and the likelihood of success.

(c) Notwithstanding Title 63G, Chapter 4, Administrative Procedures Act, the commission's determination, under Subsection (2)(c), regarding the existence or nonexistence of substantial evidence to support the director's determination is not subject to further agency action or direct judicial review.

(4) Upon timely application, an aggrieved person may intervene with respect to the issues to be determined in a formal adjudicative hearing or in a civil action brought under this section.

(5) If a formal adjudicative hearing is elected:

(a) the presiding officer shall commence the formal adjudicative hearing within 150 days after the day on which a request for review of the director's determination is filed, unless it is impracticable to do so;

(b) the investigator who investigated the matter may not participate:

(i) in the formal adjudicative hearing, except as a witness; or

(ii) in the deliberations of the presiding officer;

(c) any party to the complaint may file a written request to the Division of Adjudication for review of the presiding officer's order in accordance with Section 63G-4-301 and Title 34A, Chapter 1, Part 3, Adjudicative Proceedings; and
(d) a final order of the commission under this section is subject to judicial review as provided in Section 63G-4-403 and Title 34A, Chapter 1, Part 3, Adjudicative Proceedings.
(6) If a civil action is elected, the commission is barred from continuing or commencing any adjudicative proceeding in connection with the same claims under this chapter.
(7)
(a) The commission shall make final administrative disposition of the complaint alleging a discriminatory housing practice within one year after the complainant filed the complaint, unless it is impracticable to do so.
(b) If the commission is unable to make final administrative disposition within the time period described in Subsection (7)(a), the commission shall notify the complainant, respondent, and any other interested party in writing of the reasons for the delay.

Amended by Chapter 200, 2024 General Session

57-21-11 Relief granted -- Civil penalties -- Enforcement of final order.
(1) Under Sections 57-21-9 and 57-21-10, if the director, presiding officer, commissioner, Appeals Board, or court finds reasonable cause to believe that a discriminatory housing practice has occurred or is about to occur, the director, presiding officer, commissioner, Appeals Board, or court may order, as considered appropriate:
(a) the respondent to cease any discriminatory housing practice;
(b) actual damages, reasonable attorneys' fees and costs to the aggrieved person; and
(c) any permanent or temporary injunction, temporary restraining order, or other appropriate order.
(2) In addition to the relief granted to an aggrieved person under Subsection (1), in order to vindicate the public interest, the director, presiding officer, or court may also assess civil penalties against the respondent in an amount not exceeding:
(a) $10,000 if the respondent has not been adjudged to have committed any prior discriminatory housing practice;
(b) $25,000 if the respondent has been adjudged to have committed one other discriminatory housing practice during the five-year period ending on the date of the filing of the complaint; or
(c) $50,000 if the respondent has been adjudged to have committed two or more discriminatory housing practices during the seven-year period ending on the date of the filing of this complaint.
(3) The time periods in Subsections (2)(b) and (c) may be disregarded if the acts constituting the discriminatory housing practice are committed by the same natural person who has previously been adjudged to have committed a discriminatory housing practice.
(4) The division may petition a court with jurisdiction under Title 78A, Judiciary and Judicial Administration, for:
(a) the enforcement of a final department order; and
(b) for any appropriate temporary relief or restraining order necessary for the enforcement of a final commission order.

Amended by Chapter 401, 2023 General Session

57-21-12 Other rights of action.

(1) In addition to the procedure outlined in Subsection 57-21-9(1), a person aggrieved by a discriminatory housing practice may commence a private civil action in a court of competent jurisdiction within two years after an alleged discriminatory housing practice occurred, within two years after the termination of an alleged discriminatory housing practice, or within two years after a breach of a conciliation agreement. The division shall inform the aggrieved person in writing about this option within 30 days after the aggrieved person files a complaint under Section 57-21-9.

(2)

(a) Except as provided in Subsection (2)(b), the computation of this two-year time period does not include any time during which an administrative proceeding under this chapter was pending with respect to a complaint filed under this chapter.

(b) The tolling of the two-year time period does not apply to actions arising from a breach of a conciliation agreement.

(3) An aggrieved person may commence a private civil action even though a complaint has been filed with the division, in which case the division is barred from continuing or commencing any adjudicative proceeding in connection with the same claims under this chapter after:

(a) the beginning of a civil action brought by a complainant or aggrieved person; or

(b) the parties have reached an agreement in settlement of claims arising from the complaint.

(4) An aggrieved person may not file a private civil action under this section if:

(a) the division has obtained a conciliation agreement, except for the purpose of enforcing the terms of the conciliation agreement; or

(b) a formal adjudicative hearing has been commenced under Section 57-21-10 regarding the same complaint.

(5) Upon written application by a person alleging a discriminatory housing practice prohibited under this chapter in a private civil action, or by a person against whom the violations are alleged, the court may:

(a) appoint an attorney for the applicant; and

(b) authorize the commencement or continuation of a private civil action without the payment of fees, costs, or security if, in the opinion of the court, the applicant is financially unable to bear the costs of the civil action.

(6) Upon timely application, the division may intervene in a private civil action brought under this subsection if the division certifies that the case is of general importance.

(7) In a private civil action, if the court finds that a discriminatory housing practice has occurred or is about to occur, the court may:

(a) order the respondent to cease any discriminatory housing practice;

(b) award to the plaintiff actual damages, punitive damages, and reasonable attorney fees and costs; and

(c) grant, as the court considers appropriate, any permanent or temporary injunction, temporary restraining order, or other order as may be appropriate, including civil penalties under Section 57-21-11.

(8) This chapter does not preclude any private right of action by an aggrieved person based on otherwise applicable law not included in this chapter.

Amended by Chapter 13, 2015 General Session

57-21-13 Disclosure of information.

(1) Conciliation agreements and the director's determination and order are public records.

(2) Subject to Subsection (3), neither the commission nor its staff may divulge or make public information gained from any investigation, settlement negotiation, conciliation, hearing, or administrative proceeding before the commission, except as follows:
  (a) Information used by the director in making any determination may be provided to all interested parties for the purpose of preparation for and participation in the investigation and any proceedings before the commission or court.
  (b) General statistical information may be disclosed provided identities of individuals or parties are not disclosed.
  (c) Information may be disclosed for inspection upon proper request by the attorney general or other legal representatives of the state or commission.
  (d) Information may be disclosed for information and reporting requirements of the federal government.
(3) The commission or its staff may not divulge or make public any information gained from any investigation, settlement negotiation, conciliation, hearing, or administrative proceeding before the commission if a privacy interest entitled to protection by law exists or the commission determines that disclosure will not further the purposes of this chapter.

Amended by Chapter 375, 1997 General Session

57-21-14 Effect of federal action.

The commencement of an action in a federal court of competent jurisdiction for relief under federal law based upon any act prohibited by this chapter bars the commencement or continuation of any adjudicative proceeding before the division or state court proceeding in connection with the same claims under this chapter.

Enacted by Chapter 114, 1993 General Session