

### Part 3 Remedies and Procedures

#### **63L-5-301 Remedies.**

- (1) A person whose free exercise of religion has been substantially burdened by a government entity in violation of Section 63L-5-201 may bring an action in the district court of the county where the largest portion of the property subject to the land use regulation is located.
- (2) Any person who asserts a claim or defense against a government entity under this chapter may request:
  - (a) declaratory relief;
  - (b) temporary or permanent injunctive relief to prevent the threatened or continued violation; or
  - (c) a combination of declaratory and injunctive relief.
- (3) A person may not bring an action under this chapter against an individual, other than an action against an individual acting in the individual's official capacity as an officer of a government entity.

Renumbered and Amended by Chapter 382, 2008 General Session

#### **63L-5-302 Notice of claim -- Government's right to accommodate.**

- (1) A person may not bring an action under Section 63L-5-301 unless, 60 days before bringing the action, the person sends written notice of the intent to bring an action.
- (2) The notice shall be addressed to the government entity imposing the land use regulation, and shall be prepared and delivered according to the requirements of Subsection 63G-7-401(3).
- (3) Mailing of the notice required by Subsection (1) tolls the limitation period for bringing an action under this chapter for a period of 75 days, starting on the day the notice was mailed.
- (4) Notwithstanding Subsection (1), a person may bring an action under Section 63L-5-301 before the expiration of the 60-day notice period if:
  - (a) the imposition of a substantial burden on the person's free exercise of religion by the land use regulation is imminent; and
  - (b) the person was not informed of and did not otherwise have knowledge of the land use regulation in time to reasonably provide 60 days notice.
- (5)
  - (a) A government entity provided with the notice required by Subsection (2) may remedy the substantial burden on the person's free exercise of religion:
    - (i) before the expiration of the 60-day notice period; or
    - (ii) in the case of an action properly brought according to Subsection (4), before the adjudication of a court hearing on the action.
  - (b) Nothing in this section prevents a government entity from providing a remedy after these time periods.
- (6) The court may not award compensatory damages, attorney's fees, costs, or other expenses to a person if the substantial burden has been cured by a remedy implemented by the government entity according to Subsection (5)(a).

Renumbered and Amended by Chapter 382, 2008 General Session