

**FAIR HOUSING ACT AMENDMENTS**

2016 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Todd Weiler**

House Sponsor: Kay L. McIff

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**LONG TITLE**

**General Description:**

This bill amends provisions in the Utah Fair Housing Act regarding enforcement.

**Highlighted Provisions:**

This bill:

- ▶ authorizes the Division of Antidiscrimination and Labor, established under the Utah Labor Commission, to initiate a civil action in a court to enforce the terms of a conciliation agreement in the event of a breach; and
- ▶ makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**57-21-8**, as last amended by Laws of Utah 2008, Chapter 382

**57-21-9**, as last amended by Laws of Utah 2008, Chapter 382

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

Section 1. Section **57-21-8** is amended to read:

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



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

31 (2) The commission may:

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

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

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

41 (3) The division:

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

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

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

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

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

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

54 (iii) seek damages; [~~and~~]

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

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

58 (e) may initiate formal agency action under Title 63G, Chapter 4, Administrative

59 Procedures Act; and

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

64 Section 2. Section **57-21-9** is amended to read:

65 **57-21-9. Procedure for an aggrieved person to file a complaint -- Conciliation --**  
66 **Investigation -- Determination.**

67 (1) [~~Any~~] An aggrieved person may file a written verified complaint with the division  
68 within 180 days after an alleged discriminatory housing practice occurs.

69 (2) (a) The commission shall adopt rules consistent with the provisions of 24 C.F.R.  
70 Sec. 115.3 (1990), relating to procedures under related federal law, to govern:

71 (i) the form of the complaint;

72 (ii) the form of any answer to the complaint;

73 (iii) procedures for filing or amending a complaint or answer; and

74 (iv) the form of notice to parties accused of the acts or omissions giving rise to the  
75 complaint.

76 (b) The commission may, by rule, prescribe any other procedure pertaining to the  
77 division's processing of the complaint.

78 (3) During the period beginning with the filing of the complaint and ending with the  
79 director's determination, the division shall, to the extent feasible, engage in conciliation with  
80 respect to the complaint.

81 (4) The division shall commence proceedings to investigate and conciliate a complaint  
82 alleging a discriminatory housing practice within 30 days after the filing of the complaint.  
83 After the commencement of an investigation, any party may request that the commission  
84 review the proceedings to insure compliance with the requirements of this chapter.

85 (5) The division shall complete the investigation within 100 days after the filing of the  
86 complaint, unless it is impracticable to do so. If the division is unable to complete the  
87 investigation within 100 days after the filing of the complaint, the division shall notify the  
88 complainant and respondent in writing of the reasons for the delay.

89 (6) (a) If, as a result of the division's investigation, the director determines that there is

90 no reasonable cause to support the allegations in the complaint, the director shall issue a  
91 written determination dismissing the complaint.

92 (b) If the director dismisses the complaint pursuant to Subsection (6)(a), the  
93 complainant may request that the director reconsider the dismissal pursuant to Section  
94 [63G-4-302](#).

95 (c) Notwithstanding the provisions of Title 63G, Chapter 4, Administrative Procedures  
96 Act, the director's determination to dismiss a complaint or, in the case of a request for  
97 reconsideration, the director's order denying reconsideration is not subject to further agency  
98 action or direct judicial review. However, the complainant may commence a private action  
99 pursuant to Section [57-21-12](#).

100 (7) If, as a result of the division's investigation of a complaint, the director determines  
101 that there is reasonable cause to support the allegations in the complaint, all of the following  
102 apply:

103 (a) The division shall informally endeavor to eliminate or correct the discriminatory  
104 housing practice through a conciliation conference between the parties, presided over by the  
105 division. Nothing said or done in the course of the conciliation conference may be made public  
106 or admitted as evidence in a subsequent proceeding under this chapter without the written  
107 consent of the parties concerned.

108 (b) If the conciliation conference results in voluntary compliance with this chapter, a  
109 conciliation agreement, approved by the division, setting forth the resolution of the issues shall  
110 be executed by the parties [~~and approved by the division~~]. The parties or the division may  
111 enforce the conciliation agreement in an action filed in a court of competent jurisdiction.

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