

FAIR HOUSING ACT OPTION AMENDMENTS

2016 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Margaret Dayton

House Sponsor: _____

LONG TITLE

General Description:

This bill modifies provisions related to the Utah Fair Housing Act.

Highlighted Provisions:

This bill:

- ▶ provides that federal government assistance payments under the housing choice voucher program are not part of a tenant's income;
- ▶ provides that a landlord's refusal to participate in the program does not constitute source of income discrimination under the Utah Fair Housing Act; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

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

Section 1. Section **57-21-4** is amended to read:

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



28 (1) Except as provided in Subsection 57-21-5(4), this chapter does not:
29 (a) require any person to exercise a higher degree of care toward a person who has a
30 disability than toward a person who does not have a disability;

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

34 (c) prohibit any program, service, facility, or privilege intended to habilitate,
35 rehabilitate, or accommodate a person with a disability.

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

39 (b) The burden of proving ~~[this defense]~~ the defense described in this Subsection (2) is
40 upon the respondent.

41 (3) (a) Government assistance payments paid to a landlord under the housing choice
42 voucher program administered by the United States Department of Housing and Urban
43 Development are not part of a tenant's income for the purposes of this chapter.

44 (b) A landlord's refusal to participate in the housing choice voucher program does not
45 constitute a discriminatory housing practice under this chapter.

Legislative Review Note
Office of Legislative Research and General Counsel