

Basic Fair Housing & Warnings

Federal Protections and Utah Considerations

Property Management
Training

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The Fair Housing Act and Utah Law

Federal protection

The Fair Housing Act (Title VIII of the Civil Rights Act of 1968), as amended, prohibits housing discrimination based on race, color, national origin, religion, sex, familial status and disability.

These protections apply to advertising, applications, rental terms and treatment during tenancy.

Additional Utah protections

The Utah Fair Housing Act also expressly protects **source of income, sexual orientation and gender identity**.

Property managers must apply lawful criteria consistently. An owner's preference does not justify discrimination. Coverage and exemptions depend on the property and circumstances.

Service and support Animals

Request during the tenancy

Treat a request for a service animal or emotional support animal (ESA) as a potential disability accommodation. Residents may make requests before or after moving in.

Review the disability-related need promptly. For a qualifying assistance animal, do not impose ordinary pet rent, pet fees or pet deposits.

Damage and Exceptions

Residents may remain responsible for actual damage under the usual damage policy.

Approval is not automatic in every case. A specific threat that cannot be adequately addressed, or an undue burden, may justify an exception.

HUD's ESA enforcement position changed in 2026. State law and private legal claims remain relevant. Obtain current legal guidance before denying an uncertain request.



Reasonable Accommodations and Modifications



Changes to rules or services

A reasonable accommodation changes a policy, practice or service when necessary for a person with a disability to use and enjoy housing.

Examples include:

- > Paper statements or an offline payment method
- > Consider requests promptly, even when made orally.
- > If the requested option is unreasonable, discuss effective alternatives.

Physical changes to the property

A reasonable modification changes the premises, such as adding a handrail or ramp.

Landlords are required to review and approve reasonable modifications.

Under the Fair Housing Act, residents generally pay for modifications and bring the property back to its original status.

Best Practices: Landlords should grant reasonable accommodation requests, ensure that any necessary repairs or modifications are performed by qualified professionals, and exercise flexibility when determining whether a tenant must restore the property to its original condition.

Familial status and lease occupants

Protection for families

Familial status generally protects children under 18 living with a parent or legal custodian, pregnancy and people securing legal custody.

Do not reject a household because it has children or impose discriminatory restrictions on amenities. Lawful safety rules and qualifying housing-for-older-persons exceptions require separate consideration.

Children and adult Residents

A lease may identify minor occupants without treating them as adult lease signers.

Company policy may require lawful background checks and lease documentation for occupants age 18 or older, including an adult child who contributes no income. Apply these requirements consistently and account for required exceptions.

Listing a child as an occupant is different from requiring the child to sign as an adult tenant



Occupancy limits depend on the home



HUD's General Guidance

HUD's occupancy guidance generally considers two people per bedroom reasonable, plus.

Bedroom size, overall unit size, layout, children's ages and other physical limitations can affect the assessment. Occupancy policies must not improperly exclude families with children.

The two-bedroom example

Under the two-per-bedroom-plus-one guideline, a two-bedroom unit generally accommodates up to five **related occupants**.

Check applicable occupancy and local housing rules, including lawful rules for **unrelated occupants**, before approving or denying a household.

Reference: HUD's Keating memorandum on occupancy standards. Evaluate the particular dwelling.

Housing assistance applicants



Protected Source of Income

Where Utah fair housing protections apply, do not reject an applicant simply because the owner prefers not to accept housing assistance.

Evaluate lawful income sources consistently. Housing assistance, alimony and child support are examples of income sources that are protected under source of income.

How Screening May Change

Confirm the subsidy, the tenant's share of rent and the program's requirements before applying income or employment criteria.

Housing assistance may require an adjustment to those criteria, but it does not automatically waive every qualification. Apply other lawful rental criteria consistently.

Listings and showings

Descriptions of the property

Describe the home's features, amenities and rental terms. Avoid language suggesting a preferred religion or household type.

The listing guidelines caution against phrases such as "family friendly" or "near LDS church." Use neutral descriptions such as "two bedrooms with a fenced yard."

Equal opportunity to apply

Give prospective residents the same opportunity to view and apply. Ask consistent questions relevant to lawful rental criteria.

Steering means directing people toward or away from housing because of a protected characteristic. Sharing alternatives based on an applicant's stated budget or needs is different.

Application processing

Application order

- ✓ Record when each application arrives and when it becomes complete.
- ✓ Process all applications in the order of first received, first completed.
- ✓ Specify whether receipt or completion establishes priority and how to handle missing information.
- ✓ Apply the policy consistently and document decisions.

Equal opportunity to apply

In Utah, disclose screening criteria before accepting an application fee. Check rental history, credit and background information against the disclosed criteria.

Required disability accommodations and housing program rules may affect the process. Explain missing requirements clearly and document the result.



Disclosure In Advertising

Before Collecting Payment

Utah law requires landlords to provide written disclosures before accepting an application fee, deposit, or other payment.

- Estimated rent
- All fixed mandatory fees
- Types of variable or use-based charges
- Availability date
- Screening criteria
- Refund process

Advertising Requirements

Licensed agents must identify their brokerage in rental advertising. If advertising personally owned property, they must disclose “**owner-agent**” or “**owner-broker**.”

If Charges Change

If the lease includes different charges or previously undisclosed variable expenses, the applicant may request a refund **in writing within 5 business days** after receiving the lease, as long as they have not signed the lease or taken possession.

Once the Lease Is Signed

The lease is generally binding. Failure to provide the required disclosures does not, by itself, allow the tenant to cancel the lease. Termination would usually require a lease provision, mutual agreement, or another legal basis such as fraud, failure to deliver possession, or a qualifying habitability violation.

Adverse action notices



When a notice is required

Under the Fair Credit Reporting Act (FCRA), provide an adverse action notice when a consumer report contributes to a denial or less favorable rental terms.

Examples include a higher deposit or a co-signer requirement. This duty can apply to credit reports and third-party criminal or rental-history reports, even when the report is only part of the reason.

Required notice information

Identify the reporting agency and provide its address and phone number. Explain that the agency did not make the decision and cannot explain the specific reasons.

State the applicant's right to dispute inaccurate or incomplete information and obtain a free report within 60 days. Using a credit score triggers additional written or electronic disclosures.

Use an approved notice template. Written notices help document compliance and explain the applicant's rights.

Criminal history screening

Review of criminal records

Use legally reviewed criteria and avoid blanket exclusions of everyone with a criminal record. Consider the offense, its age and its relevance to the tenancy.

There is no universal rule that only crimes involving harm to a person or property can justify denial. Screening standards must reflect applicable law and program requirements.

Explanation and review

Follow a consistent procedure allowing applicants to explain their circumstances or challenge a criminal-history decision. Document the response and review it fairly.

An explanation does not guarantee approval. Follow applicable program appeal rules and provide an FCRA notice when a consumer report contributes to the decision.

An internal appeal procedure and the legal right to dispute a consumer report are different protections.

Habitability – Utah Fit Premises Act

Safe and habitable housing

The Utah Fit Premises Act addresses safe, sanitary housing and essential systems such as electricity, plumbing, heating, and hot and cold water.

It also addresses operable air conditioning and appliances covered by the rental agreement. Review the law and lease when determining responsibility for a repair.

Landlords

- Rent the unit only if it is safe, sanitary, and fit for occupancy.
- Maintain the unit in a condition that is fit for habitation.

Provide & Maintain

Electrical, heating, plumbing, secure windows and doors, smoke detectors, hot and cold water, stove, fridge, and freezer.

Provide

Utilities such as power, gas, water, sewer, and garbage.

Maintain Only

Air conditioning systems, washer, dryer, and common areas, if they are present at the time of the lease.

Maintain if Excluded in the Lease

Appliances, hot tubs, pools, water to the fridge, jetted tubs, trash compactors, light bulbs, and similar items.

Other Requirements – Best Practice

Carbon monoxide detector.

Habitability – Utah Fit Premises

Tenant

- Maintain the unit in a clean, safe, and sanitary condition.
- Use the premises in a reasonable manner and strictly in accordance with the lease agreement.
- Remain current on all rent and utility payments.
- Comply with all terms, conditions, and rules established in the lease.

Prohibited Conduct:

- Do not intentionally or negligently cause damage to the property.
- Do not interfere with the peaceful enjoyment of other residents.
- Do not unreasonably deny the landlord access for necessary inspections or repairs.

Notice of Deficient Conditions

Rent Abatement

- Rent is prorated back to the date notice was served.
- The lease is terminated.
- Renter receives the full deposit plus any prorated rent due.
- Renter must vacate within 10 days after the corrective period expires.

Repair & Deduct

- Renter may repair the condition and deduct the cost from future rent.
- Repair costs cannot exceed 2 months' rent.
- Owner must receive copies of all receipts by the 5th of the following month.

Residents who are victims of crime



Rights under Utah law

Utah Code § 57-22-5.1 provides qualifying crime victims with lock-related rights and qualifying domestic violence victims with rights to end future lease obligations.

Not every crime creates an automatic right to terminate a lease. Eligibility, documentation which includes a police report or restraining order showing the tenant is a victim.



Residents who are victims of crime

Process

1. Request a Lock Change

- Lock may be changed at the tenant's expense.
- Do **not** provide the new key to any other tenant.

2. Vacate the Property

- Tenant pays a termination fee equal to one month's rent.
- Rent already paid may count toward the required notice period.
- Tenant must vacate within 15 days of signing the termination agreement.
- Remaining occupants are not automatically released from the lease; the manager may need to address them separately under the lease and applicable law.

Example:

If June rent is fully paid and the tenant gives notice on June 5, the June payment covers that month. To complete the 30-day requirement, the tenant would only be responsible for the remaining 5 days in July.

Remaining Occupants

- Other tenants are not automatically released from the lease.
- If they remain and fail to pay rent or violate the lease, the manager may need to handle them separately, including pursuing eviction when appropriate.

A documented decision process

Consistent treatment

Use the same lawful criteria for comparable applicants and residents. Keep accurate records of applications, requests and communications.

Consistency also means recognizing required disability accommodations and program exceptions. Identical treatment does not always meet a resident's legal rights.

A clear response and follow-through

Before a denial, check the relevant policy, supporting facts and applicable legal requirements. Escalate uncertain decisions.

Explain the outcome and provide required notices or review opportunities. For maintenance and accommodation requests, track deadlines and follow through until the matter is resolved.



Reference Materials



Legal and official resources

Fair Housing Act: Title VIII of the Civil Rights Act of 1968, as amended

Utah Fair Housing Act: Utah Code, Chapter 57-21

Utah Fit Premises Act: Utah Code, Chapter 57-22

HUD occupancy guidance

DOJ and HUD accommodation guidance

FTC guidance on consumer reports and adverse action notices