

WHAT DOES SB 296 DO?

The new law adds sexual orientation and gender identity to the existing laws against discrimination in employment and housing in Utah, which already cover discrimination based on race, color, sex, pregnancy or childbirth, national origin, age, and disability. Protecting LGBT people in Utah from discrimination in employment and housing is an important step forward for our state.

WHO DOES SB 296 PROTECT?

The law protects all Utahns from discrimination based on sexual orientation and gender identity, whether you are lesbian, gay, bisexual, heterosexual, transgender, or gender non-conforming. It also prohibits discrimination based on someone's else perception of your sexual orientation or gender identity, regardless of whether this perception is accurate.

WHAT EMPLOYERS ARE COVERED BY THE NEW LAW?

The law applies to all employers in Utah that have 15 or more employees, along with employment agencies, the State of Utah, local governments and school districts. It does not apply to religious organizations, including religious educational institutions, or the affiliates or wholly-owned subsidiaries of religious organizations. And it doesn't apply to the Boy Scouts of America, its councils, chapters or subsidiaries.

WHAT ABOUT RELIGIOUS INSTITUTIONS, LIKE CHURCHES, OR CHURCH-AFFILIATED ORGANIZATIONS?

Utah's antidiscrimination laws have long included the country's broadest exemptions for religious organizations. For example, Utah law has allowed religious institutions to discriminate based on race, sex, and disability—even though these characteristics are protected by federal antidiscrimination laws. SB 296 clarified the law's existing exemptions for religious institutions, but it does not create new exemptions for religious individuals or businesses owned by religious individuals. And SB 296 doesn't include any exemptions that apply only to LGBT people.

DOES SB 296 ALLOW TRANSGENDER EMPLOYEES TO USE RESTROOMS BASED ON GENDER IDENTITY RATHER THAN ASSIGNED BIRTH SEX?

Yes. The law allows employers to maintain separate restrooms for men and women, but it requires employers to accommodate the gender identity of all employees. To comply with this law, employers cannot force transgender employees to use separate restrooms, or force them to use restrooms based on assigned birth sex. That is discrimination based on gender identity, which the law prohibits.

WHAT ABOUT BUSINESSES THAT ARE OPEN TO THE PUBLIC, LIKE HOTELS, RESTAURANTS, AND STORES?

These businesses are covered by SB 296 as employers: They cannot discriminate against LGBT applicants and employees. But SB 296 does not amend Utah's public accommodations law. As a result, it does not prevent businesses from discriminating against LGBT customers. We are fully committed to passing comprehensive and robust public accommodations protections for LGBT Utahns as quickly as possible.

WHAT DO THE NEW HOUSING PROTECTIONS MEAN?

The law prohibits discrimination based on sexual orientation or gender identity in the sale or rental of housing. This also includes advertising, pricing, and real-estate related transactions like loans, and broker services. It applies to discrimination not only because of your own sexual orientation and gender identity, but because of your association with LGBT people. This means you can't be denied housing or evicted just because you have LGBT friends or family members.

WHO IS EXEMPT FROM THE NEW HOUSING PROTECTIONS?

Utah's housing discrimination laws don't apply to the rental of a room in a single-family house, or to sales or rental of single-family homes by private individuals who don't use a broker, or only own a small number of properties. Religious organizations are allowed to have preference or limitations based on religion, sex, sexual orientation, or gender identity for the sale, rental or occupancy of housing.

WHEN DOES SB 296 GO INTO EFFECT?

The law goes into effect 60 days after the Governor signed it—on May 11, 2015.

WHAT SHOULD I DO IF I EXPERIENCE DISCRIMINATION?

If you believe that you have experienced discrimination in employment or housing based on your sexual orientation or gender identity, you may file a complaint with the Utah Labor Commission. There are deadlines for filing a claim, and other important facts to consider. Information about filing such complaints is available at laborcommission.utah.gov. If you are thinking about filing a complaint, you should consider contacting a lawyer with experience in this area, Equality Utah equalityutah.org or the ACLU of Utah acluutah.org.

