START\_STATUTE33-1317.  Discrimination by landlord or lessor against tenant with children prohibited; classification; exceptions; civil remedy; applicability

A.  A person who knowingly refuses to rent to any other person a place to be used for a dwelling for the reason that the other person has a child or children, or who advertises in connection with the rental a restriction against children, either by the display of a sign, placard or written or printed notice, or by publication thereof in a newspaper of general circulation, is guilty of a petty offense.

B.  No person shall rent or lease his property to another in violation of a valid restrictive covenant against the sale of such property to persons who have a child or children living with them.

C.  No person shall rent or lease his property to persons who have a child or children living with them when his property meets the definition of housing for older persons in section 41‑1491.04.

D.  A person who knowingly rents or leases his property in violation of the provisions of subsection B or C of this section is guilty of a petty offense.

E.  A person whose rights under this section have been violated may bring a civil action against a person who violates this section for all of the following:

1.  Injunctive or declaratory relief to correct the violation.

2.  Actual damages sustained by the tenant or prospective tenant.

3.  A civil penalty of three times the monthly rent of the housing accommodation involved in the violation if the violation is determined to be intentional.

4.  Court costs and reasonable attorney fees.

F.  Nothing in this section shall prohibit a person from refusing to rent a dwelling by reason of reasonable occupancy standards established by the owner or the owner's agent which apply to persons of all ages, and which have been adopted and published before the event in issue.  An occupancy limitation of two persons per bedroom residing in a dwelling unit shall be presumed reasonable for this state and all political subdivisions of this state.

G.  Subsection B of this section applies only to dwellings occupied or intended to be occupied by no more than four families living independently of each other and in which the owner maintains and occupies one of the living quarters as the owner's residence. END\_STATUTE