



# Fair Housing Chills

# The following activities are illegal, under the Fair Housing Act:

- Threatening, coercing, **intimidating or interfering** with anyone exercising a Fair Housing right
- Advertising or making and statement that indicates a limitation or preference based on membership in a protected class
- Discriminating in housing due o membership in a protected class

Definition of something that has a “chilling effect” in fair housing

“Any action or policy that deters or discourages a person from exercising a Fair Housing Right”

# Fair Housing Chills can be intentional or inadvertent

- Intentional – “We really don’t want that kind of person here”
- Inadvertent – “There really aren’t any people like you here so you may feel uncomfortable”

# Fair Housing Chills can be Conscious or Unconscious

- Conscious – “We are supposed to allow equal housing opportunity, but we have found this type of person doesn’t do well here so we try to discourage them where possible”
- Unconscious – “I am worried that someone like that living here would be unhappy or make others unhappy”

# Fair Housing Chills can be Actions or Policies

- Action – Saying to a family, “You probably wouldn’t want to live in building H because its mostly senior citizens and it’s a long way from the playground and its pretty close to the dangerous canal.”
- Policy – When a family comes we show them the units near the park and playground and don’t show them the units further away where the majority of senior citizens live.

# Classic Chill



Charging a deposit or higher rent on someone with a service or emotional support animal

# Classic

# Chill



Regardless of intent (risk mitigation)  
the policy has the effect of  
“punishing” someone in a protected  
class



# Classic Chill



How a tenant might respond –  
“Well, I don’t want to pay that  
fee/rent – I guess I will look  
somewhere else”

# Classic Chill



Charging more money to a disabled person = an “action or policy that deters or discourages someone from exercising a fair housing right”

# Classic



# Chill

“If I can create a “difficulty” in the process (slow it down for someone in a protected class) I might be able to accept another applicant first

# Classic



# Chill

“Turtle chills”, doing anything to slow down the process and allow an alternative to slip ahead of a prospect is discrimination!

The following are  
chills that should be  
avoided!

# Examples Federal Protected Classes -

## **Assistance Animals**

“Yes, we allow assistance animals, but just so you know, they can cause a lot of damage. So, we have a list here of common ways assistance animals cause damages and the amount we charge. We want you to look this over and agree to it before we allow the animal”

# Examples Federal Protected Classes - continued

## **Assistance Animals**

We have an automatic de-dander treatment you will have to pay for after you move to eliminate any risk a future renter will have an allergic reaction to your animal

True Story – “Our attorney says we have to allow assistance animals but says we can require the animal wear diapers whenever its in-doors”

# Examples Federal Protected Classes - continued

## **Families**

“We require families with children to rent ground floor units”



# Examples Federal Protected Classes - continued

## **National Origin**

Requiring any additional documentation or requirements you would not require of a person from Utah

Requiring an interpreter

# Examples Federal Protected Classes - continued

## **Religion**

# Examples Federal Protected Classes - continued

## **Race/Color**

# Examples of Chills on State Protected Classes

## 3 Utah Protected Classes

- Source of Income
- Sexual Orientation
- Gender Identity

# Examples Utah Protected Classes - continued

## Sexual Orientation/Gender Identity

To a same-sex couple saying: “Just so you know, the people that live around here are really religious and might be really sensitive to public displays of affection”

To a same-sex couple saying: “This is a rough neighborhood and I worry for your safety if some of these people found out you are LGBTQ +”

# Examples Utah Protected Classes - continued

Action - Saying to a section 8 voucher holder: “The process for approving a section 8 applicant takes a lot of time and a lot of work and almost never gets approved. Are you sure you want to apply?”

Policy – We don’t consider an applicant on section 8 “in-line” until there has been an inspection and final approval of the voucher