

Housing Rights **ADVOCATE**

Austin Tenants' Council • Issue 63, Fall 2011

Energy Audit Results Available to Tenants

Household utility costs rose 22.7 percent in real terms between 2000 and 2010 — more than three times the increase in rents — according to a report from the Harvard Joint Center for Housing Studies. One in four renters (or 10.1 million households) now spends more than half his or her earnings on rent and utilities.

In April 2011, the Austin City Council amended a city ordinance designed to provide efficiency information to home buyers, apartment renters, and building

owners to reinforce the market value of energy efficiency.

The amendment required all multi-family properties in Austin to complete an energy audit by June 1, 2011, unless they had replaced all HVAC units with energy efficient units or worked through Austin Energy's Power Saver program to have the duct systems sealed. A property must prominently display the results of its energy audit in a common area so current and prospective

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Studies Are Bedrooms, Too

Marcy Farrell, her husband, and their 2-1/2-year-old twins live in a one-bedroom plus study apartment at Westdale Parke. The children use the 100-square-foot study as their bedroom.

Management informed Farrell that if she wanted to continue living at the property, her family would have to move into a two-bedroom apartment due to the age of her children and the lack of a closet in the study. Farrell's monthly rent would increase approximately \$160 if she moved to a two-bedroom unit.

The Department of Housing and Urban Development follows its "Keating Memorandum" as guidance in evaluating housing discrimination cases that involve the use of an occupancy policy adopted by a housing provider.

The Keating Memo states that two persons per bedroom is generally a reasonable occupancy policy; however, other factors, such as the size of the bedroom and unit; age of children; configuration of unit; other physical limitations of housing; and state and local laws affect how restrictive a landlord can be.

In Farrell's case, the "other factors" — specifically, the study in her unit's floor plan — made the occupancy policy unreasonable and overly restrictive to families with children.

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UT Law Graduates Ensure Fair Housing

While awaiting the results of the Texas Bar exam, Lia Davis and Ian Groetsch spent three months advocating for victims of housing discrimination. Davis and Groetsch interned with the ATC Fair Housing Program as part of the University of Texas School of Law's Long Career Launch Program. The program seeks to increase access to justice by providing stipends to recent graduates for legal work with public interest or government organizations.

Davis helped Carol Erath, who due to her disability could no longer manage the stairs to her second-floor apartment. Davis wrote a release that allowed Erath to move to an accessible apartment at another complex without incurring a financial penalty. "Lia was such a great help to me," Erath says. "I raved about her to everyone."



UT Law graduates Lia Davis and Ian Groetsch made valuable contributions to further fair housing during their three-month internship at ATC.

Groetsch worked with J.T. Dean, who faced the termination of his rental assistance voucher after being cited for damage to his apartment (the interior doors were heavily scuffed by Dean's wheelchair). Groetsch attended an appeals hearing at the Housing Authority of the City of Austin where Dean's voucher was reinstated.

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tenants have the opportunity to review what energy efficiency measures are needed or have already been installed in the apartment building(s).

The disclosure document includes the following energy efficiency measures:

- Average leakage in the air duct system (Austin Energy recommendation: less than 15 percent or 10 percent, depending on the type of duct system);
- Attic or roof insulation (Austin Energy recommendation: R22 to R30 or 10 inches to 16 inches);
- Solar screens or window film (Austin Energy recommendation: on east-, south-, and west-facing windows).

Austin Energy has proposed that at the time a prospective tenant is given a rental application, the landlord must also provide written notice of the property's average energy usage per square foot. The notice must state:



MULTI-FAMILY DISCLOSURE NOTICE
ENERGY AUDIT RESULTS
Posted in accordance with the Austin City Conservation Code Chapter 6-7, Energy Conservation Audit and Disclosure Ordinance No. 20110421-001.

12345 APARTMENT AVENUE, AUSTIN TX 78000
STREET ADDRESS

ENERGY EFFICIENCY MEASURES EVALUATED	AUSTIN ENERGY RECOMMENDS	AUDIT RESULTS (AVERAGED)
Air Duct System	Less Than <u>10%</u>	44% Leakage
Attic or Roof	Between R22-R30	R-21
Solar Screens or Window Film	On all East, South and West Windows	Needed

"Average" values are calculated from results obtained from multiple buildings and systems.

CONSTRUCTION YEAR: 1995 ENERGY UTILITIES: Electric ENERGY AUDIT CONDUCTED BY: Sample Auditor
 NUMBER OF UNITS: 229 DATE OF ENERGY AUDIT: May, 2011 DATE OF DISCLOSURE NOTICE: June 30, 2011

The Austin City Code Chapter 6-7 of the Energy Conservation Audit and Disclosure Ordinance applies to multi-family properties 10 years old and older served by Austin Energy and located within Austin city limits. Some exemptions apply. Under the ordinance, the owner of a multi-family facility must post and provide results of an energy audit of the property to current and prospective residents. Detailed copies of the audit are available upon request to the property owner/manager. For more information about the ordinance, visit austinenrg.com/go/ECAD, email ECAD@austinenrg.com or call 974-7827.

Sample of energy audit results that must be posted and provided to current and prospective tenants.

This apartment community has a [lower/higher] than average energy usage per square foot for multi-family properties in the Austin service area. The facility's average energy use is [x] percent [lower/higher] than comparable apartment communities built between [year] and [year] with [gas and electric/all electric] utilities. A full

copy of the energy audit is available for your inspection upon request.

The landlord must ask the applicant to sign an acknowledgment indicating that notice of the energy audit results was provided. ATC and Texas Rose worked extensively on this issue. The proposed rules will take effect in November 2011.

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Farrell provided management with a copy of the Keating Memo and a letter from ATC explaining the discriminatory impact of the policy. After reviewing the information, management agreed to allow Farrell to renew her lease and remain in her current apartment.

Fair Housing Testing

Because of the complaint made by Farrell, ATC conducting fair housing testing to determine whether Westdale Parke's practices had a discriminatory impact on families with children. Both tests occurred after Farrell renewed her lease.

A tester, looking for housing for her, her husband, and 10-year-old daughter, con-

tacted Westdale Parke about the same floor plan (one-bedroom plus study) as Farrell's. The leasing agent told the tester that the apartment was "not appropriate" for her family and she would have to rent a two-bedroom unit. The tester asked about using the study as a bedroom. The leasing agent said he would have to discuss it with the manager.

A week later, the tester spoke again with the leasing agent. She asked what the manager had said about her renting the one-bedroom plus study floor plan. The leasing agent stated that the manager would not allow it because "this apartment has only one bedroom and it's just for two people."

ATC filed a fair housing complaint based on the testing evidence. The City of Austin Equal Employment/Fair Housing Office negotiated a conciliation agreement. Westdale Parke changed how it markets the one-bedroom plus study apartment to allow four residents in the unit and the leasing agent took fair housing training.

Get Involved

The information gathered by testers is instrumental in allowing ATC to pursue fair housing complaints. If you would like to help fight housing discrimination by volunteering as a fair housing tester, contact Morgan Morrison at 474-7007 x 104 or morgan@housing-rights.org.

Los Estudios También Se Consideran Dormitorios

Marcy Farrell, su esposo y mellizos de dos años y medio viven en un apartamento de un dormitorio más estudio en Westdale Parke. Los niños usan el estudio de 100 pies cuadrados como dormitorio.

La Administración le informó a Farrell que si quería seguir viviendo en la propiedad, su familia tendría que mudarse a un apartamento de dos dormitorios debido a la edad de los niños y la falta de closet en el estudio. La renta mensual de Farrell aumentaría aproximadamente \$160 de mudarse a la unidad de dos dormitorios.

El Departamento de Viviendas y Desarrollo Urbano se guía por su "Memorándum Keating" al evaluar casos de discriminación en viviendas relativa al uso de normas de ocupación adoptadas por la administración de las viviendas.

El Memo Keating dispone que dos personas por dormitorio es generalmente una norma razonable de ocupación; sin embargo, otros factores como el tamaño del dormitorio y la unidad, la edad de los hijos, configuración de la unidad, otras limitaciones físicas de la vivienda, y leyes estatales y locales afectan cuán restrictivo puede ser el propietario.

En el caso de Farrell, los "otros factores" — específicamente el estudio en su unidad — hacían la norma de ocupación inaceptable y demasiado restrictiva para familias con niños.

Farrell le dio a la Administración una copia del Memo Keating y una carta de ATC explicando el efecto discriminatorio de la normativa. Después de revisar la información, la Administración aceptó renovar el contrato de Farrell y que permaneciera en su apartamento.

Inquilinos Pueden Ver Resultados de Auditorías de Energía

El costo de los servicios en viviendas aumentó un 22.7 por ciento entre 2000 y 2010 — más de tres veces el aumento en rentas — según un informe del Centro Adjunto a Harvard para Estudio de Viviendas. Uno de cada cuatro inquilinos (ó 10.1 millones de viviendas) gastan ahora más de la mitad de sus ingresos en renta y servicios.

En abril de 2011, el Concejo Municipal de Austin enmendó una ordenanza municipal para que se dé información sobre eficiencia a los compradores de vivienda, inquilinos de apartamentos y dueños de edificios, reforzando así el valor de la eficiencia energética.

La enmienda ordenó que toda propiedad de apartamentos en Austin tenga una auditoría energética antes del 1º de junio de 2011, excepto si hubiera reemplazado todas las unidades HVAC con unidades eficientes en energía, o hubiera participado en el programa Power Saver de Austin Energy para sellar los sistemas de conductos

de aire. Las propiedades deben exhibir prominentemente los resultados de la auditoría energética en un área común, para que los actuales y futuros inquilinos tengan la oportunidad de examinar qué medidas de eficiencia energética son necesarias o ya están instaladas en el edificio.

La información a presentar incluye las siguientes medidas de eficiencia energética:

- Pérdida promedio en conductos de aire (Recomendación de Austin Energy: menos del 15 ó 10 por ciento dependiendo del tipo de sistema de conductos);
- Aislante térmico en techo o ático (Recomendación de Austin Energy: R22 a R30, ó 10 a 16 pulgadas);
- Filtro solar o aislante en ventanas (Recomendación de Austin Energy: en ventanas que dan al este, sur y oeste).

Austin Energy ha propuesto que cuando el posible inquilino reciba la solicitud de

renta, el propietario entregue también aviso escrito del uso energético promedio por pie cuadrado en la propiedad. El aviso debe indicar:

Este complejo de apartamentos tiene un uso de energía por pie cuadrado [menor/mayor] al promedio de propiedades multifamiliares en el área de servicio de Austin. El uso de energía promedio del edificio es [x] por ciento [menor/mayor] que el de edificios de apartamentos comparables construidos entre [año] y [año], con artefactos [gas y eléctricos/todos eléctricos]. Hay disponible una copia de la auditoría energética completa para su observación si así lo solicita.

El propietario debe pedirle al solicitante que firme indicando que recibió el aviso de los resultados de la auditoría energética. ATC y Texas Rose trabajaron extensamente en este tema. Las reglas propuestas entrarán en vigor en noviembre de 2011.

Austin Tenants' Council
1640-B East 2nd Street, Suite 150
Austin, TX 78702

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This service is certified as a lawyer referral service as required by the State of Texas under Chapter 952, Occupations Code.

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Fair Housing Program / Programa de Vivienda Justa This program helps any person in the Austin metropolitan area who has been discriminated against in the rental, sale, financing, or appraisal of housing. FHP investigates complaints and coordinates legal services to assist victims of discrimination when their rights under state and federal fair housing laws have been violated. Este programa ayuda a cualquier persona en el area metropolitana de Austin que se ha enfrentado con discriminación en la renta, compra, financiamiento, o evaluación de vivienda. El FHP investiga las quejas y coordina servicios legales para las victimas de discriminación cuando sus derechos están violados bajo las leyes estatales y federales de vivienda justa. Call / llame al 474-7007.

Telephone Counseling / Consejos por Telefono Trained counselors answer tenant-landlord questions and make appropriate referrals. However, ATC offers no legal advice. Consejeros contestan preguntas acerca de inquilinos-propietarios y hacen referencias necesarias. Sin embargo, ATC no ofrece consejos legales. Call / llame al 474-1961.

In-House Counseling / Consejos en la Oficina Counseling information and materials are provided to clients in need of more in-depth assistance. Se provee información y materiales a los clientes que necesitan mayor información. Call for an appointment / llame para una cita al 474-7007.

Crisis Intervention / Intervencion Crisis Counselors mediate on behalf of tenants to resolve emergencies that threaten their housing. Consejeros median en nombre del inquilino a resolver una emergencia que amenaza su vivienda. Call / llame al 474-1961.

Rental Repair Assistance / Ayuda con Reparaciones en su Vivenda The Renters' Rights Assistance Program helps low-income renters enforce their rights for repairs through advocacy and mediation. El Programa de Asistencia con los Derechos de Inquilinos ayuda a los inquilinos de bajo ingreso da fuerza a sus derechos para reparaciones por medio de negociación y mediación. Call / llame al 474-7007.

Lease Forms / Contratos ATC sells lease packets and brochures describing landlord and tenant rights and responsibilities to landlords for a small fee. ATC vende paquetes de contratos y folletos, por una cuota nominal, describiendo los derechos y las responsabilidades del propietario y del inquilino. Call for more information / llame para mayor información al 474-7007.

Austin Tenants' Council Staff

- Linda AlemanHousing Specialist
- Melinda Carmona Intake Specialist
- Christine Castilleja Intake Specialist
- Lia Davis Long Career Launch Program Intern
- Joseph Deeb Law Clerk
- Cruz GarciaHousing Specialist
- Ian Groetsch Long Career Launch Program Intern
- Rebecca MojicaHousing Specialist
- Morgan MorrisonFair Housing Testing Coordinator
- Lucia Perez-Salinas Fair Housing Program Specialist
- Christopher SuarezHousing Specialist
- Nekesha PhoenixFair Housing Program Director
- Antonio RamirezHousing Specialist
- Bruce Rodenborn Technical Support
- Victoria SalinasHousing Specialist
- Brittany Stanford Volunteer
- Katherine Stark Executive Director
- Taylor Woodard UT School of Social Work Intern