

Housing Rights **ADVOCATE**

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ATC Fair Housing Program Receives Renewed Funding in 2016

In late September, The U.S. Department of Housing and Urban Development (HUD) awarded Austin Tenants' Council's (ATC) Fair Housing Program a major grant of \$300,000. HUD released the funding through its Private Enforcement Initiatives (PEI) grant. The PEI grant is part of the broader HUD Fair Housing Initiatives Program (FHIP). ATC's Fair Housing Program utilizes the PEI funding for its testing program and other initiatives intended to investigate, report and ultimately eliminate discriminatory housing practices in Texas.

"There is no question that housing discrimination persists in Austin and throughout Texas. I see it daily in my work. The PEI grant is absolutely critical to the continued efforts of our Fair Housing Program in order to root out discriminatory practices in our communities," explained Giovanni Zamora, Fair Housing Testing Coordinator.

Ms. Zamora heads the testing program at ATC. Under the program, volunteer testers are trained to pose as prospective renters/buyers in an effort to gather information that may help uncover evidence of discriminatory housing practices. Just a few examples of discriminatory practices uncovered by the testing program might include:

- Refusing housing based upon the number of children in a family;

- Falsely representing the availability of housing;
- Enforcing policies that place requirements upon tenants based solely upon any of the protected classes: race, color, national origin, religion, sex, familial status, or disability;
- Advertising that indicates a limitation or preference based on the above protected classes;
- Harassment or intimidation such as threats (verbal or physical), unwanted sexual advances, unwarranted or repeated visitations by a landlord;
- Refusing to make a reasonable accommodation for a person with disabilities.

In the City of Austin, tenants are also protected from discrimination based upon their sexual orientation, gender identity, source of income for a veteran, marital status and status as a student.

In a HUD press release announcing the FHIP funding, Secretary Julian Castro stated: "HUD remains deeply committed to fighting housing discrimination so folks have an equal shot at achieving the American Dream. Working closely with our fair housing partners on the ground, the investments we make today are a strong step forward to put an end to housing

discrimination."

If you feel that you have been discriminated against, please contact the ATC counseling line at: 512-474-1961 and tell the counselor about your experience. The housing counselor will take down your information and immediately refer you to the Fair Housing Program for a consultation.

If you are interested in becoming a tester for the Fair Housing Program, please contact Giovanni Zamora at: Giovanni@housing-rights.org or 512-474-7007, ext. 104. Ms. Zamora will contact you with information about attending a training workshop. Training is free and materials are provided to help you become an objec-

Cold Weather Shelter Activated in Austin Area

The City of Austin Office of Homeland Security and Emergency Management (HSEM) partners with local shelters and non-profit agencies to ensure that the public is aware that Cold Weather Shelter is activated. If you know someone who is homeless, please have them call the Cold Weather Shelter Hotline 512-305-ICEE (4233). Stay warm!

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Austin Tenants Enforce Repair Rights as Provided by Texas Statute

On November 7, 2016, John Franklin and his friend Diane Peppar walked into Austin Tenants' Council hoping to discuss the ongoing repair issues they were experiencing in their northeast Austin apartment. Having no scheduled appointment, housing specialist, Daniel Armendariz offered to visit their apartment to look into their repairs. Earlier in March of 2016, Mr. Franklin had received assistance from Daniel and so was familiar with ATC's services and processes.

Inspection of Health and Safety Repairs

On November 8th, Daniel travelled to Mr. Franklin's apartment complex in northeast Austin to inspect the repairs and discuss his options. Upon arrival, Mr. Franklin invited Daniel into his apartment and immediately began pointing out the various repair issues he was experiencing. Among the repairs Mr. Franklin requested, were (1) multiple burnt out lights in the dining room and kitchen/bar, (2) a closet bi-fold door that was entirely disengaged from the door track, (3) a restroom toilet that did not stop running after it was flushed, (4) another restroom toilet that was not securely moored to the flooring and (5) a portion of dirty carpeting in the bedroom.

As Daniel documented these repairs by taking pictures and written notes, he reminded Mr. Franklin of the specifics of ATC's Rental Repair Assistance Program (RRAP). Under this program, any residential tenant residing in the City of Austin, may be eligible for ATC services if they are (1) current on rent, (2) meet ATC's income guidelines and (3) are experiencing repairs that are a threat to their health and safety.

Authorization and Repair Request

After obtaining Mr. Franklin's written authorization, Daniel set out to draft a certi-

fied repair request on behalf of Mr. Franklin. The repair request, bearing Mr. Franklin's signature, specified the conditions that were in need of repair. The letter was addressed to the landlord and delivered certified mail with an attached request for return signature. Daniel sent the letter from the ATC office and included a cover letter addressed to the landlord stating, in part:

Enclosed please find a repair request letter from your tenant, John Franklin, who lives at [TENANT'S ADDRESS]. Mr. Franklin has a repair request which we feel is a threat to his health and/or safety. Please make arrangements to begin the repairs listed on the following page within a reasonable amount of time.

The letter specifically uses the phrase "a reasonable amount of time" because Texas statute provides that there is a rebuttable presumption that this period of time is seven days. Within seven days upon receipt of the tenant's certified repair request, a landlord must begin making a diligent effort to make the requested repairs or the tenant may consider enforcing their legal remedies.

Repairs Completed and Documented

On November 8th, Daniel mailed the certified letter to the landlord and sent a copy via email. The landlord received the certified letter on November 10th and replied to Daniel via email the same day. The landlord's email contained work orders showing that a majority of the repairs had been completed and others were delayed to due parts on order. When considering a landlord's liability to the tenant for a repair that is delayed beyond seven days, Texas statute provides that the reasonable availability of materials, labor and of utilities from

a utility company must be considered.

Nevertheless, on November 16th, the landlord emailed Daniel with documentation showing that on November 12th the final repairs were completed. Daniel called Mr. Franklin to confirm the repairs were completed. During this conversation, Mr. Franklin confirmed that all repairs except the carpeting were completed. After several discussions with management it was explained that the carpeting was not a threat to the health and safety of the tenant and therefore did not fall under the repair law. Daniel offered several suggestions to Mr. Franklin for requesting that his carpet be replaced and then closed the RRAP case.

Your Rights and How to Enforce Them

Residential tenants in Texas experiencing health and safety related repair problems can help themselves a great deal if they simply follow a few critical steps immediately upon discovering a major repair problem:

1. Pay your rent and other sums due;
2. Write a repair request and mail it certified mail with a signature return request (keep a copy!);
3. Document the repair problem (take pictures, etc.)
4. Read the Austin Tenants' Council fact sheet on Repairs here: <http://housing-rights.org/repairs.html>.

Remember, no matter what your lease may say about who is or is not responsible for repairs, a landlord may never waive his/her obligation to make a repair that materially affects the health and safety of a tenant. Tenants or landlords may call ATC's counseling line with questions about their rights and responsibilities: 512-474-1961.

Programa Vivienda Justa de ATC recibe renovación de su financiamiento en 2016

A fines de septiembre, el Departamento de Vivienda y Desarrollo Urbano (HUD) de EE.UU. asignó al Programa Vivienda Justa de ATC (Consejo de Inquilinos de Austin) un importante subsidio de \$300,000.

HUD entrega los fondos a través de su subsidio Private Enforcement Initiative (PEI). El subsidio PEI es parte de un más amplio Programa de Iniciativas de Vivienda Justa (FHIP) de HUD. El Programa Vivienda Justa de ATC utiliza los fondos PEI en su programa de verificación y otras iniciativas para investigar, informar y finalmente eliminar prácticas de vivienda discriminatorias en Austin y toda Texas.

“No hay duda que la discriminación en la vivienda persiste en Austin y todo el estado. Yo lo veo a diario en mi trabajo. El subsidio PEI es totalmente crucial para el continuo esfuerzo del Programa Vivienda Justa por erradicar las prácticas discriminatorias en nuestras comunidades”, explicó Giovanni Zamora, coordinadora de verificaciones de Vivienda Justa. Zamora dirige el programa de verificación en ATC.

En este programa, verificadores voluntarios son entrenados para presentarse como posibles inquilinos/compradores con el fin de recabar información que podría llevar a descubrir evidencia de prácticas

de vivienda discriminatorias. Algunas prácticas discriminatorias descubiertas mediante el programa de verificación podrían incluir:

- Negar vivienda en base al número de niños en la familia;
- Comunicar falsamente la disponibilidad de vivienda;
- Imponer a inquilinos requisitos basados únicamente en alguna de las clases protegidas: raza, color, nacionalidad de origen, religión, género, situación familiar o discapacidad;
- Publicidad que indica limitaciones o preferencias en base a las clases protegidas señaladas arriba;
- Acoso o intimidación --como amenazas (verbal o física), avances sexuales no deseados, visitas repetidas o injustificadas del propietario o administrador;
- Negarse a hacer una adaptación razonable para persona con discapacidad.

En la Ciudad de Austin, los inquilinos también están protegidos de la discriminación en base a orientación sexual, identidad de género, fuente de ingresos de veteranos, estado marital, y condición de estudiante.

En un comunicado de prensa de HUD an-

unciando el financiamiento FHIP, el Secretario Julián Castro expresó: “HUD continúa profundamente comprometida a luchar contra la discriminación en la vivienda, para que la gente tenga igualdad de oportunidades en lograr el Sueño Americano.

Trabajando de cerca con nuestros asociados en vivienda justa a nivel local, las inversiones que hacemos hoy son un gran paso adelante para poner fin a la discriminación en la vivienda”.

Si usted cree que ha sido discriminado/a en vivienda, comuníquese con el número de asesoría de ATC: 512-474-1961 y describa su experiencia al asesor. Esta persona tomará su información y lo derivará inmediatamente a un Programa de Vivienda Justa para consulta.

Si a usted le interesa convertirse en verificador del Programa Vivienda Justa, comuníquese con Giovanni Zamora por email: Giovanni@housing-rights.org ó tel: 512-474-7007, ext. 104.

La Srta. Zamora le brindará información para asistir a un taller de entrenamiento. Este entrenamiento es gratuito y le proporciona material para que usted se convierta en un investigador objetivo.



Se activan refugios ante bajas temperaturas en el área de Austin

La Ciudad de Austin en su Oficina de Seguridad Patria y Manejo de Emergencias (HSEM) se une a refugios locales y agencias sin fines de lucro para difundir pública-

mente el plan de refugios contra el frío. Si conoce a personas sin techo, por favor díganle que llamen a Cold Weather Shelter Hotline 512-305-

ICEE (4233). ¡Protéjanse del frío! Si tiene una pregunta sobre sus derechos como inquilino por favor llame al numero 512-474-1961.



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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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The Austin Tenants' Council, as a subrecipient of the City of Austin, is committed to compliance with the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973, as amended. Reasonable modifications and equal access to communications will be provided upon request. Please call 512-474-1961 (voice) or Relay Texas at 1-800-735-2989 (TDD) for assistance. The City does not discriminate on the basis of disability in the admission or access to, or treatment or employment in its programs and activities. David Ondich has been designated as the City's Section 504/ADA Program Manager. His office is located at 505 Barton Springs Road, Suite 600. If you have any questions or complaints regarding your Section 504/ADA rights, please call the 504/ADA Program Manager at 512-974-3256 (voice) or 974-2445 (TTY). This publication is available in alternative formats. Please call 512-474-1961 (voice) or Relay Texas at 1-800-735-2989 (TDD) for assistance.

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 512-474-7006.

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 512-474-1961.

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 512-474-7006.

Crisis Intervention / Intervención 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 512-474-1961.

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 512-474-7006.

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 512-474-7006.

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