

Housing Rights **ADVOCATE**

Austin Tenants' Council • Issue 86, Fall 2017

Know Your Rights: Housing and Accessibility

Finding affordable housing is already a challenge for Austin residents. Now, imagine you are an individual seeking affordable and/or accessible housing. Many of us take for granted the ability to open a door, turn on a light switch or turn up the AC.

The wants and desires of housing vary for each individual but the physically impaired require and are entitled to accessible housing per the Fair Housing Act.

The Fair Housing Act Design Manual outlines the 7 design requirements, which include:

- REQUIREMENT 1 – Accessible Building Entrance on an Accessible Route
- REQUIREMENT 2 – Accessible and usable Public and Common Use Areas
- REQUIREMENT 3 – Usable Doors
- REQUIREMENT 4 – Accessible Route into and through the Covered Unit
- REQUIREMENT 5 – Light Switches, Electrical Outlets, Thermostats, and other Environmental Controls in Accessible Locations
- REQUIREMENT 6 – Reinforced Walls for Grab Bars
- REQUIREMENT 7 – Usable Kitchens and Bathrooms

The above requirements can be applied to structures built after March 13, 1991, however, if the structure was built prior to 1991 and the individual still wants to live at the residence, they may need to ask for a Reasonable Accommodation or Reasonable Modification. The Fair Housing Program at Austin Tenants' Council can assist individuals with interpreting how these 7 requirements can assist them with obtaining accessible housing and discuss if a Reasonable Accommodation or Modification is required.

Don't I have a right to the return of my security deposit?

The short answer is yes. As with all things in life, except death, there are no guarantees. So how do I protect against the unlawful withholding of my security deposit? There is a longer answer to that question but we should begin at the beginning...

What is a security deposit?

Texas law defines a security deposit as "any advance of money, other than a rental application deposit or an advance payment of rent, that is intended primarily to secure performance under a lease of a dwelling that has been entered into by a landlord and a tenant."

The idea is that a landlord holds the deposit until the end of the lease. If, upon move out, there are damages to the apart-

ment that you or your guests caused, the landlord will deduct the repair costs from the deposit. A landlord shouldn't charge a tenant for "normal wear and tear" such as the normal wearing of carpet in an entry or the fading of paint due to sun exposure.

That's the way it's supposed to work. All too often, however, tenants and landlords disagree on the nature of damages revealed upon move-out. A tenant may take several critical steps to prepare for and expedite the solution to any disagreement.

STEP 1. The Move-in

Upon move-in, do a walk-through with the landlord. Take a witness (a friend or relative). Take pictures during the walk-through. Make a written list of all damages, no matter how small. Take special

care to note any obviously worn-out items such as carpet, cabinet doors, faucets etc. Ask the landlord to sign-off on the list.

STEP 2. During the Lease

During your lease term, report all repairs in writing. If damage occurs that is not your fault, report it to the landlord in writing and keep a copy.

STEP 3. The Move-out

Repeat everything in Step 1 but follow your move-out with a respectful letter to the landlord explaining that they have 30 days upon surrender to return your money or give you a physical letter explaining any lawful deductions. Call our counseling line for further guidance: 512-474-1961.

Inside: 2 — Online Counseling

3 — Artículos en Español

Austin Tenants' Council Launches Online Counseling Service

The dye is cast. By now it should be clear to anyone standing in a grocery line or waiting in a lobby that accessing the Internet is rapidly becoming the primary means by which people obtain daily information or communicate with each other.

According to a 2015 "digital inclusion" study produced by The University of Texas at Austin, Technology and Information Policy Institute, Austinites are "habituated to digital technologies and [...] use the Internet and its services widely." Approximately 92% of the participating households reported having a home Internet connection. The study found that Hispanics and African Americans (a significant segment of ATC's client population) utilize cell phones to access the Internet at rates of "89.7% and 87% respectively."

ATC believed it was high time that its counseling services be accessible to this growing demographic of Internet users. Through a generous increase in funding from Travis County, ATC developed an online counseling program and, in March,

served its first tenant. Housing counselor Kat Grau, leads ATC's efforts under the online counseling program: "To date, most of the tenants I help are inquiring to report that their security deposit was unlawfully withheld or that they have a health or safety repair issue that is not being addressed by the landlord."

Providing online counseling services present several significant advantages for tenants in need of prompt assistance but for whom calling the telephone counseling line may not be the best option. First, many tenants hold busy schedules, working regular hours. Providing online access to counseling allows a tenant to engage an ATC counselor during regular work hours from any location where Internet access is available. Second, tenants experiencing mobility challenges now have an alternative to calling the ATC counseling line. These tenants may submit their inquiry online and go about their regular business until our counselor responds. Third, after communications are established, tenants may send documents relevant to the issue

such as their lease or a landlord's notice of violation. Supporting materials help the ATC counselor to provide tailored guidance that speaks directly to the specific needs of the tenant. Kat explains: "If I am able to personally read a notice of violation or review a lease provision from the primary document, then I am able to provide more relevant guidance."

ATC online counseling services address a broad scope of landlord-tenant issues to include health and safety repairs, security deposit issues, leasing questions, move-out guidance and more. To access the online counseling, simply visit us at: housing-rights.org, click on "Programs & Services" and then "Online Counseling." Complete the form and a counselor will respond to you within 24 - 48 hours of your submission. Due to funding restrictions, we are only able to counsel tenants residing within Travis County. If you reside within Williamson County, you may call our telephone counseling line at: 512-474-1961. The line is open Mon-Thur. 9 am - 12 pm and 1 pm - 4 pm; Fri. 9 am - 12 pm.

ATC Joins City Leaders and Local Groups in City Hall Rally for Housing



July 22, 2017 - ATC joins city leaders and community groups at Austin City Hall for affordable housing rally. In August, Austin City Council approved an affordable housing program resolution authored by Councilmember Greg Casar, District 4.

Conozca sus derechos: Vivienda y acceso

Hallar una vivienda económica es un desafío para los residentes de Austin. Ahora, imagine a personas que buscan una vivienda económica y/o accesible.

Muchos de nosotros damos por hecho el poder abrir una puerta, prender la luz o el aire acondicionado. Los deseos y la necesidad de vivienda varían en cada persona pero aquellos con algún impedimento físico requieren y tienen derecho a la vivienda según el Acta de Vivienda Justa.

El Manual de Diseño del Acta de Vivienda Justa enumera 7 requisitos de diseño:

- REQUISITO 1 – Entrada accesible al edificio, por camino accesible
- REQUISITO 2 – Áreas públicas y de uso común accesibles y utilizables
- REQUISITO 3 – Puertas utilizables
- REQUISITO 4 – Camino accesible a la unidad cubierta
- REQUISITO 5 – Perillas de luz, enchufes eléctricos, termostato y otros controles de ambiente en lugares accesibles
- REQUISITO 6 – Paredes reforzadas para sostener barras de apoyo

- REQUISITO 7 – Cocina y baños utilizables

Estos requisitos pueden aplicarse a estructuras construidas después del 13 de marzo de 1991; sin embargo, si la estructura fue construida antes de 1991 y la persona desea vivir en ella, podría solicitar una Adaptación Razonable o Modificación Razonable. El Programa de Vivienda Justa en el Consejo de Inquilinos de Austin (Austin Tenants' Council) puede ayudarlo a interpretar estos 7 requisitos para obtener una vivienda accesible, y determinar si es necesaria una Adaptación Razonable o Modificación Razonable.

¿No tengo derecho al reembolso de mi depósito de seguridad?

La respuesta corta es Sí. Pero como con todo en la vida excepto la muerte, no hay garantías. Entonces, ¿cómo protegerse contra la retención ilegal del depósito de seguridad? Hay una respuesta larga a esa pregunta, pero empecemos por el principio.

¿Qué es un depósito de seguridad?

La ley de Texas define al depósito de seguridad como "todo dinero adelantado que no sea el depósito para solicitar la renta o el pago adelantado de renta, sino aquel que se entrega principalmente para asegurar cumplimiento del contrato de renta de vivienda entre el inquilino y el arrendador".

La idea es que el arrendador retiene el depósito hasta el fin del contrato de renta. Si al dejar la propiedad hay daños en la

unidad causados por el inquilino o sus invitados, el arrendador deducirá el costo de reparación del depósito de seguridad. El arrendador no podrá cobrar al inquilino por el "desgaste natural por uso" --como el desgaste de la alfombra en una entrada o decoloración de una pared expuesta al sol.

Así debería funcionar. Sin embargo, muchas veces el inquilino y arrendador discrepan sobre la naturaleza de los daños al mudarse. El inquilino puede tomar varios pasos importantes para prepararse y agilizar la solución de todo desacuerdo.

PASO 1. Al mudarse a la unidad

Al mudarse inicialmente, inspeccione la unidad junto al arrendador. Lleve un testigo (amigo o familiar). Saque fotos durante la misma. Haga una lista escrita de todo daño, no importa cuán pequeño.

Ponga especial cuidado en todo elemento obviamente desgastado, como alfombras, gabinetes o armarios, grifos, etc. Pida al arrendador que firme esa lista.

PASO 2. Durante el contrato de renta

Durante el término de su contrato, reporte por escrito toda necesidad de reparación. Si el daño ocurrido no es por su culpa, informe al arrendador por escrito y quédese con una copia.

PASO 3. Al dejar la unidad

Repita el Paso 1 al mudarse de la unidad pero envíe una carta respetuosa al arrendador, explicándole que tiene 30 días para reembolsar su depósito o entregarle una carta explicando toda deducción legal. Llame a nuestro número de asesoría si necesita asistencia: (512) 474-1961.

Austin Tenants' Council lanza servicio de asesoría por internet

ATC cree que es hora de ofrecer sus servicios de asesoría a esta creciente población de usuarios de internet. Mediante un generoso aumento en fondos aportados por el Condado

Travis, ATC creó un programa de asesoría electrónico, y en marzo asistió a su primer inquilino. Para acceder a esta asesoría en internet, visítenos en housing-rights.org, pulse en "Programs & Services" y luego

en "Online Counseling". Llene el formulario y un asesor le responderá entre las 24 y 48 horas. Debido a restricciones de financiamiento, solo podemos asesorar a inquilinos que viven en el Condado Travis.

If your agency would like to receive additional copies of this newsletter or if you have any changes to the mailing list, contact Daniel at 512-474-7006 Ext. 102 or Daniel@housing-rights.org. If you prefer to view our newsletter online, we will gladly remove your name from our mailing list.

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

Housing Rights Advocate is published quarterly by the Austin Tenants' Council, 1640-B East 2nd Street, Suite 150, Austin, TX 78702. The publication is supported by grants from the City of Austin (CDBG) and the U.S. Department of Housing and Urban Development. The substance and findings of the work are dedicated to the public. The publisher is solely responsible for the accuracy of the statements and interpretations contained herein. Such interpretations do not necessarily reflect the views of the government.

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 / 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 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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