



# Housing Rights ADVOCATE

Issue 31, Spring 2004

The Austin Tenants' Council

www.housing-rights.org

## ATC & HRDC to Host Attorney Training this Month

The City of Austin Human Resources Department's Compliance Division (HRDC) and the Austin Tenants' Council both received proclamations from Austin Mayor Will Wynn declaring April Fair Housing Month. Both organizations appreciate this show of support for equal housing opportunity from the Austin City Council. Continuing on the theme of Fair Housing Month, the Austin Tenants' Council and HRDC are hosting the "Attorney Training Conference 2004" on April 23, which will provide instruction on how to litigate fair housing cases.



The Austin City Council recognized ATC and fair housing month by presenting the above proclamation..

ATC and HRDC are very proud to announce that Avery Friedman, Esq. will conduct the training. Mr. Friedman is a nationally renowned fair housing attorney and Chief Counsel of The Fair Housing Council, a public interest firm. He has taught at nearly two dozen law schools including Stanford, Berkeley, Duke, University of Michigan, Wisconsin, Tulane and the University of Texas.

Mr. Friedman has extensive courtroom experience, having litigated approximately 2000 civil rights cases in the past 25 years. Mr. Friedman appears regularly on national television shows and has appeared at the invitation of both U.S. Senate and House committees as an expert on civil and constitutional rights. He is the recipient of the Ohio Humanitarian Award presented by the Governor and recipient of the Dr. Martin Luther King, Jr. Memorial Award for Human Rights.

ATC and HRDC are equally proud to announce that Harry Carey, Esq., Associate General Counsel, HUD Office of

Fair Housing will be a guest speaker to discuss HUD's role in fair housing.

The conference will consist of three main sections taught by Mr. Friedman and a panel discussion with HUD staff. Mr. Friedman will review the Fair Housing Act and the most important recent and historical cases. Session two will provide strategies for successful litigation of fair housing cases including descriptions of his methodologies that have been so successful. There will then be a buffet lunch during which Mr. Carey from HUD will speak and there will be a panel discussion. Gary L. Sweeney, Regional Director and Thurman G. Miles, Director of FHIP/FHAP Program, both from the Southwest Office of Fair Housing and Equal Opportunity, will moderate the discussion which will provide

extensive information about HUD's role in fair housing. Following lunch, the third session will continue discussion of litigation strategies and Mr. Friedman will provide information based on needs and questions from participants. After an afternoon break, Mr. Friedman will respond to specific questions from participants.

Any attorneys that are interested in fair housing should not miss this conference as Avery Friedman is not only a very successful civil rights attorney, he is also a very lively speaker and participants are sure to enjoy themselves.

The State Bar has approved this conference for CLE credits, and the cost is \$50, which includes a continental breakfast and lunch. The conference is free to ATC's Cooperating Attorneys, Judicial Officials and many attorneys employed at public interest agencies. It will be held at the Red Lion Hotel in northeast Austin. Please contact ATC at 512-474-7007 if you would like to register for the training.

## Free Home Modifications for the Elderly and Disabled

If you are elderly or a person with a disability and need assistance with making your home accessible, the Architectural Barrier Removal Program (ABR) may be able to help. Through this program, both homeowners and renters may receive free assistance to pay for home modifications. The program contractors retrofit houses so that recipients may remain in their homes longer and can live with a greater degree of independence.

Assistance may include the installation of wheelchair ramps, shower grab bars, toilet safety rails, door and telephone signaling devices, and in some cases, medical equipment.

Applicants for assistance must meet certain qualifications including:

1. Reside within the Austin City Limits; and
2. Be 62 years of age or older; or
3. Have a verifiable long-term or progressive disability.

Applying is easy with City staff readily available to assist through the entire process. Don't delay... there is no waiting list and you may be served immediately once your completed application and supporting documents are submitted.

For more information about this opportunity, please call the Austin Housing Finance Corporation at 974-3119 or visit their web site at [www.cityofaustin.org/ahfc](http://www.cityofaustin.org/ahfc) and click on the link entitled "Home Repair".



### Inside:

- 2 - Artículos en español
- 3 - More allegations against Honeycomb Mobile Home Park



# Casos Actualizados

**E**n todos los casos «decididos» en estas noticias, a menos que se indicare en forma diferente, el demandado niega las alegaciones de discriminación hechas por el demandante y los partidos pusieron de acuerdo de resolver el caso antes de ir a un juicio. Las pruebas e investigaciones de vivienda justa conducidas por el Programa de Vivienda Justa de ATC son financiadas por el Departamento de Vivienda y Desarrollo Urbano de los Estados Unidos.

**Recordándoles a los lectores, Austin Tenants' Council reportó de un caso de vivienda justa en nuestra última noticia en el cual la querellante Rebecca Currey alegó discriminación en la vivienda contra el Parque de Casas Móviles Honeycomb. Desafortunadamente, hay más quejas.**

## **Rose Green v. Honeycomb Mobile Home Park - queja #1**

Rose Green se puso en contacto con ATC el 25 de septiembre, 2003 para archivar una queja de discriminación contra los encargados y los dueños de Honeycomb Mobile Home Park (MHP) en Austin, alegando hostigamiento sexual por el encargado, A.L. Behrens. HUD refirió la queja al Austin Human Rights Commission (AHRC) el 21 de noviembre, 2003.

El 31 de marzo, 2004, Charles H. Gorham, Administrador de AHRC, publicó un cargo de discriminación contra Thomas E. y Martha Mitchell de Payson, Arizona, los dueños de Honeycomb MHP y Avolt L. y Jo Nell Behrens, los encargados del parque.

La evidencia juntada por el investigador del AHRC incluyó testimonial del respondedor. La evidencia incluyó una declaración por un testigo apoyando la alegación del hostigamiento sexual.

El cargo publicado por AHRC dice que el testigo declaró "que el 6 de octubre, 2003 el testigo dijo a la esposa y a la hija del encargado que ella había dado una declaración el 25 de septiembre, 2003 al Austin Tenants' Council referente al hostigamiento sexual y la discriminación por A.L. Behrens contra Rose Green." La queja de la Srta. Green también alega que después de aprender que una queja de discriminación en la vivienda había sido archivada contra el Sr. Behrens por la Srta. Green, el encargado del parque y su hija archivaron un pleito de calumnia contra la querellante el 22 de octubre, 2003.

Como resultado de la investigación de las alegaciones, el administrador de AHRC tenía causa razonable para creer que ocurrió una práctica discriminatoria en la vivienda. El administrador también declaró que el respondedor tomó represalias por archivar el pleito después de que fuera enterado que la querellante buscaba ayuda con ATC. El tomar represalias es una violación de Ordenanza de Vivienda Justa de la Ciudad de Austin y del Acto Federal de Vivienda Justa. La querellante ha decidido tener su caso resuelto en una acción civil en la corte de distrito.

## **Rose Green v. Honeycomb Mobile Home Park - queja #2**

### **Joe Reynolds v. Honeycomb Mobile Home Park**

*Lo siguiente es un resumen de esos dos casos. Se puede encontrar la versión completa en inglés en la página 3.*

ATC asistió a Rose Green el 13 de enero, 2004 en archivar una segunda queja de discriminación en la vivienda con HUD, y a Joe Reynolds el 21 de enero, 2004 también con una queja de discriminación, alegando que los dueños y los encargados del parque tomaron represalias. Las quejas fueron referidas a Austin Human Rights Commission (AHRC) para procesar. El respondedor niega las alegaciones, pero en el 6 de abril Charles H. Gorham, administrador de AHRC, publicó cargos de discriminación contra los dueños y los encargados de Honeycomb Mobile Home Park.

Según los cargos, ambos querellantes alegan que recibieron avisos por correo certificado, con la fecha del 1 de enero, 2004, para terminar sus contratos en 60 días. La Srta. Green alega que recibió su aviso el 3 de enero; el Sr. Reynolds alega que recibió su aviso el 16 de enero, 2004. Los querellantes piensan que eran los únicos quienes no fueron ofrecidos un contrato de seis meses solo por las quejas de discriminación que archivaron.

El cargo publicado por AHRC dice que "la querellante [la Srta. Green] y otro inquilino [el Sr. Reynolds] quien también ha archivado una queja de discriminación fueron los únicos quienes no fueron ofrecidos un contrato de seis meses..." Concluye el cargo de discriminación "el negar un contrato de seis meses y el aviso de terminar su contrato fue represalia porque ellos habían archivado quejas de discriminación." El cargo declara que las acciones del encargado son violaciones de la Ordenanza de Vivienda Justa de la Ciudad de Austin y del Acto Federal de

Vivienda Justa. Ambos querellantes han decidido tener sus casos resueltos en una acción civil en la corte de distrito.

Como se declaró anteriormente, el Austin Tenants' Council está divulgando información que se encuentra en un cargo de discriminación en la vivienda publicada por el Austin Human Rights Commission, la cual es información pública. El respondedor niega cada uno de estas alegaciones. El Austin Tenants' Council no está insinuando la veracidad de estas declaraciones, sino está divulgando simplemente los hechos como están entendidos.



## **Modificaciones Caseras Gratuitas para el Mayor de Edad e Incapacitado**

**S**i usted es de mayor edad o una persona con una incapacidad y necesita ayuda en hacer su casa más accesible, el Programa de Accesibilidad Arquitectónica (Architectural Barrier Removal Program o ABR) podría ayudar. Por medio de este programa, ambos dueños e inquilinos pueden recibir ayuda gratuita para modificaciones caseras. Los contratadores del programa adapta casas de modo que los recipientes puedan permanecer en sus hogares más tiempo y puedan vivir con un mayor grado de independencia.

La ayuda puede incluir la instalación de rampas para sillas de ruedas, barras de agarrador en la ducha, barras de seguridad a un lado del excusado, aparatos de señales para la puerta y el teléfono, y en algunos casos, equipo médico.

Los aplicantes deben satisfacer ciertas calificaciones incluyendo: 1. Residir dentro de los límites de la ciudad de Austin; y 2. Tener 62 años o mayor; o 3. Tener una incapacidad comprobable progresiva o a largo plazo.

Es fácil aplicar con el personal de la ciudad disponible para asistirle con el proceso entero. No espere más... no hay lista de espera y puede asistirle a usted inmediatamente al meter su aplicación completa y sus documentos necesarios.

Para más información sobre esta oportunidad, llame por favor a Austin Housing Finance Corporation al 974-3119 o visítalos en el internet al [www.cityofaustin.org/ahfc](http://www.cityofaustin.org/ahfc) y haz clic en "Home Repair".



# Case Updates

**A**TC thanks the complainants, plaintiffs, testers, witnesses, and attorneys who have worked for fair housing by participating in litigation or pursuing administrative housing discrimination complaints with the US Dept. of HUD. In all "settled" cases reported in this newsletter the defendant, unless otherwise noted, denies the allegations of discrimination made by the plaintiff and the parties have agreed to resolve the case prior to a trial on the merits. Fair housing testing and investigations conducted by ATC's Fair Housing Program are funded by the US Department of Housing & Urban Development.

---

**As readers may remember, the Austin Tenants' Council reported a fair housing case in our last newsletter in which the complainant Rebecca Currey alleged housing discrimination against Honeycomb Mobile Home Park. Unfortunately, there is more to the story.**

## **Rose Green v. Honeycomb Mobile Home Park - Complaint #1**

On September 25, 2003, Rose Green contacted ATC to file a complaint of discrimination against the managers and owners of Honeycomb Mobile Home Park in Austin, alleging sexual harassment by the manager, A.L. Behrens. The complaint was filed with HUD, which deferred the complaint for processing to the Austin Human Rights Commission (AHRC), which accepted it on November 21, 2003.

On March 31, 2004, Charles H. Gorham, Administrator of the Austin Human Rights Commission, issued a Charge of Discrimination against Thomas E. & Martha Mitchell of Payson, Arizona, owners of Honeycomb MHP and Avolt L. and Jo Nell Behrens, managers of the park.

Evidence gathered by the AHRC investigator included testimonial evidence from the respondent. Evidence further included a witness statement to support the allegation of sexual harassment.

The charge issued by AHRC reports that the witness stated "that on October 6, 2003 the manager's wife and daughter were told by the witness that she had given a statement to the Austin Tenants' Council concerning Park Manager's sexual harassment of and discrimination against Rose Green." Ms. Green's complaint also alleges that subsequent to being made aware that a housing discrimination

complaint had been filed against Mr. Behrens by Ms. Green, the park manager and his daughter filed a slander lawsuit against the complainant on October 22, 2003.

As a result of the Commissions' investigation of the allegations, the Administrator had reasonable cause to believe that a discriminatory housing practice occurred. The Administrator also found that the Respondent retaliated by filing the lawsuit after they became aware that the complainant sought assistance from ATC, in violation of the City of Austin Fair Housing Ordinance and the Federal Fair Housing Act. The complainant has elected to have her claim decided in a civil action in district court.

## **Rose Green v. Honeycomb Mobile Home Park - Complaint #2**

On January 13, 2004, ATC assisted Rose Green in filing a second housing discrimination complaint with HUD, alleging retaliation by the owners and managers of Honeycomb Mobile Home Park. The complaint was deferred to the Austin Human Rights Commission for processing. The respondent denies this allegation, but on April 6, Charles H. Gorham, Administrator of AHRC, issued a Charge of Discrimination against the owners and managers of the park.

The complaint alleges "that Respondent served her (Ms. Green) with a notice to vacate, which she received on January 3, 2004 via certified mail. The notice gave her sixty days to vacate the property." "The complainant feel (sic) that only her and one other tenant that also had filed a housing discrimination complaint were not offered the opportunity of a six-month lease."

The charge issued by the Austin Human Rights Commission states that "the complainant and another tenant who also had filed a complaint of housing discrimination were the only two who were not offered a six-month lease..." The charge of discrimination concludes that "the denial of the six-month lease and notice of Vacation of Contract were in retaliation for them having filed complaints of discrimination." The complainant has elected to have her claim decided in a civil action in district court.

## **Joe Reynolds v. Honeycomb Mobile Home Park**

On January 21, 2004, ATC assisted Joe Reynolds in filing a housing discrimination complaint with HUD, alleging retaliation by the owners and managers of Honeycomb Mobile Home Park for a discrimination complaint he filed in November. The second complaint was deferred to AHRC for processing on January 23, 2004. AHRC did not find cause in investigating the original complaint, but on April 6, Charles H. Gorham, Administrator of the Austin Human Rights Commission, issued a Charge of Discrimination against the owners and managers of Honeycomb Mobile Home Park.

According to the charge issued by AHRC, the complainant alleges that on January 16, 2004 he received via certified mail a notice to vacate that only he and one other tenant, who had also filed a housing discrimination complaint with HUD, were given. He feels that they were the only two not offered a six-month lease.

Mr. Reynolds further alleges that the "Respondent managers have been harassing and intimidating him because of his disabilities and in retaliation for filing his first complaint..." The alleged harassment and intimidation includes "the Respondent manager has padlocked his breaker box, has connected his extension cords into Complainant's electrical outlets causing an electric shortage, and has run the tractor mower close to his residence..." The AHRC charge indicates that their investigation found that "further information provided by the Complainant in the form of pictures and written testimony reveals that the manager has harassed and intimidated Complainant as he alleges." However, these facts have not been proven in a court of law.

The charge of discrimination states that the respondent's actions have been in violation of the City of Austin Fair Housing Ordinance and the Federal Fair Housing Act. The complainant has elected to have his claim decided in a civil action in district court.

As stated above, the Austin Tenants' Council is reporting information that is listed in a charge of housing discrimination issued by the Austin Human Rights Commission which is public record. The respondent denies each of these allegations. The Austin Tenants' Council is not making a statement of the veracity of these statements, but is simply reporting the facts as they are understood.





# Housing Rights Advocate

Austin Tenants' Council  
1619 E. Cesar Chavez St.  
Austin, Texas 78702

Nonprofit  
Organization  
U. S. Postage Paid  
Austin, Texas  
Permit No. 1138

RETURN SERVICE REQUESTED

**If your agency would like to receive additional copies of this newsletter or if you have any changes to the mailing list, contact Jennifer at 512-474-7007 or [jen@housing-rights.org](mailto:jen@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 Bar of Texas under Article 320d, Revised Statutes.

Housing Rights Advocate is published quarterly by the Austin Tenants' Council, 1619 E. Cesar Chavez, 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 sub-recipient 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 modification 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.

## Programs and Services / *Programas y Servicios*

### FAIR HOUSING *VIVIENDA JUSTA*

**THE FAIR HOUSING PROGRAM / EL 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 víctimas de discriminación cuando sus derechos están violados bajo las leyes estatales y federales de vivienda justa. Call / llame al 474-7007.*

### TENANT-LANDLORD *INQUILINO-PROPIETARIO*

**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 amenass su vivienda. Call / llame al 474-1961.*

**RENTAL REPAIR ASSISTANCE / AYUDA CON REPARACIONES EN SU VIVIENDA** - 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

Christina Allen ..... Law Clerk/Testing Coordinator I  
Mary Daniels Dulan ..... Fair Housing Program Director  
Nathan Fish ..... Housing Specialist  
Cindi Garcia ..... Fair Housing Specialist II  
Cruz Garcia ..... Housing Specialist  
Chris Garza ..... Program Specialist II  
Lucia Peres-Salinas ..... Intake Specialist  
Sam Persley ..... Program Specialist III  
Bruce Rodenborn ..... Program Development Specialist  
Jennifer Scott ..... Housing Specialist  
Katherine Stark ..... Executive Director  
Bronson Tucker ..... Testing Coordinator I