

Housing Rights **ADVOCATE**

Austin Tenants' Council • Issue 61, Spring 2011

Housing Fair Proves a Huge Success

On April 30, the Austin Tenants' Council hosted a Housing Fair for the community in recognition of Fair Housing Month. More than 60 tenants, landlords, and other interested people from the Central Texas area attended the free event.

ATC offered seminars on topics including Fair Housing 101; Myths About Renting; and Evictions. Fred Fuchs, housing attorney



ney with Texas RioGrande Legal Aid, spoke about legal resources available in the community and tenants' rights in subsidized housing. Kelli Howard, housing attorney with TRLA, covered a disabled tenant's right to request reasonable accommodations and modifications. She also teamed up with Rachel Rodriguez of SafePlace to discuss housing problems and domestic violence. Sally Borie of Austin CCCS; Sheri Munguia of the City of Austin NHCD; and

Raquel Valdez of BCL of Texas gave advice to first-time home buyers.

"This is great," one attendee said. "I did not know about many of my rights before today."

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Mrs. Baird's Bakeries (Erik Rinne)

Piñata Party Palace (J. Momin; D. Gonzalez)



Participating Organizations

Any Baby Can

Architectural Barrier Removal Program

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Austin Energy

BCL of Texas

Caritas

Casa Marianella

City of Austin NHCD

Consumer Credit Counseling Service

Easter Seals Central Texas

SafePlace

Repairs Complete

No one wants to deal with repair issues, especially not after a move. Unfortunately, in the first month at his new apartment, Tyrone Branch faced a number of problems including a roach infestation, malfunctioning electric outlets and bathroom vent, and cabinets with rotted wood.

When he could not get the manager to respond to his repair requests, Branch contacted ATC. Housing specialist Linda Aleman met with Branch at his apartment and documented the conditions. Funded by the City of Austin NHCD, the Renters' Rights Assistance Program, helps low-income renters enforce their rights for repairs through advocacy and mediation.

After receiving Aleman's letter, the manager promised to make the repairs but wanted to charge Branch for pest control. Aleman advocated for Branch, advising the manager that because the roach infestation was an existing problem when Branch moved in, the cost to exterminate was the landlord's responsibility.

"I cannot thank ATC enough," Branch says. "Everything on my list was fixed."

Rental repair assistance is a free service available to Austin residents who do not exceed income guidelines. Call 474-1961 for an initial phone interview.

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Fair Housing Case Updates

In the settled cases reported here, the respondent, unless otherwise noted, denies the allegations of discrimination made by the complainant and the parties have agreed to resolve the case prior to a trial on the merits.

Rita Levels v. Bella Sarah at Tech Ridge

When a friend decided to lease an apartment at Bella Sarah at Tech Ridge, Rita Levels looked forward to receiving a \$250 referral bonus. She waited, but the check never came.

After questioning the manager about the missing referral bonus, Levels began receiving bogus lease violations. For instance, Levels, who is black, received a notice for leaving debris in the breezeway (an allegation Levels denies). During this same time, a new tenant moved in next door to Levels and left boxes outside her apartment. Yet this tenant, who is white, was not given a violation notice.

Another example of different treatment occurred after Levels moved out. Two weeks before she left, her neighbor moved.

This neighbor, who is white, anticipated having to pay for carpet replacement because her dog had urinated on the carpet. Levels noticed that management steam-cleaned the carpet but did not replace it. Levels, however, received a bill for \$354.82 for carpet damage even though the manager commented on the unit's immaculate condition during the final walk-through.

Levels filed a fair housing complaint alleging race discrimination based on the different treatment she received compared to her neighbors.

The City of Austin Equal Employment/Fair Housing Office negotiated a conciliation agreement. Levels decided to settle her fair housing complaint after management agreed to clear the balance due and refund her \$300 security deposit.

John Thompson v. Fountainhead Apts.

Days after renewing a seven-month lease at Fountainhead Apartments, John Thompson learned he had been approved for a wheelchair-accessible apartment managed by Easter Seals Central Texas.

Thompson, who uses a power chair and manual wheelchair, said he did not expect to move up the waiting list so quickly or he would not have signed the extension.

While Thompson did not want to lose the opportunity to move to an apartment with accessibility features such as a roll-in shower and lower kitchen cabinets, neither did he want to owe \$1,700 to the apartment complex if he moved early.

Thompson made a request for reasonable accommodation. Thompson asked his landlord to release him from the lease contract without penalty so he could move to an apartment that fully met his needs. (In his unit at Fountainhead Apartments, Thompson had trouble maneuvering in the kitchen due to a lack of turning space and had gotten stuck in the front doorway because of a lip at the threshold.)

After receiving the request, the manager questioned why she had to treat Thompson differently than other tenants (for example, by waiving the reletting fee). According to the HUD/DOJ Joint Statement on Reasonable Accommodations:

Since rules, policies, practices, and services may have a different effect on persons with disabilities than on other persons, treating persons with disabilities exactly the same as others will sometimes deny them an equal opportunity to use and enjoy a dwelling. The Act makes it unlawful to refuse to make reasonable accommodations to rules, policies, practices, or services when such accommodations may be necessary to afford persons with disabilities an equal opportunity to use and enjoy a dwelling.

After understanding her obligations, the manager granted the request and Thompson was able to move to the accessible apartment without incurring debt.

ATC Receives HUD Fair Housing Grant

The Austin Tenants' Council is one of 108 fair housing organizations nationwide to receive a grant from the U.S. Department of Housing and Urban Development to investigate alleged housing discrimination and enforce the Fair Housing Act. ATC received \$324,723 for the first year of a three-year contract awarded to grantees with excellent past performance ratings.

In addition to its work documenting and investigating fair housing complaints, ATC

will use the funding to partner with the Housing Authority of the City of Austin to establish a housing mobility counseling program. Mobility, or opportunity, counseling is designed to assist and encourage families with Housing Choice Vouchers to move to low-poverty neighborhoods that offer quality housing, education, and employment opportunities. One of the program goals is to increase the number and diversity of neighborhoods in which HCV families live.

Novedades Sobre Casos de Vivienda Justa

En los casos resueltos reportados aquí, el demandado, a menos que se indique de otro modo, negó las denuncias de discriminación hechas por el demandante, y las partes acordaron resolver el caso antes de llevarlo a juicio.

Rita Levels v. Bella Sarah at Tech Ridge

Cuando un amigo decidió rentar un apartamento en Bella Sarah at Tech Ridge, Rita Levels esperaba cobrar el bono por referencia, de 250 dólares. Ella esperó y esperó, pero el cheque nunca llegó.

Después de preguntarle al administrador sobre el impago bono por referencia, Levels comenzó a recibir falsas infracciones por su renta. Por ejemplo, Levels, que es negra, recibió una nota por dejar escombros en el corredor (denuncia que Levels niega). Al mismo tiempo, un nuevo inquilino se mudó al lado de Levels y dejó cajas fuera de su apartamento. Aún así, este inquilino, que es blanco, no recibió un aviso por infracción.

Otro ejemplo de diferencia en el trato ocurrió después que Levels se mudara de su apartamento. Dos semanas antes de irse, otro vecino desocupó su apartamento. Este vecino, también blanco, pensaba tendría que pagar por el cambio de alfombra porque su perro solía orinarse en ella. Levels notó que la administración limpió la alfombra al vapor pero no la cambió. Levels, sin embargo, recibió una factura de \$354.82 por daño en la alfombra, aunque el administrador le había comentado sobre el estado immaculado de la unidad durante la inspección final.

Levels presentó una queja de Vivienda Justa alegando discriminación por raza, en base a la diferencia de trato que recibió en relación a sus vecinos.

La Oficina de Igualdad en Empleo/Vivienda Justa de la Ciudad de Austin negoció

un acuerdo de conciliación. Levels decidió llegar a un acuerdo en su queja de Vivienda Justa, después que el administrador aceptó anular el balance debido y reembolsar el depósito de \$300.

John Thompson v. Fountainheads Apts.

Días después de renovar un contrato de renta por siete meses en Fountainhead Apartments, John Thompson se enteró que había sido aprobado para un departamento con acceso de silla de rueda administrado por Easter Seals Central Texas. Thompson, que usa sillas de ruedas manual y motorizada, dijo que no esperaba avanzar tan rápido en la lista de espera o no hubiera firmado la prolongación de su contrato. Thompson hizo una solicitud de adaptación razonable.

La administradora cuestionó porqué tendría que tratar a Thompson diferente a otros inquilinos (por ejemplo, eximiéndolo del pago por rearriendo). Según la Declaración Conjunta de HUD/DOJ sobre Adaptaciones Razonables:

Como las reglas, disposiciones, prácticas y servicios pueden tener un efecto diferente en personas con discapacidad, tratar a las personas discapacitadas exactamente igual que a otras les puede negar la igualdad de oportunidades para usar y disfrutar su vivienda. El Acta hace ilegal el negarse a hacer adaptaciones razonables en las reglas, disposiciones, prácticas y servicios, cuando tal adaptación es necesaria para que personas con discapacidad tengan igualdad de oportunidades en el uso y disfrute de la vivienda.

Al entender sus obligaciones, la administradora aceptó el pedido, y Thompson pudo mudarse a un apartamento con acceso especial, sin incurrir en deuda.

Solución en Reparaciones

Nadie quiere lidiar con problemas de reparación, especialmente al acabar de mudarse. Desafortunadamente, en el primer mes en su nuevo apartamento, Tyrone Branch se enfrentó a un número de problemas, incluyendo una plaga de cucarachas, aparatos eléctricos y el respiradero del baño averiados, y armarios de madera podrida.

Al no poder lograr que el administrador respondiera a sus pedidos de reparación, Branch se dirigió a ATC. La especialista en viviendas Linda Aleman visitó a Branch en su apartamento y documentó las condiciones. Financiado por NHC en la Ciudad de Austin, el Programa de Asistencia en Derechos de Inquilinos ayuda a inquilinos de bajos ingresos a que se respete su derecho a reparaciones, mediante la defensa y mediación.

Después de recibir la carta de Aleman, el administrador prometió hacer las reparaciones pero quería cobrar a Branch por la fumigación. Aleman abogó por Branch, explicando al administrador que como la plaga de cucarachas era un problema ya existente al mudarse Branch, el costo de la fumigación era responsabilidad del propietario.

“No puedo agradecer a ATC lo suficiente”, dijo Branch. “Todo lo que estaba en mi lista se solucionó”.

La asistencia en reparaciones de renta es un servicio gratuito disponible a residentes de Austin que no exceden los requisitos de ingresos. Llamar al 474-1961 para una entrevista telefónica inicial.



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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.

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