

Housing Rights **ADVOCATE**

Austin Tenants' Council • Issue 89, Summer 2018

A Fair Housing Victory for the Hudson Family

The Hudson family was considering relocating to Round Rock from Converse because of its close proximity to a great science program at a nearby school in Round Rock. They contacted an apartment locator and he directed them to Rocking Horse Ranch Apartments. After finalizing their decision to move, they decided that Rocking Horse Ranch would be a great location for their family.

On February 28, 2018, the family of six took a drive to Round Rock, Texas to get a closer look at the property. Upon arriving, they were met by a leasing agent who took them to see a model unit. Mr. and Mrs. Hudson thought that it would be great living in this particular community because it was close to schools and other resources. After careful consideration, the Hudsons decided to apply for a three-bedroom unit.

Rocking Horse Ranch required that prospective applicants possess a personal income of at least three times the amount of the rent, a policy common to many apartment complexes in Texas. Both Mrs. Hudson and her husband were employed at the time that they applied for the apartment and their combined incomes well exceeded three times the amount of the proposed rent.

While at the leasing office, Mrs.

Hudson was asked to produce her employment pay stub for the leasing agent. Mr. Hudson was also asked for his employment pay stub. However, when Mr. Hudson provided the pay stub, he was told that they could not accept an out-of-state employment pay stub. They were subsequently told that because they could only consider Mrs. Hudson's income that the family no longer qualified for the unit.

This experience led the Hudsons to feel that something was certainly not right. They simply could not understand why the leasing agent would not consider verifiable income merely because the address on the employment pay stub was not located in Texas.

The Hudsons suspected that they were being discriminated against based upon on their race (Black) and based upon their familial status (the presence of children under the age of 18 years living with parents or custodians).

Under the Fair Housing Act of 1964, it is prohibited to discriminate in the rental, sale, and financing of housing based on race, religion, national origin and sex. In 1988, additional protections were established to protect against discrimination based on disability or familial status, including the presence of a child under the age of 18 years as well as pregnant women.

Mrs. Hudson contacted the Austin

Tenants Council, Fair Housing Program and spoke to Fair Housing Specialist Lucia Salinas. Lucia listened to the Hudson's story and immediately began assisting Mrs. Hudson in filing an administrative complaint with the U.S. Department of Housing and Urban Development (HUD).

The complaint was investigated and conciliated by the Texas Workforce Commission Civil Rights Division. The Hudsons received a financial settlement for the damages that they suffered as a result of the discrimination and the staff of the property was required to complete fair housing training with the Texas Workforce Commission Civil Rights Division.

Always Report Discrimination

As was the case with the Hudson family, discrimination is not always obvious to the casual observer and it may take a variety of forms, many not obvious.

If you feel that you are experiencing discrimination, even if you feel uncertain if it's actually discrimination, please call our telephone counseling line at: 512-474-1961. A counselor will listen to your story and refer you to our fair housing department where a fair housing specialist will respond to you within 24 - 48 hours to review the facts and determine next steps, if any.

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Positive Outcomes: Emergency Health & Safety Repairs Mediated Successfully

Many tenants in Austin are experiencing an all-too-common experience: they find themselves in a market in which property values continue to rise along with their rent, while their housing conditions are not diligently attended. In such an environment, it is not uncommon for tenants to find themselves dealing with emergency repairs that affect their health and safety.

When a tenant experiences a problem that may be reasonably considered an emergency, they may turn to Austin Tenants Council (ATC) for help. ATC receives funding to assist tenants with emergency situations through its Crisis Intervention Program.

On May 30, 2018, Mr. David Kutach, a retired Air Force veteran and state employee, called our office describing such a situation. Mr. Kutach called and spoke to Daniel Armendariz, a landlord/tenant housing advocate, to explain that a portion of his living room ceiling had collapsed and fallen upon him while he relaxed on his couch. Additionally, he explained that the ceiling was actively leaking water.

Mr. Kutach, who suffers from certain medical issues, explained that he simply could not continue to live in his apartment under the current conditions. He expressed deep consternation that he had no alternative place to live and extremely limited financial resources.

Texas Law Regarding Repairs

Chapter 92 of the Texas Property Code provides for a specific process by which a tenant must request repairs that affect the tenant's health and

safety and the landlord must make those repairs.

When repairs must be made in a tenants dwelling and those repairs require that the tenant move out for a short period of time, ATC's Crisis Intervention program may work with the landlord to accommodate the tenant so that temporary housing may be secured. In such cases, ATC works to request that the landlord pay for a hotel room for the few days that it will take to make the repairs. Alternatively, ATC may negotiate for pro-rated rent sufficient to allow the tenant to find alternative housing. Sometimes a landlord simply moves the tenant into an existing uninhabited unit within the same housing complex for the duration of the repairs.

After Mr. Kutach's May 30th call to ATC, it was clear that he would need alternative housing secured swiftly. At the time that Daniel called the landlord, negotiations were underway to secure a motel room for Mr. Kutach. On June 1, Daniel spoke directly with the property manager and confirmed (1) the repairs to Mr. Kutach's apartment were presently underway, (2) Mr. Kutach was staying in a motel room that was being paid for by the property company, (3) Mr. Kutach would be allowed to remain in that motel until the repairs to his apartment were completed and (4) once repairs were completed, Mr. Kutach would be allowed to return to his apartment.

Unfortunately, despite the landlord's verbal promise to Daniel, after about two nights, Mr. Kutach was informed that he would no longer be allowed to stay in the motel and must find alter-

native accommodations on his own. There is no statutory requirement that a landlord provide alternative accommodations to a tenant during repairs.

The repairs however, were completed shortly after Mr. Kutach was asked to leave the motel and he was able to return to the apartment. After this extremely strenuous ordeal, Daniel visited Mr. Kutach at his apartment to view the completed repairs and recount the event. Mr. Kutach expressed his thanks to ATC for assisting him during the difficult time and explained that he is now represented by an attorney to review how these events unfolded and to consider all available options.

Crisis Intervention Program

If you are experiencing a crisis such as a lock out, loss of electricity, hot water or similar event, please call our telephone counseling line at 512-474-1961 immediately. A housing advocate will listen to your situation and determine if we can help you under our Crisis Intervention Program.



Mr. Kutach on the front porch of his Austin home where he tends to a myriad of lush plants from different regions of the US and also spends time relaxing in the mornings and evenings.

Victoria en Vivienda Justa para la familia Hudson

La familia Hudson estaba considerando mudarse de Converse a Round Rock para estar cerca de un buen programa de Ciencias en una escuela de Round Rock. Llamaron entonces a un localizador de viviendas, quien les sugirió los apartamentos Rocking Horse Ranch. Cuando decidieron mudarse, pensaron en Rocking Horse Ranch como un buen lugar para la familia.

El 28 de febrero de 2018, la familia de seis viajó a Round Rock para ver de cerca la propiedad. Al llegar, los recibió un agente de rentas que los llevó a visitar una unidad de muestra. El Sr. y la Sra. Hudson pensaron que sería muy bueno vivir en esta comunidad específica porque estaba cerca de escuelas y otros recursos. Después de una cuidadosa consideración, los Hudson decidieron solicitar una unidad de tres dormitorios.

Rocking Horse Ranch pide a los solicitantes de apartamentos tener ingresos personales por lo menos tres veces superiores al precio de la renta, una normativa común en muchos complejos habitacionales de Texas. El matrimonio estaba empleado al momento de solicitar el apartamento y sus ingresos combinados excedían el

triple de la renta propuesta.

En la oficina de renta se le pidió a la Sra. Hudson que mostrara su comprobante de sueldo. Al Sr. Hudson también se le pidió su comprobante de ingresos. Sin embargo, cuando así lo hizo, le dijeron que no podían aceptar un comprobante laboral de otro estado. Se les dijo entonces que como solo podían considerar los ingresos de la Sra. Hudson, la familia no cumplía con los requisitos para rentar la unidad.

Esta experiencia llevó a los Hudson a pensar que algo no estaba bien. Ellos no podían entender porqué el agente de rentas no consideraba un ingreso comprobado, simplemente porque la dirección del empleador no era de Texas.

Los Hudson sospecharon que estaban siendo discriminados en base a su raza (negra) y su situación familiar (la presencia de menores de 18 años viviendo con padres o guardianes).

Bajo el Acta de Vivienda Justa de 1964, está prohibido discriminar en la renta, venta y financiamiento de viviendas en base a raza, religión, nacionalidad de origen y sexo. En 1988, se agregaron protecciones contra la discriminación

por discapacidad y por situación familiar, incluyendo la presencia de menores de 18 años así como mujeres embarazadas.

La Sra. Hudson se comunicó con el Programa Vivienda Justa del Consejo de Inquilinos de Austin (Austin Tenants Council), y habló con la Especialista Lucía Salinas. Ella escuchó la experiencia de la Sra. Hudson e inmediatamente la ayudó a presentar una queja administrativa ante el Departamento de Vivienda y Desarrollo Urbano (HUD) de Estados Unidos.

La queja fue investigada y arbitrada por la División Derechos Civiles de la Comisión Laboral de Texas. Los Hudson recibieron un pago por los daños sufridos como resultado de la discriminación, y el personal de la propiedad tuvo que pasar por un entrenamiento de Vivienda Justa en la División Derechos Civiles de la Comisión Laboral de Texas.

Denuncien la discriminación siempre

Si usted piensa que puede estar sufriendo discriminación, aunque no esté seguro si es realmente discriminación, llame por favor a nuestra línea de asesoría telefónica: 512-474-1961.

Mientras el verano continua, algunas cosas para tener en mente...

Como sabemos, el calor extremo en Tejas puede costar un ojo de la cara para las facturas de la electricidad. Es importante que los inquilinos entiendan su factura de los servicios y qué puede pasar si se atrasan en pagarla. Aquí sigue algunas cosas para considerar:

- (1) Ponga tu termostato a 78 F (25 C) cuando estés en casa y a 81 F (27 C) cuando no estés. Esto ayudará bajar tu factura mensual.
- (2) Sistemas viejos del aire y departamentos que son inadecuadamente impermeabilizados pueden hacer que tu factura de la electricidad suba dramáticamente.
- (3) La electricidad para su departamento puede tener un medidor central o puede tener un medidor individual. La diferencia es importante en cuanto cómo se factura la electricidad.
- (4) Si debes dinero para los servicios de electricidad u otro servicio y tu propiedad usa una compañía intermediaria para facturar, el/la propietario@ puede deducir una parte de tu pago de renta para pagar la factura de electricidad.

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.

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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 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 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 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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