



Housing Rights ADVOCATE

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The Austin Tenants' Council

Spring Terrace Resident Council Takes Charge

Once a vacant extended-stay hotel at IH35 and St. John's Avenue, Spring Terrace is now a stable home to more than 100 low-income tenants. Foundation Communities, a private nonprofit, runs the complex and offers on-site social services to promote individual self-sufficiency. Last December, management encouraged tenants to form a resident council as part of this mission.

Chaotic is how Brian Yarbrough, co-chair of the Spring Terrace Resident Council, describes the group's early days. The council meetings had no formal structure, few residents went to the meetings, and those who did attend were more focused on personal concerns than on larger issues such as safety, repairs, and accessibility that the group could address. One piece that Yarbrough could never understand was management's ongoing involvement. "The resident council shouldn't be managed by management," he says. "It should be for the residents and by the residents."

With new leadership — in August, Dianne Allen became chair and Yarbrough became co-chair — the resident council began to exert its independence. Management has seen the advantages of an active resident council. A neighborhood watch started by the council, for example, helps management maintain safety in the complex and enforce community policies such as noise violations.


In September, the council invited Austin Tenants' Council staff to talk with Spring Ter-

race residents about their rights and tenant-landlord and fair housing issues. Nearly two dozen tenants came out to hear ATC's Sam Persley, Nekesha Phoenix, Steven Guerra, and Rebecca Mojica. (Call 474-7006 to schedule a presentation to your group.) Persley emphasized the benefits of tenant organizing at Spring Terrace: a strengthened ability to achieve residents' goals and the formation of a true community.



Members of the Spring Terrace Resident Council are dedicated to improving their home and the St. John's neighborhood.

The transformation in the Spring Terrace Resident Council as it nears its first birthday is remarkable. Thirteen people now actively serve on the council, and a steering committee meets twice monthly. Some tenants have attended trainings to learn how to be successful volunteer leaders. The council initiated a neighborhood watch and a neighborhood clean-up. As one council member says, "We want to effect change that positively affects St. John's as a whole."

In addition, the council is working with a pro bono attorney from Texas C-BAR to incorporate and file for tax-exempt status. By organizing as a nonprofit, the council wants to be able to raise money to supplement the programs and activities available at Spring Terrace. For instance, the council hopes to raise enough funds to install a push button at the entry gate and front door to improve accessibility and to offer a weekly food bank, on-site medical and dental care, and social events. "We're doing more than we've ever done," Yarbrough says. 

Families With Children Face Overly Strict Occupancy Standards

Over the last several months, the ATC Fair Housing Program has investigated a number of complaints regarding overly strict occupancy standards that discriminate against families with children. Under the state and federal Fair Housing Act, housing providers cannot deny housing or provide less favorable treatment to families with children. These laws give families with children the right to live in their housing on an equal basis with other residents.

Occupancy Restrictions

A landlord may set reasonable occupancy restrictions for residential property as long as the restrictions do not have a discriminatory effect on families with children. In 2003, the City of Austin adopted a reasonable occupancy policy for residential property that allows two adults plus one child up to the age of 24 months to live in a one-bedroom unit. The City of Austin Equal Employment/Fair Housing Office (EE/FHO) uses this occupancy policy as its standard in determining cause in the familial status complaints it investigates.

Types of Familial Status Discrimination

Refusal to rent — It is illegal for a landlord to refuse to rent a unit to a family

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with children, for example, because the unit is on the second floor.

Restrictive rules — Restrictive rules that interfere with a family's enjoyment of housing or discourage families from occupying a unit can also be forms of discrimination. Examples of restrictive rules include prohibiting children from using a pool or other on-site recreational facilities or prohibiting all residents under the age of 18 from being outside of their apartment unless they were under direct adult supervision.

Discriminatory advertisements — Landlords may not use suggestive phrases in rental listings such as "no children" or "adults only" to deter families with children from applying for housing.

ATC v. Century Square Apartments

Fair housing testing conducted by the ATC Fair Housing Program revealed an overly restrictive occupancy policy at Century Square Apartments. The complex was providing prospective tenants with a "resident qualifying criteria" handout that stated, "Household size must be appropriate for the available apartment, i.e., no more than two people per bedroom per apartment. Children older than six months are counted as a person in this equation and must be listed as occupants on the lease contract."

In a conciliation agreement negotiated by the City of Austin EE/FHO, Century Square Apartments agreed to change its occupancy policy immediately and follow the city's standard. The complex paid \$1,200 to ATC as compensation for frustration of

the organization's mission and diversion of its resources.

ATC v. Memorial Drive Apartments

ATC v. Dixie Lynn Boatman

ATC v. Victor McPhail and Sandra Kent

The ATC Fair Housing Program monitored classified ads posted on the Thrifty Nickel/American Classifieds website and found several advertisements with language discriminatory to families with children.


- Memorial Drive Apartments in Waco used an advertisement which stated, "Large one bedroom, adults."

- Dixie Lynn Boatman of Marlin used an advertisement to rent her house which stated, "2/2, maximum 2 people."

- Victor McPhail and Sandra Kent of Lubbock used an advertisement to rent their efficiency apartment which stated, "Ideal for single."

The U.S. Department of Housing and Urban Development's Fort Worth Regional Office is investigating these three complaints. To conciliate, ATC has requested that the respondents complete fair housing training and pay compensation for diversion of the organization's resources.

In all 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. Any compensation paid by the respondents in these cases is used to further ATC's fair housing work.


Fair housing testing and investigations conducted by the ATC Fair Housing Program are funded by HUD. If you would like to become a fair housing tester, contact Morgan Morrison at 474-7007 x 104. 

Double Whammy! Tenant Prevails After One-Two Punch


Not once, but twice within weeks, Crystal Brown of Pflugerville faced housing discrimination as she searched for a home for her family. Brown is African American, a single mother of four children, and a recipient of a Section 8 rental assistance voucher, all of which she believes were factors in how these landlords treated her. After Brown contacted ATC, fair housing specialist Robert Hood helped her file complaints with the U.S. Department of Housing and Urban Development in the two incidents.

In the first case, Brown applied for a house which was advertised as renting for \$1,150 per month. Brown gave the respondent a \$35 application fee and \$1,000 deposit and told the respondent that she had a voucher for \$1,200 per month. A few days after receiving Brown's application, the respondent raised the rent to \$1,295 per month, making it impossible for Brown to rent the house. In a conciliation agreement negotiated by the HUD Fort Worth Regional Office, the respondent paid \$753 to Brown as compensation for expenses she incurred by not being leased the property.

In the second case, Brown applied for a house and gave the respondent a \$563 security deposit. Several weeks passed, and the respondent failed to inform Brown whether her application had been approved. After Brown called to check on her application, she was told that the property had been rented to someone else. The respondent refused to return Brown's deposit and told her that it was being applied to a house that Brown had never seen and where she did not want to live. In a conciliation agreement negotiated by the HUD Fort Worth Regional Office, the respondent refunded Brown's \$563 deposit.

If you need information about your rights under fair housing laws, contact the ATC Fair Housing Program at 474-7007. 

ATC Receives HUD Funding

In October, the U.S. Department of Housing and Urban Development awarded two grants to the Austin Tenants' Council. Deemed a "high performer" by HUD, the ATC Fair Housing Program is the first fair housing organization in the region (which includes New Mexico, Texas, Louisiana, and Arkansas) to receive a three-year fair housing grant. Under a one-year HUD Housing Counseling grant, ATC will continue to provide education and mediation to help protect tenant rights and offer information on opportunities for homeownership. 

Las familias con niños enfrentan normas de ocupación demasiado estrictas

Durante los pasados meses, el Programa Vivienda Justa de ATC ha investigado un número de quejas sobre normas de ocupación demasiado estrictas que discriminan a las familias con niños. Bajo el Acta de Vivienda Justa federal y estatal, los proveedores de viviendas no pueden negar una vivienda o dar un tratamiento desfavorable a las familias con niños. Estas leyes dan a familias con niños el derecho a ocupar su vivienda en igualdad de condiciones con otros residentes.

Restricciones en la Ocupación

El propietario o arrendador podrá fijar restricciones de ocupación razonables para propiedades residenciales, siempre y cuando las restricciones no tengan un efecto discriminatorio en familias con niños. En el 2003, la Ciudad de Austin adoptó una política de ocupación razonable para propiedades residenciales, permitiendo a dos adultos más un niño de hasta dos años vivir en una unidad de un dormitorio. La Oficina de Empleo Equitativo/Vivienda Justa (EE/FHO por sus siglas en inglés) de la Ciudad de Austin usa esta política de ocupación como estándar para determinar causa en las quejas relativas a situación familiar que investiga.

Tipos de Discriminación

Negación de renta — Es ilegal que un arrendador niegue rentar una unidad a una familia con niños, debido, por ejemplo, a que la unidad se encuentra en un segundo piso.

Reglas restrictivas — Las reglas restrictivas que impiden a una familia disfrutar de la vivienda o disuade a familias de ocupar la unidad también pueden ser formas de discriminación. Ejemplos de reglas restrictivas incluyen prohibir a los niños usar la alberca u otra instalación recreativa en el lugar, o prohíbe a todo residente menor de 18 años estar fuera de su apartamento sin la supervisión directa de un adulto.


Publicidad discriminatoria — Los arrendadores no podrán usar frases sugestivas en listados de renta, tales como “niños no” o “solo adultos” para impedir que familias con niños soliciten vivienda.

ATC v. Century Square Apartments

Inspecciones de vivienda justa conducidas por el Programa Vivienda Justa de ATC descubrieron una política de ocupación sumamente restrictiva en las unidades Century Square Apartments. El complejo entregaba a los potenciales inquilinos una hoja de “criterios de aceptación de residentes” que declaraba: “El número de los ocupantes debe ser apropiado para el apartamento disponible, por ejemplo: no más de dos personas por dormitorio por apartamento. Los niños mayores de seis meses se cuentan como personas en este cálculo y deben ser listados como ocupantes en el contrato de renta”.

En un acuerdo de conciliación negociado por EE/FHO de la Ciudad de Austin, Century Square Apartments aceptó cambiar su política de ocupación inmediatamente y cumplir con normas municipales. El complejo pagó \$1,200 a ATC como compensación por malograr la misión de la organización y desviar sus recursos.


En todos los casos resueltos reportados aquí, el demandado, a menos que se especifique lo contrario, niega las demandas por discriminación hechas por el demandante, y las partes han acordado resolver el caso previo al juicio por méritos legales. Toda compensación pagada por los demandados en estos casos se usa para proseguir el trabajo de viviendas justas de ATC.

Las pruebas e investigaciones de vivienda justa conducidas por el Programa Vivienda Justa de ATC son financiadas por HUD. Si usted desea convertirse en controlador del programa de viviendas justas, comuníquese con Morgan Morrison al 474-7007 x 104. 

¡Doble impacto!

No una vez, sino dos veces en unas semanas, Crystal Brown de Pflugerville sufrió discriminación en la vivienda cuando buscaba un hogar para su familia. Brown es afroamericana, madre soltera de cuatro hijos y portadora de un voucher Sección 8 de ayuda en la renta, todos lo que ella cree fueron factores en cómo fue tratada por estos arrendadores. Cuando Brown se comunicó con ATC, el especialista de vivienda justa Robert Hood le ayudó a presentar la denuncia ante el Departamento de Vivienda y Desarrollo Urbano de EEUU sobre los dos incidentes.

En el primer caso, Brown solicitó una casa que se anunciaba a \$1,150 mensuales de renta. Brown entregó al demandado \$35 por gastos de solicitud y \$1,000 de depósito, comunicando al demandado que ella tenía un voucher por \$1,200 mensuales. A los pocos días de recibir la solicitud de Brown, el demandado aumentó la renta a \$1,295 mensuales, haciendo imposible para Brown rentar la casa. En un acuerdo conciliatorio negociado por la Oficina Regional de HUD en Fort Worth, el demandado pagó a Brown \$753 como compensación por gastos incurridos al no poder rentar la propiedad.

En el segundo caso, Brown presentó la solicitud para una casa y dio al demandado \$563 como depósito de seguridad. Pasaron varias semanas y el demandado no informó a Brown si su solicitud había sido aprobada o no. Cuando Brown llamó para preguntar sobre su solicitud, le respondieron que la propiedad había sido rentada a otra persona. El demandado se negó a devolver el depósito a Brown, diciéndole que se había aplicado a una casa que Brown nunca había visto y donde no quería vivir. En un acuerdo conciliatorio negociado por la Oficina Regional de HUD en Fort Worth, el demandado devolvió a Brown el depósito de \$563. 

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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 800-735-2989 (TDD) for assistance.

Programs and Services/Programas y Servicios

FAIR HOUSING VIVIENDA JUSTA

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.

TENANT-LANDLORD INQUILINO-PROPIETARIO

TELEPHONE COUNSELING / CONSEJOS POR TELEFONO — Trained counselors answer tenant-landlord questions and make appropriate referrals. ATC offers no legal advice. Consejeros contestan preguntas acerca de inquilinos-propietarios y hacen referencias necesarias. 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.

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