

## Focus on Tenant Eviction Trends in Austin Raised at Regional Affordability Committee Hearing

The March 28 meeting of Austin City Council's Regional Affordability Committee (AFC) brought a sharp focus to the challenge of tenant evictions in Central Texas.

Commissioner Brigid Shea, of Precinct Two, initially requested public comment on Item 3 of the AFC agenda, eviction trends in the greater Austin area.

Providing the backdrop for the March 28 AFC meeting was a data report compiled by Christy Moffett, senior planner for the Community Development Block Grant. The report provided eviction data for the Austin area and Travis County broadly, and included data on the number of eviction petitions filed in any of the Travis County Justices of the Peace. "Scatter maps," as described by Commissioner Shea, supported the findings and showed the geographic locations, by zip code, where evictions were filed. The maps also depicted the zip codes where writs of possession had been filed. A writ of possession is the final stage in an eviction case whereby the tenant has been formally evicted by a judge, has not appealed or moved out within five days, and is then given 24 hours to move out or be forcefully removed by a Travis County Constable.

Commissioner Shea opened the AFC meeting by citing some significant numbers from the data report.

Among them were the following:

- 7745 eviction petitions were filed in Travis County in 2015,
- 55% resulted in judgments in favor of the landlord,
- 35% resulted in executed writs of possession.

Regarding the specific zip codes where evictions were filed, Shea cited the report as follows:

- 78741 had 1037 filed eviction petitions, the most of any Travis County zip code. 592 judgments were rendered in favor of the landlord, and 150 writs of possession were executed,
- 78702 had a higher than average number of eviction petitions resulting in judgments against the tenant, and
- 78728 had a higher than average number of executed writs of possession.

Juliana Gonzales, Executive Director of Austin Tenants' Council, Robert Doggett, Attorney for Texas Rio Grande Legal Aid and Chief Deputy Constable Manuel Jimenez of Precinct 4 provided public comment.

Doggett opened his comments by emphasizing that it was simply impossible to cover all of the issues surrounding the

problem of rising evictions within the time parameters of the AFC meeting. Nevertheless, Mr. Doggett offered a brief overview of the eviction process as well as several possible approaches to stemming the tide of evictions in the Austin / Travis County area.

One such possible solution, Mr. Doggett suggested, was enacting a requirement for a so-called "good cause eviction." Currently, no requirement exists within the Texas Property Code that a landlord has a "good cause" for filing an eviction. In effect, a landlord may file an eviction for any reason. Mr. Doggett noted that in Texas, the mere act of filing an eviction ensures that a reference to the eviction filing appears on the tenant's personal credit report. Such a reference makes it exponentially more difficult for a tenant to obtain future housing. An example of "good cause" might be non-payment of rent, criminal activity by the tenant or the tenant's guests or some other material breach of the lease contract. Presently, "good cause" for an eviction filing is only required for tenants receiving housing subsidized by the U.S. Department of

### Inside:

- 2 — Eviction Trends
- 2 — Mold & Asthma
- 2 — Fact Sheet Updates
- 3 — Artículos en Español

Eviction Trends continued on Pg. 2

## Eviction Trends continued from Pg. 1

Housing and Urban Development (HUD).

Doggett also explained that Texas had one of the fastest legal eviction processes in the nation. From the inception of the process with a landlord's issuance of a notice to vacate, to the court hearing and finally the execution of a writ of possession, the case may only take one month. The impact of an eviction is far reaching. From the immediate displacement of the individual tenant to the displacement of an entire family, an eviction has broad consequences to all the critical elements working together to make the community work: families, schools, employers, social and healthcare providers and beyond.

Juliana Gonzales followed Mr. Doggett's comment by emphasizing to the committee that the numbers do not tell the whole story in terms of the community impact of the eviction process. To this point, Ms.

Gonzales explained: "There are many more people impacted by this process that are not hitting the court system. That is particularly true in the current market where landlords are just really under no pressure to work it out."

Ms. Gonzales closed by emphasizing that the full and complete impact of the eviction trends in Travis County - the tenant displacement, the disruption to families and the school system, the adverse and long-term affect on tenant's personal credit - are simply not "well captured by statistics" but they are "directly linked to the amount of affordable housing" available in the City of Austin.

Chief Deputy Constable Manuel Jimenez closed the comment period with a review of the eviction process from a "keep the peace" perspective. Chief Jimenez reminded the committee that Travis County

Constables play a unique role in that while they are there to "keep the peace," their focus is also to ensure that, during the move-out process, the tenants and their property "are being treated with respect and dignity." In this way, the Travis Constables presence within the process gives them a unique perspective on the tenant's struggles.

The Regional Affordability Committee takes public comment and explores solutions on a broad array of issues relating to affordability and the collaboration of various taxing jurisdictions and local leaders in an effort to improve services to the City of Austin. Questions regarding the committee's work may be directed to your district council member. If you are facing an eviction or just have questions about the process, please call Austin Tenants' Council at: 512-474-1961.

## Mold & Asthma – They Just Don't Mix

Patricia Ochoa called the telephone counseling line of the Austin Tenants' Council on May 3, 2016, asking for assistance due to excessive mold inside her unit that was affecting her son's chronic asthma.

Because her son was subjected to the mold, he started suffering from more frequent asthma attacks. Ms. Ochoa's son had to visit his doctor more frequently due to the severity of these frequent asthma attacks. Her son's doctor wrote a letter requesting the need for her son to be out of the unit because the condition of the unit was causing the child's health to worsen.

Lucia Salinas, Fair Housing Specialist, received the referral from the telephone counseling line and immediately discussed the reasonable accommodation process with Ms. Ochoa. Ms. Ochoa revealed that before calling ATC she had asked the property manager if they could be released from the lease because the mold was causing significant problems to her son's health, but the property manager refused. Ms. Salinas sent the property manager a reasonable accommodation request and started the interactive process to get the situation resolved. Ms. Ochoa and her family were released from all obligations related to the lease contract (early termination/

reletting fees, rent concessions, accelerated rent, etc.) on May 10, 2016. Ultimately, the family was able to move to a healthier environment that accommodated their son's disability.

Housing providers are required to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford a person with a disability the equal opportunity to use and enjoy a dwelling.

If you or someone in your household are disabled and need help with a reasonable accommodation, please contact the Fair Housing Program at 512-474-7007.

## ATC Fact Sheets Updated to Reflect New Changes in the Law

Recent changes made by the Texas Legislature are now reflected in our updated fact sheets posted to our website. Specifically, we have revised the following fact sheets: Evictions, Repairs and Locks / Other Security Devices. Please visit [www.housing-rights.com](http://www.housing-rights.com) > Resources > Fact Sheets for the most current guidance on landlord-tenant issues. The fact sheets are intended as guidance only and should not be relied upon as legal advice.

# Moho y asma: una mala combinación

**P**atricia Ochoa llamó por teléfono a la línea de asesoría de Austin Tenants' Council el 3 de mayo de 2016, solicitando ayuda debido a la excesiva cantidad de moho dentro de su unidad de renta, lo que estaba afectando el asma crónica de su hijo.

Como a su hijo le afectaba el moho, comenzó a sufrir ataques de asma más frecuentes. El hijo de la Sra. Ochoa tenía que visitar al médico más seguido debido a la gravedad de estos ataques de asma. El doctor de su hijo emitió una carta señalando la necesidad de que su hijo salga de la unidad porque las condiciones de la misma perjudicaban su salud.

Lucia Salinas, Especialista de Vivienda

Justa, recibió la referencia de la línea de asesoría e inmediatamente explicó a la Sra. Ochoa el proceso de 'adaptación razonable'. Ochoa reveló que antes de llamar a ATC, ella pidió al administrador de la propiedad si la podía liberar del contrato de renta porque el moho estaba provocando graves problemas de salud en su hijo, pero el administrador se negó. La Srta. Salinas envió al administrador de la propiedad un pedido de adaptación razonable y comenzó el proceso de comunicación para solucionar el problema. La Sra. Ochoa y su familia fueron liberadas de las obligaciones relativas al contrato de renta (cancelación adelantada/gastos para volver a rentar, concesiones de renta, renta

acelerada, etc) el 10 de mayo de 2016. Finalmente la familia logró mudarse a un lugar más sano que se ajustaba a la discapacidad de su hijo.

Los proveedores de vivienda están obligados a hacer adaptaciones razonables en sus reglas, normas, prácticas o servicios, cuando estas adaptaciones son necesarias para que una persona con discapacidad pueda usar y disfrutar del lugar donde vive.

Si usted o alguien en su vivienda es discapacitado y necesita asistencia en la adaptación razonable, comuníquese con el Programa Vivienda Justa al (512) 474-7007.

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## Hojas Informativas de ATC fueron actualizada para reflejar nuevos cambios en la ley.

**C**ambios recientes hechos por la Legislatura de Texas están ahora reflejados en las Hojas Informativas publicadas en nuestro sitio electrónico. Específicamente, hemos hecho cambios en las siguientes páginas: Desalojos, Reparaciones y Cerraduras/Otros Dispositivos de Seguridad. Visite [www.housing-rights.org](http://www.housing-rights.org) > Resources > Fact Sheets para ver la guía más actualizada sobre temas de propietarios/inquilinos. Las hojas informativas son solamente una guía y no deben tomarse como asesoría legal.

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## ¿Lo sabía? Datos comunes desconocidos sobre la renta en Texas.

**C**ada día, miles de personas firman contratos de renta de apartamentos, dúplex, condos y otras viviendas. Considere estos datos comunes y desconocidos antes de rentar en Texas:

### Renta de RV como vivienda

¿Sabía que si renta un RV como residencia permanente usted no tiene los derechos extendidos a otros inquilinos por el Código de la Propiedad de Texas?

### Avisos de salud y seguridad

¿Sabía que un propietario no está obligado por el Código de Propiedad de Texas a co-

municar al inquilino si hubo una infracción previa al código de salud y/o seguridad en el apartamento que está rentando? Por ejemplo, una previa invasión de roedores u otra peste.

### La vivienda debe ser habitable

¿Sabía que un inquilino tiene derecho a una expectativa razonable de habitabilidad al rentar una vivienda? En otras palabras, cuando el inquilino firma un contrato de renta, tiene derecho a esperar que el apartamento esté habitable al momento de mudarse.

### Derecho del propietario a la entrada

¿Sabía que el Código de Propiedad de Texas no trata el derecho de un propietario a entrar a la vivienda rentada? El aviso previo no es obligatorio en la mayoría de los contratos de renta.

Para mayor información, llamar a Austin Tenants' Council: (512) 474-1961.

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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 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 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 474-7006.

**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 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 474-7006.

**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 474-7006 .

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