



Housing Rights **ADVOCATE**

Issue 10, Spring 1999

The Austin Tenants' Council

Safe • Affordable • Fair • Housing for All

Landlord's Threats Are No Match for Justice

In January a client contacted the Austin Tenants' Council (ATC) because her landlord demanded that she move out of her home immediately. He had threatened to lock her out of the house, to take the door off of the hinges, and to throw her belongings away. She did not have a written lease, but she had lived in the house for several months under a monthly work-for-rent agreement. The client was willing to vacate, but she wanted at least thirty days notice before having to move.

ATC advised her of her rights, including the fact that a landlord cannot simply throw a tenant out. A month to month tenant is entitled to a thirty-day notice. Furthermore, anyone who has been living in a rental property must be evicted through a judicial process. Because of the landlord's threats to violate the tenant's rights, ATC staff referred her for an Emergency Mediation through its Telephone Counseling and Mediation Program.

An ATC staff person, Bruce Rodenborn, called the landlord and spoke with his assistant. The tenant's rights were explained and the assistant assured Bruce that the landlord would

only use legal means to remove the tenant. The next day the client confirmed that the landlord's attitude had changed and he retracted his earlier statements.

However, two weeks later, the client contacted ATC because the landlord had changed the door locks and put the client's personal property out on the back porch. The landlord allowed her back into the unit, but said she must be out by the end of that day.

Bruce informed the landlord of the various ways he had violated the tenant's rights. The point made to the landlord was that these attempts to illegally evict the tenant were going to fail and would make him liable for substantial penalties under the Texas Property Code. But the landlord was unyielding, steadfastly refusing to give the tenant thirty days notice or even follow the proper eviction process. In fact, the next day he removed the exterior doors from their hinges, turned off the gas and water utilities, and disposed of a large portion of her personal property. Bruce attempted to contact him again, but the landlord would not listen to reason.

With no other options left, Bruce referred the client to the Justice of the Peace to file a sworn complaint for a Writ of Re-Entry, which is a court order to return possession of the rental

April is Fair Housing Month!

Julian to Speak at Fair Housing Luncheon

ATC is proud to have Elizabeth K. "Betsy" Julian, Secretary Andrew Cuomo's Representative for the Southwest Region of the Department of Housing & Urban Development, speaking at the Third Annual ATC/AHRC Fair Housing Month Celebration Luncheon, April 27, 1999 at the Town Lake Center in Austin, Texas. This event is held in observance of the 31st Anniversary of the enactment of the federal Fair Housing Act (Title VIII of the Civil Rights Act of 1968) in April, 1968. The Austin Tenants' Council Fair Housing Initiatives Program (FHIP) has partnered with the Austin Human Rights Commission Fair Housing Assistance Program (FHAP) since 1996 on fair housing enforcement activities.

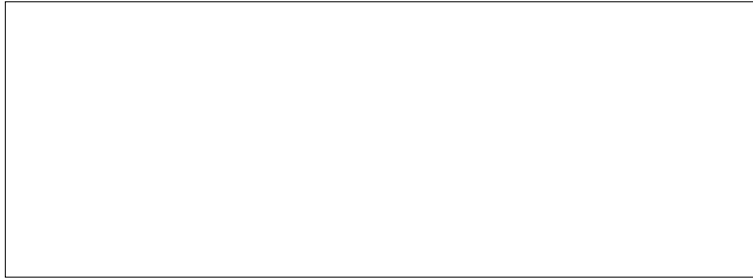
Ms. Julian, Keynote Speaker for the fair housing celebration luncheon, was appointed by Secretary Cuomo in August 1997 to oversee HUD operations in Texas, New Mexico, Oklahoma, Louisiana and Arkansas. Prior to this appointment, Ms. Julian served the Clinton Administration as HUD's Deputy General Counsel for Civil Rights and Litigation. She also served as the Assistant Secretary for Fair Housing and Equal Opportunity under former HUD Secretary Henry Cisneros.

SEE INSIDE:

*Elm Ridge Residents Speak Up
Fair Housing Case Updates
Folleto en Español*

Elm Ridge Residents Work to Improve Community

On April 9, 1999, twenty-six residents from Elm Ridge Apartments, a subsidized housing complex, gathered at ATC's office to meet with the president of Elm Ridge's management company.



Elm Ridge Tenants and ATC staff member Sam Persley (3rd from Left)

This meeting was a result of ATC staff member Sam Persley's persistence in dealing with many of the complaints made by the tenants about the on-site management. In fact, Sam's work with Elm Ridge began in 1994, when he helped the residents establish the Elm Ridge Tenants' Association. This Association focuses on resolving various problems in their community, having successfully created a food bank and performed other services to improve the quality of life at Elm Ridge.

The meeting provided an opportunity for the tenants to show that there is widespread dissatisfaction with the way management has dealt with their complaints. The high turnout proved that not only were the tenants troubled with the management, but that they were willing to organize and demand attention to their grievances.

The president of the management company promised to meet with the residents again, which will hopefully result in a positive living environment with more responsive management. ATC will update this story as it unfolds in the following weeks. **HRA**

ATC Receives Lola Wright Grant

The Austin Tenants' Council was awarded a grant from the Lola Wright Foundation for the purchase of equipment to support ATC's programs. Included in the grant award are funds to purchase new photographic and video equipment to document repair problems, ATC events and for other purposes. Because of this funding, ATC will also be able to purchase badly needed computer equipment.

The Lola Wright Foundation Board has been extremely generous in providing funding for equipment purchases. Their contributions to the Austin Tenants' Council have furthered our mission to protect the housing rights of Austin area residents. The staff and Board of the Austin Tenants' Council would like to express our deep appreciation for their assistance.

Case Closed!

Fair Housing Case Updates

The Austin Tenants' Council (ATC) thanks the plaintiffs, testers, witnesses, and attorneys who have furthered the cause of fair housing by participating in litigation or pursuing administrative housing discrimination complaints with the U.S. Department of Housing and Urban Development (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. Fair housing testing and investigations conducted by the ATC Fair Housing Program are funded by a HUD fair housing enforcement grant.

Pigg, City of Austin Human Rights Commission v. Russum, et al.

Robin Sanders, Attorney for the City of Austin, announced the settlement for \$23,750 to the plaintiffs of a racial discrimination lawsuit filed by Gilbert Pigg and the City of Austin Human Rights Commission against the manager and owners of Le Marquee and Monticello Apartments. Mr. Pigg, an African American, originally contacted the ATC Fair Housing Program in August 1997. Pigg alleged that Marty Russum, then manager of Le Marquee and Monticello Apartments in Austin, denied him a rental unit based on his race. Testing by ATC provided evidence to support Pigg's claim and he then filed an administrative housing discrimination complaint with HUD. The City of Austin Human Rights Commission investigated the complaint and issued a "reasonable cause" charge of discrimination in February 1998. After attempts at conciliation with the defendants failed, City Attorney Sanders filed a lawsuit in U.S. District Court on behalf of Pigg and the City of Austin Human Rights Commission. The settlement, negotiated by Attorney Sanders, included the payment of \$20,000 to Pigg and \$3,750 to the City of Austin Human Rights Commission.

This case received national attention from HUD Secretary Andrew Cuomo, who described Pigg as a victim of "discrimination with a smile". In February 1998, HUD Assistant Secretary for Fair Housing & Equal Opportunity, Eva M. Plaza, held a press conference in Austin to announce the "reasonable cause" charge of discrimination against the defendants. This case is important because it is the first in-

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Las Amenazas del Propietario no Pueden Competir con la Justicia

En enero un cliente se puso en contacto con el Austin Tenants' Council porque su propietario demandaba que dejara de su hogar inmediatamente. Había amenazado cambiar las cerraduras, quitar la puerta de sus bisagras, y tirar sus pertenencias afuera. No tenía un contrato escrito, pero había vivido en la casa por varios meses bajo un acuerdo mensual del trabajo-por-renta. El cliente iba a desocupar la casa, pero quería, por lo menos, un aviso de treinta días antes de que se moviera.

El Austin Tenants' Council aconsejó a ella de sus derechos y que un propietario no puede tirar simplemente un inquilino afuera. Un contrato de mes por mes se titula al inquilino a un aviso de treinta días. Además, se debe desalojar alguien que ha vivido en una propiedad del arrendamiento por un proceso judicial. Debido a las amenazas del propietario a violar los derechos del inquilino, ATC le refirió por una Mediación de Emergencia por su Programa de Consejos y Mediación.

Un empleado de ATC, Bruce Rodenborn, llamó al propietario y habló con su asistente. Se explicaron los derechos del inquilino y el asistente aseguró a Bruce que se informaría al propietario y sólo usaría medios legales para quitar el inquilino. El próximo día el cliente confirmó que la actitud del propietario había cambiado y retractó sus declaraciones más temprano.

Sin embargo, dos semanas más tarde, el cliente habló con el Austin Tenants' Council otra vez porque el propietario había cambiado las cerraduras en la puerta y puso las pertenencias personales del cliente afuera en el porche. El propietario le abrió la puerta, pero dijo que debe ser fuera para el final de ese día.

Bruce habló al propietario directamente y le informó de las varias maneras que había violado los derechos del inquilino. El punto principal hizo al propietario era estos esfuerzos ilegales a desalojar el inquilino iba a fallar e iba a hacerle responsable por penalidades substanciales bajo el Código de las Propiedades de Texas. Pero el propietario era inflexible, siempre negan-

El propietario inmediatamente condescendió con el orden de la corte.

do a dar treinta días al inquilino o seguir el proceso propia para un desalojo. De hecho, el próximo día quitó las puertas exteriores de sus bisagras, apagó el gas y el agua, y tiró una porción grande de sus pertenencias personales. Bruce intentó contactarle de nuevo, pero el propietario no escucharía razonar.

Sin otro opciones, Bruce le refirió el cliente al juez de paz seguir un Mandato de Re-Entrar, que es un orden de la corte volver posesión de la unidad al inquilino. Juez Richard Scott, Recinto 1, emitió un orden al propietario para regresar las puertas a sus bisagras, regresar toda de las pertenencias personales del inquilino y reintegrar las utilidades. El Alguacil sirvió el Mandato en el propietario y le informó que se arrestaría si dejó de condescender. El propietario inmediatamente condescendió con el orden de la corte.

El cliente no solamente podía volver la unidad, pero pueda seguir los medios judiciales disponible a ella. El Código de las Propiedades de Texas declara que un propietario que ilegalmente cambia las cerraduras es responsable al inquilino por \$500 más la re-

¡Caso Cerrado!

Cambios en los Casos de Vivienda Justa

El Austin Tenants' Council (ATC) quiere dar gracias a los demandantes, los que buscaron comprobación, testigos, y abogados quienes han promovido la causa de vivienda justa por participar en litigio o hacer quejas de discriminación en la vivienda con el Departamento de Vivienda y Desarrollo Urbano de los EE.UU. (HUD). En cada caso concluido y reportado en esta noticia, el demandado, a menos que por otra parte nombrado, niega las alegaciones de discriminación hicieron por el demandante, y los partidos han estado de acuerdo de resolver el caso antes de un juicio. Comprobación e investigaciones de vivienda justa condujeron por el Programa de Vivienda Justa del ATC son consolidados por una donación del HUD.

Pigg, City of Austin Human Rights Commission v. Russum, et al.

Robin Sanders, Abogado para la Ciudad de Austin, anunció el pago por \$23.750 a los demandantes de un pleito de la discriminación racial archivó por Gilbert Pigg y la Comisión de los Derechos Humanos de la Ciudad de Austin (CDHA) contra el gerente y dueños de los Apartamentos Le Marquee y Monticello. Sr. Pigg., un americano africano, originalmente habló al Programa de Vivienda Justa de ATC en el agosto de 1997. Pigg alegó que Marty Russum, gerente de los Apartamentos Le Marquee y Monticello en Austin en aquel tiempo, lo negó una unidad del arrendamiento basado en su raza. Comprobación por ATC proporcionó evidencia para apoyar la demanda de Pigg y él archivó una queja de discriminación en la vivienda con HUD. La CDHA investigó la queja y emitió un

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[Vea la Página 4](#)

Residentes de Elm Ridge Piden Cambios en Su Comunidad

El 19 de abril de 1999, veintiséis residentes de los Apartamentos Elm Ridge, un complejo de vivienda subvencionado, juntaron en la oficina de ATC para hablar con el presidente de la compañía del manejo de Elm Ridge. (Vea la foto en la página 2.)

Esta reunión resulta de la persistencia de Sam Persley, un empleado de ATC, en tratar de muchas de las quejas hicieron por los inquilinos sobre el manejo ubicado en el complejo. De hecho, el trabajo de Sam con Elm Ridge empezó en 1994, cuando él ayudó a los residentes establecer la Asociación de Residentes de Elm Ridge. Esta Asociación enfoca en resolver varios problemas en su comunidad, ha creado con buen éxito un banco de comida y ejecutó otros servicios para mejorar la calidad de vida en Elm Ridge.

La reunión proporcionó una oportunidad para los inquilinos mostrar que hay descontento extendido con el manejo de la manera ha tratado de sus quejas. La concurrencia alta demostró tan no sólo era los inquilinos volteó con el manejo, pero que querría organizar y demandar atención a sus agravios.

El presidente de la compañía del manejo prometió juntar con los residentes de nuevo, que resultará en mejor vivienda y un manejo más sensible. ATC pondrá al día este cuento cuando desarrolle en las semanas siguientes.

HRA

Amenazas del Propietario

Continúa de la página 3

ta de una mes. Los mismos medios son disponible a un inquilino si el propietario ilegalmente interrumpe las utilidades. El inquilino tenga estos medios y otros como el resultado de falta de voluntad del propietario resolver la materia en una moda apropiada.

Este caso destaca el propósito del Programa de Consejos y Mediación y los beneficios que tiene para ambos inquilinos y propietarios. Se protegen los derechos de inquilinos en una manera inmediata cuando se amenaza su albergue directamente. Mediaciones de Emergencia previenen a personas quedarse sin casa las cuales se ponen vulnerables a una variedad de problemas de la sociedad y dependiente en otro servicios sociales.

El beneficio por propietarios parecería menos obvio, pero se resuelven más tales situaciones por mediaciones del Austin Tenants' Council en lugar de las cortes. Tal medió solución consume menos tiempo y menos dinero que cuando el inquilino sigue medios legales. No solamente evitan penalidades substanciales financieras, pero también aprenden información importante sobre los derechos y responsabilidades de inquilinos-propietarios.

HRA

Caso Cerrado

Continúa de la página 3

cargo de una “causa razonable” de discriminación en el febrero de 1998. Después de intentas a conciliación con los demandados fallaron, Robin Sanders archivó un pleito en el Corte del Distrito en nombre de Pigg y la CDHA. El pago, negoció por Abogado Sanders, incluye un pago de \$20.000 a Pigg y \$3.750 a la CDHA.

Este caso recibió atención nacional del secretaria de HUD, Andrew Cuomo, que describió Pigg como una víctima de “la discriminación con una sonrisa”. En el febrero de 1998 Secretaria Auxiliar por Vivienda Justa & Oportunidad Igual, Eva M. Plaza, sostuvo una conferencia de la prensa en Austin para anunciar el cargo de una “causa razonable” de discriminación contra los demandados. Este caso es importante porque es el primero de representación legal para los demandantes solamente por el Abogado de la Ciudad de Austin, que archivó el pleito bajo la Orzenaza de Vivienda Justa de la Ciudad de Austin.

Simpson, City of Austin Human Rights Commission v. Stonegate Mobile Home Park, et al.

Sidney Childress, un abogado quien trabaja con ATC, anunció el pago de un pleito de la discriminación racial archivado por sus clientes, Rance y Stephanie Simpson, contra los gerentes y dueños de Stonegate, Parque de Casas Móviles. Los Simpsons inicialmente hablaron con el Programa de Vivienda Justa del ATC en el abril de 1996. Los Simpsons, los cuales son americano africanos, alegaban discriminación en la vivienda basada en raza. Rance y Stephanie Simpson, hermano y hermana, alquilaron un lote para su casa móvil de Stonegate y operaron un negocio de la guardería en su hogar. Cuando se venció su contrato Stonegate no lo renovó, diciendo que tener una guardería en su casa es contra las reglas del parque. Los Simpsons cesaron su negocio y se movieron de Stonegate porque el gerente no rescindiría el aviso de no renovar el contrato.

Los Simpsons archivaron una queja de discriminación en la vivienda con HUD, que fue investigado por la CDHA. La evidencia revelaba que unos residentes blancos de Stonegate han continuado sus negocios de la guardería en sus hogares mientras no se renovó el contrato de los Simpsons por la misma razón. En el febrero de 1998 la CDHA emitió un cargo de una “causa razonable” de discriminación contra los demandados. Intenta conciliar la queja de los Simpsons falló, y Robin Sanders archivó un pleito en el Corte del Distrito contra los demandados en nombre del Simpsons y la CDHA. Sidney Childress representó los Simpsons. Ambos demandantes llegaron a un acuerdo con los demandados antes de un juicio. No se descubrieron términos de ningunos de estos pagos.

HRA

Landlord's Threats

Continued from Page 1

unit to the tenant. Judge Richard Scott, Precinct 1, issued an order for the landlord to return the doors to their hinges, return all of the tenant's personal property and to reinstate utility service. The Constable served the Writ on the landlord and informed him that he would be arrested if he failed to comply. The landlord immediately complied with the court order.

Not only was the client able to get back into the unit, but she may pursue the judicial remedies available to her. The Texas Property Code states that a landlord who illegally locks a tenant out is liable to the tenant for \$500 plus one month's rent, and the same remedies are available to a tenant if the landlord illegally interrupts utility service. The tenant may have these remedies and others as the result of the landlord's unwillingness to resolve the matter in an appropriate fashion.

This case highlights the purpose of the Emergency Mediation Program and the benefits it has for both tenants and landlords. Tenants' rights are protected in an immediate way when their housing is directly threatened, often keeping the tenant from becoming homeless.

Such a mediated solution is far less time consuming and less expensive for the landlord as well. Not only do landlords avoid substantial civil penalties, but they also learn important information about tenant-landlord rights and responsibilities.

HRA

Fair Housing Updates

Continued from Page 2

volving legal representation for the plaintiffs solely by the Attorney for the City of Austin, who filed the lawsuit under the City of Austin Fair Housing Ordinance.

ATC reached a conciliation agreement to our administrative complaint filed with HUD against the defendants for frustration of mission and diversion of resources. The defendants agreed to pay \$5000 to ATC and complete fair housing training.

Simpson, City of Austin Human Rights Commission v. Stonegate Mobile Home Park, et al.

ATC Cooperating Attorney Sidney Childress announced the settlement of a racial discrimination lawsuit filed by his clients, Rance and Stephanie Simpson, against the managers and owners of Stonegate Mobile Home Park. The Simpsons initially contacted the ATC Fair Housing Program in April 1996. The Simpsons, who are African American, alleged housing discrimination based on race. Rance and Stephanie Simpson, brother and sister, rented a lot space for their mobile home at Stonegate Mobile Home Park. The Simpsons operated a daycare business from their home. Stonegate MHP did not renew the

Simpsons' lease contract, citing their operation of a daycare business as being against park rules and the reason for nonrenewal. The Simpsons ceased operating their daycare business, but moved out of Stonegate MHP because Stonegate management would not rescind the notice of nonrenewal.

The Simpsons filed an administrative housing discrimination complaint with HUD, which was investigated by the City of Austin Human Rights Commission. Evidence discovered during the investigation of the Simpsons' administrative complaint showed that white residents at Stonegate continued operating daycare businesses from their homes while the Simpsons' lease was not renewed for their operation of a daycare business. In February 1998, the City of Austin Human Rights Commission issued a "reasonable cause" charge of discrimination against the defendants. Attempts to conciliate the Simpsons' complaint failed, and City of Austin Attorney Robin Sanders filed a lawsuit in U.S. District Court against the defendants on behalf of the Simpsons and the City of Austin Human Rights Commission. The Simpsons obtained legal representation from Attorney Sidney Childress. Both the Simpsons and the City of Austin Human Rights Commission reached settlements with the defendants before trial. Terms of both of these settlements were not disclosed. **HRA**

CALLING ALL UNDERCOVER AGENTS!

Your mission, should you choose to accept it:

Go undercover as a Fair Housing Tester, and pose as a prospective homeseeker. Record in detail the events of the "test" of a housing provider - what was said, what was offered, what price was quoted for an available apartment, etc. Your objective, fact-finding ability is a priority. The top secret information you discover on your mission as a Fair Housing Tester can be used to support an administrative housing discrimination complaint with HUD or a private lawsuit.

THIS MESSAGE

WILL SELF-

DESTRUCT IN

TEN SECONDS

10...9...8...7...

The Austin Tenants' Council wants you!

ATC is recruiting stealthy individuals to serve as Fair Housing Testers. We especially need people who are available for a few hours during the day. A diverse pool of Fair Housing Testers is our goal, so all persons are welcome.

Call 474-7007 for your assignment.

Ask for Paul Leddy, Fair Housing Testing Coordinator.

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 quien se ha enfrentado con discriminación en la renta, compra, financiamiento, o evaluación de vivienda. El Programa de Vivienda Justa investiga las quejas y coordina servicios legales para las victimias de discriminación cuando sus derechos estan violados bajo las leyes del estado y federal de vivienda justa. Call/llame al 474-7007.*

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Lucy Salinas Intake Specialist
Jennifer Scott Housing Specialist
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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 consejo legal. 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/llame al 474-7006 for an appointment/para una cita.*

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

RENTAL REPAIR ASSISTANCE/AYUDA CON REPARACIONES DE ALQUILER - 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 bajos ingresos a valer fuerza sus derechos a tener reparaciones por medio de negociación y mediación. Call/llame al 474-7006.*

LEASE FORMS/CONTRATOS - ATC provides lease packets and brochures describing landlord and tenant rights and responsibilities to landlords for a small fee. *ATC vende paquetes de contratos y folletos describiendo los derechos y las responsabilidades del propietario y el inquilino por una cuota nominal. Call/llame al 474-7006 for more information/para más información.*



Housing Rights Advocate

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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 474-1961 (voice) or Relay Texas at 1-800-735-2989 (TDD) for assistance.