



Housing Rights ADVOCATE

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The Austin Tenants' Council

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Significant Decision in Sexual Harassment Case

J.D. Powell, Executive Director of the Texas Commission on Human Rights, has authorized the issuance of a Charge of Discrimination against Henry Carter, a Bryan, Texas landlord, based on evidence obtained during the Commission's investigation of a complaint. This complaint alleged that Carter, who owns at least 20 rental properties, engaged in discriminatory housing practices against an aggrieved person because of her sex and further intimidated, interfered or coerced her to keep her from the full benefit of the state fair housing law, which is a violation of the Texas Fair Housing Act. What makes this decision significant is that historically, charges of sexual harassment have been difficult to prove. The ATC Fair Housing Program represents one of the complainants.

At least one other woman is named in the charge as an aggrieved party. Both aggrieved parties are Section 8 recipients and participate in the Brazos Valley Council of Governments Housing Choice Voucher Program. Throughout her tenancy, one of the aggrieved parties filed numerous complaints with the Bryan Police Department and kept the office of the Brazos Valley Council of Governments informed of Carter's alleged sexual harassment and threats of eviction. She alleges that her 14-year old son witnessed one of the attacks. The housing office at Brazos Valley terminated Carter from the Housing Choice Voucher Program as the two aggrieved parties, and other single women who leased from Carter with similar complaints of sexual harassment, came forward to attest to Carter's sexually threatening behavior.



Residents, APD and Others Lend a Hand in Brownie Drive Clean-Up

This fall, the Austin Tenants' Council's Renters Rights Assistance Program participated in a combined effort to cleanup the Brownie Drive neighborhood located in North Austin. The Austin Police Department had been contacted repeatedly by tenants because of repair problems, abandoned vehicles and crime in their neighborhood. APD responded by creating a task force consisting of the City of Austin Building Inspection Department, the Fire Department, the Austin/Travis County Health Department, the Austin Tenants' Council and other social service agencies.

After an initial meeting, there was a general sweep of the neighborhood to identify the various problems and how the different agencies could address them. This neighborhood consists mostly of four-unit complexes, and many of them are in serious disrepair. Besides the numerous repair problems in individual units, the Austin Tenants' Council found serious structural problems such as unstable stairwells at many of the four-plexes. In fact, the tread on one stairway broke as an ATC counselor was walking up to the second floor to meet with a tenant.

The Building Inspectors cited these landlords for the dangerous stairwells and other problems on the exterior of buildings. The Fire Department cited landlords on a building-wide basis for failing to have proper smoke detectors. The Austin Tenants' Council opened up numerous repair cases where staff members draft and send requests for repair to the landlord and then advocate on behalf of the tenant to get repairs completed. ATC staff returned several days later to meet with tenants that were not home or not available the first day. ATC and these other agencies have continued working to ensure that the necessary repairs are being made.

To encourage further community involvement, the Austin Police Department

organized a community fair on November 8. The participating city departments, social services agencies and businesses interested in improving the neighborhood had booths to provide information about their services and how they can help the residents. There were refreshments, music and souvenirs. This was a day to educate the residents of available services and to promote community involvement.

The type of success experienced on Brownie Drive depends not only on outside agencies helping the residents, but also on the residents themselves. If no one had ever called APD in search of assistance and simply decided nothing could be done, nothing would have happened. Instead, people interested in their neighborhood sought and found assistance from many different sources. These residents deserve a lot of credit for the improvements that have and will be made in their

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Deadline for Seminar Registration is Dec. 10th

A fair housing seminar will be held from 8 - 4 pm on Friday, December 12 at The Parklands on Cameron Road. The topics include fair housing enforcement in both public and private housing, accessibility requirements in new home construction, and the affects of domestic violence on people with disabilities. The free event is being sponsored by the City of Austin AHRC, TRLA's Equal Justice Works Project, and ATC's Fair Housing Program. Speakers will include Charles Gorham of the Austin Human Rights Commission, Kelli Dunn-Howard of Texas Rural Legal Aid, Stephanie Thomas of ADAPT and Andrea Edgeron of SafePlace. Call ATC at 474-7007 ext. 109 or ext. 111 to register now.



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Los Residentes, APD y Otros Prestan una Mano en la Limpieza de Brownie Dr

Este otoño, el Programa de Asistencia a los Inquilinos con sus Derechos del Concilio para Inquilinos participó en un esfuerzo combinado en la limpieza de la vecindad de Brownie Drive, ubicado en el norte de Austin. El Departamento de la Policía de Austin había recibido varias llamadas por los inquilinos debido a problemas de reparaciones, vehículos abandonados y crimen en su vecindad. APD respondió creando un cuerpo de fuerzas que consistía en el Departamento de Inspectores de Edificio de la Ciudad de Austin, el Cuerpo de Bomberos, el Departamento de la Salud de Austin, el Concilio para Inquilinos de Austin y otras agencias de servicios sociales.

Después de una reunión inicial, había un barrido general de la vecindad para identificar los varios problemas y cómo las diversas agencias podrían ayudarlos. Esta vecindad consiste sobre todo en complejos con cuatro unidades, y muchos de ellos están seriamente deteriorado. Además de los problemas numerosos de reparaciones en las unidades individuales, el ATC encontró problemas estructurales serios tales como escaleras inestables en la mayoría de los complejos. De hecho, un escalón quebró mientras que un consejero del ATC caminaba hasta el segundo piso para hablar con un inquilino.

Los Inspectores de Edificio citaron a estos propietarios para las escaleras peligrosas y otros problemas en el exterior de los edificios. El Cuerpo de Bomberos citó a los propietarios de cada edificio para el no tener detectores de humos apropiados. El Concilio para Inquilinos de Austin abrió varios casos de reparaciones, donde el personal escribe y envía los pedimentos para la reparación al propietario y después los abogan a nombre del inquilino para que terminan las reparaciones. El personal del ATC volvió unos días después al reunir con los inquilinos que no estaban en casa o los que no estaban disponibles el primer día. ATC y las otras agencias han continuado el trabajo para asegurarse de que están haciendo las reparaciones necesarias.

Para animar a la comunidad que sigan siendo implicados, el Departamento de la Policía de Austin organizó una feria para la comunidad el 8 de noviembre. Los departamentos de la ciudad que participaban, las agencias de los servicios sociales y los negocios interesados en mejorar la vecindad tenían puestos para

proporcionar la información sobre sus servicios y cómo pueden ayudar a los residentes. Habían bebidas, música y recuerdos. Esto era un día para educar a los residentes de los servicios disponibles y para promover la implicación de la comunidad.

El tipo de éxito logrado en Brownie Drive depende no solamente de las agencias que ayudan a los residentes, pero también de los residentes ellos mismos. Si nadie hubieran llamado a APD en la búsqueda de ayuda y simplemente decidió que nada podía cambiar, entonces nada habría cambiado. En lugar, la gente interesada en su vecindad buscó y encontró ayuda en fuentes diversas. Estos residentes merecen mucho crédito para los mejoramientos que tienen y serán hechas en su vecindad.

Como es el caso en la mayoría de las vecindades, las propiedades destruidas contrastan con los edificios que están mantenidos por los dueños. Unos complejos en Brownie Drive están bien pintados y tienen jardines bien atendidos. En estos edificios, el dueño vive allí mismo así que el dueño tiene un interés propio en mantener la propiedad. Sin embargo, el mantenimiento de la propiedad no es solo por un beneficio para los que vive allí; tiene un impacto en la salud total de la vecindad también.

El mal estado de una propiedad de alquiler tiene un impacto negativo en las propiedades alrededores. Los inquilinos alejan del área, el porcentaje de ocupación va para abajo, y el crimen va para arriba. Todo eso no es solamente malo para los inquilinos, pero también reduce el valor de la propiedad y la ganancia que el propietario haga. Los dueños de propiedades que tienen una vista entienden que el mantener una propiedad es tanto a su ventaja como está a los inquilinos que viven allí.

El trabajo en Brownie Drive se destaca el impacto positivo a largo plazo que tiene el Programa de Asistencia con los Derechos de Inquilinos en la comunidad de Austin mientras que se esfuerza ayudar a los inquilinos hacer valer sus derechos para la reparación. El financiamiento a este programa por la Ciudad de Austin sobre los últimos veinte años ha causado éxitos similares innumerables y beneficios a muchas vecindades.

Pero los oficiales del Departamento de la Policía de Austin merecen la mayoría del crédito para su respuesta a las quejas

que recibieron de los inquilinos. Más bien que simplemente decidir que no es su responsabilidad, se comprometieron a encontrar las agencias que podrían ayudar. Ellos entienden claramente cómo el mal estado y la falta de la implicación de la comunidad contribuyen al crimen y a los problemas sociales que sucede en la vecindad.



Decisión Significativa en un Caso de Hostigamiento Sexual

J.D. Powell, el Director Ejecutivo de la Comisión de Derechos Humanos en Texas, ha autorizado la emisión de una carga de discriminación contra Henry Carter, un propietario en Bryan, Texas, basado en la evidencia obtenida durante la investigación por la Comisión de una queja. Esta queja alegó que Carter, que posee por lo menos 20 propiedades de alquiler, contrataba en prácticas discriminatorias de la vivienda contra una persona agraviada debido a su sexo y le intimidaba, interfería o le forzaba para detenerla de la ventaja completa de la ley estatal de vivienda justa, que es una violación del Acto de Vivienda Justa de Texas. Lo que se hace esta decisión significativa es que históricamente, las cargas de hostigamiento sexual han sido difíciles de probar. El Programa de Vivienda Justa de ATC representa una de las querellantes.

Por lo menos nombran a una otra mujer en la carga como partido agraviado. Ambos partidos agraviados son recipientes de la Sección 8 y participan con el Concilio para Gobiernos en Brazos Valley. A través de su arrendamiento, uno de los partidos agraviados archivó quejas numerosas con el Departamento del Policía de Bryan y mantuvo informado la oficina del Concilio para Gobiernos en Brazos Valley de las alegaciones de hostigamiento sexual y las amenazas del desalojo de Carter. Ella alega que su hijo de 14 años atestiguó uno de los ataques. La oficina de vivienda en Brazos Valley terminó a Carter del programa, después de que dos partidos agraviados y otras mujeres solteras, que alquilaron de Carter, vinieron adelante con quejas similares del hostigamiento sexual y para atestiguar al comportamiento sexual de Carter.



Case Updates

ATC thanks the complainants, plaintiffs, testers, witnesses, and attorneys who have worked for fair housing by participating in litigation or pursuing administrative housing discrimination complaints with the US Dept. of 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 on the merits. Fair housing testing and investigations conducted by ATC's Fair Housing Program are funded by the US Department of HUD.

ATC v. Churchill Forge, et al

The ATC Fair Housing Program is pleased to announce that a satisfactory resolution has been reached on the familial status complaints filed by ATC with HUD against the following respondents: Churchill Crossing, A Country Place, Cricket Hollow, Remington House, Stoney Ridge, Woodchase, Silvercreek and Churchill Forge Properties.

The Austin Tenants' Council became aware of the occupancy policies used by Churchill Forge in August 2002 when investigating a complaint filed by residents at Centennial Place Apartments. The complaint alleged that the complex used an overly restrictive policy which discriminated against families with children by limiting occupancy to two persons per bedroom.

ATC tested this property as well as eight other properties owned or managed by Churchill Forge Properties and found evidence that these properties used an outdated occupancy policy on its "Resident Selection Criteria" form. The policy stated "residents who are a family under Fair Housing Laws may not exceed two persons per bedroom plus a child who is less than 6 months old. If the resident's newborn child causes such occupancy standard to

be exceeded during the lease term, upon renewal of the lease, residents must either: (1) move into another dwelling of the owner that has more bedrooms and is available for rent at that time, or (2) move out at that time."

The initial complaint was investigated and successfully conciliated by the Austin Human Rights Commission. ATC filed the familial status discrimination complaints with HUD on November 7, 2002 based on testing evidence found which supported the allegation of discriminatory housing practices. HUD investigated and conciliated the complaint. HUD found that on November 19, 2002, the Respondents rescinded the outdated Texas Commission on Human Rights Occupancy and Newborn Policy, and instituted a less restrictive occupancy policy based on the Keating Memorandum re-adopted by HUD on December 14, 1998.

The Respondents agreed that within one year, all of its Austin management personnel will attend Fair Housing Training; a copy of the curriculum for such training and the identity of persons conducting the training shall be provided to the HUD Fair Housing Office within 360 days of execution of the Conciliation agreement; and within 360 days of the execution of the agreement, the Respondents will deliver to the Department a list of trainees with the name of the property they represent.

Churchill Forge also agreed that all new employees will receive fair housing training as a part of their initial hiring training curriculum. The Respondents further agreed to contribute \$4,700.00 to the Austin Tenants' Council within 60 days of the execution of the agreement. It is understood that this Conciliation Agreement does not constitute an admission by the Respondent of any violation of the Federal Fair Housing Law.



Brownie Drive
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neighborhood.

As is the case in most neighborhoods, the properties with repair problems are contrasted by buildings that are being maintained by their owners. Several of the four-plexes on Brownie Drive are nicely painted and have landscaped lawns. These buildings have the owner as one of the residents so there is a direct self-interest in maintaining the property. However, property maintenance is not just for the benefit of the people that live there; it has an impact on the overall health of a neighborhood as well.

Disrepair of one rental property has a negative impact on the surrounding properties. Tenants are driven from the area, occupancy rates goes down, and crime rates goes up. This downward spiral is not only bad for the remaining tenants, but also reduces the property values and the return that landlords make on their investment. Property owners with vision understand that maintaining a property is ultimately as much to their benefit as it is to the tenants that live there.

The work on Brownie Drive highlights the positive long-term impact of the Renters Rights Assistance Program on the Austin community as it strives to help tenants enforce their rights for repair. The City of Austin's funding of this program over the past twenty years has resulted in countless similar successes and benefit to many different neighborhoods.

However, the Austin Police Department officers involved deserve the most credit for their response to the complaints they received from tenants. Rather than simply deciding that it is not their responsibility, they committed themselves to finding agencies that could help. They clearly understand how disrepair and lack of community involvement contribute to crime and neighborhood-wide social problems.



Texas Fair Housing Partners

The Austin Tenants' Council is continuing its partnership with the Austin Human Rights Commission and the Texas Commission on Human Rights to provide fair housing education, outreach and enforcement to minority communities in Austin and throughout the state.

ATC has created a public information campaign for AHRC and TCHR in English and Spanish, targeting minority radio

stations and newspapers in Austin and in select communities in Texas. Fair housing billboards have been created by ATC and are currently displayed in three locations in Austin under the AHRC partnership. Fair housing billboards have also been created for the TCHR partnership and are on display in Georgetown, Kyle-Buda and Edinburgh.

ATC and AHRC together will host a fair housing training for social service providers

in the Austin area in the Fall of 2003 and Spring of 2004, which will be conducted by Texas Rural Legal Aid attorney Kelli Dunn-Howard. Then, in the Spring of 2004, they plan to conduct a fair housing training for attorneys and judges. All partnership activities are geared to increase fair housing enforcement efforts in Austin and throughout Texas.

