



# Housing Rights ADVOCATE

Issue 39-A, Special Hurricane Evacuee Edition

The Austin Tenants' Council

www.housing-rights.

## Hurricane Evacuees Struggle to Sustain Housing Due to "FEMA Fatigue"

In this Special Hurricane Evacuee Edition newsletter, ATC is reporting the findings of its follow-up FEMA/Hurricane Evacuee fair housing testing project and is responding to "FEMA Fatigue," which emerged as a new issue in the project.

In a recent newsletter, the Austin Tenants' Council (ATC) reported the findings of a previous testing project that focused on apartment complexes approved for the FEMA Rental Payment Assistance Program and hurricane evacuees attempting to use this program to secure housing. Our investigation examined the responses from 25 such apartment complexes. When asked about housing availability and whether they accepted FEMA payments, ATC found evidence to support possible discrimination in 14 out of the 25 tests.

Because of the disturbing results of these tests, ATC decided to conduct onsite testing in addition to the first tests, which were done by telephone. The protected class of the tests was National Origin, meaning, in this case, that ATC was attempting to determine if white and Hispanic testers were treated differently.

The tests looked at two transactions covered under the Texas Fair Housing Act: housing availability and terms and conditions such as deposit amounts, etc. ATC also examined the responses to the FEMA Rental Payment Assistance Program, which is not covered under the Fair Housing Act. ATC found evidence to support discrimination in 2 of the 14 tests conducted based on National Origin involving differences in terms and conditions. However, almost every test conducted showed that testers were treated differently if they posed as an evacuee.

The reason for the difference in treatment of evacuees appeared to be what ATC has dubbed, "FEMA Fatigue." The apartment complexes approved to accept FEMA Rental Payment Assistance Program funds seemed worn out by the FEMA

program. They were no longer accepting the assistance or added additional terms and conditions. In some cases they even restricted activities available to hurricane evacuees, such as one complex where hurricane evacuees were not allowed to use the pool or BBQ area.

FEMA Fatigue seemed to be associated with the uncertainty regarding the amount of funding available and how long the program would make these payments to apartment complexes. Hurricane evacuees that were lucky enough to secure housing with FEMA assistance have received notices to vacate and threats of eviction because apartment complexes are worried that when the FEMA assistance terminates, they will be faced with numerous tenants unable to make rental payments, and will incur tremendous expense and lost rent evicting these tenants.

Some apartment complexes are trying to avoid this problem by requiring new hurricane evacuees using FEMA assistance to be employed and to earn at least three times the rental rate. The applicants must also sign a special provision that states they will be liable for all rent owed if FEMA fails to pay.

FEMA Fatigue is affecting hurricane evacuees at least as much as it is affecting the apartment complexes. Most hurricane evacuees assisted by ATC have stated that they just want a home and a chance to recover and rebuild, but they can't because of the stigma surrounding hurricane evacuees and FEMA. The uncertainty about current and future FEMA assistance, including what resources will be available to help them achieve self-sufficiency, is making life even more difficult for evacuees and it is wearing them down. They are only asking for a decent place to live, and this poor treatment by apartment complexes just because they are using the FEMA

Rental Payment Assistance Program is wrong. The full recovery from last year's hurricanes will be an arduous task with much more work to come, and the evacuees still need our support.

Along with many other organizations and individuals in the Austin area and elsewhere in the nation, ATC remains committed to helping hurricane evacuees. ATC will continue to advocate for hurricane evacuees to help them transition from the FEMA assistance program into the next phase of their housing plan and to better deal with emerging issues. Below is a current list of agencies and programs available to assist evacuees, and look for more information in future newsletters



### Evacuee Resources:

**1 - The Austin Tenants' Council's Fair Housing Program**

1619 E. Cesar Chavez St.  
Austin, TX 78702  
512-474-1961

**2 - City of Austin Equal Employment and Fair Housing Office**

505 Barton Springs Rd., Suite 720  
Austin, TX 78767  
512-974-3251 or  
800-526-9159 Toll Free

**3 - Texas Workforce Commission Civil Rights Division**

1117 Trinity Street, Room 144T  
Austin, TX 78701  
512-463-2642 or  
888-452-4778 Toll Free

**4 - Texas Rio Grande Legal Aid**

4920 N. IH-35  
Austin, TX 78751  
512-374-2700 or  
800-369-9270 Toll Free



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**Austin Tenants' Council**  
**1619 E. Cesar Chavez St.**  
**Austin, Texas 78702**

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**If your agency would like to receive additional copies of this newsletter or if you have any changes to the mailing list, contact Chris at 512-474-7007 or [chris@housing-rights.org](mailto:chris@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 Bar of Texas under Article 320d, Revised Statutes.

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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 1-800-735-2989 (TDD) for assistance.

**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 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. 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 474-7007.

**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.

**Austin Tenants' Council Staff**

- Jim Currier** ..... Fair Housing Testing Coordinator
- Nathan Fish** ..... Housing Specialist
- Cindi Garcia** ..... Fair Housing Specialist II
- Cruz Garcia** ..... Housing Specialist
- Veronica Garcia** ..... Program Specialist I
- Chris Garza** ..... Program Specialist II
- Lucia Peres-Salinas** ..... Intake Specialist
- Sam Persley** ..... Program Specialist III
- Nekesha Phoenix** ..... Fair Housing Program Director
- Bruce Rodenborn** ..... Program Development Specialist
- Katherine Stark** ..... Executive Director