

# Housing Rights **ADVOCATE**

Austin Tenants' Council • Issue 49, Spring 2008

## Fair Housing Act: Celebrating 40 Years

At the urging of President Lyndon Johnson, Congress passed the federal Fair Housing Act (Title VIII of the Civil Rights Act of 1968) on April 11, 1968, just one week after the assassination of Dr. Martin Luther King, Jr. The Fair Housing Act prohibits discrimination in the rental, sale, financing, or appraisal of housing because of a person's race, color, national origin, religion, sex, disability, or familial status.

To celebrate Fair Housing Month and the 40th anniversary of this historic legislation, the Austin Tenants' Council participated in several community events.

The Housing Authority of the City of Austin invited ATC and Texas RioGrande Legal Aid to attend its advisory board of residents meeting. Morgan Morrison, ATC fair housing testing coordinator, and TRLA attorney Nelson Mock educated HACA community representatives about protections under the Fair Housing Act, including the right of individuals with disabilities to request reasonable accommodations so they can fully use and enjoy their housing.

HACA, ATC, and TRLA collaborated to present a fair housing seminar to landlords who participate in the Section 8/Housing Choice Voucher Program. More than 100 property managers and owners attended the seminar, which was approved by the Austin Apartment Association for continuing education credit. Topics included fair housing laws and



*More than 100 property owners, agents, and managers attended a fair housing seminar presented by the Housing Authority of the City of Austin, Texas RioGrande Legal Aid, Austin Tenants' Council, and the City of Austin Equal Employment/Fair Housing Office.*

the complaint process; reasonable accommodations for people with disabilities; and the Violence Against Women Act.

ATC teamed up with HACA to participate in HUD's first "Fair Housing Education in America Day." ATC filled 90 goodie bags with snacks, fair housing-related games and coloring books, and brochures about fair housing rights to give to the 4th through 6th grade students who attend the SmartKids after-school program at six HACA public housing developments.

The City of Austin Equal Employment/Fair Housing Office organized a town hall meeting on civil rights. Community members had many questions for panelists Nelson Linder, president of the Austin NAACP, and Judy Cortez, chair of the Austin Human Rights Commission, and moderator Charles Gorham, COA EE/FHO administrator. Nekesha Phoenix, ATC fair housing program director, spoke about ATC's role as an advocate for clients during fair housing complaint investigations.

## Moo Moo's Big Responsibility

Moo Moo, a Holstein-marked Chihuahua, is almost small enough to fit in someone's pocket. However, this pint-sized pup more than carries his weight. He helps his owner, Glinda Sawyers, overcome environmental barriers and other limitations of her disabilities. For example, Moo Moo barks to alert Sawyers to lie down when a seizure is imminent. He runs back and forth from the door to Sawyers, who is hearing impaired, to warn her of visitors. And when she is depressed or anxious, he provides soothing comfort and love. "Moo Moo is my lifeline," Sawyers asserts.

Even though Spring Terrace, a supportive housing community run by private nonprofit Foundation Communities, had a "no pets" policy, Sawyers didn't think she would have any problem getting her service animal approved when she moved to the property. Instead, the manager refused to allow Moo Moo on-site even after Sawyers provided multiple letters from her doctor, affirming the animal's medical necessity. "It didn't make any sense," Sawyers says.

Sawyers contacted the ATC Fair Housing Program for assistance. Fair housing specialist Lucia Perez-Salinas helped

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# Good Deed Gone Bad

When he agreed to watch a friend's pit bull puppy for a few hours, Orangel Medina was only trying to be helpful. His good deed, however, led to a notice to vacate that Medina, who is Hispanic, believes was related to his national origin.

Medina lived at the Arbors of Wells Branch. When the apartment manager saw Medina with the puppy, she told him that pit bulls were not allowed at the complex and that he would be evicted if he didn't get rid of the dog. Medina assured the manager that the puppy would be gone that evening.

The next day—after his friend had picked up the dog—Medina received a notice of lease violation for the unauthorized animal

and a notice to vacate giving him a week to move for violating breed restrictions at the property. Afraid and unaware of his rights, Medina began to pack his belongings.

While Medina was moving out, another tenant asked him what happened. After hearing the story, the tenant, who is white, asked if she could have the puppy. Medina's friend agreed, and the woman adopted the pit bull. Several days later, Medina saw the tenant walking the dog around the apartment complex.

Naturally, Medina wondered why the community rules were not being enforced equally. As far as he could tell, the primary

difference between him and the other tenant was his national origin. ATC fair housing specialist Linda Aleman helped Medina file a complaint alleging housing discrimination based on this protected class.

The U.S. Department of Housing and Urban Development negotiated a conciliation agreement between the parties. In it, the manager denied the allegations of discrimination, but agreed to pay Medina \$500 in damages; provide a neutral rental reference; clear a negative report provided to a collection agency and the credit bureaus; and allow Medina, if he wanted, to move back to the complex.

To learn about your rights, contact the ATC Fair Housing Program at 474-7007.

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Sawyers write a request for reasonable accommodation, asking the manager to allow Sawyers to have her service animal at the property and waive any pet deposit. Included with the request was the doctor letter, "requiring" a service animal as part of Sawyers' treatment.

## Reasonable Accommodations

The Fair Housing Act directs landlords to make reasonable accommodations in their rules, practices, or policies when they are needed to ensure that people with disabilities have an equal opportunity to use and enjoy their homes. A reasonable accommodation includes permitting an individual who is disabled to have a service animal. Companion animals, also referred to as assistive, therapeutic, or compassionate care animals, are considered service animals under the Fair Housing Act.

A note from a medical professional is sufficient to verify the need for the service animal. The provider may simply state that the patient is disabled and explain how the accommodation will allow the patient to use and enjoy his/her housing. The tenant need not provide a detailed medical history nor disclose the nature or severity of the disability to the landlord.

## Pet Deposits and "No Pet" Policies

Under the Fair Housing Act, a service animal is not a "pet" but is considered an assistive aid such as a wheelchair required for disability. Accordingly, a landlord should make an exception for service animals to a "no pets" policy. Further, a landlord may not charge a pet deposit for a service animal or ask the tenant for proof of training or certification of the service animal.

The tenant is responsible for the behavior of the service animal. The tenant must ensure the animal is not exceptionally

disruptive to other tenants. If a service animal causes damage to the unit or common areas of the property, the landlord may charge the tenant for the cost of the repairs.



*Glinda Sawyers relies on her service animal, Moo Moo.*

Following a meeting with Sawyers and ATC Fair Housing staff, Spring Terrace management agreed to allow Sawyers to have her service animal and waived the pet deposit. After going without Moo Moo's support for nearly two months, being reunited with her helper is "excellent," Sawyers states. "I need him; it's as simple as that."

# La Gran Responsabilidad de Moo Moo

**M**oo Moo, un Chihuahua con marcas Holstein, es casi tan pequeño como para caber en un bolsillo. Sin embargo, este diminuto cachorrito tiene mucho peso. El ayuda a su dueña, Glinda Sawyers, a superar barreras ambientales y otras limitaciones de su discapacidad.

Aunque Spring Terrace, una comunidad habitacional solidaria manejada por Foundation Communities (grupo privado sin fines de lucro), no permite animales, Sawyers no pensó que tendría problemas en que se le apruebe su animal de servicio cuando se mudó a la propiedad. Pero el administrador se negó a permitir la presencia de Moo Moo, aún después que Sawyers le entregara varias cartas de su doctor confirmando que el animal es una necesidad médica. “No tiene sentido alguno,” dice Sawyers.

Sawyers pidió asistencia al Programa de Vivienda Justa de ATC. Lucía Pérez-Salinas, especialista en vivienda justa, ayudó a Sawyers a llenar una solicitud de adaptación razonable, pidiendo al administrador que permita a Sawyers tener su animal de servicio en la propiedad y que exima el depósito por animal. En el pedido se incluyó una carta del médico, “requiriendo” un animal de servicio como parte del tratamiento de Sawyers.

## Adaptación Razonable

El Acta Vivienda Justa exige a los propietarios hacer una adaptación razonable a sus reglas, prácticas o normas cuando ésta es necesaria para asegurar que personas con discapacidad tengan igualdad de oportunidades para usar y disfrutar sus viviendas. Las adaptaciones razonables incluyen el permitir a una persona

discapacitada tener un animal de servicio. Estos animales acompañantes, también llamados de asistencia, terapéuticos o de ayuda, son considerados animales de servicio bajo el Acta Vivienda Justa.

## “No Se Permiten Animales”

Bajo el Acta Vivienda Justa, un animal de servicio no es una “mascota” sino que se considera un instrumento de asistencia como lo es una silla de ruedas para discapacitados. Por lo tanto, el propietario debe hacer una excepción para animales de servicio en su regla de “no se permiten animales.” Además, el propietario podría no cobrar el depósito por un animal de servicio ni pedir al inquilino prueba de entrenamiento o certificación del animal de servicio.

Después de una reunión con Sawyers y personal de Vivienda Justa de ATC, la administración de Spring Terrace aceptó permitir que Sawyers tenga su animal de servicio y la eximió del depósito por animal.

# Una Buena Acción Que Terminó Mal

**C**uando aceptó cuidar al perrito pit bull de un amigo por unas horas, Orangel Medina solo estaba tratando de ayudar. Su buena acción, sin embargo, terminó en un aviso de desalojo que Medina, que es hispano, cree ocurrió a causa de su nacionalidad de origen.

Medina vivía en Arbors de Wells Branch. Cuando el administrador de los apartamentos vio a Medina con el cachorro, le dijo que no se permitían pit bulls en el edificio y que sería desalojado si no se deshacía del perro. Medina le aseguró al administrador que el cachorro se iría esa misma noche.

Al día siguiente –después que el amigo se llevara al perro—Medina recibió un aviso de violación del contrato por tenencia de animal no autorizado y un aviso para deso-

cupar, dándole una semana para mudarse por haber violado la restricción de raza de animales en la propiedad. Temeroso y desconociendo sus derechos, Medina comenzó a empacar sus pertenencias.

Cuando Medina se estaba mudando, otra inquilina le preguntó qué había pasado. Después de escuchar la historia, la inquilina, que es blanca, le pidió si ella podía quedarse con el cachorro. El amigo de Medina aceptó, y la mujer adoptó el pit bull. Varios días después, Medina vio a la inquilina paseando al perro por el complejo de apartamentos.

Naturalmente, Medina se preguntó porqué las reglas de la comunidad no se aplicaban a todos por igual. Por lo que él podía entender, la principal diferencia entre él y la

otra inquilina era su nacionalidad de origen. La especialista en vivienda justa de ATC, Linda Alemán, ayudó a Medina a presentar una queja alegando discriminación en la vivienda en base a esta clase protegida.

El Departamento de Vivienda y Desarrollo Urbano de EE.UU. negoció un acuerdo conciliatorio entre las partes. En él, el administrador negó la acusación de discriminación pero aceptó pagar a Medina \$500 por daños; extender una referencia de renta neutral; cancelar el informe negativo enviado a una agencia de cobro y a agencias crediticias; y permitir a Medina, si éste lo quisiera, volver a vivir en el complejo.

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**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.

**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 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 474-7007.

**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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