

# Housing Rights **ADVOCATE**

Austin Tenants' Council • Issue 59, Fall 2010

## Advocacy Reminds Landlord of Repair Duty

In August, Frank Cortez, a resident of Canyon Oaks Apartments, contacted the Austin Tenants Council. Cortez had a water leak in his closet ceiling and no weather stripping on his front door. In addition to water damage, these problems had led to a roach infestation.

Through the Renters' Rights Assistance Program, housing specialist Linda Aleman visited Cortez's home and documented the problems. She wrote letters requesting repairs and advocated for Cortez with the manager. Rental repair assistance is available to Austin residents who do not exceed income guidelines (\$44,280 for a family of four).

The Texas Property Code requires landlords to repair conditions that threaten the health or safety of an ordinary tenant within seven days of receiving a letter

sent by certified or registered mail. If repairs cannot begin promptly, the landlord must provide a written explanation for the delay.

If all required notices have been sent and the landlord has not made a diligent effort to make health or safety repairs before the final deadline, then the tenant may terminate the lease and move without penalty and/or file suit in justice court without an attorney and seek an order for the repair, reduction in the rent, civil penalty of \$500 plus one month's rent, actual damages, and attorney's fees if an attorney is hired.

Thanks to Aleman's advocacy, the manager completed the requested repairs and pest control. Cortez, who was satisfied with the service, asserted that he tried on his own, but it took the involvement of ATC to get every repair made.

## FH Case Updates

In the settled case reported here, the respondent, unless otherwise noted, denies the allegations of discrimination made by the complainant and the parties have agreed to resolve the case prior to a trial on the merits.

### Lorenzo Lewis v. Alpine Villa

For more than four months, Lorenzo Lewis asked his manager to repair a severe water leak in his apartment. The conditions got so bad that Lewis twice ended up in the hospital. At his breaking point, Lewis sent a certified letter to the manager requesting repairs. The manager responded by fixing the leak in the apartment above his but still did not make repairs to Lewis's unit. Then, while Lewis was moving out, the manager changed the locks and threw away some of Lewis's property.

Because of the illegal lien and the manager's failure to make repairs, ATC referred Lewis to Dorothy Butler of the Lorenzana Law Firm. Butler participates in the ATC Cooperating Attorney Referral Program, through which hundreds of tenants in our community have received quality legal services from local attorneys who are dedicated to assisting low-income individuals and families in housing related cases.

Lewis, who is black, believed he was a victim of housing discrimination. He filed

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## Updated Affordable Housing Guide Available

The 2010 Guide to Affordable Housing in the Greater Austin Area is now available. This resource contains specific information about apartment complexes participating in affordable housing programs funded at the city, county, state, and federal level. Housing is organized by geographic area with the funding program and qualifying income level clearly indicated.

The Donald D. Hammill Foundation, whose mission is to improve the quality of life for

people who have disabilities, the aged, and people who are financially disadvantaged, generously provided the funding to print the tenth edition of the GAHGAA.

Pick up a copy of the GAHGAA at the ATC office (1640-B East 2nd Street, Suite 150) or view it online at [www.housing-rights.org](http://www.housing-rights.org). Alternative formats are available by request. Social service agencies may request multiple copies of the GAHGAA to provide to clients. Call 474-7007 for assistance.

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a complaint alleging that the manager was unwilling to make repairs because of his race.

The City of Austin Equal Employment/Fair Housing Office negotiated a conciliation agreement. Lewis decided to settle his fair housing complaint after the apartment complex agreed to pay him \$375. Butler is still representing Lewis in his pending tenant-landlord complaints.

### Richard Villalobos v. Salem Walk

An on-the-job injury meant Richard Villalobos faced multiple surgeries and at least six months of being unable to walk without using an aid. Continuing to live in his second floor apartment seemed impossible under these circumstances.

Villalobos approached the apartment manager about transferring to a ground floor unit. None was available, yet the manager refused to release him from his lease so he could move somewhere that fit his needs. Villalobos then contacted ATC to learn more about his rights.

The Fair Housing Act protects persons who have disabilities, including temporary disabilities that are the result of an accident or injury. One type of discrimination prohibited by the Act is the refusal 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.

Villalobos made a request for reasonable accommodation, asking the manager to transfer him to a first floor apartment or release him from his lease without penalty.

The manager agreed to release Villalobos from his lease, but only if he gave a 30-day notice. Villalobos could not wait that long to move because of an upcoming surgery. The manager finally agreed to release Villalobos without requiring notice, but then deducted \$200 from his security deposit for a lease renewal bonus Villalobos had received in January 2009.

Villalobos filed a fair housing complaint alleging discrimination based on the manager's failure to grant a reasonable

accommodation. The manager allowed Villalobos to terminate his lease, but the security deposit deduction was a penalty.

The City of Austin Equal Employment/Fair Housing Office quickly negotiated a conciliation agreement where the manager refunded Villalobos the \$200 deducted from his security deposit.

### Andrea West v. Chase Village III

In August 2009, after falling behind on her rent, Andrea West was evicted. West understood that she owed the money but the circumstances leading to her eviction seemed unjust.

When West, who is black, knew she wouldn't be able to pay her rent, she contacted the apartment manager. At first, the manager seemed willing to work with her. But after West got financial assistance from a social service agency, the manager told her "that's not good enough" and proceeded with the eviction. A few days after her court hearing, West discovered that the manager had gone ahead and cashed the rent assistance check.

After learning about her rights from ATC fair housing program specialist Lucia Salinas, West decided to file a fair housing complaint alleging a difference in treatment based on her race. West asserted that the manager had previously accepted rent assistance for tenants who were Hispanic but refused to give her the same opportunity because of her race.

The City of Austin Equal Employment/Fair Housing Office negotiated a conciliation agreement. West decided to settle her complaint after the apartment complex agreed to pay her \$500, stop reporting the eviction on her rental and credit history, and rescind the judgment with the justice court.

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## New Fees and Eligibility Requirements

**D**ue to funding changes, ATC has modified some of its fees and program eligibility requirements.

**Telephone Counseling:** Callers must be Travis County residents;

**Crisis Intervention:** Tenants must live in Travis County and not exceed income guidelines (\$44,280 for a family of four);

**Rental Repair Assistance:** Tenants must be Austin residents and income qualified;

**In-house Counseling:** Counseling is free for Travis County residents who are

income qualified. For anyone above the income guidelines and/or who lives outside of Travis County, a 30-minute counseling appointment is \$15.

**Lease Forms:** Lease packets cost \$20 for the first one purchased and \$10 thereafter.

**Fair Housing Program:** ATC continues to serve victims of housing discrimination from across Texas. If you believe you have been illegally denied housing, call 512-474-7007 for a phone interview and/or to schedule an appointment. The Fair Housing Program services are free.

## Actualización de Casos de Vivienda Justa

En casos resueltos reportados aquí, el demandado, a menos que se aclare de otra forma, negó las denuncias de discriminación hechas por el demandante, y las partes acordaron resolver el caso antes de un juicio por méritos legales.

### Richard Villalobos v. Salem Walk

Una herida laboral hizo que Richard Villalobos enfrentara múltiples cirugías y por lo menos seis meses impedido de caminar sin asistencia. Continuar viviendo en su apartamento del segundo piso parecía imposible en estas circunstancias.

Villalobos se dirigió al administrador de los apartamentos para que lo transfiera a una unidad de planta baja. No había ninguna disponible, y a pesar de esto el administrador no quiso cancelar el contrato para que pudiera mudarse a otro lugar que cubriera sus necesidades. Villalobos se comunicó entonces con ATC para informarse sobre sus derechos.

El Acta de Vivienda Justa protege a las personas con discapacidad, incluyendo la discapacidad temporal que es resultado de un accidente o herida. Un tipo de discriminación prohibida por este Acta es negarse a hacer una adaptación razonable.

Villalobos hizo una solicitud de adaptación razonable, pidiendo al administrador que lo transfiera a un apartamento de planta baja o cancele el contrato sin penalidades.

El administrador aceptó cancelar el contrato de renta de Villalobos pero solo si éste le daba un preaviso de 30 días. Villalobos no podía esperar tanto tiempo para mudarse debido a una próxima cirugía. El administrador finalmente aceptó la cancelación de Villalobos sin requerir el preaviso, pero le dedujo \$200 de su depósito de seguridad

por un bono de renovación de contrato que Villalobos había recibido en enero de 2009.

Villalobos presentó una denuncia de Vivienda Justa alegando discriminación en base a que el administrador se negó a la adaptación razonable. El administrador permitió a Villalobos cancelar el contrato de renta pero la deducción en el depósito fue una penalidad.

La Oficina de Igualdad en Empleo/Vivienda Justa de la Ciudad de Austin negoció rápidamente un acuerdo conciliatorio por el que el administrador finalmente reembolsó a Villalobos los \$200 deducidos del depósito de seguridad.

### Lorenzo Lewis v. Alpine Villa

Durante más de cuatro meses, Lorenzo Lewis le pedía al administrador que reparara una gran pérdida de agua en su apartamento. Las condiciones se hicieron tan graves que Lewis terminó dos veces en el hospital. En esta situación límite, Lewis envió al administrador una carta certificada solicitando las reparaciones. El administrador respondió arreglando la pérdida en el apartamento de arriba pero siguió sin reparar la unidad de Lewis. Después, mientras Lewis se estaba mudando, el administrador cambió la cerradura y tiró parte de las posesiones de Lewis.

Lewis, que es negro, cree haber sido víctima de discriminación en viviendas. Él presentó una denuncia alegando que el administrador no quiso hacerle las reparaciones debido a su raza.

La Oficina de Igualdad en Empleo/Vivienda Justa de la Ciudad de Austin negoció un acuerdo conciliatorio. Lewis aceptó resolver la disputa por Vivienda Justa después que el complejo de apartamentos aceptara pagarle \$375.

## Reparaciones: Deber del Propietario

En agosto, Frank Cortez, residente de los apartamentos Canyon Oaks, se comunicó con el Consejo de Inquilinos de Austin. Cortez tenía una pérdida de agua en el techo de su closet y carecía de burletes de goma en la puerta de entrada. Además del daño de humedad, estos problemas produjeron una plaga de cucarachas.

A través del Programa de Asistencia a Derechos de Inquilinos, la especialista en viviendas Linda Aleman visitó el hogar de Cortez y documentó los problemas existentes. Ella mandó cartas solicitando las reparaciones e intervino a favor de Cortez ante el administrador. La asistencia para reparaciones en lugares de renta está disponible a los residentes de Austin que no exceden los requisitos de ingresos (\$44,280 en una familia de cuatro).

El Código de la Propiedad de Texas ordena a los propietarios reparar condiciones que amenazan la salud o seguridad de un inquilino regular dentro de los siete días de recibir carta certificada o registrada.

Si se han enviado todos los avisos requeridos y el propietario no hace un esfuerzo razonable para hacer reparaciones por salud o seguridad antes del plazo final, el inquilino podrá entonces cancelar el contrato de renta y mudarse sin penalidad y/o iniciar juicio en la corte y sin abogado, buscando una orden judicial para la reparación, reducción de renta, pena civil de \$500 más un mes de renta, daños reales y gastos de abogado si se usó uno.

Gracias a la intervención de Aleman, el administrador realizó las reparaciones requeridas y fumigó. Cortez, satisfecho con el servicio, declaró que trató de hacerlo por su cuenta pero necesitó la intervención de ATC para que se le hagan las reparaciones.

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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 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 474-7007.

**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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