

Housing Rights **ADVOCATE**

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Fair Housing in 2010: Time to Act

"Discrimination based on how you look, the religion you practice, or because you have children or are disabled is illegal and unacceptable," said John Trasviña, assistant secretary for Fair Housing and Equal Opportunity at the U.S. Department of Housing and Urban Development. "In the aftermath of Dr. Martin Luther King Jr.'s assassination in April 1968, President Johnson moved for passage of the Fair Housing Act to bring the nation forward and together. Since then, we have made progress but there remains work to be done. It is time to act."

Trasviña gave the keynote address at "New Beginnings," a conference presented by the City of Austin Equal Employment/Fair Housing Office to recognize Fair Housing Month, celebrated each April. Eighty-five attorneys, housing investigators, civil rights advocates, public and private housing landlords, and officials from the City of Austin's Neighborhood Housing and Community Development attended the seminar. Settlements from fair housing conciliation agreements allowed ATC to send nine lawyers who participate in its Cooperating Attorney Referral Program to the training. Nekesha Phoenix, ATC Fair Housing Program Director, and Mary Daniels Dulan, executive director of the Metropolitan Fair Housing Council of Oklahoma City, presented a fair housing case update.

Trasviña recognized Austin as a national leader in protecting the rights of people



Assistant Secretary John Trasviña visited Austin during Fair Housing Month and met with ATC's Morgan Morrison; Katherine Stark; and Nekesha Phoenix.

who are lesbian, gay, bisexual, or transgender (LGBT). Federal law does not prohibit discrimination in housing based on sexual orientation or gender identity; however, the City of Austin's Fair Housing Ordinance has made it illegal to discriminate based on sexual orientation for more than a decade and gender identity since 2004.

Federal policies need to adjust to the 21st century notion of family, Trasviña stated. HUD is preparing to conduct a first-ever national assessment of housing discrimination against members of the LGBT community and is seeking suggestions from the public on how best to execute the study (to leave feedback, visit http://portal.hud.gov/portal/page/portal/HUD/LGBT_Discrimination_Study/comments). In addition, three bills are pending in Congress that seek to expand the federal Fair Housing Act to prohibit discrimination on the basis of sexual orientation and gender identity. "No one should have to hide their identity," Trasviña said, to secure a place to live.

CDBG Celebrated

For the past two decades, the City of Austin has awarded Community Development Block Grant funding to the Austin Tenants' Council to administer its tenant-landlord programs and services. The CDBG program was enacted in 1974 to provide grants to eligible communities across the country to provide decent, safe, and sanitary housing, a suitable living environment, and economic opportunities to low- and moderate-income individuals.



ATC housing specialist Victoria Salinas (left) helped Elizabeth Granados get repairs made to her apartment.

On April 9, the City and ATC recognized National CDBG Week and Fair Housing Month. "Our partnership with the Austin Tenants' Council is crucial, particularly in our community where the majority of residents are renters," said Margaret Shaw, director of Neighborhood Housing and Community Development. Elizabeth Granados, whose landlord refused to fix the hot water and a shattered sliding glass door, encouraged other tenants to contact ATC at 474-1961 for assistance.

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Ramp Means Greater Independence

Three steps at the entrance of her apartment building prevented Lillie Garcia from going to church and medical appointments. Due to her disability, Garcia could not safely navigate the stairs on her own. Her landlord did not want to spend the money to install a ramp, which would cost \$1,000 just for the lumber. With a monthly income of \$700, Garcia could not afford to pay for a ramp herself.

Morgan Morrison, ATC fair housing testing coordinator, helped Garcia submit a request for reasonable modification to her landlord. She referred Garcia to the Austin Chapter of the Texas Ramp Project (www.texasramps.org), which builds ramps at no cost for individuals with physical and financial need.

A reasonable modification is a structural change made to existing premises, to afford a person with a disability full enjoyment of the premises. Reasonable modifications include structural changes to interiors and exteriors of dwellings and to common and public use areas. A request for reasonable modification may be made at any time during the tenancy. Under the Fair Housing Act, a housing provider may not refuse to allow a reasonable modification when such a modification may be necessary to afford persons with disabilities full enjoyment of the premises.



The ramp constructed by volunteers with the Texas Ramp Project will allow Garcia greater independence outside her home.

Unless the tenant lives in public or other HUD-subsidized housing, the tenant is usually responsible to pay for a reasonable modification. The only other time that a housing provider could be required to make and pay for modifications is if the property was built for first occupancy on or after March 13, 1991, and it was not designed and constructed in compliance with the accessibility requirements of the FHA.

On March 27, four volunteers with the Texas Ramp Project constructed a ramp and door threshold at Garcia's apartment. Funded by the St. David's Community Health Foundation, the Austin chapter of the nonprofit serves a 10-county area and builds ramps twice monthly year-round.

"It's beautiful," Garcia said after using the ramp for the first time. "I can go out on my own and not have to worry about that," she said, waving at the stairs.

Check Out ATC on YouTube

Visit our YouTube page (www.youtube.com/AustinTenantsCouncil) to learn more about how ATC helps victims of housing discrimination and how you can get involved to help fight housing discrimination. ATC would like to express its appreciation to Janie Morales and

Glinda Sawyers, who shared their experiences facing housing discrimination; the anonymous fair housing testers whose efforts make it possible for our clients to achieve just outcomes; and Ken Dvorak and TJ Poole of Comfort Video who produced these professional videos.

Requests Help Tenant Get Decent Housing

When raw sewage began backing up in bathroom sink and tub, Carmelita Edwards was more than frustrated. For nine months, she and her four children had been dealing with plumbing problems at the rental house, waiting for the landlord to make proper repairs. The landlord's quick fixes were not sufficient. An ongoing leak resulted in a \$300 water bill, soggy carpets, and mold growing throughout the home, including in one of the children's bedroom.

Edwards and her sons are disabled and suffer from severe asthma. Asthma is considered a disability under the Fair Housing Act when it affects a major life activity (i.e., breathing). The mold exacerbated Edwards and her sons' medical condition and made living in the house unbearable.

Linda Aleman, ATC housing specialist, and Lucia Salinas, ATC fair housing program specialist, teamed up to help the Edwards family. Aleman contacted the landlord and asked him to make emergency repairs to remedy the sewage backup.

Salinas helped Edwards make a request for reasonable accommodation, asking the landlord to release her from the lease without penalty. Salinas sent a second request for reasonable accommodation to the Housing Authority of the City of Austin, asking that Edwards be allowed to use her Section 8 voucher at another property. Both requests for reasonable accommodation were granted immediately.

To learn more about your rights, contact the ATC telephone counseling line at 474-1961. Counselors are available weekdays from 9:00 a.m. to 12:00 p.m. and 1:00 p.m. to 4:00 p.m. to answer calls from Travis County residents.

Las Rampas Dan Mayor Independencia

Tres escalones a la entrada de su edificio de apartamentos impedían a Lillie García ir a su iglesia y a citas médicas. Debido a su discapacidad, García no podía subir ni bajar las escaleras por sí misma. El propietario del edificio no quería gastar para instalar una rampa que costaría \$1,000 solo por la madera. Con una entrada mensual de \$700, García tampoco podía pagar por ella.

Morgan Morrison, coordinadora de verificación de vivienda justa en ATC, ayudó a García a presentar un pedido de 'adaptación razonable' al propietario. Ella mandó a García a la sede del Proyecto Rampas de Texas (www.texasramps.org) en Austin, el que construye rampas gratuitas para personas con necesidad física y económica.

La adaptación razonable es un cambio estructural en una edificación para permitir

ala persona discapacitada hacer mejor uso del lugar donde vive. Las adaptaciones razonables incluyen cambios estructurales a interiores o exteriores de viviendas y áreas de uso común y público. La solicitud de adaptación razonable puede hacerse en cualquier momento durante el contrato de renta. Bajo el Acta de Vivienda Justa, el propietario no puede negarse a una modificación razonable cuando ésta es necesaria para que las personas discapacitadas usen a pleno la vivienda.

A menos que el inquilino resida en viviendas públicas u otras subsidiadas por HUD, éste es generalmente responsable de pagar por la adaptación razonable. El

“Es bella”, dijo García después de usar la rampa por primera vez. “Puedo salir sola y no tengo que preocuparme por eso”, agregó señalando la escalera.

único otro caso en que el proveedor de viviendas podría tener que hacer y pagar por la modificación es en propiedades construidas a partir del 13 de marzo de 1991 que no fueron diseñadas y construidas en cumplimiento con los requisitos de acceso de FHA.

El 27 de marzo, cuatro voluntarios del Proyecto Rampas de Texas construyeron una rampa y umbral en el apartamento de García. Financiada por la Fundación de Salud Comunitaria de St. David, la sede en Austin de la organización sin fines de lucro sirve un área de 10 condados y construye rampas dos veces por mes durante todo el año.

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Las Solicitudes Ayudan a Inquilinos a Obtener Viviendas Decentes

Cuando las aguas negras comenzaron a subir en el lavabo y la tina de su baño, Carmelita Edwards estaba más que frustrada. Durante nueve meses, ella y sus cuatro hijos habían lidiado con problemas de plomería en su vivienda rentada, esperando que el propietario hiciera las reparaciones necesarias. Los emparches rápidos del propietario no eran suficientes. La pérdida continua resultó en una factura de agua de \$300, alfombras húmedas y creciente moho en todo el apartamento, incluyendo el dormitorio de uno de sus hijos.

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Edwards y sus hijos son discapacitados y sufren de asma aguda. El asma está considerada como discapacidad bajo el Acta de Vivienda Justa cuando afecta una actividad importante (como la respiración).

El moho empeoró la condición médica de Edwards y sus hijos e hizo insostenible el vivir en la casa.

Linda Alemán, especialista en viviendas de ATC, y Lucía Salinas, especialista del programa de vivienda justa en ATC, se unieron para ayudar a la familia Edwards. Alemán se comunicó con el propietario y le solicitó hacer reparaciones de emer-

gencia para arreglar el taponamiento de aguas negras.

Salinas ayudó a Edwards a hacer el pedido de modificación razonable, solicitando al propietario cancelar el contrato sin penalidades. Salinas envió un segundo pedido de modificación razonable a la Autoridad de Viviendas de la Ciudad de Austin, pidiendo que Edwards pueda usar su voucher de Sección 8 para otra propiedad. Los dos pedidos fueron otorgados inmediatamente.

Para informarse más sobre sus derechos, comuníquese con la línea de asesoría en ATC al 474-1961. Los asesores están disponibles los días de semana de 9:00 a.m. a 12:00 p.m. y de 1:00 p.m. a 4:00 p.m. para contestar llamadas de residentes del Condado Travis.

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This service is certified as a lawyer referral service as required by the State of Texas under Chapter 952, Occupations Code.

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The Austin Tenants' Council, as a subrecipient 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 modifications 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. The City does not discriminate on the basis of disability in the admission or access to, or treatment or employment in its programs and activities. Dolores Gonzalez has been designated as the City's Section 504/ADA Coordinator. Her office is located at 505 Barton Springs Road, Suite 600. If you have any questions or complaints regarding your Section 504/ADA rights, please call the Section 504/ADA Coordinator at 974-3256 (voice) or 974-2445 (TTY). This publication is available in alternative formats. Please call 512-474-1961 (voice) or Relay Texas at 1-800-735-2989 (TDD) for assistance.

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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