

Housing Rights **ADVOCATE**

Austin Tenants' Council • Issue 75, Fall 2014

The Struggle for Section 8

Following the December 11th unanimous decision by Austin's City Council to add source of income as a protected class, the Austin Apartment Association answered with a suit in Travis County District Court in order to block the ordinance from going into effect on its scheduled date of January 12th.

The ordinance would add source of income to the list of current protected classes including: race, color, religion, sex, familial status, disability, national origin, age, student status, marital status, gender identity, and sexual orientation. It's intended purpose is to increase the number of housing opportunities for the working poor, disabled, veterans, and the elderly by allowing those who receive government subsidies the protection of not being refused based on that criteria.

The ordinance would not apply to those who: own less than three single-family homes at any time and do not use a realtor or broker, or who own a dwelling which contains four or less units, one of which is occupied by that person.

Trying to get Home

Madai Maldonado contacted the Austin Tenants' Council's Fair Housing Program looking for help for her premature twin babies that were still in the hospital. She was distraught and at her wits end because her apartment was in no condition to

In the Austin area, approximately 5700 families receive qualifying rental assistance. A few prominent organizations whose programs are directly affected under this ordinance include: Housing Authority of the City of Austin, Travis County Housing Authority, Caritas, the Salvation Army, the Social Security Administration, the Veterans Administration, and Austin Travis County Integral Care.

The AAA claims that the new ordinance forces owners to enter into a contract with the Federal Government, which they feel imposes strict requirements.

The city's legal department disagrees with the AAA's claim and stated that the city would be "prepared to defend this ordinance against any legal challenges."

U.S. District Judge Sam Sparks has since stayed the implementation of the ordinance from the original date on the 12th to January 26-27th when he can hold a full hearing on the AAA's proposed temporary restraining order.

bring home her children as the unit had become infested with bed bugs and there was a problem with mold. Due to this, her doctor told Madai that he couldn't release her children from the hospital to those conditions because it would be a threat to their already fragile health. Ms. Maldonado had tried to work with management

ECHO Training

Wednesday, September 10th, 2014, in a collaborative effort with the Austin Tenants' Council, ECHO hosted a Fair Housing Training at the Asian American Cultural Center.



The training included special guest speakers: Thurman G. Miles, Director of the Fort Worth FHEO Center, Carla Leticia Sanchez-Adams, Attorney at Texas RioGrande Legal Aid, and Arthur Troilo III, Attorney and Counselor at Law with the Troilo Law Firm.



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in getting repairs done but they had been unable to resolve the issues and she was racing against time. Fair Housing Specialist Lucia Salinas assisted Ms. Maldonado in requesting a reasonable accommodation request from the apartment complex. Ms. Maldonado asked to be released from her lease contract so that she could find housing that could accommodate her children's medical needs. Management agreed to immediately release Ms. Maldonado from her lease contract without penalty. Ms. Maldonado was able to locate other housing that was safe and decent for her twin babies.

Our Thanks To Jerry Icenogle and Family

The Austin Tenants' Council would like to thank Jerry Icenogle and family for the continued support and contributions to the organization and its operation.

Without their assistance, providing and maintaining our levels of services and care to the public would be difficult for the agency and frustrating to our clients.

Donation money allows the ATC to acquire the resources important to assisting clients with tenant-landlord and fair housing issues. This avenue of funding is essential to the operation of all programs assisting the Austin area.

We would like to express our great appreciation for the generous support received over the years from the Icenogle family.

To support ATC's mission to educate and promote the enforcement of housing rights in our community, visit www.housing-rights.org and click on the "get involved" link, or call 512-474-7006.

Tenant/Landlord Case Update

A tenant called the ATC's counseling line regarding a device being placed over the doorknob. The tenant said that when she called her manager, she was told that the device could not be removed until she paid the full balance that was owed to the apartment. After discussing the issue with the tenant and advising her on her rights and remedies in this situation, a counselor contacted the apartment complex's manager.

The counselor discussed the lock-out with the manager and advised her on the correct procedure for a legal landlord's lock-out. The manager then agreed that she would remove the device and allow the tenant access to her apartment.

When the counselor called to check with the tenant, she said that the device had been removed; however, the manager had verbally notified her that it would be placed back on the door as soon as she left her apartment again. As the tenant's

goal was to keep the device off now that it had been removed, the counselor agreed to contact the manager again.

Upon contacting the manager again, the counselor was told that they did intend to replace the device as soon as the tenant left her apartment. The manager felt it was within her right to replace a lock-out device anytime a tenant left their unit after having it returned. The manager explained that there was no problem returning access in the future, however as long as the tenant was not in the apartment, she felt she had a right to replace the device. The counselor requested that the manager not return the device and that if it was returned in the future the client would be advised to file against the manager in JP Court for a Writ of Re-Entry in order to keep it off.

After notifying the tenant of what had been discussed with her manager, she agreed to notify the counselor if there were any future lock-outs.

ATC Remembers Lynn Sanders

On October 30th, 2014, a housing rights hero was lost with the passing of Lynn Sanders. Although an Austin native, at the time of his death he had been living in Portland Oregon.

Lynn was a graduate of both Antioch College and the University of Texas School of Law. He had practiced law in Austin for 35 years. Lynn was well known around the courthouses for his sense of humor and fluency in both Spanish and English. He was active with the Austin Tenants' Council and Volunteer Legal Services for many years during his time practicing law in Austin. For many years, Lynn also served as a board member for Front Steps.

Lynn was always willing to assist clients referred by the Austin Tenants' Council. Many tenants over the years were able to find



resolutions in court because of Lynn's assistance and dedication to safe decent and fair housing.

La lucha por Sección 8

Después de la unánime decisión del Concejo Municipal de Austin el 11 de diciembre para agregar 'fuente de ingreso' a las clases protegidas contra discriminación, la Asociación de Apartamentos de Austin (AAA) respondió con un juicio ante la Corte de Distrito del Condado Travis para bloquear la efectividad del decreto el 12 de enero.

El decreto agregaría fuente de ingresos a la actual lista de clases protegidas, las que incluyen: raza, color, religión, sexo, situación familiar, discapacidad, nacionalidad de origen, edad, situación de estudiante, situación matrimonial, identidad de género y orientación sexual. Su intención es proteger el número de oportunidades en vivienda para el trabajador pobre, los discapacitados, veteranos y ancianos, per-

mitiendo que los que reciben subsidios del gobierno no sean excluidos en base a esos criterios.

El decreto no se aplicaría a propietarios con menos de tres viviendas en cualquier momento y que no usen agentes de bienes raíces, ni a propietarios de edificios con no más de cuatro unidades, cuando una de ellas está ocupada por el propietario.

Aproximadamente 5,700 familias reciben asistencia en la renta en el área de Austin. Algunas prominentes organizaciones cuyos programas se verían directamente afectados por este decreto incluyen: Autoridad de Viviendas de la Ciudad de Austin, Autoridad de Viviendas del Condado Travis, Caritas, el Ejército de Salvación, la Administración de Seguridad Social, la

Administración de Veteranos, y Atención Integral de Austin Condado Travis.

AAA aduce que el nuevo decreto fuerza a propietarios a participar de un contrato con el gobierno federal, el que impone requisitos estrictos.

El departamento legal de la Ciudad está en desacuerdo con el reclamo de AAA, declarando que la Ciudad estaría "preparada para defender este decreto contra cualquier desafío legal".

El Juez de Distrito de EE.UU. Sam Sparks ha aplazado la implementación del decreto, de su fecha original del 12 de enero al 26-27 del mismo mes, cuando podrá tener una audiencia sobre la propuesta orden de prohibición temporal propuesta por AAA.

Novedades inquilino/propietario

Una inquilina llamó a la línea de asesoría de ATC por la aplicación de un dispositivo de cierre en el picaporte de su puerta. La inquilina dijo que cuando llamó a la administradora de la vivienda, ésta le dijo que no podía sacar el dispositivo hasta que pagara el saldo total debido por el apartamento. Después de discutir el tema con la inquilina y aconsejarla sobre sus derechos y soluciones en esta situación, un asesor se comunicó con la administradora del complejo.

El asesor habló con la administradora sobre el dispositivo de cierre y le aconsejó sobre el procedimiento correcto y legal para un impedimento de entrada. La administradora aceptó entonces quitar

el dispositivo y permitir el acceso de la inquilina a su apartamento.

Cuando la asesora llamó luego a la inquilina, ésta le dijo que el dispositivo había sido quitado; sin embargo, la administradora le había notificado verbalmente que lo pondría nuevamente cuando la inquilina saliera otra vez del apartamento. Como la meta de la inquilina era que no se le impida entrar a su apartamento, la asesora se comunicó nuevamente con la administradora.

Al volver a comunicarse con la administradora, ésta le confirmó a la asesora que pondría nuevamente el dispositivo cuando la inquilina saliera del apartamento. La ad-

ministradora sentía que tenía derecho a poner el dispositivo toda vez que la inquilina saliera de la unidad. La administradora explicó que no tendría problema en darle acceso en el futuro, pero que cuando la inquilina no estuviera en su apartamento, tenía derecho a volver a poner el dispositivo. La asesora pidió a la administradora que no vuelva a poner el dispositivo, y que si volvía a hacerlo, se le aconsejaría a la inquilina denunciar a esa administración en la corte para obtener una orden de re-entrada y así eliminar la posibilidad del dispositivo.

Después de notificar a la inquilina sobre lo discutido con la administradora, ella prometió avisar a la asesora si hubiera un futuro impedimento de entrada.

Austin Tenants' Council
1640-B East 2nd Street, Suite 150
Austin, TX 78702

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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.

Austin Tenants' Council Staff

- Linda AlemanHousing Specialist
- Daniel ArmendarizHousing Specialist
- Christine CastillejaOffice Manager
- Cruz GarciaHousing Specialist
- Andrew JonesHousing Specialist
- Morgan Morrison Fair Housing Program Specialist
- Lucia Perez-Salinas..... Fair Housing Program Specialist
- Nekesha PhoenixFair Housing Program Director
- Nathan Plummer Technical Support
- Erika Reed.....Fair Housing Testing Coordinator
- Katherine StarkExecutive Director
- Christopher SuarezHousing Specialist