

Housing Rights **ADVOCATE**

Austin Tenants' Council • Issue 77, Summer 2015

City Task Force Calls Special “Listening Session” on Energy for Community

On June 1, the Low Income Consumer Advisory Task Force convened a special meeting at the South Austin Recreation Center on Cumberland Rd. The meeting provided a forum for the public to offer their input on recommendations relating to improving “energy efficiency and renewable energy programs.” Importantly, the task force called on the tenant population in Austin to share their direct experiences in dealing with Austin Energy.

The task force sought to gain a better understanding of tenants’ experiences as utility consumers, asking questions such as: What was your experience paying your utility bill? Are you aware of the energy use information that a landlord must disclose to you? Have your utilities ever been disconnected? These and other questions were considered.

With the arrival of summer in Texas, the delivery, use, and payment of utilities become critical matters to thousands of residents. Daily, Austin Tenants’ Council

addresses these issues with tenants and landlords alike. As the dog days of summer approach, ATC will surely see a significant rise in tenant and landlord requests for assistance related to cooling systems, weatherization of windows and doors, utility bills, and others.

In August 2014, the task force was established by the adoption of City Council Resolution 20140828-158. The task force meets on the first and third Friday of every month from 10 am – 12 pm at Town Lake Center, 721 Barton Springs Road, Room 100 to address a variety of consumer concerns with a special emphasis on improving energy related issues affecting low to moderate income households. Citizens’ concerns are heard first to ensure that time is dedicated to their concerns. The task force will be dissolved upon [City] Council’s adoption of the recommendations of the task force, or on October 1, 2015. ATC Board member, Carol Biedrzycki director of Texas ROSE chairs the task force. Questions? Call: Sady Bartlett, Austin Energy: 512-322-6123.

Complaints End in Accessible Parking

Muir Lake, a 332-unit high-end apartment complex, opened in 2013. Located in Cedar Park, the property had approximately 12 accessible parking spaces. Muir Lake tenants, Nancie Morgan and Lori and Emen Hassan, contacted the ATC Fair Housing Program within days of each other. Be-

cause of disabilities, both families needed an accessible parking space reserved in front of their apartment. Morgan uses a wheelchair and needed a van-accessible parking space. Emen Hassan has had multiple back surgeries and needed a parking space that was connected to a curb cut because he uses a knee walker.

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Important Changes to Texas Property Code

The 84th Legislative Regular Session ended June 1, 2015. The following is not exhaustive but provides a brief summary of a few changes to the Texas Property Code as of the drafting of this article:

S.B. No. 1367 by Sen. Royce West *If a tenant’s residence has no mailbox and has a keyless bolting device, alarm system or dangerous animal preventing entry or if the landlord reasonably believes that she/he will be harmed by personal delivery, this bill allows a landlord to issue a notice to vacate by “securely affixing to the outside of the main entry door a sealed envelope” containing the notice. The envelope must contain the tenant’s name, address and in all capital letters, the words “IMPORTANT DOCUMENT” or substantially similar language. The landlord must, not later than 5 PM, mail a copy on the same day. Effective Jan. 1, 2016 .*
On Governor’s desk as of June 1, 2015.

H.B. No. 2404 by Rep. Rodney Anderson *If a tenant breaches a written lease, this bill allows a landlord to deduct the reasonable cost incurred by the landlord to rekey a security device but only if the lease provides for the deduction in underlined or boldface type. Effective Sept. 1, 2016.*
On Governor’s desk as of June 1, 2015.
Questions? Call the Legislative Reference Library’s Hotline: 877-824-7038.

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Individually, Morgan and the Hassans asked management to address their parking needs. The manager told the tenants that the property had “adequate handicap parking throughout the community to meet code requirements.” The manager offered to allow the Hassans to move to an apartment that had accessibility features like wider doorways and lower countertops (even though these features were not needed) because the only accessible parking spaces were located in front of these apartments.

The ATC Fair Housing Program helped Morgan and the Hassans make a formal request for reasonable accommodation under the Fair Housing Act. The Hassans asked for an assigned accessible parking space close to the entrance to their apartment. Morgan asked the property to make

a reserved van-accessible parking space close to the entrance to her apartment. The manager answered these formal requests for reasonable accommodation in the same way: the property already had sufficient accessible parking and would not be able to grant the requests.

According to HUD and the Department of Justice’s guidance on reasonable modifications under the Fair Housing Act: “Courts have treated requests for parking spaces as requests for a reasonable accommodation and have placed the responsibility for providing the parking space on the housing provider, even if provision of an accessible or assigned parking space results in some cost to the provider. For example, courts have required housing providers to provide an assigned space even though the hous-

ing provider has a policy of not assigning parking spaces or has a waiting list for available parking. However, housing providers may not require persons with disabilities to pay extra fees as a condition of receiving accessible parking spaces. Providing a parking accommodation could include creating signage, repainting markings, redistributing spaces, or creating curb cuts. This list is not exhaustive.”

Morgan and the Hassans filed fair housing complaints with HUD, alleging disability discrimination after Muir Lake denied their requests for reasonable accommodation. The Texas Workforce Commission Civil Rights Division negotiated a conciliation agreement in each complaint. As part of the settlement terms, Muir Lake agreed to provide the tenants with the requested reserved parking spaces.

FAIR HOUSING UPDATE: Austin Tenants’ Council v. Blanco River Lodge

The ATC Fair Housing Program conducted an accessibility audit of Blanco River Lodge, an apartment complex of 186 units built in 2010 in San Marcos. While touring the property, the volunteer fair housing tester, found several features not compliant with the design and construction requirements of the Fair Housing Act.

Kitchens lacked the required turning radius. The space necessary for a person using a wheelchair to make a

180-degree turn is a circle with a diameter of 60 inches. These apartments had a 48-inch-diameter turning circle.

Thresholds must be low or nonexistent. Even small abrupt changes of level in the surface of an accessible route pose a tripping hazard for many people and can be a significant obstacle for people using wheelchairs. These apartments had thresholds that were un-beveled and greater than ¼-inch high. The sidewalk at security gates locat-

ed around the complex lacked an 18-inch clear floor space beside the sidewalk on the pull side of the gate so someone using a wheelchair could move out of the way of the gate swing.

ATC filed a fair housing complaint alleging discrimination based on disability. The Texas Workforce Commission Civil Rights Division negotiated a conciliation agreement. Blanco River Lodge agreed to correct the design deficiencies to make the property accessible for all.

A Few Things To Know, as the Summer Heats Up...

As we all know, the extreme Texas heat can break the household budget. It’s important that tenants understand their utility bill and what can happen if they fall behind on payment. Here are just a few things to know as we head into the hottest time of the year:

- Set your thermostat to 78 when home and 81 degrees when you are away. This will help lower your monthly bill;
- Old cooling systems and poorly weatherized apartments can dramatically increase your electric bill;
- Utilities may be submetered or they may be master-metered. The difference is important to how you are billed;
- If you owe money on utilities and your property uses a third-party billing service, your landlord may deduct a portion or all of your rent payment to the unpaid utility bill first and apply the balance (if any) to rent.

Quejas logran estacionamiento accesible sobre

Muir Lake, un complejo de alta calidad con 332 apartamentos, abrió en 2013. Ubicado en Cedar Park, la propiedad contaba con aproximadamente 12 espacios de estacionamiento accesibles. Nancie Morgan, y Lori y Emen Hassan, inquilinos de Muir Lake, se comunicaron con el Programa Vivienda Justa de ATC con solo unos días de separación. Debido a discapacidades, ambas familias necesitaban un espacio de estacionamiento reservado y accesible frente a sus apartamentos. Morgan usa silla de ruedas y necesitaba un lugar accesible para su van. Emen Hassan tuvo múltiples cirugías de espalda y necesitaba un estacionamiento con rampa hacia la acera porque él usa andador ortopédico. Individualmente, Morgan y los Hassan solicitaron a la administración una solución a sus necesidades. El administrador dijo a los inquilinos que la propiedad tenía “aparcamiento adecuado para discapacidades en todo el complejo, cumpliendo con los requisitos del código”. El administrador ofreció trasladar a los Hassan a un apartamen-

to con elementos de accesibilidad como entradas más anchas y mesadas más bajas (aunque no les eran necesarios) porque los únicos espacios de parqueo accesibles estaban frente a estos apartamentos.

El Programa de Vivienda Justa de ATC ayudó a Morgan y a los Hassan a presentar una solicitud formal de ‘adaptación razonable’ bajo el Acta de Vivienda Justa. Los Hassan pidieron un lugar reservado de estacionamiento accesible, cercano a la entrada de su apartamento. Morgan solicitó le habiliten un lugar reservado para estacionar su van cerca de la entrada a su apartamento. La administración respondió a estos pedidos de adaptación razonable de la misma manera: la propiedad ya tenía suficientes espacios de parqueo accesibles y no podrá ofrecer lo solicitado.

Según la guía de HUD y el Departamento de Justicia sobre la adaptación razonable bajo el Acta de Vivienda Justa: “Las cortes han tratado las solicitudes de espacios de estacionamiento como pedidos de

adaptación razonable, y han puesto la responsabilidad de otorgar espacios de estacionamiento en el proveedor de vivienda, aunque la provisión de un espacio accesible y asignado resulte en algún costo para el proveedor. Sin embargo, los proveedores de vivienda no pedirán a personas con discapacidad el pago de costos extras como condición para recibir un espacio de estacionamiento accesible. Brindar un espacio para estacionar puede incluir la creación de carteles o pintura de demarcaciones. Estalista no es exhaustiva”.

Morgan y los Hassan presentaron quejas de Vivienda Justa ante HUD, alegando discriminación por discapacidad después que Muir Lake les negara sus pedidos de adaptación razonable. La División de Derechos Civiles de la Comisión Laboral de Texas negoció un acuerdo entre las partes por cada queja. Bajo los términos del acuerdo, Muir Lake aceptó otorgar a los inquilinos los espacios de estacionamiento reservado solicitados.

Fuerza de tarea municipal convoca sesión especial sobre energía en la comunidad

El 1º de junio, la Fuerza de Tarea Asesora de Consumidores de Bajos Ingresos celebró una sesión especial en el Centro Recreativo del Sur de Austin, ubicado en Cumberland Rd. La reunión tuvo como propósito ser un foro para que el público opine sobre recomendaciones que buscan mejorar los “programas de eficiencia energética y energía renovable”. Es importante que la fuerza de tarea convocara al sector de inquilinos de Austin para que compartan sus experiencias directas al tratar con Austin Energy.

La fuerza de tarea buscó entender mejor las experiencias de los inquilinos como consumidores de energía, haciendo preguntas como: ¿Cuál fue su experiencia al

pagar su cuenta de luz? ¿Sabe usted que el propietario debe darle información sobre el consumo eléctrico? ¿Alguna vez le desconectaron la electricidad? Se consideraron éstas y otras preguntas.

Con la llegada del verano a Texas, la distribución, consumo y pago de servicios se convierte en algo crítico para miles de residentes. Diariamente, el Consejo de Inquilinos de Texas (Austin Tenants’ Council ó ATC) trata estos temas tanto con inquilinos como con propietarios. Al acercarse los tórridos días de verano, ATC seguramente verá un aumento sustancial en pedidos de asistencia de inquilinos y propietarios en cuanto a sistemas de enfriamiento, aislante térmico de puertas

y ventanas, facturas eléctricas, y otros. La fuerza de tarea se estableció en agosto de 2014 con la adopción de la Resolución del Concejo Municipal 20140828-158. El grupo se reúne el primer y tercer viernes de cada mes, de 10 am a 12 pm en Town Lake Center, 721 Barton Springs Rd, Sala 100. Lo primero es recibir las quejas o problemas de ciudadanos para asegurar que se dedica tiempo a sus inquietudes. La fuerza de tarea será disuelta una vez que el concejo municipal adopte las recomendaciones ofrecidas, antes del 1º de octubre de 2015. Carol Biedrzycki, miembro directivo de ATC y directora de Texas ROSE, preside la fuerza de tarea. Preguntas, comuníquese con Sady Bartlett de Austin Energy: (512) 322-6123.

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 474-7006.

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 474-7006.

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 474-7006.

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 474-7006 .

Austin Tenants' Council Staff

- Ayesha Akbar Law Clerk
- Linda Aleman Housing Specialist
- Daniel Armendariz Housing Specialist
- Christine Castilleja Office Manager
- Cruz Garcia Housing Specialist
- Andrew Jones Housing Specialist
- Morgan Morrison Fair Housing Program Specialist
- Lucia Perez-Salinas Fair Housing Program Specialist
- Nekesha Phoenix Fair Housing Program Director
- Nathan Plummer Technical Support
- Melissa Orren Fair Housing Testing Coordinator
- Katherine Stark Executive Director
- Christopher Suarez Housing Specialist
- Giovanni Zamora Fair Housing Program Specialist