

# Housing Rights **ADVOCATE**

Austin Tenants' Council • Issue 87, Winter 2017

## Rwana Anderson vs. The Landing at Round Rock

In May of 2017, Rwana Anderson called the Fair Housing Program of ATC under the belief that she had been discriminated against based on disability (a physical or mental condition that significantly limits one or more major life activities).

In late April of 2017, Ms. Anderson and her son were shown a unit at the Landing at Round Rock by leasing agent Lucia House. Ms. Anderson was very interested in applying for housing at the Landing at Round Rock and told House that she had a service animal. House requested that Ms. Anderson email a picture of her animal and a doctor's note to her. On April 27, 2017, Ms. Anderson sent House a picture of her service animal, Lela, a pit bull, along with a prescription for her service animal from a medical professional.

The next day, House replied to this email that American Pit Bulls were a restricted breed at the property and that Ms. Anderson should apply at The Royal Apartments because they do not have breed restrictions. According to the Fair Housing Act, service and support animals cannot be restricted due to their breed or weight. House refused to rent to Ms. Anderson because of her reasonable accommodation request. House was also involved in steering, the practice of dissuading a renter from certain housing based on race, disability, or another protected class, while offering an "alternative" place to rent. Ms. Anderson was devastated, as this was an affordable unit in a great location for she and her family.

Ms. Anderson began working with Alex

Tingquist, Fair Housing Specialist. Mr. Tingquist assisted Ms. Anderson in filing a fair housing complaint with the U.S. Department of Housing & Urban Development. On July 14, 2017, Ms. Anderson's fair housing complaint was assigned to the Texas Workforce Commission Civil Rights Division for an investigation. As was advised by Mr. Tingquist, Ms. Anderson kept diligent notes and receipts of all the damages that she and her family suffered as a result of being denied housing at the Landing at Round Rock.

The complaint was investigated and conciliated successfully. Ms. Anderson received \$6,000 for her damages and the staff of The Michelson Organization property management team agreed to have staff members at six of their apartment complexes attend fair housing training. Although it took many months of hard work, consistency, and yes, frustration, Ms. Anderson is thrilled to have seen her case end successfully. Ms. Anderson also hopes that her fair housing case will teach and motivate other tenants to come forward with fair housing complaints. She was reminded of something her aunt, Mae Ola Price, told her about injustice: "Tell your story until someone hears you".

At ATC, staff aims to educate tenants and housing providers on their rights and responsibilities in their respective roles. If you are unsure about your rights and responsibilities as a housing provider, then ask for help and get information.

If you believe that you or your family may have been discriminated against, please

call the Fair Housing Program at 512-474-1961, or submit a Fair Housing complaint through our website, [housing-rights.org](http://housing-rights.org).



Ms. Anderson with her beloved service animal, Lela.

### Tips For 1st Time Renters

First time renters may benefit from considering these practical tips:

- Inquire about the age of the HVAC system that will cool/heat your apartment. Generally, the older your HVAC unit, the higher your electric bills will be. Older units are less efficient than newer units.
- A "model unit" is not the unit you will rent. Refuse to pay an application deposit until the landlord shows you the unit you will actually rent.
- If you're renting an apartment, check the City of Austin Repeat Offender activity map. The map lists apartment locations that have active code compliance cases.

Inside: 2 — Water Bill Rights

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# Tenants Stripped of Right to Sue Landlords in Certain Water Bill Disputes

// The utility commission has exclusive jurisdiction for violations under this subchapter,” and with those 11 words, the 85th Regular Texas Legislature stripped tenants of their right to bring a lawsuit against their landlords for any violation of the Water Code provisions related to charges for submetered and nonsubmetered master metered water and wastewater services.

SB 873, authored by Senator Brandon Creighton, establishes that the Public Utility Commission has “exclusive jurisdiction” (legal speak for “no one else can touch this issue but the PUC”) over any dispute between a landlord and a tenant regarding utility billing for submetered or nonsubmetered master metered water and wastewater services.

Prior to the passage of SB 873, a tenant could bring a lawsuit against their landlord in a court of law to resolve a water or waste water bill dispute. With the passage of SB 873, a tenant must now file a complaint with the PUC in an attempt to resolve the dispute. Be aware that the PUC explicitly requests that you first attempt to resolve the dispute with your landlord.

This can quickly get confusing so a few quick definitions are in order:

**Public Utility Commission (PUC):** Among other things, the PUC “regulates the state’s electric, telecommunication, and water and sewer utilities.”

**Submetered utilities:** This is when the tenant lives in an apartment, house or other structure and their specific dwelling (or unit) has its own utility meter (located on the outside of the building). That meter measures the water usage for only a single unit or house.

**Nonsubmetered master metered (AKA “allocated” utility service):** A building that has one utility meter that reads the utility usage for multiple units in the building is said to “allocate” the water usage. The “master meter” measures the water usage for the entire building. A landlord uses a formula to calculate the water bill expenses among the tenants living in the building. (For info on the formula, see ATC’s online fact sheet titled “Utilities”)

## Some of your billing rights...

**Billing:** You always have a right to receive a bill.

**Who is the Biller?** The water bill must state the name of the company issuing the bill and the name or title, address, and telephone number of the company or person to be contacted in case of a billing dispute; and the name, address, and telephone number of the party to whom payment is to be made.

**Submetered or Allocated:** The water bill must clearly state if that the water utility service is submetered or allocated. Allocated bills must be issued as promptly as possible after the owner receives the retail public utility bill. This should never happen but if you don’t get a bill for several months, it’s important that you notify your landlord in writing ASAP.

**Multi-item bill:** If your utilities are on a multi-item bill, charges for submetered or allocated water service must be separate and distinct from any other charges on the bill.

**Submetered Utility Service Bill:** If you have submetered water service, the bill must reflect the total number of gallons, liters, or cubic feet used and the cost per gallon, liter, or cubic foot for each service provided. If you are in a mobile home, the bill must show the total amount due for a

service charged by an owner of a mobile home community.

**Due date:** The water bill due date may not be less than 16 days after it is mailed or hand delivered to the tenant. If the due date falls on a federal holiday or weekend then the bill is due on the following work day.

**Using your rent payment to pay your water bill:** If your water bill is not issued by a third party, the landlord must apply your rent payment first to rent owed and then to any utilities owed. If the landlord uses a third-party biller to issue the water bill, then your landlord is legally allowed to apply a portion or all of your rent payment to any outstanding utility bill. This is extremely important to know because you can find yourself late on rent if (1) your landlord or apartment complex uses a third-party biller and (2) you have an outstanding water bill that you may have forgotten about. In this scenario, your landlord may use your rent payment to pay off an old water bill thus making you delinquent on rent.

**Disputes:** If you are unable to resolve the matter with your landlord, you may file an informal complaint with the PUC by calling: 1-888-782-8477, by emailing: [customer@puc.texas.gov](mailto:customer@puc.texas.gov) or by going online to: [www.puc.texas.gov](http://www.puc.texas.gov) and clicking on “Consumer.”

SB 873 took effect September 1, 2017.

Confused or have questions? It’s okay, this is a lot of information to digest. We are here to help. Just call ATC at 512-474-1961. The line is open Mon-Thur. 9 am – 12 pm and 1 pm - 4 pm; Fri. 9 am – 12 pm.

# Inquilinos pierden derecho a enjuiciar a arrendadores en ciertas disputas por cobro del agua

La comisión de servicios públicos tiene jurisdicción exclusiva en infracciones bajo este subcapítulo, y con esas trece palabras la Legislatura Regular 85° de Texas quitó a los inquilinos su derecho a iniciar juicio al arrendador por cualquier infracción a provisiones del Código del Agua relativas a cargos por servicios de agua y aguas residuales submedidos (con medidor individual) y no-submedidos (con medidor maestro).

La medida SB 873, del Senador Brandon Creighton, dispone que la Comisión de Servicios Públicos [PUC por sus siglas en inglés] tiene “jurisdicción exclusiva” (términos legales de “nadie más puede tratar este tema fuera de PUC”) en toda disputa entre propietarios e inquilinos relativa a la facturación por servicios de agua y aguas residuales submedidos y no-submedidos con medidor maestro de consumo.

Antes de aprobarse la SB 873, el inquilino podía iniciar acciones legales contra el arrendador para resolver una disputa en la factura o recibo de agua o aguas residuales. Con la aprobación de la SB 873, el inquilino deberá ahora presentar la queja ante PUC para tratar de resolver la disputa. Cabe señalar que PUC pide explícitamente que primero se trate de resolver el problema con el arrendador.

Esto puede causar confusión, aquí hay algunas definiciones que pueden ayudar:

**Public Utility Commission (PUC):** Entre otras cosas, PUC “regula los servicios eléctricos, de telecomunicaciones, de agua y aguas residuales en el estado”.

**Servicios submedidos (submetered):** Cuando el inquilino vive en un apartamento, casa u otra estructura, y su vivienda/unidad específica tiene su propio medidor de servicios (ubicado en el exterior del edificio). Ese contador mide solo el consumo

de agua de esa unidad o vivienda.

**Medidor maestro no-submedido (o servicio público “asignado”):** Cuando un edificio tiene un solo contador que mide el consumo de múltiples unidades del edificio con consumo de agua “asignado”. El medidor maestro mide el uso de agua del edificio entero. El arrendador entonces usa una fórmula para calcular el gasto de agua de cada inquilino en el edificio. (Para información sobre la fórmula, ver la página titulada “Utilities” en el sitio electrónico de ATC).

## Algunos de sus derechos en la facturación

**Facturación:** Usted siempre tiene derecho a recibir una factura por servicios.

**¿Quién es el que factura?** La factura o recibo de agua debe incluir el nombre de la compañía que la emite, y el nombre o título, dirección y teléfono de la compañía o persona a ser contactada en caso de disputa; y el nombre, dirección y teléfono de quien recibe el pago.

**Submedido o Asignado:** La factura de agua debe decir claramente si ese servicio es submedido o asignado. Las facturas asignadas deben ser emitidas tan pronto como sea posible después que el arrendador reciba la factura de la compañía de servicios. Esto no debería pasar pero si usted no recibe la factura por varios meses, es importante notificar al arrendador lo antes posible.

**Factura de servicios múltiples:** Si sus servicios vienen en una factura múltiple, el cargo por servicio de agua submedido o asignado debe estar separado de todo otro cargo en la factura.

**Factura de servicios submedidos:** Si usted tiene un servicio de agua submedido,

el recibo debe reflejar el número total de galones, litros o pies cúbicos consumidos, y el costo por galón, litro o pie cúbico de cada servicio brindado. Si usted vive en una casa rodante, el recibo debe mostrar el total del servicio cobrado por el dueño del parque de caravanas.

**Vencimiento:** La factura del agua no puede vencer antes de los 16 días de la fecha en que se envía por correo o entrega en mano al inquilino. Si el vencimiento cae en una fiesta nacional o fin de semana, la factura vencerá el día hábil siguiente.

**Aplicar el pago de renta para pagar el recibo de agua:** Si a su recibo de agua no lo emite una compañía, el arrendador debe aplicar el pago de renta a la renta debida primero, y luego a todo servicio debido. Si el arrendador usa una compañía o tercera parte que emite el recibo de agua, su arrendador puede legalmente aplicar una parte o todo su pago de renta a una factura de servicios debida. Esto es sumamente importante porque en ese caso, su arrendador puede aplicar su pago de renta al pago de esa factura de agua debida, haciendo que usted tenga retraso en el pago de renta.

**Disputas:** Si usted no puede solucionar el problema con su arrendador, puede presentar una queja informal ante PUC llamando al 1-888-782-8477, enviando email a: [customer@puc.texas.gov](mailto:customer@puc.texas.gov), o visitando el sitio electrónico: [www.puc.texas.gov](http://www.puc.texas.gov) y pulsando en “Consumidor”.

La SB 873 entró en vigor el 1° de septiembre de 2017.

¿tiene preguntas? Nosotros estamos aquí para ayudarlo. Llame a ATC al 512-474-1961, de lunes a jueves: 9 am – 12 pm y 1 pm - 4 pm; y el viernes: 9 am – 12 pm.

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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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**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 512-474-7006.

**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 512-474-1961.

**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 512-474-7006.

**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 512-474-1961.

**Rental Repair Assistance / Ayuda con Reparaciones en su Vivienda** 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 512-474-7006.

**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 512-474-7006.

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