



Housing Rights ADVOCATE

Issue 42, Spring 2007

The Austin Tenants' Council

www.housing-rights.org

ATC OPEN HOUSE

**Austin Tenants' Council
Celebrates!!**

The Austin Tenants' Council will have an open house on April 26, 2007, from 4 PM – 7 PM. This special event is to celebrate ATC's new location at 1640-B E. 2nd Street, Suite 150, Austin, TX 78702, the 34th anniversary of the agency, and the 11th anniversary of the Fair Housing Testing Program. Food and Beverages will be provided. We look forward to seeing all of you!

Donations and Sponsors Needed

ATC is looking for sponsors to help us provide food and drinks for our special event. If you would like to be sponsor or donate to ATC, please call 474-7006 and press 0 for the operator.



The 80th Texas Legislature: Update on Current Housing Issues

The following legislative bills have been filed this session at the Texas legislature. These bills might effect your future lease agreements and housing. The Austin Tenants' Council (ATC) is providing a summary of each bill below, and we encourage you to get involved by contacting your local representatives, and telling them how you feel about these issues or other concerns you might have regarding your housing rights. You may locate who represents you and get complete copies of bills from the Texas Legislature Online - <http://www.capitol.state.tx.us/>. You may also locate who represents you by contacting the Office of the Attorney General toll free at 800-252-8011. ATC understands that additional bills regarding housing issues may be filed and we will provide the information as it becomes available.

House Bills That May Affect Tenants:

House Bill 31

This bill will release a tenant who dies before the lease term expires, from any obligation to pay future rent. To be released, someone from the tenant's family or an estate representative must inform the landlord about the tenant's death. A family member or estate representative will be allowed to remove the tenant's property from the rental unit after the landlord is notified.

House Bill 177

This bill forces landlords to provide hot water service in residential rental units. Landlords that do not provide hot water service can be court-ordered by a judge to provide hot water service. Tenants can, on their own or with the assistance of ATC, get a court-order: 1) forcing landlords to provide hot water service including making any repairs necessary to provide hot water service; 2) reducing the tenant's rent, from the date of the first repair demand letter sent to landlords requesting the hot water service be provided; and 3) tenants can sue landlords for one month's rent or more from landlords not responding at all.

House Bill 750

This bill stops landlords from charging too much for late fees. A landlord must give prior written notice to a tenant in the lease agreement of the restriction on late fees and may not charge more than \$150 per month in late fees for a tenant's late payment of rent.

House Bills That May Affect Tenants and Homeowners:

House Bill 900

This bill can be called the "Freedom from Workplace and Housing Discrimination Act." This bill is an effort to stop housing discrimination based on sexual orientation or gender identity or expression.

A person commits a discriminatory practice and a violation of this chapter if the person advertises housing opportunities in a manner designed to restrict the housing choices and opportunities in a manner that discriminates against individuals solely because of sexual orientation or gender identity or expression.

House Bills That May Affect Homeowners:

House Bill 493

This bill stops property owners' associations from foreclosing on your property for the purpose securing a debt you might owe them. The bill tells property owners' associations how payments from owners can be used to pay off debt owed to them by the owner. A payment received by a property owners' association from the owners shall be applied in the following priorities: (1) any delinquent assessment; (2) any current assessment; (3) any fines assessed by the association; and (4) fees.

House Bill 749

This bill stops foreclosures by not allowing restrictive covenants in certain situations. For example, a restrictive covenant may not be adopted to place a lien on real property to secure payment of a debt created by the covenant unless the covenant exempts a homestead.

House Bill 976

This bill allows automatic extensions for restrictive covenants for specified periods of at least 10 years subject to a right of waiver or termination.

House Bill 1171

This bill forces property owners' associations to adopt guidelines to establish alternative payment plans that allow an owner, at the owner's request, to make partial payments to the property owners' association for delinquent debts.



Inside:

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Program Celebrates

Fair Housing Testing Program Celebrates 11th Anniversary

The Austin Tenants' Council is proud to announce the 11th anniversary of our groundbreaking fair housing testing program. This was the first U.S. Department of Housing and Urban Development (HUD) Fair Housing Initiative Program (FHIP) funded testing program in Texas.

Fair housing testing is a way of measuring the quality, quantity, and content of information and customer service given to potential renters, by a housing provider based on the federal fair housing laws. These laws prohibit discrimination in housing based upon the following protected classes: race or color, national origin, religion, sex, familial status, and disability.

In a rental test scenario, volunteer testers as similar as possible to the complainant in all characteristics, except the "protected class" involved, visit the site of a housing provider (within an appointed time) and inquire about the availability of housing and the terms and conditions such as rental rates, deposit rates, and application fees. After the test is completed, the testers objectively record in detail everything that happened during the test by completing a report and narrative statement.

The testing coordinator, to determine whether a difference in treatment

occurred, reviews these materials. In many cases, there is no evidence to support a determination that discrimination did occur. However, when evidence is found to support allegations of discrimination, this determination usually strengthens a discrimination case making it easier to negotiate a conciliation agreement or file a lawsuit.

Each year, the Austin Tenants' Council is required to recruit and train (20) new volunteers to become testers. Without volunteers, our fair housing testing program would not be able to operate and provide such a valuable service for our clients.

Over the years, the Austin Tenants' Council has recruited and trained approximately 139 volunteers of diverse backgrounds, and we are fortunate to have an extensive core of about 22 active testers. A few have been with us testing since the beginning of the program and they continue to lead our testing efforts actively today. Since testing activities are confidential and anonymous, ATC is unable to publicly acknowledge the work that these volunteers do for our agency, but we wanted to let them know we appreciate them.

Anyone interested in becoming a volunteer tester with ATC, please contact Jim Currier at 512-474-7007 ext. 104.



Upcoming Conference On Fair Housing

Conference Theme

"Fair Housing: It's Not An Option, It's the Law."

This April is the 39th annual celebration of Fair Housing Month. Events will be scheduled nationwide to honor the strides made to ensure all Americans have equal access to housing free from discrimination since the Fair Housing Act was signed in 1968.

In Austin, Texas, the City of Austin Equal Employment Opportunity/Fair Housing Office in partnership with the Austin Tenants' Council is sponsoring a Fair Housing Conference to mark the occasion.

The conference will be held on April 20, 2007. The conference will focus on a variety of topics related to fair housing laws and activities, and it's open to the general public.

For more information, please contact Nekesha Phoenix at 512-474-7007 ext. 105

We hope to see you there!



TENANTS

The Austin Tenants' Council offers both first-time renter and first-time homebuyer guides, along with a Guide to Affordable Housing in the Greater Austin Area. Call 474-1961 for more information.

LANDLORDS

Protect your investment. Purchase an ATC Lease Packet and be a better informed and more confident landlord. Call 474-7007 or come by our office for more information.

ATC Open House **¡Celebración del Consejo de Inquilinos de Austin!**

El Consejo de Inquilinos de Austin abrió sus puertas al público el 26 de abril de 2007 desde las 4 p.m. hasta las 7 p.m. Este evento especial celebrará la nueva ubicación en el 1640-B E. 2nd Street, Suite 150, Austin, TX 78701, el 34 aniversario de la agencia, y el 11 aniversario del Programa de Prueba de Vivienda Justa. Se servirá comida y bebidas. ¡Esperamos verlos a todos!

Se Necesitan Donaciones y Patrocinadores

ATC busca a patrocinadores para ayudar a proveer comida y bebidas para nuestro evento especial. Si usted desea ser un patrocinador o hacer un donativo a ATC, favor de llamar al 474-7006 y oprima el 0 para la operadora.



La 80a Sesión Regular de la Legislatura: Noticias Sobre Temas Actuales de Vivienda

Los siguientes proyectos de ley han sido presentados en esta sesión en la legislatura de Texas. Estos proyectos de ley podrían afectar sus futuros contratos de arrendamiento y vivienda. El Austin Tenants' Council le proporciona un resumen de cada proyecto de ley aquí abajo, y le animamos a involucrarse contactando a sus representantes locales para informarles sobre lo que usted piensa de estos temas y demás preocupaciones que usted quizás tenga acerca de los derechos de vivienda. Puede localizar información sobre su representante y obtener copias completas de los proyectos de ley a través de la página Internet Texas Legislature Online en <http://www.capirol.state.tx.us/>. También puede informarse sobre quien es su representante contactando a la Procuraduría General gratuitamente al 800-252-8011. El Austin Tenants' Council reconoce que adicionales proyectos de ley sobre temas de vivienda podrían ser presentados y proporcionaremos información conforme se hace disponible.

Proyectos de Ley de la Cámara de Representantes Que Podrían Afectar a los Inquilinos:

Proyecto de Ley HB 31

Este proyecto de ley libera a un inquilino que fallece antes de cumplirse el plazo de arrendamiento, de cualquier obligación de pagar futura renta. Para ser liberado, alguien de la familia del inquilino o un representante del patrimonio debe informarle al dueño acerca del fallecimiento del inquilino. Un miembro de la familia o un representante del patrimonio será permitido remover los bienes del inquilino desde la unidad de renta después de que el dueño sea notificado.

Proyecto de Ley HB 177

Este proyecto de ley obliga a los dueños a proveer servicio de agua caliente en unidades de renta residenciales. Los dueños que no proveen servicio de agua caliente podrían ser obligados por orden judicial de un juez a proveer servicio de agua caliente. Los inquilinos pueden, por sí mismos o con la ayuda de ATC, obtener una orden de la corte para: 1) obligar a dueños a proveer servicio de agua caliente incluyendo hacer cualquier reparaciones necesarias para proveer el servicio de agua caliente; 2) rebajar la renta del inquilino, desde la fecha que fue enviada la primera carta exigiendo reparación al dueño pidiendo el servicio de agua caliente; y 3) los inquilinos pueden presentar una demanda contra los dueños por un mes de renta o más de aquellos dueños que no dan ninguna respuesta.

Proyecto de Ley HB 750

Este proyecto de ley le pone fin a dueños de propiedad que cobran demasiado en cuotas por retraso. Un dueño debe dar un aviso previo por escrito a un inquilino en el contrato de renta sobre la restricción de cuotas por retraso y no podría cobrar más de \$150 por mes en cuotas por retraso a un inquilino por el pago tarde de la renta.

Proyectos de Ley de la Cámara de Representantes Que Podrían Afectar a Inquilinos y Dueños:

El Proyecto de Ley HB 900

Este proyecto de ley puede ser llamado la "Ley de Libertad de Discriminación en el Trabajo y Vivienda".

Este proyecto de ley es un esfuerzo para poner fin a la discriminación de vivienda basada en la orientación sexual o identidad de género o expresión. Una persona puede cometer una práctica discriminatoria y una violación de este capítulo si la persona anuncia oportunidades de vivienda de una manera diseñada para restringir las opciones y oportunidades de vivienda de manera que discrimina contra individuos únicamente debido a orientación sexual o identidad de género o expresión.

Proyectos de Ley de la Cámara de Representantes Que Podrían Afectar a los Dueños:

Proyecto de Ley HB 493

Este proyecto de ley le prohíbe a asociaciones de dueños ejecutar la hipoteca de su propiedad con el fin de asegurar una deuda que quizás tenga pendiente con ellos. El proyecto de ley le informa a las asociaciones de dueños sobre cómo los pagos por un dueño pueden ser utilizados para saldar la deuda que les debe el dueño. Un pago que recibe la asociación de dueños de parte de un dueño debe ser utilizado para saldar la deuda del dueño conforme la siguiente orden de prioridad: (1) cualquier impuesto delinciente incumplido (2) cualquier impuesto actual (3) cualquier multas impuestas por la asociación; y (4) cualquier gastos legales incurridos por la asociación únicamente asociados con las multas impuestas por la asociación.

Proyecto de Ley HB 749

Este proyecto de ley prohíbe la ejecución de hipotecas al no permitir convenios restrictivos en ciertas situaciones. Por ejemplo, un convenio restrictivo no podría ser adoptado para poner un embargo preventivo sobre un inmueble para asegurar el pago de una deuda que fue creada por el convenio salvo si el convenio hace exenta a la propiedad.

Proyecto de Ley HB 976

Este proyecto de ley permite extensiones automáticas para convenios restrictivos por plazos específicos de por lo menos diez años y está sujeto a derecho de renuncia o terminación.

Proyecto de Ley HB 1171

Este proyecto de ley obliga a las asociaciones de dueños adoptar pautas para establecer planes alternativos de pagos que le permitan al dueño, a solicitud del dueño, hacer pagos parciales a la asociación de dueños por deudas delincuentes pendientes.





Housing Rights Advocate
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If your agency would like to receive additional copies of this newsletter or if you have any changes to the mailing list, contact Jim at 512-474-7007 or jim@housing-rights.org. If you prefer to view our newsletter online, we will gladly remove your name from our mailing list.

This service is certified as a lawyer referral service as required by the State Bar of Texas under Article 320d, Revised Statutes.

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The Austin Tenants' Council, as a sub-recipient 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 modification 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.

Programs and Services/Programas y Servicios

**FAIR HOUSING
 VIVIENDA JUSTA**

THE FAIR HOUSING PROGRAM / EL 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.

**TENANT-LANDLORD
 INQUILINO-PROPIETARIO**

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 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 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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