

Housing Rights **ADVOCATE**

Austin Tenants' Council • Issue 65, Spring 2012

2012 Housing Fair

On April 14, the Austin Tenants' Council hosted its second annual Housing Fair in recognition of Fair Housing Month. More than 90 tenants, landlords, and representatives from governmental agencies and community organizations in the Central Texas area attended this free event.

ATC thanks these businesses for their generous donations to support the 2012



Housing Fair: Chili's; El Milagro Tortillas; Fiesta Mart; HEB (Hancock Center and 7th Street); McDonald's; Pluckers Wing Bar; and SUBWAY.

\$5,000 Settlement in Rent Overpayment Case

For more than two years, Christina Rendon rented a home managed by Sienna Properties. And for more than two years, Sienna Properties allegedly overcharged Rendon for the rent. Rendon has a Section 8 Housing Choice Voucher. When a landlord agrees to accept the housing assistance payment, the landlord also agrees to accept the rent amount authorized by the housing authority.

Sienna Properties sought to collect the difference between its desired rent amount and the housing authority-approved rent amount by billing Rendon. According to the housing authority, Rendon's share of the rent during this time ranged from \$0 to \$18. Each month, however, Sienna Properties billed Rendon \$214 to \$360 above what the housing authority and/or Rendon paid. When Rendon did not pay the excessive rent, Sienna Properties inappropriately

charged her late fees. Rendon overpaid Sienna Properties by more than \$6,300.

John G. Lione, Jr. of Lione & Lee, P.C. took Rendon's case. Lione participates in the ATC Cooperating Attorney Referral Program. Through this program, hundreds of tenants in our community have received quality legal services from local attorneys who are dedicated to assisting low-income individuals and families in housing-related cases. Lione reached a settlement with Sienna Properties where Rendon received \$5,000 for her claims.

To continue this crucial service to our community, ATC needs attorneys interested in representing clients who allege to have been treated inappropriately under the Fair Housing Act or the Texas Property Code. For details on how to participate, visit www.housing-rights.org/volunteer.html.

FH Case Updates

In the settled cases reported here, the respondent, unless otherwise noted, denies the allegations of discrimination made by the complainant and the parties have agreed to resolve the case prior to a trial on the merits.

Joe Sanchez v. Wickersham Green

After enduring months of harassment by management, Joe Sanchez contacted the ATC Fair Housing Program. Sanchez, who is Hispanic, filed a fair housing complaint against Wickersham Green, alleging negative treatment due to his national origin.

The City of Austin Equal Employment/Fair Housing Office negotiated a settlement in which management agreed to pay \$175 to Sanchez and provide him with a positive rental reference.

When Sanchez went to the rental office to pick up his settlement check, one of the managers yelled, "So you think you are going to sue us? Well, I'm not renewing your lease," and handed Sanchez a 30-day lease termination notice. The Fair Housing Act prohibits retaliation and makes it illegal for a housing provider to take adverse action against a person because he asserted his civil rights.

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After this incident, Sanchez filed a second fair housing complaint against Wickersham Green, alleging retaliation for filing his original complaint.

While his complaint was pending investigation, Sanchez fell behind in paying his rent. The manager, along with two maintenance men and two police officers, came to Sanchez’s apartment to exercise a landlord’s lien. Sanchez first refused their entry, but one of the officers told Sanchez that he needed to allow management to enter or they would get a ladder and come in through the sliding glass door on his balcony.

The Texas Property Code, §54.041–§54.048, states that the landlord may only seize the tenant’s property if it can be accomplished without a breach of the peace. In other words, a tenant does not have to permit a landlord to enter the tenant’s house or apartment. A landlord cannot use force in an attempt to seize the tenant’s property.

ATC referred Sanchez to lawyer Tyler Hickle, who participates in the ATC Cooperating Attorney Referral Program, for help with the illegal landlord’s lien. Management returned Sanchez’s property after receiving a demand letter from Hickle.

The City of Austin Equal Employment/Fair Housing Office negotiated a second settlement between Sanchez and Wickersham Green to resolve the retaliation complaint.

ATC v. Village at the Arboretum

In 2009, as part of a HUD-funded senior housing audit, ATC conducted two accessibility tests at the Village at the Arboretum. While neither test showed any accessibility barriers, both testers were provided with marketing materials that depicted only white, non-disabled models. Upon further investigation, ATC

discovered that the property’s website depicted only white, non-disabled models. Advertisements run by the Village at the Arboretum in the Austin American-Statesman also showed only models who were white and non-disabled.

According to the U.S. Department of Housing and Urban Development, discriminatory advertising includes such acts as:

Using words, phrases, photographs, illustrations, symbols or forms which convey that dwellings are available or not available to a particular group of persons because of race, color, religion, sex, handicap, familial status, or national origin...[or] [s]electing media or locations for advertising the sale or rental of dwellings which deny particular segments of the housing market information about housing opportunities because of race, color, religion, sex, handicap, familial status, or national origin.

After reviewing the discriminatory advertisements, ATC conducted two fair housing site tests at the Village at the Arboretum to determine if prospective tenants who were race: black were treated differently than prospective tenants who were race: white. The test results were inconclusive.

In 2010, ATC filed a fair housing complaint against the Village at the Arboretum, alleging discriminatory advertising prac-

tices. When viewed as a whole, human models used in housing advertising and marketing should portray all of these racial, ethnic, and disability-status groups proportionate to the demographics of the area population. The use of only white, non-disabled models in the Village at the Arboretum’s advertising gave the impression of an exclusive club in which minorities and people with disabilities would not feel welcome.

The City of Austin Equal Employment/Fair Housing Office negotiated a conciliation agreement. In February 2012, the Village at the Arboretum agreed to:

- Update its marketing materials (including but not limited to its website, brochures, and print advertisements) to depict persons of color and persons with disabilities in proportion to the demographics of the Austin area;
- Take fair housing training from an approved organization; and
- Make a monetary payment to support ATC’s fair housing efforts.

If you would like to help fight housing discrimination by volunteering as a fair housing tester, contact Morgan Morrison at 474-7007 x 104 or morgan@housing-rights.org.

Annuity Helps When Needed Most

The Austin Tenants’ Council wants to express its deep appreciation to Jerry Icenogle and family for their generous, ongoing contribution to ATC. The money provides invaluable resources to benefit ATC’s tenant-landlord and fair housing programs. During a time of re-

duced funding and hard economic times this funding is crucial to our programs.

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 “get involved.”

Novedades Sobre Casos de Vivienda Justa

En los casos resueltos reportados aquí, el demandado, a menos que se indique de otro modo, negó las denuncias de discriminación hechas por el demandante, y las partes acordaron resolver el caso antes de llevarlo a juicio.

Joe Sánchez versus Wickersham Green

Después de sufrir meses de hostigamiento por la administración, Joe Sánchez se comunicó con el Programa Vivienda Justa de ATC. Sánchez, hispano, presentó una denuncia de Vivienda Justa contra Wickersham Green, alegando un trato negativo debido a su origen.

La Oficina de Igualdad de Empleo/Vivienda Justa de la Ciudad de Austin negoció un acuerdo por el que la administración aceptó pagar \$175 a Sánchez y entregarle una recomendación positiva de renta. Cuando Sánchez se dirigió a la oficina central para recibir el cheque acordado, uno de los encargados le gritó: “¿Así que usted cree que puede iniciarnos juicio? Bueno, yo no le voy a renovar su contrato”, y le entregó a Sánchez un aviso de cancelación de contrato en 30 días. El Acta Vivienda Justa prohíbe las represalias y hace ilegal el que un proveedor de viviendas tome acciones adversas contra una persona porque ésta hizo valer sus derechos civiles.

Después de este incidente, Sánchez presentó una segunda denuncia de Vivienda Justa contra Wickersham Green, alegando represalias por haber hecho la primer denuncia.

Mientras el caso estaba en investigación, Sánchez se atrasó en pagar la renta. El administrador, junto a dos hombres de mantenimiento y dos agentes de policía, fue al apartamento de Sánchez para ejecutar un embargo por la deuda. Sánchez primero les negó la entrada, pero uno de los oficiales le dijo que debía permitir la

entrada a la administración o traerían una escalera y entrarían por la puerta corrediza en su balcón.

ATC recomendó Sánchez al abogado Tyler Hickle, quien participa en el Programa de Derivación a Abogados Colaboradores de ATC, para que lo ayude ante el embargo ilegal del propietario. La administración devolvió la propiedad embargada a Sánchez después de recibir una carta de demanda de Hickle.

La Oficina de Igualdad de Empleo/Vivienda Justa de la Ciudad de Austin negoció un segundo acuerdo entre Sánchez y Wickersham Green para resolver la denuncia por represalia.

ATC versus Village at the Arboretum

En 2009, ATC condujo dos evaluaciones de accesibilidad en el complejo Village at the Arboretum. Aunque las evaluaciones no hallaron impedimentos en el acceso, a los dos clientes secretos se les entregó materiales de mercadeo que solo mostraban modelos blancos y no-discapacitados.

Según el Departamento de Viviendas y Desarrollo Urbano de EE.UU., la publicidad discriminatoria incluye actos como:

Usar palabras, frases, fotografías, ilustraciones, símbolos o formas que transmitan que las viviendas están disponibles o no disponibles a un grupo determinado de personas debido a raza, color, religión, sexo, discapacidad, condición familiar o nacionalidad de origen.

En 2010, ATC presentó una queja de Vivienda Justa contra Village at the Arboretum, alegando prácticas de publicidad discriminatoria. La Oficina de Igualdad de Empleo/Vivienda Justa de la Ciudad de Austin negoció un acuerdo.

Recargo en la Renta

Christina Rendon rentó una vivienda administrada por Sienna Properties durante más de dos años. Y se alegra que Sienna Properties le cobró de más por la renta durante todo ese período. Rendon tiene un Voucher Sección 8 de Opción de Vivienda. Cuando un propietario o administrador acepta este pago de vivienda asistido, también acepta el precio de renta autorizado por la autoridad de viviendas.

Sienna Properties buscó cobrarle a Rendon la diferencia entre el precio de renta que deseaba y la cifra aprobada por la autoridad de viviendas. Según la autoridad de viviendas, la parte correspondiente a Rendon en la renta durante este período variaba de \$0 a \$18. Sin embargo, todos los meses Sienna Properties le facturaba a Rendon entre \$214 y \$360 por encima de lo que recibía de la autoridad de viviendas y/o Rendon. Cuando Rendon no pagó la excesiva renta, Sienna Properties le cobró de manera inadecuada un recargo por demora. Rendon le pagó a Sienna Properties más de \$6,300 de más.

John G. Lione Jr., de la firma Lione & Lee, P.C., tomó el caso de Rendon. Lione participa en el Programa de Derivación a Abogados Colaboradores de ATC. Por medio de este programa, cientos de inquilinos en nuestra comunidad han recibido servicios legales de calidad, de parte de abogados locales dedicados a asistir a personas y familias de bajos recursos en casos relativos a viviendas. Lione logró un acuerdo con Sienna Properties por el que Rendon recibió \$5,000 por su denuncia.



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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 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.

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