

Housing Rights **ADVOCATE**

Austin Tenants' Council • Issue 85, Summer 2017

Facing Displacement, Mobile Home Tenants Negotiate Positive Outcome

It's well known that Austin, Texas is growing rapidly. Scarce affordable housing and the gentrification of majority minority areas is long established and largely unresolved. According to data released by the 2016 U.S. Census Bureau, the Austin metro area is among the fastest growing cities of any large metro in the nation. Frequently lost in the flash of such data, mobile home tenants are among the most significantly impacted and least represented.

In February of 2017, residents of Thrasher Mobile Home Park, located in the Montopolis neighborhood, contacted Austin Tenants' Council seeking guidance regarding a notice they received from the park owners, Urban Rio LLC. The initial notice, described as an "official notice to move," provided tenants with less than the statutory 60 days advance notice for lease non-renewal but did offer to assist with moving costs. With the assistance of Susana Almanza, president of the Montopolis Neighborhood Association, Daniel Armendariz, housing advocate for Austin Tenants' Council, met with tenants to discuss the notice, their rights under Texas statute, and strategies for responding.

Over the course of several weeks of negotiation led by Ms. Almanza and several tenants, a final agreement was reached. In the agreement, Urban Rio offered to pay all resident tenants \$7,000 and also waived two months rent. Moving a mobile home can cost a tenant upwards of \$4,000.00 to say nothing of the challenge of finding a

new lot to lease. Nevertheless, with the hard fought efforts of Thrasher tenants, Ms. Almanza, Austin Tenants' Council and the good faith negotiating of Urban Rio, the tenants earned a significant settlement for themselves as they embarked on the next stage of their lives.

Upon the conclusion of negotiations, Daniel interviewed Ms. Almanza about the final deal and broader challenge of tenant displacement. A transcript of the interview follows:

I'm wondering if you'd comment on the final deal that Thrasher tenants reached? Do you think the deal was reasonable or didn't go far enough?

"When residents are being displaced, the compensations that are offered are never enough. When it comes to leaving a place you call home, a neighborhood in which your children have familiar friends and go to school; limited compensation is never enough. Especially when you live in the only affordable housing within the central city. But, when you don't own the land, you must negotiate for some type of compensation. Urban Rio, LLC, was willing to negotiate and work with the residents; they were compassionate and arrived at a mutual understanding with the residents. The agreement with Urban Rio, LLC and their willingness to work with Thrasher tenants was more compassionate and reasonable than the agreement worked out between Cactus Rose Mobile Home Park residents and developers."

I'm also wondering if you have any thoughts on what needs to be done to help strengthen the rights of mobile home tenants?

"The City of Austin must work on policies that assist mobile home parks owners, instead of creating more cost for mobile home park owners; costs which are passed on to tenants and/or make the owners just sell out. For example, City of Austin wants mobile home parks to have recreation areas, which is great, but why doesn't the City partner with mobile home owners like they do with the Austin Independent School District to build the park? The park then becomes a shared space. The City is requiring porches and disability ramps to be installed in mobile home parks. It should partner with Austin Urban League and other programs to assist the renters of the mobile home parks to build them. The City of Austin needs to convert some of the centrally located land for the availability of manufacture homes, real affordable housing. These mobile home parks could also be utilized for transitional housing.

There are all types of homes and the City must embrace the diversity of all types of housing. Housing is a human right."

Texas Property Code, Title 8, Chapter 94 covers manufactured home tenancies.

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A New Foundation For American Greatness Built on the Backs of the Working

On Tuesday, May 23rd, Mick Mulvaney, President Trump's budget director, introduced the White House's 2018 budget billed as "A New Foundation For American Greatness." According to the Center on Budget and Policy Priorities (CBPP), however, this so-called "Foundation for American Greatness" "contains the largest dollar cuts to programs for low-and moderate-income people proposed by any President's budget in the modern era." As much as three-fifths of the cuts found in the 2018 budget are taken directly from programs serving low and moderate income populations.

If implemented, these cuts will undoubtedly have a profound and withering effect on the most vulnerable populations in our society, and a direct impact on the social services provided in Central Texas. Here are just a few examples of the cuts proposed by Mr. Trump:

Legal Services Corporation – Proposed Funding Cut: 100%

Otherwise known as legal aid for low-income folks, the LSC is slated for complete elimination in the budget. In a piece published by the ABA Journal, Linda Klein, president of the American Bar Association, elaborates on the effect of these cuts: "Some of the worthy services the LSC provides include securing housing for veterans, protecting seniors from scams, delivering legal services to rural areas, protecting victims of domestic abuse and helping disaster survivors..." ATC regularly works with organizations such as Texas Rio Grande Legal Aid (TRLA) to ensure that clients receive free legal advice when needed. Eliminating LSC funding would adversely affect TRLA, ATC and many other non-profit legal advocacy organizations serving populations already underrepresented by our judicial system.

Community Development Block Grant (CDBG) - Proposed Funding Cut: 100%

The CDBG is a variety of block grants distributed by the federal government to the states and local municipalities to community-based organizations serving those in need. The CDBG represents over one-third of ATC's total operating budget but will likely have a broad effect on all governmental funding sources.

The elimination of CDBG funding in its entirety would have a severe impact on our ability to support residents of the Austin metro area where at least 55% of the population are tenants. Moreover, the scarcity of affordable housing in Austin is forcing tenants to relocate to unincorporated areas around the city. ATC relies upon the CDBG funding to serve these areas as well. CDBG funds allow ATC to provide in-house counseling to hundreds of tenants annually on issues such as evictions, withheld security deposits, exorbitant utility bills, lease violations and many others.

Additionally, ATC assists tenants in resolving health or safety repairs and surround issues. Tenants frequently feel that requesting a repair without an advocate like ATC will incur a retaliatory response. ATC counselors work closely with tenants to ensure they feel knowledgeable and safe in the enforcement of their rights.

Low-Income Home Energy Assistance Program (LIHEAP) – Proposed Funding Cut: 100%

The LIHEAP has historically helped low-income people with a variety of energy-related needs to include: home energy bills, energy crisis events, weatherization and energy-related home repairs. This forty-year program provides critical assistance to folks throughout the country but

especially in areas where weather conditions become extreme as seasons change. The proposed cuts to LIHEAP come at the worst possible time. In 2016, LITE-UP Texas, the only major energy assistance program assisting low-income residents with their electric bills, was not renewed by the Texas legislature.

Mr. Trump's budget proposes to make cuts to and/or entirely eliminate many more federal programs serving the most vulnerable Americans. Space constraints here limit our ability to cover them all. Suffice to say, leaders from a broad swath of sectors have spoken out against the proposed budget. Among the most outspoken critics is the National Low Income Housing Coalition (NLIHC) calling it "unconscionable and unacceptable."

Executive Director of Austin Tenants' Council, Juliana Gonzales explains the potential impact of the cuts: "Proposed cuts like the elimination of the CDBG will hit our agency and our community hard. State legislative decisions and the current housing market leave no room for the low-income families we serve. By eliminating the already minimal CDBG funding and redirecting those funds to defense contractors, we leave further disadvantage and destabilize those very communities the funds are meant to serve. While its important to contact your legislators to urge them to defend all social services funding, it's crucially important to support the agencies actually doing the work in your community. Support them financially, if you're able, and support their work publicly as they seek to do powerful good on an already limited, and now threatened, budget.

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La Nueva Fundación para la Grandeza Americana se construye a costa de los trabajadores

El martes 23 de mayo, Mick Mulvaney, el director de presupuesto del Presidente Trump, introdujo el presupuesto 2018 de la Casa Blanca, anunciado como una “Nueva Fundación para la Grandeza Americana”. Sin embargo, según el Centro de Prioridades Presupuestarias y Políticas (CBPP por sus siglas en inglés), esta supuesta “Nueva Fundación para la Grandeza Americana” “contiene los mayores recortes de fondos a programas para personas de ingresos bajos y moderados propuestos por todo otro presupuesto presidencial en la era moderna”. Tanto como tres quintos de los recortes hallados en el presupuesto 2018 afectan directamente a programas que sirven a poblaciones de ingresos bajos y moderados.

De implementarse, estos recortes sin duda alguna tendrán un profundo y devastador efecto en los grupos más vulnerables de nuestra sociedad, y un impacto directo en los servicios sociales ofrecidos en Texas central. Éstos son solo unos pocos ejemplos de los recortes propuestos por Trump:

Corporación de Servicios Legales (LSC) – Recorte de fondos propuesto: 100%

Conocida también como asistencia legal para gente de bajos recursos, LSC está seleccionada para ser eliminada completamente del presupuesto. En un artículo publicado en ABA Journal, Linda Klein, presidenta de la Asociación Americana de Abogados, elabora sobre el efecto de estos recortes: “Algunos de los valiosos servicios que provee LSC incluyen: conseguir viviendas para veteranos, proteger de estafas a jubilados, brindar servicios legales a áreas rurales, proteger a víctimas de violencia doméstica y ayudar a sobrevivientes de desastres naturales...”. ATC (Consejo de Inquilinos de Austin) trabaja

regularmente con organizaciones como la Asistencia Legal de Río Grande de Texas (TRLA) para asegurar que los clientes reciban asesoramiento legal gratuito cuando lo necesitan. Eliminar los fondos para LSC afectaría adversamente a TRLA, ATC y muchas otras organizaciones de defensa legal sin fines de lucro que sirven a poblaciones ya representadas insuficientemente en nuestro sistema judicial.

Subsidio en Bloque para Desarrollo Comunitario (CDBG) – Recorte de fondos propuesto: 100%

CDBG es un conjunto de subsidios en bloque distribuidos por el gobierno federal a los estados y municipalidades, para organizaciones basadas en la comunidad que sirven a los necesitados. CDBG representa más de un tercio del presupuesto operativo total de ATC pero tendrá un amplio efecto en toda fuente de financiamiento gubernamental.

La eliminación total de los fondos CDBG afectaría gravemente nuestra capacidad de apoyar a residentes del área metropolitana de Austin, donde por lo menos el 55% de los habitantes son inquilinos. Los fondos CDBG permiten a ATC brindar asesoría interna a cientos de inquilinos al año en temas como desalojos, retención del depósito de seguridad, facturas de servicios exorbitantes, violación de contratos y muchos más. Además, ATC asiste a inquilinos a resolver problemas de reparaciones por riesgo de salud o seguridad, y temas relativos. Los inquilinos sienten frecuentemente que solicitar una reparación sin apoyo, como el que brinda ATC, puede provocar represalias. Los asesores de ATC trabajan de manera cercana con los inquilinos para asegurar que se sientan informados y seguros en sus derechos.

Programa de Asistencia Energética a Viviendas de Bajos Recursos (LIHEAP) – Recorte de fondos propuesto: 100%

LIHEAP ha ayudado históricamente a personas de bajos ingresos en una variedad de necesidades relativas a energía, como facturas de luz, episodios de crisis energéticas, aclimatación y reparaciones eléctricas en la vivienda. Este programa de cuarenta años brinda una asistencia crítica a gente en todo el país, pero especialmente en áreas donde las condiciones meteorológicas pueden llegar a extremos. El posible recorte a LIHEAP se da en el peor momento posible. En 2016, LITE-UP Texas, el único programa importante de asistencia a residentes de bajos ingresos con sus facturas eléctricas, no fue renovado por la legislatura de Texas.

Juliana Gonzales, directora ejecutiva de Austin Tenants’ Council, explica el potencial impacto de los recortes: “Los recortes propuestos, como la eliminación del subsidio CDBG, afectarán gravemente a nuestra agencia y nuestra comunidad. Eliminar el ya mínimo financiamiento a CDBG y redirigir esos fondos a contratistas de defensa es dejar en aún mayor desventaja y desestabilizar esas mismas comunidades que los fondos deben servir. Aunque es importante comunicarse con sus legisladores para urgirles defender todo fondo de servicios sociales, es crucial apoyar a las agencias que hacen este trabajo en su comunidad. Apóyelos económicamente si puede, y apoye públicamente su trabajo, que busca hacer el bien con un ya limitado y ahora amenazado presupuesto.

¿Quién me representa?

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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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