

# Housing Rights **ADVOCATE**

Austin Tenants Council • Issue 95, Winter 2019

## **New Office at 205 Chicon Street**

*By Rachel Walker*

**O**n November 4, ATC opened its permanent office at 205 Chicon Street, just a few blocks from our previous location on 2nd Street. We look forward to serving clients at this central location; tenants and landlords who would like to meet with a Housing Advocate can call 512-474-7006 to schedule an appointment. Walk-ins are welcome!

We'd like to thank the following organizations for sharing their space with us while we moved: the African-American Cultural and Heritage Facility; the George Washington Carver Museum, Cultural and Genealogy Center; the Sandra Joy Anderson Community

Health & Wellness Center; Meals on Wheels Central Texas; and the Housing Authority of the City of Austin.

We'll be hosting a grand opening celebration on January 14, 2020! Stay tuned to our website and social media for more details.



## **Every Breath Counts**

*By Cruz Garcia*

**R**ichard Coney and his family moved into Ascent North Apartments on June 15, 2019. Mr. Coney's one-year-old son is disabled by asthma. In September of 2019, he came to ATC's Fair Housing Program for help because the air conditioning unit had not been working properly since he moved in – it was not cooling. Apparently, none of the air conditioners in the complex were cooling properly. This was a serious problem for Mr. Coney because the Texas heat and humidity were taking a toll on his son's health and causing his condition to get worse. Mr. Coney knew that he couldn't continue to have his son in this environment.

A reasonable accommodation was sent to the property manager asking to release the tenants from the lease without penalty so that Mr. Coney could find suitable housing that could accommodate his son's disability. The reasonable accommodation was approved by management and the tenants moved to another location.

If you or someone associated with you has a disability and needs an accommodation in housing, please contact the Fair Housing Program at 512-474-1961.

## **Appealing an Eviction**

*By Rachel Walker*

**A**n eviction can cause a tenant to lose their home in as little as twenty-one days. Many tenants do not realize that they have a right to appeal the eviction by requesting a new trial at the County Court level. Tenants who wish to appeal an eviction judgement must act quickly, as they only have five days to file an appeal.

*This article is not a substitute for legal advice, and tenants who are interested in appealing an eviction should consult an attorney before doing so. \*Please note that tenants in federally subsidized housing may have additional rights.*

– they can either move out in accordance with the eviction judgment, or they can file an appeal, which will grant them a new trial and allow them to remain in their rental unit throughout the appeal process. If the fifth day falls on a day when the Justice of the Peace (JP) Court is closed, the tenant can file on the next day that the Court is open. A tenant will no longer have the opportunity to appeal if they miss this deadline. If a tenant has not moved out or filed an appeal within five days of the eviction hearing, their landlord can request a Writ of Possession on the sixth day. A Writ of Possession is a court order, delivered by a constable, which requires the tenant to vacate the property within twenty-four hours.

*(Continued on Page 2...)*

### **EVICTED – NOW WHAT?**

Following an eviction judgment, a tenant has five days to make a choice

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# Appealing an Eviction (Continued)

## HOW TO APPEAL

Appealing an eviction will give a tenant more time to stay in their rental unit; however, tenants must submit payment to the court in order to move forward with this process. In order to get a new trial, a tenant must submit one of the following forms within five days of their eviction hearing: an *Appeal Bond*, a *Cash Deposit*, or a *Statement of Inability to Afford Payment of Court Costs or Appeal Bond*. The tenant must also submit the *Tenant's Answer* at this time. The *Tenant's Answer* is a form stating the tenant's reason for requesting an appeal. These forms will be available at the court where the eviction was filed; a tenant can request them immediately after the eviction hearing. These forms can also be downloaded from the Travis County Law Library website.

Often, tenants who have been evicted for nonpayment of rent cannot afford the initial cash deposit and must submit the *Statement of Inability to Afford Payment*. This form grants the tenant five days to pay rent to the court, and requests that the County Court waive court costs. This form should be submitted to the JP Court where the initial

eviction hearing was held. After submitting this form, the tenant has five days to deposit one month's rent with the JP Court. Failure to make this payment can result in the judge signing a Writ of Possession to have the tenant removed from the property.

A tenant should keep two copies of every form that is turned in to the court. They must send a copy of the appeal form to the landlord within five days, and keep proof that it was sent. The best way to send this form is through certified mail, return receipt requested – this way, the tenant will be able to prove that this form was sent. Note that if a tenant files the *Statement of Inability to Pay*, the JP Court will send that form to the landlord on their behalf.

## WHAT'S NEXT?

Tenants who submitted an *Appeal Bond* or *Cash Deposit* must pay County Court fees within twenty days. Tenants who submitted a *Statement of Inability to Pay* will make their regular rent payments to the County Court rather than their landlord. This payment must be deposited to the County Court within 5 days of it being due if they are staying in the rental unit throughout the

appeal process.

Either the tenant or the landlord can request a trial date with the County Court. Both parties should try to select a court date that is mutually agreeable. The tenant should get legal advice as soon as possible in order to fully prepare for the trial.

A tenant can also submit a *Request for a Court Appointed Attorney* to the County Court. The Court is not required to appoint an attorney for an eviction trial.

## FOR MORE INFORMATION...

While this article presents general information about the appeal process, tenants should always seek legal advice before appealing an eviction. Additionally, the Travis County Law Library has a comprehensive brochure detailing the appeal process, which can be found on their website: <http://lawlibrary.traviscountytexas.gov/forms/eviction-tenants>

Tenants who have questions about their rights at any point in the eviction process can call our telephone counseling line (512-474-1961) to speak with a Housing Advocate.

## ATC Welcomes Associate Director of Tenant-Landlord Programs

This November, Lauren Stott joined ATC as the new head of the Tenant-Landlord team. Originally from Illinois, Lauren recently moved to Austin from Raleigh, North Carolina, where she worked in city government management. Her background includes work in strategic planning, public budgeting, outreach, and program design. We are excited to have Lauren on the team!

Lauren has been a tenant for the past twelve years and is currently renting in Central Austin. She says that she looks forward to contributing her experience to work that helps people when they need it the most: "Housing instability can be a very desperate situation. I'm proud to join an organization working to uphold and promote tenant rights in the Austin community."

## Cold Weather Shelters

Cold weather shelter is available at various locations throughout Austin on nights when the temperature drops below freezing.

If you or someone you know is experiencing homelessness, call the Cold Weather Shelter hotline (512-305-4233) for information about shelter availability.

# Nueva oficina en 205 Chicon Street

Por Rachel Walker

El 4 de noviembre ATC abrió su oficina permanente en 205 Chicon Street, a unas pocas cuadras de nuestra previa dirección en 2nd Street. Estamos entusiasmados por servir a nuestros clientes en este lugar céntrico; los inquilinos y propietarios arrendadores que desean asistencia de un Defensor de Vivienda pueden

llamar al 512-474-7006 para concertar una cita, pero aquellos que no tienen turno también son bienvenidos.

Queremos agradecer a las siguientes organizaciones por brindarnos espacio cuando nos estábamos mudando: African-American Cultural and Heritage Facility; George Washington Carver Museum, Cultural and Gene-

alogy Center; Sandra Joy Anderson Community Health & Wellness Center; Meals on Wheels Central Texas; y Housing Authority of the City of Austin.

¡Celebraremos la apertura el 14 de enero de 2020! Estén atentos en nuestra página electrónica y redes sociales por más detalles.

## Todo respiro cuenta

Por Cruz Garcia

Richard Coney y su familia se mudaron a Ascent North Apartments el 15 de junio de 2019. El hijo de un año del Sr. Coney es discapacitado por su asma. En septiembre de 2019, Coney acudió al Programa Vivienda Justa de ATC solicitando ayuda, ya que la unidad de aire acondicionado no funcionaba adecuadamente desde que se mudaron –no enfriaba. Aparentemente ninguno de los aires acondicionados del complejo

enfriaba adecuadamente. Éste era un grave problema para el Sr. Coney porque el calor y humedad de Texas estaban afectando la salud de su hijo, empeorando su condición. El Sr. Coney sabía que no podía seguir teniendo a su hijo en ese ambiente.

Se envió un pedido de adaptación razonable al administrador de la propiedad, pidiéndole libere del contrato a los inquilinos sin penalidad, para que

el Sr. Coney pueda hallar una vivienda adecuada que proteja la discapacidad de su hijo. La adaptación razonable fue aprobada por la administración y los inquilinos se mudaron a otro lugar.

Si usted o algún conocido tiene una discapacidad y necesita una adaptación en su vivienda, comuníquese por favor con el Fair Housing Program al 512-474-1961.

## ATC da la bienvenida a directora asociada de programas de Inquilinos/Propietarios

Este noviembre, Lauren Stott se incorporó a ATC como nueva directora del equipo de Inquilinos/Propietarios. Nacida en Illinois, Lauren se mudó recientemente a Austin de Raleigh, North Carolina, donde trabajaba en administración del gobierno municipal. Su experiencia incluye trabajo en planificación estratégica, presupuesto público, divulgación, y diseño de programas. ¡Estamos entusiasmados de tener a Lauren en el equipo!

Lauren ha sido inquilina durante los últimos doce años y actualmente renta en Austin Centro. Ella dice estar ávida por usar su experiencia en un trabajo que ayuda a la gente cuando más lo necesita: “La inestabilidad en la vivienda puede llegar a ser una situación desesperante. Estoy orgullosa de unirme a una organización que trabaja para defender y promover los derechos de inquilinos en la comunidad de Austin”.

## Refugios en tiempo frío

Hay refugios disponibles contra el frío en varios lugares de Austin, en noches cuando la temperatura desciende a nivel de helada.

Si usted o algún conocido está sufriendo falta de vivienda, llame a la línea de Cold Weather Shelter (512-305-4233) para información sobre disponibilidad en refugios.

If your agency would like to receive additional copies of this newsletter or if you have any changes to the mailing list, contact Rachel at 512-474-7006 Ext. 106 or rachel@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 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. David Ondich has been designated as the City's Section 504/ADA Program Manager. His 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 504/ADA Program Manager at 512-974-3256 (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 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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