

## Discrimination Based on Race in Housing

**E**ach year the Fair Housing Program (FHP) assists over 400 clients who believe that they have been the victims of illegal housing discrimination. The Fair Housing Act protects people from discrimination when they are renting or buying a home, getting a mortgage, seeking housing assistance, or engaging in other housing-related activities. During our last contract year, 10% of those cases alleged discrimination based on race. Early into the new contract year, the FHP has seen a 3% increase in the number of cases that allege discrimination based on race.

**Example 1:** Jane, a Black female, found a duplex that she wanted to rent through an online housing post. She communicated with the landlord through e-mail and over the telephone. Everything was going great and the landlord seemed eager to rent to her until she met him in person.

After the landlord discovered that she was Black, he told her that he was going out of town for a while and that she would probably find somewhere else to live while he was gone.

**Example 2:** Ryan, a White male, had lived at XYZ apartments for 3 years with no problems. Suddenly, the property is sold and management changes. Ryan starts noticing a difference in how the new manager deals with the residents. The manager is Hispanic and Ryan notices that all of the new residents moving in are Hispanic and that the White residents are being targeted with non-renewal notices, unwarranted lease violations, and their repair requests are going unanswered. Ryan believes that the new manager is providing preferential treatment to prospective and current Hispanic tenants.

**Example 3:** Michael, a Black male, is looking for housing and walks into the office of an apartment complex. Leasing agents see him come in but do not greet him or offer him assistance. Michael takes a seat and, while waiting patiently to be assisted, notices that a White male that walks in after him is greeted immediately and is told that he will be assisted shortly.

Race discrimination in housing is very seldomly overt and often may try to be disguised as something else. If you feel that something just isn't right, then there is a good chance that it is not.

If you believe that you have been the victim of illegal housing discrimination, please call the Fair Housing Program at 512-474-1961. We are ready to help you exercise your right to have safe, decent, and fair housing.

## CDC Eviction Moratorium — Are You Protected?

**O**n September 1, the Centers for Disease Control and Prevention (CDC) issued a federal eviction moratorium which will temporarily protect millions of renters from eviction proceedings for the rest of the year. In effect September 4 - December 31, 2020, this moratorium prohibits landlords from starting eviction proceedings for nonpayment of rent or other charges if their tenant is covered by the moratorium. However, renters are not automatically protected by this order. In order to be covered by the CDC Eviction Moratorium, you must meet

the following criteria AND submit a signed declaration of these facts to your landlord:

1. You meet at least one of the following income eligibility requirements: you expect to earn no more than \$99,000 in 2020, or \$198,000 if filing a joint tax return; you received a stimulus check this year; **or** you were not required to report income to the IRS in 2019.
2. You have used best efforts to obtain all available government rental assistance.

3. You have experienced a "substantial" loss of household income, either due to loss of employment or reduced hours, or you are unable to pay rent due to extraordinary medical expenses. The latter is defined as "any unreimbursed medical expense likely to exceed 7.5% of one's adjusted gross income for the year."

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4. If evicted, you would either become homeless or need to “double up” (move in with family or friends).
5. You are using best efforts to make timely partial payments to your landlord, to the extent that your individual circumstances allow.

If you meet these criteria, you should submit a signed declaration to your landlord. You are not covered by the moratorium until your landlord receives this. In the declaration, you must also state that you understand that you will still be liable for all payments owed through your tenancy,

and that your landlord may demand full payment and/or pursue an eviction subject to local law after the moratorium ends. Every tenant on the lease should submit their own signed declaration.

We suggest that you use the template available on the CDC website, so that you can be sure the declaration includes all required criteria. You can reach out to Austin Tenants Council if you would like us to email or mail you a copy of this document. We suggest that tenants send this through certified mail, return receipt requested. Keep a copy of the letter and

return receipt.

Please note that you must continue applying for rental assistance that is available to you, and that you must attempt to make partial payments to your landlord if you are reasonably able to do so. Unfortunately, this moratorium does not forgive rent or waive late fees, so tenants will still be responsible for the full balance owed. Please call our counseling line (512-474-1961) or reach out to our online counseling program if you have any questions about the CDC Eviction Moratorium or other protections for renters.

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## ATC Welcomes New Executive Director

**T**his September, Molly Jensen joined Austin Tenants Council as the organization’s new Executive Director. Jensen brings a wide range of experience to this role, having most recently worked at Sierra Club as the Advancement Director of the South Central Region of the U.S. In this role, she supported Sierra Club’s efforts to advance environmental justice by centering communities that face dispro-

portionate harms from the climate crisis. Prior to this, Jensen worked as a professor of religion and philosophy, having received a PhD in Ethics from Vanderbilt University.

Jensen initially began her career working to advance Fair Housing rights with the Kentucky Fair Housing Council. She says that this work and later positions confirmed that “unfair housing practices con-

tribute to and compound other inequities. Fair Housing is central in the movement to promote social and environmental justice.”

Jensen has lived in Austin for twenty years, having been a tenant in Austin at several times over the past two decades. She looks forward to working with the staff of Austin Tenants Council to address urgent issues within this community.

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## COVID-19 Related Eviction Protections

### Texas Supreme Court Order on CDC Eviction Moratorium

On September 17, the Texas Supreme Court issued an order requiring courts to include information about the CDC eviction moratorium in eviction citations. Citations will also include a copy of the CDC declaration, which the tenant can then sign and deliver to their landlord. If an eviction has been filed, the tenant should also file the declaration with the court in order to temporarily halt eviction proceedings. When a landlord files an eviction suit, they must declare whether or not they have received the CDC declaration from their tenant.

### Travis County JP Courts Abate Some Eviction Proceedings

The Travis County Justices of the Peace have issued a standing order delaying most eviction proceedings through December 31, 2020. Eviction trials will be postponed until next year if the eviction is for nonpayment of rent, and the tenant’s rent portion is \$2475 or less. Even if their trial has been abated, Tenants who are covered by the CDC eviction moratorium should still submit the CDC Declaration to their landlord and the court.

### Austin City Council Extends 60 Day Right to Cure Ordinance

Austin City Council has extended its

ordinance requiring landlords to give tenants a Notice of Proposed Eviction before starting the eviction process for nonpayment of rent. Initially passed on March 26, the Ordinance has been extended through December 31, 2020. If a tenant is behind on rent or other fees, a landlord must first issue a Notice of Proposed Eviction giving the tenant a minimum of 60 days to pay back late rent and other charges. A landlord cannot issue a Notice to Vacate until the Notice of Proposed Eviction has expired. Even after those 60 days have passed, landlords must comply with any additional protections in place for tenants, such as the CDC Eviction Moratorium.

# Discriminación por raza en la vivienda

**T**odos los años el Programa Vivienda Justa (FHP por sus siglas en inglés) asiste a más de 400 clientes que creen haber sido víctimas de discriminación ilegal en la vivienda. El Acta de Vivienda Justa protege a la gente contra la discriminación al rentar o comprar una vivienda, obtener una hipoteca, buscar asistencia en vivienda, o participar en alguna otra actividad relativa a vivienda. Durante nuestro último año de contrato, 10% de esos casos alegaron discriminación basada en raza. Y al iniciar el nuevo año de contrato, el FHP ha visto un aumento del 3% en el número de casos que denuncian discriminación basada en raza.

**Ejemplo 1:** Jane, una mujer negra, halló un dúplex para rentar mediante un anuncio de vivienda en internet. Ella se comunicó con el dueño vía email y por teléfono. Todo iba bien y el dueño parecía ansioso por

rentarle la unidad, hasta que se vieron en persona. Cuando el dueño se percató de que ella era negra, le dijo que se iba de la ciudad por un tiempo y que probablemente ella encontraría otro lugar donde vivir cuando él estaba fuera.

**Ejemplo 2:** Ryan, un hombre blanco, vivió en los apartamentos XYZ por tres años sin problemas. De pronto la propiedad se vendió y cambió la administración. Ryan comenzó a notar diferencias en el trato de la nueva administración con los inquilinos. El administrador es hispano, y Ryan ve que todos los nuevos inquilinos son hispanos, y que los residentes blancos van recibiendo avisos de no renovación, violaciones de contrato injustificadas, y pedidos de reparaciones sin resolver. Ryan cree que el nuevo administrador brinda trato preferencial a actuales y potenciales inquilinos hispanos.

**Ejemplo 3:** Michael, un hombre negro, busca vivienda y entra a la oficina de un complejo de apartamentos. Los agentes de renta lo ven entrar pero no lo saludan ni le ofrecen asistencia. Michael se sienta y mientras espera pacientemente que lo atiendan, ve entrar a un hombre blanco, al que saludan inmediatamente y le dicen que será asistido en breve.

La discriminación racial en la vivienda suele no ser evidente, sino que se la disfraza de otra cosa. Si usted siente que algo no es correcto, es muy posible que no lo sea.

Si usted cree que ha sido víctima de discriminación ilegal en la vivienda, llame por favor al Programa de Vivienda Justa al 512-474-1961. Estamos preparados para ayudarlo en su derecho de una vivienda segura, decente y justa.

## Moratoria de CDC en Desalojos - ¿Está usted protegido?

**E**l 1 de septiembre, el Centros de Prevención y Control de Enfermedades o CDC emitió una moratoria federal a los desalojos, que protegería temporalmente a millones de inquilinos contra procedimientos de desalojo por el resto del año. En vigor del 4 de septiembre al 31 de diciembre de 2020, esta moratoria prohíbe a propietarios iniciar procedimientos de desalojo por falta de pago de la renta y otros gastos, si el inquilino está cubierto por la moratoria. Sin embargo, los inquilinos no están protegidos automáticamente por esta orden. Para estar protegido por la Moratoria de CDC en Desalojos se deben cumplir ciertos requisitos Y presentar una declaración firmada de estos hechos ante el propietario:

1. Usted cumple por lo menos uno de los siguientes requisitos de elegibilidad por ingreso: usted espera ganar no

más de \$99,000 en 2020, o \$198,000 si rinde una declaración de impuestos conjunta; usted recibió un cheque de estímulo (Pago por Impacto Económico) este año; o usted no estuvo obligado a reportar ingresos al IRS en 2019.

2. Usted ha hecho lo posible por obtener toda asistencia del gobierno disponible para rentas.
3. Usted ha sufrido una pérdida "sustancial" de ingresos familiares, sea debido a la pérdida de empleo u horas reducidas, o usted no puede pagar la renta debido a gastos médicos extraordinarios. Esto último se define como "todo gasto médico no reembolsable que pueda exceder un 7.5% del ingreso bruto ajustado en el año".
4. De ser desalojado, usted quedaría sin

techo, o debería mudarse a la casa de un familiar o amigo.

5. Usted está haciendo lo posible por hacer pagos parciales al arrendatario, en la medida que sus circunstancias económicas personales lo permitan.

Si usted cumple estos requisitos, debe presentar una declaración firmada a su arrendatario. Usted no está cubierto por la moratoria hasta que su arrendatario la reciba. En esta declaración usted también debe señalar que entiende que sigue siendo responsable de todo pago debido durante su contrato, y que el propietario puede demandar el pago total y/o iniciar proceso de desalojo según leyes locales cuando termine la moratoria. Todo inquilino que figure en el contrato de renta debe presentar su propia declaración firmada.

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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.

*Housing Rights Advocate* is published quarterly by the Austin Tenants Council, 205 Chicon Street, Austin, TX 78702. The publication is supported by grants from the City of Austin (CDBG) and the U.S. Department of Housing and Urban Development. The substance and findings of the work are dedicated to the public. The publisher is solely responsible for the accuracy of the statements and interpretations contained herein. Such interpretations do not necessarily reflect the views of the government.

The work that provided the basis for this publication was supported by funding under a grant with the U.S. Department of Housing and Urban Development. The substance and findings of the work are dedicated to the public. The author and publisher are solely responsible for the accuracy of the statements and interpretations contained in this publication. Such interpretations do not necessarily reflect the views of the Federal Government.

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 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 474-7006.

**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 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 474-7006.

**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 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 474-7006.

**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 474-7006.

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