

Housing Rights **ADVOCATE**

Austin Tenants' Council • Issue 67, Fall 2012

Landlords Charged With Discrimination

The City of Austin Equal Employment/Fair Housing Office recently charged three Austin landlords with violating the Fair Housing Act. The cases will be heard by an administrative law judge or in federal district court. If an administrative law judge finds that illegal discrimination has occurred, the judge may award actual damages including humiliation, pain, and suffering; order injunctive or other equitable relief; impose civil penalties; and award attorney's fees. If the matter is decided in federal court, the judge may also award punitive damages.

Frank Judah v. Catherine Kelly

The COA EE/FHO charged an Austin landlord with violating the Fair Housing Act for terminating the lease of a tenant after she learned that the tenant was HIV positive and had bipolar disorder.

The COA EE/FHO alleges Catherine Kelly, owner of a single-family house located at 10302 Trogon Court, Austin, TX, gave a lease termination notice to her tenant, Frank Judah, stating, "You would not have even been here if you had told me of your bipolar problems and your positive HIV diagnosis."

Michael McCrory v. Cynthia Brettschneider

The COA EE/FHO charged an Austin landlord with violating the Fair Housing Act for terminating the lease of a transgender tenant after he refused to apply for disability benefits at her insistence.

The COA EE/FHO alleges Cynthia Brettschneider, owner of a single-family house located at 413 West Annie Street, Austin, TX, believed her tenant, Michael McCrory, was disabled due to his non-conformity

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Updated Affordable Housing Guide Available

The 2012 Guide to Affordable Housing in the Greater Austin Area is now available. This resource contains specific information about apartment complexes participating in affordable housing programs funded at the city, county, state, and federal level. Housing is organized by geographic area with the funding program and qualifying income level clearly indicated.

The Donald D. Hammill Foundation, whose mission is to improve the quality of life for

people who have disabilities, the aged, and people who are financially disadvantaged, generously provided the funding to print the eleventh edition of the GAHGAA.

Pick up a copy of the GAHGAA at the ATC office (1640-B East 2nd Street, Suite 150) or view it online at www.housing-rights.org. Alternative formats are available by request. Social service agencies may request multiple copies of the GAHGAA to provide to clients. Call 474-7006 for assistance.

Ramp Repair Offers Freedom

A deteriorating wooden ramp limited Nina Lozano's ability to leave her apartment. A level change between the apartment entrance and walkway kept Lozano from being able to maneuver her wheelchair safely.



Nina Lozano can enter and exit her apartment safely, thanks to repairs made by volunteers from the Austin Chapter of the Texas Ramp Project.

Ian Groetsch, ATC law clerk, helped Lozano submit a request for reasonable modification to her landlord, asking for permission to rebuild the ramp. Groetsch referred Lozano to the Texas Ramp Project (www.texasramps.org), which builds ramps at no cost for individuals with physical and financial need. Volunteers replaced the top and bottom portions of the ramp and added curbs and handrails, giving Lozano an accessible entrance and accessible route to her apartment.

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Fair Housing 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.

ATC v. Woodway Village

After receiving a complaint from a tenant who uses a wheelchair, the ATC Fair Housing Program conducted an accessibility audit of Woodway Village, an apartment complex built with Low-Income Housing Tax Credits from the Texas Department of Housing and Community Affairs. While touring the property, volunteer testers found features out of compliance with the design and construction requirements of the Fair Housing Act.

Upon notice of these violations, the apartment complex corrected the design deficiencies to make the property accessible for all. The property installed an accessible latch on the swimming pool gate; installed garbage dumpsters with side doors; and modified a parking space to add an access aisle that connected to a curb ramp.

ATC v. RBJ Towers

In April, a social worker contacted the ATC Fair Housing Program, concerned about the legality of a “sponsor statement” being required of all applicants and residents at RBJ Towers, an affordable apartment complex for seniors and people with disabilities. The form’s language suggested that residents must be able to live independently, which is an illegal requirement under the Fair Housing Act.

That same month, an individual who is blind contacted ATC, asserting that he was denied a reasonable accommodation by RBJ Towers management after he asked for

assistance completing the rental application due to his disability.

After the bona fide complainants decided not to file fair housing complaints, ATC conducted systemic fair housing testing to determine whether RBJ Towers was discriminating against persons with disabilities by:

1. Requiring applicants and residents to submit a “sponsor statement” and
2. Refusing to make reasonable accommodations.

The first fair housing test showed evidence of discrimination based on disability. The tester was provided with an application package that included the “sponsor statement” form. The U.S. Department of Housing and Urban Development allows federally subsidized housing providers, such as RBJ Towers, to ask applicants if they want to identify a contact person, but applicants cannot be required to provide this information.

The second fair housing test also showed evidence of discrimination based on disability. The tester told the agent that he was blind and asked if she would help him complete the rental application if he came to the leasing office. The agent told the tester that no one at RBJ Towers could help him and that he would need to enlist the assistance of a friend or caseworker.

ATC filed a fair housing complaint against RBJ Towers based on the testing evidence. The City of Austin Equal Employment/Fair Housing Office negotiated a settlement agreement where RBJ Towers agreed to, among other terms:

1. Take fair housing training;
2. Update its “sponsor statement”; and
3. Develop and implement a reasonable accommodation/modification policy and procedure.

Discrimination continued from page 1

with gender norms. Brettschneider gave McCrory a lease that included the term: “Michael will immediately pursue disability payments...[n]ot negotiable.” After McCrory refused to sign a lease with this discriminatory term, Brettschneider issued a notice to vacate. She also threatened McCrory with imprisonment and reports to the IRS after he complained about the discriminatory lease terms. Brettschneider did not impose the same terms on McCrory’s roommate. Later, Brettschneider rescinded the termination notice and allowed the roommate, but not McCrory, to remain at the property.

ATC v. George and Eleanor Amaro

The COA EE/FHO charged an Austin landlord with violating the Fair Housing Act for refusing to waive a “no pets” policy as a reasonable accommodation for an applicant with a disability who required an assistance animal. The COA EE/FHO alleges George and Eleanor Amaro, owners and managers of a 16-unit apartment complex located at 4312 Duval Street, Austin, TX, refused to rent to an applicant with a disability after she informed them that she had an assistance animal and medical documentation of its necessity.

After conducting fair housing testing in a random audit, the Austin Tenants’ Council filed a complaint, alleging the Amaros violated the Fair Housing Act.

The fair housing tests showed evidence of discrimination based on disability. After learning that the tester had a service animal, Eleanor Amaro stated that she would check with her husband whether it would be acceptable to rent an apartment to the tester. After not hearing from Amaro for two weeks, the tester called again. Amaro told the tester that she had spoken with her husband about renting the apartment to the tester and stated, “The answer is ‘no.’”

Arrendadores Acusados de Discriminación

La Oficina de Igualdad Laboral/Vivienda Justa de la Ciudad de Austin (COA EE/FHO) denunció recientemente a tres propietarios de Austin por violar el Acta de Vivienda Justa. Los casos serán decididos por un juez administrativo o en corte de distrito federal. Si el juez administrativo determina que se ha dado una discriminación ilegal, el juez podría ordenar indemnización por daños incluyendo humillación, dolor y sufrimiento; ordenar desagravio judicial u otra reparación similar; imponer penas civiles; y pago de abogados. Si el caso es decidido en corte federal, el juez también podría ordenar indemnización por daños.

Frank Judah v. Catherine Kelly

La Oficina de Igualdad Laboral/Vivienda Justa de la Ciudad de Austin (COA EE/FHO) acusó a un propietario de esta ciudad de violar el Acta de Vivienda Justa, cuando canceló el contrato de renta de un inquilino al enterarse que éste era VIH positivo y sufría de bipolaridad.

COA EE/FHO alega que Catherine Kelly, dueña de una vivienda ubicada en 10302 Trogon Court, Austin, TX, dio aviso de rescisión de contrato a su inquilino Frank Judah, declarando: "Ni siquiera hubieras estado aquí de haberme dicho que tenías problemas de bipolaridad y un diagnóstico VIH positivo."

Michael McCrory v. Cynthia Brettschneider

COA EE/FHO acusó a un propietario de esta ciudad de violar el Acta de Vivienda Justa, cuando canceló el contrato de renta de un inquilino transexual porque éste se negó a solicitar beneficios por discapacidad ante la insistencia de la propietaria.

COA EE/FHO alega que Cynthia Brettschneider, dueña de una vivienda ubicada

en 413 West Annie Street, Austin, TX, pensaba que su inquilino, Michael McCrory, era discapacitado debido a su no conformismo con normas de género. Brettschneider dio a McCrory un contrato que incluía la siguiente cláusula: "Michael solicitará inmediatamente pagos por discapacidad ... no negociable". Después de que McCrory se negara a firmar el contrato de renta con esta cláusula discriminatoria, Brettschneider presentó un aviso para que se deje la unidad vacante. Ella también amenazó a McCrory con encarcelación y reporte al IRS, luego que él se quejara de los términos discriminatorios del contrato. Brettschneider no impuso los mismos términos al compañero de vivienda de McCrory. Luego, Brettschneider rescindió el aviso de cancelación, y permitió al compañero, pero no a McCrory, continuar en la vivienda.

ATC v. George and Eleanor Amaro

COA EE/FHO acusó a un propietario de esta ciudad de violar el Acta de Vivienda Justa, por negarse a una 'adaptación razonable'

en la norma contra tenencia de animales para un inquilino con discapacidad que requería un animal de servicio. COA EE/FHO alega que George y Eleanor Amaro, propietarios y administradores de un complejo de 16 apartamentos ubicado en 4312 Duval Street, Austin, TX, se negaron a rentarle a una persona con discapacidad después que ésta les informara que tenía un animal de servicio.

Después de conducir una prueba de vivienda justa en una auditoría al azar, el Consejo de Inquilinos de Austin presentó una demanda, alegando que los Amaro violaron el Acta de Vivienda Justa.

La prueba de vivienda justa halló evidencia de discriminación en base a discapacidad. Después de escuchar que el examinador tenía un animal de servicio, Eleanor Amaro dijo que tenía que consultar con su esposo si aceptaban rentarle un apartamento a esta persona. Después de dos semanas de no recibir llamada de Amaro, el examinador volvió a llamarla. Amaro le dijo que había hablado con su esposo sobre si le rentaban la unidad y "La respuesta es 'no.'"

Está Disponible la Guía Actualizada de Viviendas Económicas

La Guía 2012 de Vivienda Económica en el Gran Austin está ahora disponible. Este recurso contiene información específica sobre los complejos de apartamentos que participan en programas de vivienda económica financiados a nivel municipal, condal, estatal y federal. Las viviendas están organizadas por área geográfica, indicando claramente el programa que las financia y el nivel de ingresos requerido. La Fundación Donald D. Hammill, cuya

misión es mejorar la calidad de vida de personas con discapacidad, ancianos y personas carenciadas, ofreció generosamente el financiamiento para imprimir la onceava edición de esta guía GAHGAA.

Pida una copia de GAHGAA en la oficina de ATC (1640-B East 2nd Street, Suite 150) ó búsquela electrónicamente en www.housing-rights.org. Hay disponibles formatos alternativos a pedido. Llame al 474-7006 para asistencia.

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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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