

Housing Rights **ADVOCATE**

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50 Years On: Fair Housing for All Remains an Urgent Mandate

50 years ago this April, with the passage of Title VIII of the Civil Rights Act of 1968 President Lyndon Baines Johnson signed into law “the promises of a century.” Title VIII, also known as the Fair Housing Act, substantially expanded the Civil Rights Act of 1964, which sought to end segregation in public places and banned employment discrimination on the basis of race, color, religion, sex or national origin. The Fair Housing Act broadened protections in the 1964 legislation by additionally prohibiting discrimination in the rental, sale, and financing of housing based on race, religion, national origin and sex. In 1988, Title VIII was again amended to, among other things, establish protections against discrimination based on disability or familial status, including the presence of a child under the age of 18 years as well as pregnant women.

The Fair Housing Act establishes the legal foundation from which organizations such as Austin Tenants Council fight for safe, decent, and fair housing on a daily basis. Since 1973 ATC has fought for Texans statewide to enforce the historic mandate enshrined in the federal and state Fair Housing Acts. ATC’s fair housing specialists diligently strive to ensure that anyone experiencing discrimination related to housing understands their rights and how to enforce them.

Acknowledging History & Tumultuous Growth

ATC’s fair housing work is based in a city that is no stranger to discrimination, inequality (both economic and racial) and systemic racism. As early as 1929, the City

of Austin commissioned a comprehensive “Master Plan” by the firm Koch & Fowler, Consulting Engineers, which was explicitly racist in its vision and design. The plan proposed a policy solution to their so-named “race segregation problem” by establishing a “negro district” in east Austin replete, with all of the “facilities and conveniences” necessary to “draw the negro to this area.” Today, such a plan should shock the conscience of any rational citizen but, in the context of the times, Austin was like many other American cities in the new century seeking to institutionalize racist policies for the benefit of a white majority.

No doubt we’ve made much progress, but we must also acknowledge that yesterday’s “race segregation problem” has been supplanted by pervasive economic segregation. A 2015 study produced by Richard Florida and Charlotta Mellander of the University of Toronto’s Martin Prosperity Institute concluded, in part, that Austin was among the “most segregated large metros” in the nation. Of course, economic segregation has significant implications, especially for working minorities. Even the casual observer would acknowledge that Austin is in the throes of profound economic and demographic shifts.

With such explosive population growth, new challenges - and echoes of old ones - emerge. Left unchecked, the influx of residents from other states is mightily contributing to already existing enclaves of concentrated wealth in Austin neighborhoods. These pockets of affluence accelerate land values, which, in turn, ac-

celerate land development, finally bringing too heavy a burden to bear upon the working class populations of Austin. We commonly refer to the broader problem as “gentrification” but it’s critical that we also understand the collateral consequences of this phenomenon. Among these consequences are persistent housing discrimination, rising housing inequality, degrading conditions within aging properties, and a shortage of truly accessible housing, among others.

Advocating in a Uniquely Challenging Climate

In acknowledging these issues, we may better appreciate the work of ATC’s fair housing department. At a time of unprecedented population growth and wealth disparity in Austin, the principles for which the Fair Housing Act stands, now, more than ever, need a vigilant defense. The times demand it. National events of late reinforce, among staff, the fact that their work is not just locally significant but that it stands in sharp contrast to a cynical national message that seems to minimize the historic disadvantages of marginalized communities everywhere. “I come to work everyday feeling strongly that my work has a new sense of urgency. The clients we’re serving need to know that we show up everyday ready to hear their stories and defend their rights. Right now, it just feels like our mission is urgent,” explains Lucy Salinas, ATC Fair Housing Specialist.

A reminder of the urgency of ATC’s work

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may be read in recently contemplated amendments to the U.S. Department of Housing and Urban Development's (HUD) mission statement. In March of this year, HUD considered stripping language affirming the spirit of the Fair Housing Act.

In a March 8 letter to Secretary Carson, several hundred civil rights organizations protested the proposed changes in the strongest terms possible. The original mission statement, affirming "inclusive and sustainable communities free from discrimination," survives as of this writing.

However, the U.S. Citizenship and Immigration Services did, in fact, make revisions to their mission statement stripping language acknowledging "America's promise as a nation of immigrants..." Language matters, and the message to historically underrepresented people living in this nation seems clear.

In such a climate, ATC's fair housing program stands as a bulwark against the implied threat "from above" that their work is, at best, peripheral to the mission of our federal government. Nothing could be further from the truth. In fact, the need in our nation for fierce advocates of fairness and equality is a historical necessity in keeping alive the American promise that we all deserve equal treatment. Fair Housing Director Nekesha Phoenix spoke to the heart of the matter: "The value of the work that our fair housing staff does everyday is hard to overstate. We are living in difficult times, both locally and nationally. The struggle for fair and equitable housing in Austin is certainly not new. We've been talking about these issues for decades. However, this moment in our history is, in some ways, unique. I cannot recall a time when the work of fair housing advocates everywhere was so actively challenged by the rhetoric of leaders in the highest levels of our government. We must not be silent

in the face of these assaults against our basic human rights. People need hope and strong assurances that their rights, which so many before us have struggled and died to preserve, will not be diminished. Case by case and issue by issue, we will continue to fight right along side Texans for safe, decent, and fair housing. This is the underlying value of our work at the Austin Tenants Council." Director Phoenix started at ATC as a fair housing specialist and testing coordinator in 1997. She has served as program director since 2001.

The Fair Housing Act: A Daily Imperative

April is Fair Housing Month. It's been fifty years since the signing of the Fair Housing Act. It's also been fifty years since the tragic assassination of Dr. Martin Luther King, Jr., an act that may well have proved the deciding factor in moving the congressional debate forward towards passage of the Civil Rights legislation. We should remember not merely that April is set aside to recall the passage of truly monumental legislation but that, exemplified in the living example of Dr. King and so many before us, a still-necessary fight exists for fundamental fairness in our daily lives.

Systemic racism, individual discrimination, and implicit bias are alive and well in our city, our state and this American society. We know this to be true because ATC fair housing staff receives and process hundreds of complaints annually; complaints from single mothers who are told that their children may not sleep in a single room with them; complaints from veterans who are asked to vacate because they "appear dangerous" when their PTSD reemerges; complaints from African-Americans who are openly treated different from their white counterparts at the leasing desk.

In 2017, the fair housing staff received and processed 407 complaints. Thanks to

the Fair Housing Act and the determined work of the fair housing advocates at ATC, anyone who feels that they're the target of discrimination has the right to due process in matters of housing discrimination. Anyone may submit a formal complaint to HUD for review and investigation if they believe they are being treated differently based upon their race, color, religion, sex, national origin, familial status and disability. To its great credit, the City of Austin additionally ensures anti-discrimination protection based upon a person's status as a student, sexual orientation, gender identity and marital status

This is the good work of ATC's fair housing department: to build a more equitable, fair and decent Texas, "case by case, issue by issue," as Director Phoenix put it.

Providing indispensable daily guidance, Fred Fuchs serves as ATC Director of Litigation. Mr. Fuchs has long served both ATC and Texas Rio Grande Legal Aid as a senior staff attorney and convenes bi-weekly conference meetings with fair housing staff to ensure that they have the most current knowledge and information relating to developments in fair housing.

Don't Hesitate to Report Discrimination

Discrimination is not always apparent to the recipient and it may manifest itself in various forms, many inobvious. If you feel that you are experiencing discrimination, even if you feel uncertain if its actually discrimination, please call our telephone counseling line at: 512-474-1961. A counselor will listen to your story and refer you to our fair housing department where a fair housing specialist will respond to you within 24 - 48 hours to review the facts and determine next steps, if any.

50 años: Vivienda Justa para Todos continúa siendo un mandato de urgencia

Hace 50 años este abril, con la aprobación del Título VIII del Acta de Derechos Civiles de 1968, el Presidente Lyndon Baines Johnson promulgó “las promesas del siglo”. El Acta de Vivienda Justa establece la base legal con la que organizaciones como el Consejo de Inquilinos de Austin (ATC por sus siglas en inglés) luchan a diario por viviendas seguras, dignas y justas. Desde 1973 ATC ha abogado por los tejanos a nivel estado, para hacer cumplir el histórico mandato consagrado en actas federales y estatales de Vivienda Justa. Especialistas de Vivienda Justa en ATC trabajan diligentemente para asegurar que todo aquel que sufra discriminación relativa a vivienda entienda sus derechos y cómo demandar cumplimiento.

Considerando la historia y el tumultuoso crecimiento

El trabajo de Vivienda Justa en ATC está basado en una ciudad que no es ajena a la discriminación, desigualdad (tanto económica como racial) y racismo sistemático. Ya en 1929 la Ciudad de Austin encargó un “Plan Maestro” integral a la firma Koch & Fowler - Ingenieros Asesores, que fue explícitamente racista en su visión y diseño. El plan propuso una solución legal a su así nombrado “problema de segregación racial”, estableciendo un “distrito negro” completo en el Este de Austin, con todas las “instalaciones y comodidades” necesarias para “atraer negros a esta área”. Hoy, tal plan ofendería la consciencia de cualquier ciudadano racional, pero en el contexto de esa época, Austin, como muchas otras ciudades de Estados Unidos en el nuevo siglo, buscaba institucionalizar medidas racistas para beneficio de la mayoría blanca.

No hay duda que hemos progresado mucho, pero también debemos reconocer que el “problema de segregación

racial” de ayer ha sido suplantado por una segregación económica profunda. Por supuesto, la segregación económica tiene implicaciones significativas, especialmente para trabajadores de minorías. Sin ningún control, el influjo de residentes de otros estados contribuye tremendamente a ya existentes enclaves de riqueza concentrada en barrios de Austin.

Abogando en un clima especialmente problemático

Reconociendo estos problemas, podremos apreciar mejor el trabajo del departamento de Vivienda Justa en ATC. En tiempos de un sin precedente crecimiento de población y brecha de ingresos en Austin, los principios que defiende el Acta de Vivienda Justa, ahora más que nunca, necesitan una defensa muy alerta. Los tiempos lo demandan. Eventos nacionales actuales refuerzan en el personal el hecho de que su trabajo no es solo importante a nivel local, sino que está en agudo contraste a un cínico mensaje nacional que parece minimizar las diferencias históricas de comunidades marginalizadas en todo el país.

En tal clima, el programa de Vivienda Justa de ATC aparece como un baluarte contra la implícita amenaza “de arriba” de que su trabajo es, cuanto mucho, secundario en la misión del gobierno federal. Nada más lejos de la verdad. De hecho, los dedicados defensores de la justicia e igualdad en nuestro país son una necesidad histórica para mantener viva la promesa americana de que todos merecemos igual trato. Nekesha Phoenix, Directora de Vivienda Justa, habló sobre el fondo de la cuestión: “No hay palabras para describir el valor del trabajo diario que hace nuestro personal de Vivienda Justa. Estamos viviendo tiempos difíciles, tanto a nivel local como nacional. La lucha por una vivienda ba-

sada en la justicia y equidad en Austin definitivamente no es nueva. Estamos hablando de estos problemas durante décadas. Sin embargo, este momento en nuestra historia es, de muchas maneras, único. No recuerdo otro momento en que el trabajo de los que abogamos por la vivienda justa en todos lados haya sido activamente desafiado por la retórica de líderes en las más altas esferas del gobierno. No debemos guardar silencio frente a estos ataques contra nuestros derechos humanos más básicos. La gente necesita esperanza y sólida seguridad de que sus derechos --por los que tantos han luchado y muerto por conservar--no serán disminuidos. Caso por caso y tema por tema, continuaremos luchando junto a muchos tejanos por una vivienda justa, digna y segura. Éste es el valor implícito de nuestro trabajo en el Consejo de Inquilinos de Austin”. La Directora Phoenix comenzó en ATC como especialista de Vivienda Justa y coordinadora de pruebas en 1997. Ella sirve como directora del programa desde 2001.

El racismo sistémico, la discriminación individual y el prejuicio implícito sobreviven en nuestra ciudad, nuestro estado y la sociedad americana.

Si usted cree que está sufriendo discriminación, aún si no está seguro que es realmente discriminación, llame por favor a nuestra línea de asesoramiento: 512-474-1961. Un asesor escuchará su caso y lo transferirá a nuestro departamento de Vivienda Justa, donde un especialista le responderá dentro de las 24 a 48 horas para revisar los hechos y determinar el siguiente paso.

If your agency would like to receive additional copies of this newsletter or if you have any changes to the mailing list, contact Daniel at 512-474-7006 Ext. 102 or Daniel@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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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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