

Housing Rights **ADVOCATE**

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SB 234 Expands Protections for Survivors of Family Violence

By Kat Grau

On May 7th, Governor Abbott signed SB 234 into law after the bill was passed by the state legislature with bipartisan support. This bill, which will take effect September 1, 2019, expands the rights of survivors of family violence to terminate their residential leases.

Currently, Texas law allows family violence survivors to terminate their lease without penalty only if the survivor can provide documentation of a protective order or similar court documents. Protective orders are not always obtainable to survivors of family violence. When survivors cannot terminate their lease early, they are forced to choose between their safety and financial security. Once SB 234 takes effect this September, the type of documentation a survivor can use to terminate their lease will be greatly expanded. This will eliminate a significant barrier to safety for many survivors.

Why Expand Protections?

Family violence survivors are often asked, "Why don't you just leave?" Unfortunately, leaving can be the most dangerous time for a survivor of family violence. For many survivors, incidents of violence escalate when they take steps to regain control over their lives.

In Texas, survivors have faced further difficulties leaving. Without proper documentation, a survivor cannot be removed from their lease without permission of their landlord and all co-tenants. In most

circumstances, this gives the abuser the power to decide whether or not the survivor can leave. If the survivor stays, their safety and life may be at risk. If the survivor leaves, they could face long-term financial consequences. By passing SB 234, Texas has helped give survivors the choice to leave their abuser.

What is Family Violence?

Family violence, often referred to as domestic violence or intimate partner violence, is defined by the National Domestic Violence Hotline as "a pattern of behaviors used by one partner to maintain power and control over another partner in an intimate relationship." Tactics used by an abusive partner to maintain control may include isolation, emotional abuse, intimidation, coercion, threats, and economic abuse.

What Will SB 234 Change?

Currently, Section 92.016 of the Texas Property Code allows survivors to terminate their lease with documentation from a temporary ex parte order, a temporary injunction, or a final protective order. These legal documents can only be obtained through civil court by pursuing a protective order or a divorce.

Starting this September, family violence survivors will have more options for terminating their lease early. This bill amends Section 92.016 of the Texas Property Code to allow survivors to terminate their lease using emergency protective orders, docu-

mentation from a licensed healthcare or mental healthcare provider, or documentation from certain victim service advocates. For many survivors, it is easier to get documentation of family violence from their doctor, therapist, or caseworker than through a court process.

*Please note that victims living in subsidized housing may have additional rights.

Survivors who wish to terminate their lease can call our telephone counseling line (512-474-1961) to discuss their rights under the Texas Property Code. We also encourage survivors to reach out to SAFE Alliance (512-267-7233) and the National Domestic Violence Hotline (1-800-799-7233).



Fair Housing Director, Nekesha Phoenix, conducts a training.

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April Was Fair Housing Month

By Nekesha Phoenix

Last month marked the 51st anniversary of the Fair Housing Act. To celebrate Fair Housing Month, the City of Round Rock and the Fair Housing Program of the Austin Tenants Council teamed up to offer a fair housing workshop at the RAAB House in Round Rock on April 10, 2019. Participants were able to learn general information about the Federal Fair Housing Act as Amended and time was spent specifically talking about reasonable accommodations and reasonable modifications.

ATC thanks Elizabeth Alvarado, CDBG Coordinator for the City of Round Rock Planning Department for making this training possible. We would also like to thank all of the participants for taking time out of their day to actively participate and make fair housing a priority. We look forward to making this an annual event.

Helping the Community One Step at a Time...

By Giovanni Zamora

We strive to find new strategies for dealing with the challenge of housing discrimination. Volunteer testers are needed who can objectively gather and report information about the availability of housing while posing as a prospective renter or homebuyer.

If you are interested in bettering our community by fighting housing discrimination as a tester, please contact Giovanni Zamora at 512-474-7006 ext. 104 or giovanni@housing-rights.org

Rent Increase? Non-renewal?

By Rachel Walker

Because many leases end over the summer, tenants often reach out to us during this time with questions about rent in-

creases, lease renewals, and lease terminations. A landlord's obligations can vary depending on what kind of housing the tenant lives in.

In Texas, there are no laws protecting tenants in private-market housing from rent increases after the lease term. While a landlord must abide by the rental amount agreed to in the lease agreement, they can raise rent once the lease ends. In order to raise rent, however, a landlord must give advance notice. Generally, if a tenant pays rent monthly, the landlord must give 30-days notice of a rent increase before the tenant is obligated to pay the new amount. Some leases may require further advance notice, such as 60 or 90 days.

Most leases renew automatically once the lease term ends. Unless the lease specifies that it will not renew, a landlord must give advance notice if they do not wish to continue renting to their tenant once the lease is up. Similarly, a tenant must give advance notice of move-out, otherwise the landlord may continue to hold them liable for rent. It is important to check the lease agreement to determine exactly how much advance notice is required. It is common for a lease to require even more than 30 days.

Private-market landlords do not have an obligation to renew their tenants' rental agreements, and they are not required to notify tenants of why they are not being renewed. However, it is illegal for a landlord to terminate a tenant's lease as an act of retaliation or discrimination. Tenants are protected from retaliation for six months after they attempt to exercise a right guaranteed by the lease or local, state, or federal laws. Retaliation can be difficult to prove, so tenants should maintain careful documentation and consult an attorney if they believe their landlord is retaliating against them.

Tenants in federally subsidized housing have additional rights pertaining to rent increases and non-renewals. Tenants in public housing pay rent determined by HUD; generally, 30% of their income. Public housing tenants should see their rent increase only if their household income has increased. Tenants living in tax-credit (LIHTC) properties may see rent increases if the Area Median Income goes up. Tenants in federally subsidized housing are also protected from non-renewals. Property managers have an obligation to renew their tenants' leases unless they have good cause for nonrenewal.

Any tenant or landlord with questions about their rights and obligations regarding rent increases and renewals can reach out to our counseling services to discuss their situation.

Summer Energy-Saving Tips

By Rachel Walker

As the weather heats up, it's important to keep your house cool. Running air conditioning all day can be very expensive, especially if your HVAC system is not efficient, or if your home is not properly sealed. If you're seeing unusually high electric bills in the summer, that could be a sign that your HVAC system needs to be repaired. For help enforcing your repair rights, reach out to our counseling line at 512-474-1961.

Running a fan costs less and is more energy-efficient than using central air conditioning. You can save on energy costs by using a fan instead of AC, or by setting the thermostat a few degrees higher than normal and letting a fan make up the difference. Seniors, adults with disabilities, and low-income families with children can receive a free fan through Family Eldercare's Summer Fan Drive. Eligible adults can call 512-459-4FAN (4326) to request a fan.

SB 234 amplía protecciones para sobrevivientes de violencia

Por Kat Grau

El 7 de mayo el Gobernador Abbott promulgó en ley la propuesta SB 234, después de ser aprobada por la legislatura estatal con apoyo bipartito. Esta medida, que entrará en vigor el 1º de septiembre de 2019, amplía los derechos de sobrevivientes de violencia doméstica para que puedan cancelar su contrato de renta. En la actualidad, la ley en Texas permite que sobrevivientes de violencia doméstica puedan cancelar su contrato de renta sin penalidades solo si el/la sobreviviente puede documentar que tiene una orden de protección o documento judicial similar. Las sobrevivientes de violencia doméstica no siempre pueden obtener órdenes de protección. Cuando las sobrevivientes no pueden cancelar su contrato por adelantado, son forzadas a elegir entre su seguridad y su supervivencia económica. Una vez que la SB 234 entre en efecto en septiembre, el tipo de documentación que una sobreviviente puede presentar para cancelar su contrato de renta será más amplio. Esto eliminaría un importante impedimento a la seguridad de muchas sobrevivientes.

¿Porqué ampliar las protecciones?

A las sobrevivientes de violencia doméstica se les suele preguntar: "¿Porqué no te vas?". Lamentablemente, irse puede ser el momento más peligroso para sobrevivientes de violencia doméstica. En muchos casos, los incidentes violentos aumentan cuando toman pasos para recobrar el control de sus vidas.

En Texas, las sobrevivientes han enfren-

tado muchas dificultades para abandonar esta situación. Sin una documentación adecuada, la sobreviviente no puede anular su contrato de renta sin permiso del propietario y/o los demás inquilinos. En la mayoría de las circunstancias, esto empodera al agresor para decidir si deja o no deja ir a la sobreviviente. Si la agredida permanece en el lugar, su seguridad y hasta su vida puede estar en riesgo. Si la agredida se va del lugar, podría sufrir consecuencias económicas por mucho tiempo. Aprobando la SB 234, Texas ha dado a sobrevivientes la oportunidad de escapar de su agresor.

¿Qué es la violencia doméstica o familiar?

La violencia doméstica, llamada también violencia familiar o abuso conyugal, es definida por la National Domestic Violence Hotline como "patrón de conducta usado por un miembro de la pareja para mantener poder y control sobre el otro miembro de una relación íntima". Las tácticas usadas por una persona abusiva para mantener control pueden incluir: aislamiento, abuso emocional, intimidación, coerción, amenazas y abuso económico.

En Texas, la violencia doméstica está definida en la Sección 71.004 del Código de Familia de Texas como el acto o amenaza de agresión física, lesiones corporales, o violación por un compañero íntimo presente o pasado, miembro familiar o cohabitante.

En la actualidad, la Sección 92.016 del Código de Propiedad de Texas permite a sobrevivientes cancelar su contrato de renta con prueba de una orden temporal ex parte, orden restrictiva temporal, u orden final de protección. Estos documentos legales solo pueden obtenerse en un juzgado civil, al solicitar una orden de protección o un divorcio.

A partir de septiembre, las sobrevivientes de violencia doméstica tendrán más opciones para cancelar su contrato de renta prematuramente. Esta medida enmienda la Sección 92.016 del Código de Propiedad de Texas, para permitir a sobrevivientes cancelar su contrato de renta usando órdenes de protección de emergencia, documentación de un proveedor médico certificado en salud física o mental, o documentación de ciertas organizaciones de servicios a víctimas. Para muchas sobrevivientes, es más fácil obtener documentación sobre violencia doméstica de su médico, terapeuta o trabajador social que mediante un proceso judicial.

*Nótese que las víctimas que viven en viviendas subsidiadas podrían tener derechos adicionales.

Las sobrevivientes que desean cancelar su contrato de renta pueden llamar a nuestro número de asesoría (512-474-1961) para conocer sus derechos bajo el Código de Propiedad de Texas. También aconsejamos a las sobrevivientes comunicarse con SAFE Alliance al (512-267-7233) y National Domestic Violence Hotline (1-800-799-

¿Qué cambiará la SB 234?

Ayudando a la comunidad paso a paso...

Por Giovanni Zamora

Nos esforzamos por hallar nuevas estrategias para superar el problema de la discriminación en viviendas. Necesitamos comprobadores (testers) voluntarios que puedan recabar y reportar información objetivamente sobre la disponibilidad de viviendas, haciéndose pasar por posibles inquilinos o compradores. Si está interesado en mejorar nuestra comunidad luchando contra la discriminación en la vivienda como comprobador, comuníquese por favor con Giovanni Zamora al 512-474-7006 ext. 104 ó por email: giovanni@housing-rights.org.

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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