



Housing Rights **ADVOCATE**

Issue 45, Summer 2007

The Austin Tenants' Council

ATC Mediations – Empowerment Through Communication

The essential value of mediation is that it is a voluntary process. ATC encourages mediation between landlords and tenants who have a conflict so that they may identify the actual issues at hand, develop options, consider alternatives, and develop a consensual agreement. There are times when two parties, for whatever reason, simply cannot discuss a matter in a civil way and find themselves frustrated and at an impasse.

Mediation is often effective because the real issues that are creating the conflict are identified and addressed without getting bogged down in personal feelings and misconceptions. Mediations are also less time consuming, less expensive and often more satisfying than litigation. The mediations and their content are private and known only to the participants. However, most importantly, the ultimate authority in the resolution belongs to the participants themselves.

A successful example of such a case at ATC involved an elderly woman that called our office after she had called out a City of Austin Code Enforcement Inspector. The previous tenant that lived in this house had also called Code Enforcement because of the many health and safety problems. The latest inspection also found many code violations, but the property had been recently sold to a new owner.

The client, who had not had a good relationship with the ex-owner, called and told the new landlord that she would not pay rent until the repairs were made. The conversation on both sides became less than friendly very fast. When the new owner eventually made it out to take a look at the problems, the hostility continued and she blamed the tenant for the poor condition of the property and threatened to

file suit for the damages and to evict the tenant for nonpayment of rent. Because of the antagonism on both sides talks had ceased.

After the client contacted ATC, she was referred for a Repair Mediation and through new discussions mediated by ATC, the parties were able to vent their frustrations and get past personality clashes to focus on the issues at hand. They also gained knowledge of their respective responsibilities and rights. These included the necessity for the tenant to pay rent and the duty of the landlord to repair threats to health and safety.

There was a consensus between the parties that the unit did have major problems and violations, which were not caused by the tenant, but by wear and tear. It was also agreed that the scope of the repairs was so extensive that the tenant would be greatly inconvenienced, and



New Freedom Gained With Ramp Addition

On Feb. 26, 2007, Ernest Fisher, a client with a physical disability, contacted the Austin Tenants' Council Fair Housing Program and reported that he needed a ramp at his front door in order to be able to use and enjoy his dwelling.

The case was assigned to Robert Hood, Fair Housing Specialist. Mr. Hood initiated the process to assist Mr. Fisher in requesting a reasonable modification of his unit. The request asked the landlord, Steven Porter of CalTex Property Management II, to allow Mr. Fisher to install a ramp at the front door.

Soon after Mr. Porter received the request, Mr. Fisher called and told Mr. Hood that the landlord agreed to allow a ramp to be installed at the front door and even went a step further by installing the ramp for him.

Mr. Fisher now has access into and out of the unit without having to get help. He has gained a whole new level of freedom through the generosity of his landlord. Now Mr. Fisher can go and visit his mother who lives down the street whenever he wants to without having to get someone to help him.

ATC would like to thank Mr. Porter for going the extra mile and making the dwelling accessible for Mr. Fisher.

If you are disabled and are having accessibility issues in your housing, please feel free to call the Fair Housing Program at 512-474-1961. 

Inside:

- 2 — Know Your Rights
- 3 — Artículos en Español

Continued on page 2

Mediation

Continued from page 1

the landlord would find it difficult to have the work completed if the tenant remained in the unit.

The landlord expressed her desire to completely renovate and bring the house to code, and the tenant expressed her wish to move to a home that was in good condition and where repair work would not deny her rights to peace and comfort. The parties also discussed that while the tenant would need to leave for the majority of repairs to take place, this would be difficult for her due to financial constraints.

As a result, they agreed that the lease would be terminated without penalty or future liability. The prior months rent and the security deposit would be returned in full immediately to assist in moving costs. The tenant would vacate the unit within 2 weeks, for which she would pay no rent, and to allow the owner's vendors into the home to gather bids for the repairs that would be necessary.

Because ATC gave both parties the opportunity to speak without argument, the bona fide problems were identified, the needs of everyone were addressed, and solutions were reached that were advantageous to both parties. With the return of her rent and security deposit, the tenant has found a nice new home, and the owner is relieved that she can bring the property up to code, and re-rent the unit in proper condition. ATC was happy to have empowered the two parties through civil discourse to achieve their own resolution of this difficult matter.

The Austin Tenants' Council's Repair Mediation Program can assist any low-income tenant that lives in the City of Austin and who has repair problems that threaten health and/or safety. Call the Counseling Line at 512-474-1961 for more information, or if you have any other questions about your rights as a tenant or a landlord. Information is also available at ATC's website: www.housing-rights.org. 

Know Your Rights: The Law Is Changing

The 80th Texas Legislature ended with several improvements in the law for tenants' rights. Contact ATC's counseling line (512-474-1961) if you have questions about any tenant-landlord issues.

Keeping Tenants in Hot Water

House Bill 177 requires landlords to provide hot water service in residential rental units. After requesting in writing hot water service from the landlord, tenants may seek a court order: 1) forcing the landlord to provide, or make necessary repairs to provide, hot water service; 2) reducing the tenant's rent from the date of the first repair demand letter; and 3) requesting damages of one month's rent or more if the landlord fails to respond. This bill takes effect September 1.

Fair Housing Protection for Public Housing Tenants

Effective September 1, House Bill 2353 requires public housing authorities to comply with the Texas Fair Housing Act, which prohibits discrimination in the rental, sale, financing, appraisal, and insurance of housing because of race, religion, color, sex, national origin, disability, or familial status. Until now, the law did not explicitly require public housing authorities to comply with the act, leaving public housing residents less protected against discrimination than tenants of private housing. Call ATC's Fair Housing Program (512-474-7007) if you believe you are a victim of unlawful housing discrimination.

Landlord Lockouts Curtailed

Many tenants are unaware that if their landlord locks them out of their home for nonpayment of rent, they are entitled to a key, at any time, regardless of whether they pay the landlord any money. House Bill 3101, which takes effect Jan. 1, 2008,

requires this lockout policy to be written in the lease. In addition, landlords must now provide a written notice to tenants before the lockout. The notice should underline in bold print the tenant's right to receive a key regardless of whether he or she pays the delinquent rent. The bill also limits the amount of and ability to charge a late fee.

Longer Mobile Home Park Closure Notice

House Bill 1460 states that landlords must provide mobile home tenants with 180-day notice prior to the closure of their mobile home park. (Landlords may give 60-day notice for non-renewal of a lease unrelated to the closure of a park.) During the period, tenants must continue to pay all rent and other amounts due under the lease agreement. The bill goes into effect Jan. 1, 2008.

Better Notice to Tenants Facing Eviction

Beginning September 1, Senate Bill 1483 requires every eviction citation in Texas to include the toll free number of the State Bar of Texas (800-204-2222), where tenants can contact a low-cost attorney.

"Good Cause" Evictions Required for LIHTC Apartments

To keep Texas law in line with federal law, Senate Bill 1733 states that tenants living in low-income housing tax credit apartments cannot be evicted or the lease non-renewed unless there is a "good cause." The bill, which takes effect September 1, requires leases for tax credit apartments to include the federal "good cause" eviction standard. 

Mediaciones ATC – Fortalecimiento por medio de la comunicación

El valor esencial de la mediación es que es un proceso voluntario. ATC aconseja la mediación entre propietarios e inquilinos que tienen conflictos, para que puedan identificar los temas en disputa, establecer opciones, considerar alternativas y desarrollar un acuerdo consensual. Las mediaciones ahorran tiempo, son menos onerosas y, por lo general, más satisfactorias que el litigio. Las mediaciones y su contenido son privadas y conocidas solo por sus participantes. Sin embargo, lo más importante es que la máxima autoridad en la resolución es la de los participantes mismos.

Ejemplo de un exitoso caso en ATC es el de una señora de edad que llamó a nuestro agente después de haber recurrido a un Inspector de Ejecución del Código de la Ciudad de Austin. El inquilino anterior de la vivienda también había llamado a Ejecución del Código debido a muchos problemas sanitarios y de seguridad. La última inspección había descubierto además varias infracciones al código, pero la propiedad había sido vendida recientemente a otra persona.

La cliente, que no había tenido una buena relación con el dueño anterior, le comunicó a la nueva propietaria que no iba a pagar la renta hasta que se hicieran las reparaciones. El diálogo pasó a ser poco amigable rápidamente. Cuando la nueva propietaria aceptó examinar los problemas, las hostilidades continuaron y ella culpó a la inquilina de las pobres condiciones de la propiedad, amenazando con iniciar juicio por daños y desalojar a la inquilina por falta de pago de la renta. Debido a este antagonismo de ambas, se interrumpió el diálogo.

Cuando la cliente se comunicó con ATC, se la refirió a una Mediación en Reparaciones, y a través de nuevas discusiones mediadas por ATC, las partes lograron descargar sus frustraciones y superar el choque de personalidades para enfocarse en los temas de importancia. También aprendieron sobre sus respectivos derechos y responsabilidades. Estos incluían la necesidad de que la inquilina

pagara la renta y el deber de la propietaria de reparar problemas peligrosos para la salud y seguridad.

Las partes coincidieron en que la unidad sufría considerables problemas e infracciones, que no fueron causados por la inquilina sino por desgaste natural. También se acordó que el alcance de las reparaciones era tan grande que causaría molestias considerables a la inquilina, y que a la propietaria le sería difícil realizar los trabajos si la inquilina permanecía en la unidad.

La propietaria expresó deseos de renovar completamente y ajustarse al reglamento, y la inquilina expresó deseos de vivir en un lugar en buenas condiciones y donde los trabajos de reparación no afectaran su tranquilidad y comodidad. Las partes también discutieron el hecho de que, como la inquilina tendría que dejar la propiedad durante la mayor parte de las reparaciones, esto le causaría dificultad debido a sus límites económicos.

Como resultado, ellas aceptaron que el contrato de renta se cancele sin penalidades o futura responsabilidad. Los meses

de renta previos y el depósito de seguridad serían devueltos en su totalidad e inmediatamente para ayudar con el costo de la mudanza. La inquilina dejaría la unidad dentro de las dos semanas, en las que no pagaría renta, y que, de ser necesario, permitiría la entrada a la vivienda a posibles contratistas para que coticen las reparaciones. Con el reembolso de su renta y depósito de seguridad, la inquilina encontró un buen lugar, y la propietaria está contenta de que su propiedad cumpla con el reglamento y poder volver a rentarla en buenas condiciones.

El Programa de Mediación en Reparaciones del Consejo de Inquilinos de Austin puede asistir a todo inquilino de bajos ingresos que resida en la Ciudad de Austin y tenga problemas que amenazan la salud o seguridad en la propiedad que habita. Llame a la Línea de Asesoría al 512-474-1961 para mayor información, o si tiene alguna pregunta sobre sus derechos como inquilino o propietario. La información también está disponible en la página Internet de ATC: www.housing-rights.org. 

Más libertad con la adición de una rampa

El 26 de febrero de 2007, Ernest Fisher, un cliente con una discapacidad física, se comunicó con el Programa Vivienda Justa (Fair Housing) del Consejo de Inquilinos de Austin (ATC) y reportó que necesitaba una rampa en la puerta de entrada a su casa para poder usar y disfrutar del lugar que habita.

El caso fue asignado a Robert Hood, Especialista de Vivienda Justa. El Sr. Hood inició el proceso de asistir al Sr. Fisher en solicitar una modificación razonable en su unidad. La solicitud pedía al propietario, el Sr. Steven Porter de la firma CalTex Property Management II, que permita al Sr. Fisher instalar una rampa en su puerta de entrada.

Al poco tiempo de que el Sr. Porter recibiera el pedido, el Sr. Fisher llamó y le dijo al Sr. Hood que el propietario había permitido la instalación de la rampa en su puerta de entrada y, aún más, él mismo se ocupó de instalar la rampa.

El Sr. Fisher tiene ahora acceso a su unidad sin necesidad de ayuda. El obtuvo todo un nuevo nivel de libertad con la generosidad del propietario. Ahora, el Sr. Fisher puede ir a visitar a su madre, que vive cerca, cuando quiera y sin tener que llamar a alguien para que lo ayude a entrar o salir. ATC desea agradecer al Sr. Porter por su gran atención en hacer la vivienda accesible para el Sr. Fisher.

Si usted es discapacitado y tiene problemas de acceso a su vivienda, no dude en llamar al Programa Vivienda Justa, al 512-474-1961. 



Housing Rights Advocate
Austin Tenants' Council
1640-B East 2nd Street, Suite 150
Austin, TX 78702

**Nonprofit
Organization**
U. S. Postage Paid
Austin, Texas
Permit No. 1138

RETURN SERVICE REQUESTED

If your agency would like to receive additional copies of this newsletter or if you have any changes to the mailing list, contact Morgan at 512-474-7007 or ☐

This service is certified as a lawyer referral service as required by the State Bar of Texas under Article 320d, Revised Statutes.

Housing Rights Advocate is published quarterly by the Austin Tenants' Council, 1640-B East 2nd Street, Suite 150, 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 Austin Tenants' Council, as a sub-recipient 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 modification 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.

Programs and Services/Programas y Servicios

FAIR HOUSING VIVIENDA JUSTA

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

TENANT-LANDLORD INQUILINO-PROPIETARIO

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 amenass su vivienda. Call / llame al 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 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.

Austin Tenants' Council Staff

Christine Castilleja Intake Specialist
Mary Delgado Housing Specialist
Melissa Fernandez Intake Specialist
Cruz Garcia Housing Specialist
Steve Guerra Housing Specialist
Robert Hood Fair Housing Program Specialist
Rebecca Mojica Housing Specialist
Morgan Morrison Fair Housing Testing Coordinator
Lucia Peres-Salinas Fair Housing Program Specialist
Sam Persley Program Specialist III
Nekesha Phoenix Fair Housing Program Director
Bruce Rodenborn Program Development Specialist
Wendy Runnels Fair Housing Program Specialist
Katherine Stark Executive Director