

In Search of a Reasonable Accommodation at Walnut Ridge Apartments

A disabled couple (Complainants) who are both veterans got assistance (security deposit) through a veteran's program to rent a unit at Walnut Ridge Apartments. This was very important for them because they had been having a very difficult time and were facing homelessness. The husband had mobility impairments that required he use a cane and sometimes a wheelchair. After moving in, he noticed the handicap accessible parking spaces near their apartment were always occupied and that there was not any parking near their apartment, which forced them to park at least a block and a half away from their building and apartment. The Complainants asked management multiple times to be accommodated with a parking space near their unit; however, their requests were denied and they were subsequently subjected to retaliation, such as having their vehicle

towed. The Fair Housing Program (FHP) assisted the Complainants in submitting a reasonable accommodation request, asking management to release them from the lease contract without penalty so they could move to a property that could accommodate their disabilities. Management failed to respond to this request. Under the Federal Fair Housing Act, a delay in responding to a reasonable accommodation request is considered a denial. The Complainants ultimately moved from the property. Later, they received a collection letter indicating they owed Walnut Ridge Apartments \$5,008.00. The FHP assisted the couple in filing an administrative complaint with HUD that was assigned to the Texas Workforce Commission Civil Rights Division for investigation. The Respondents agreed to settle the complaint by doing the following: (1) "Zero out" the debt that the couple currently allegedly

owes the property; (2) Provide a neutral reference, in writing, for the complainants to have when applying at other properties and verbally when contacted by potential landlords; and (3) Pay the Complainants \$5,000.00 for damages suffered during this ordeal.

Through this settlement agreement, the Respondents are being held responsible for ignoring the complainants' fair housing rights by failing to respond to their reasonable accommodation request. It is very important for Respondents to respond to requests in a timely manner and they must participate in the interactive process when trying to resolve issues associated with a reasonable accommodation. If you need assistance with a reasonable accommodation, please contact the FHP at 512-474-1961 or submit a complaint online through ATC's website (www.housing-rights.org).

Eviction Protections Extended

Several temporary protections for renters have been extended as the pandemic continues. While these orders provide crucial protections from eviction in the immediate future, it is important to note that these are temporary protections which do not waive late fees or forgive missed rental payments. When evictions for nonpayment resume, renters in our community who have been unable to pay rent during the pandemic will be

at-risk of losing their housing. As always, tenants are encouraged to reach out to our counseling services to discuss how local protections and tenant-landlord law apply to their specific situations.

Federal Eviction Moratorium

The CDC's order which temporarily halts certain residential evictions has been extended through March 31, 2021. This order protects tenants who meet certain

eligibility criteria **and deliver a written declaration to their landlord.** Tenants are encouraged to call our counseling line (512-474-1961) or reach out to our online counseling program (www.housing-rights.org/online-counseling) for assistance understanding the CDC Evic-

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tion Moratorium and other protections for tenants.

“Right to Cure” Ordinance

On December 10, 2020, the Austin City Council voted to extend a local ordinance giving renters a 60-day period to pay back late rent before a landlord can start the eviction process. This ordinance has been extended through May 31, 2021. Landlords must deliver a written “Notice of Proposed Eviction” to tenants before they can issue a Notice to Vacate for nonpayment of rent and other fees. This notice must give the tenant a minimum of 60 days to cure the delinquent payments. The ordinance does not waive late fees or other charges; however, we encourage landlords to work with tenants who have been financially impacted by the pandemic and to waive penalties when possible. As with the

Mayor’s Order, violations of this ordinance can be reported to Austin Code.

Similarly, in San Marcos, landlords have an obligation to issue a Notice of Proposed Eviction giving tenants a minimum of 90 days to pay back late rent and other charges before they can start the eviction process. This ordinance will remain in effect until the Declaration of Local Disaster in San Marcos is lifted.

Notices to Vacate Prohibited

Austin Mayor Steve Adler and Travis County Judge Andy Brown have extended the local orders prohibiting the issuance of Notices to Vacate for nonpayment of rent in Austin and Travis County. These orders will now remain in place through April 1, 2021. Tenants who have failed to pay rent are protected by this order if

their monthly rental amount is \$2,475 or less, or if they have given their landlord the CDC declaration. Commercial tenants are also covered. Landlords can still pursue evictions in situations involving criminal activity, imminent threat of physical harm, or property damage that interferes with other tenants’ ability to use their rental homes. These orders also prohibit lockouts and landlords’ liens: landlords may not exclude tenants from the rental dwelling or remove their property. Violations of this order within the City of Austin can be reported to the Austin Code Department. Travis County tenants who live outside of the City of Austin can report violations to the Travis County Sheriff’s Office or the Travis County Fire Marshal’s Office.

Is Your Landlord Threatening Eviction?

Despite the protections in place, tenants often reach out to us because their landlord is intimidating them with threats of evictions. If your landlord is threatening you, here are some steps that you can take:

1) Document the Incident

Keep a copy of any notice that your landlord has given you. If your landlord is making verbal threats, try to record the incident and/or have a witness present whenever possible. Make a note of dates when these threats occurred and individuals who witnessed the statements.

2) Know Your Rights

You have a right to remain in your home throughout the eviction process. Whether your landlord has made verbal

threats, issued a written Notice to Vacate, or filed an eviction, they do not have the authority to lock you out, shut off utilities, or remove you from the property. Tenants can only be made to leave the property after the landlord has obtained an eviction judgment and been granted a Writ of Possession from the Justice of the Peace Court. A tenant only has an obligation to leave after being notified by a constable that a Writ of Possession is being executed.

3) Respond in Writing

It is helpful to respond in writing to any threats of eviction or allegations that you have breached your lease. You should prepare a letter summarizing the details of the incident (date, quotes, names, etc.) and disputing any false allegations that the landlord has made. After summarizing

the details of your dispute, you should request that your landlord provide a written response rescinding any threats of unlawful eviction. Be sure to sign and date this notice, and to keep a copy for your records.

4) Next Steps

The Tenant-Landlord Team at Austin Tenants Council is here to help you understand your rights and take action to protect your housing. Please reach out to us for counseling and/or assistance communicating with your landlord. If your landlord has violated local orders, you can also reach out to the designated enforcement agency to file a complaint.

Buscando adaptación razonable en Apartamentos Walnut Ridge

Una pareja de veteranos militares con discapacidad [Demandantes] obtuvo asistencia (depósito de seguridad) para rentar una unidad en los Apartamentos Walnut Ridge a través de un programa de veteranos. Esto era muy importante para ellos porque pasaban por momentos difíciles y podían quedarse sin techo. El marido tenía problemas de movilidad en sus piernas, necesitando bastón y a veces silla de ruedas. Después de mudarse ahí, notó que los espacios de estacionamiento para discapacitados estaban siempre ocupados y no había ninguno cerca de su apartamento, forzándolos a estacionar a más de una cuadra y media del edificio y unidad. Los Demandantes pidieron varias veces a la administración un lugar para estacionar cerca de su apartamento; sin embargo, su pedido no solo fue denegado sino que sufrieron represalias, como cuando la grúa

les llevó el vehículo. El Programa Vivienda Justa (FHP por sus siglas en inglés) ayudó a los Demandantes a presentar un pedido de adaptación razonable, solicitando que la administración los libere del contrato de renta sin penalidades, para poder mudarse a una propiedad adecuada a sus discapacidades. La administración no respondió a este pedido de adaptación. Bajo el Acta Federal de Vivienda Justa, demorar en responder a este pedido es considerado como negación. Los Demandantes tuvieron que mudarse de esa propiedad. Luego recibieron una intimación de cobro indicando que debían \$5,008.00 a Apartamentos Walnut Ridge. FHP ayudó a la pareja a presentar una queja administrativa ante HUD, que fue derivada a la Comisión Laboral de Texas en su División de Derechos Civiles para su investigación. Los Demandados aceptaron arreglar fuera de corte con lo siguiente: (1) Anular la

deuda que la pareja debería a la propiedad; (2) Extender una referencia neutral, por escrito, para que tenga la pareja al solicitar otra renta, y verbal cuando llamen posibles arrendadores; y (3) Pagar a los Demandantes \$5,000.00 por daños sufridos a causa de este problema.

En este acuerdo, los Demandados son considerados responsables por ignorar los derechos de vivienda justa de los Demandantes, al no responder a su pedido de adaptación razonable. Es muy importante para demandados responder a pedidos de manera puntual, y participar en el proceso interactivo al tratar de resolver problemas asociados a adaptaciones razonables. Si usted necesita asistencia en una adaptación razonable, comuníquese con FHP al 512-474-1961, o presente una queja en la página internet de ATC: www.housing-rights.org.

Se extienden protecciones ante desalojos

Moratoria federal en desalojos

La orden de CDC que detiene temporalmente ciertos desalojos de viviendas ha sido extendida hasta el 31 de marzo de 2021. Esta orden protege a inquilinos que cumplen ciertos requisitos **y presentan una declaración escrita a su arrendador.** Los inquilinos pueden llamar a nuestra línea de asesoría (512-474-1961) o comunicarse con nuestro programa electrónico de asesoría (www.housing-rights.org/online-counseling) para ayudarlo a entender la Moratoria de Desalojos de CDC y otras protecciones para inquilinos.

Ordenanza "Derecho a remedio"

El 10 de diciembre de 2020, el Concejo Municipal de Austin votó por extender una ordenanza local que da a los inquilinos 60 días para pagar la renta adeudada antes de que el propietario pueda comenzar el proceso de desalojo. Esta ordenanza fue extendida hasta el 31 de mayo de 2021. Los propietarios deben enviar por escrito un "Aviso de Desalojo Propuesto" a los inquilinos antes de emitir un Aviso de Desalojo por falta de pago de renta y otros cargos. Este aviso debe dar al inquilino un mínimo de 60 días para pagar la renta debida. La ordenanza no exime de cargos por demora ni otros gastos; sin embargo, se aconseja a los propietarios cooperar con

inquilinos afectados económicamente por la pandemia, y cancelar penalidades de ser posible. Como con la orden del alcalde, las infracciones a esta ordenanza pueden reportarse al Código de Austin.

De manera similar, los propietarios en San Marcos tienen la obligación de emitir un Aviso de Desalojo Propuesto, dando a los inquilinos un mínimo de 90 días para pagar la renta adeudada y otros cargos antes de poder comenzar el proceso de desalojo. Esta ordenanza seguirá en efecto hasta que se levante la Declaración de Desastre Local en San Marcos.

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 Rachel at 512-474-7006 Ext. 102 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 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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