

Housing Rights **ADVOCATE**

Austin Tenants' Council • Issue 79, Winter 2015

Promoting Reintegration for the Formerly Incarcerated

Each year, more than 600,000 individuals are released from state and federal prisons. The U.S. Department of Housing and Urban Development (HUD) has a goal of "helping ex-offenders gain access to one of the most fundamental building blocks of a stable life – a place to live."

In November, HUD released guidance to public housing authorities and owners of HUD-assisted housing regarding the use of arrests in determining who can live in HUD-assisted properties.

The guidance states: (1) HUD does not require "one-strike" rules that deny admission to anyone with a criminal record or that require automatic eviction any time a household member engages in criminal activity in violation of their lease.

(2) When specifically considering whether to deny admission or terminate assistance or tenancy for illegal drug use by a household member who is no longer engaged in such activity, a PHA or owner may consider whether the household member is participating in or has successfully completed a drug rehabilitation program, or has otherwise been rehabilitated successfully.

(3) Arrests are not sufficient evidence of criminal activity to support an adverse admission, termination, or eviction decision.

(4) Applicants and residents have due process rights if an adverse decision is being made based on criminal records.

(5) PHAs and owners must apply any restrictions fairly and in accordance with current civil rights laws.

The full guidance and a list of best practices is available online at: <http://portal.hud.gov/hudportal/documents/huddoc?id=PIH2015-19.pdf>.

Help Fight Discrimination in Housing! Volunteer "Secret Shoppers" Needed

The Austin Tenants' Council needs your help in gathering information about housing practices. Volunteers, called testers, objectively gather and report information about the availability of housing by posing as prospective renters or homebuyers.

Testers receive training and a stipend for completed tests along with reimbursement for actual costs such as mileage. Fair housing testing provides an objective means to determine whether prospective renters or buyers are treated differently in violation of the Fair Housing Act.

Testers are matched based on income, credit history, and other factors relevant to the home buying or leasing process. If you are interested, please contact Melissa Orren at 512-474-7007, Ext. 104.

Travis County Commissioners Court Honors ATC Housing Specialist

At the Travis County's Second Annual Workforce Development Program Appreciation Luncheon, Travis County Commissioners Court honored ATC Housing Specialist Linda Aleman.

Linda was presented with a service award recognizing her "hard work and numerous contributions to the community and the Justice Planning Workforce Development Program. With a history of community service, Linda joined Austin Tenants' Council in 2007 and serves clients



by providing educational guidance on tenant / landlord rights and responsibilities under the Texas Property Code.

Inside: 2 — ATC Helps Flood Victims
2 — Updated Guide to Affordable Housing
3 — Artículos en Español

October Floods Affect Thousands in Central Texas

Austin Tenants Council Provides Guidance to Residents

On November 11, Dove Springs Recreation Center opened its doors to residents of the greater Austin area that were affected by the October floods. The recreation center became the City of Austin Flood Assistance Center and the central hub for any resident seeking assistance.

The City of Austin requested that Austin Tenants' Council (ATC) provide staff to be present at the Flood Assistance Center in order to provide guidance to residents seeking to understand how best to handle their specific circumstances. Much of the guidance provided by ATC focused on how a tenant might terminate a lease in the event that their apartment was severely flooded and no longer livable.

Under certain conditions, Texas Property Code Sec. 92.054. Casualty Loss, provides a tenant or a landlord certain remedies in the event of "fire, smoke, hail, explosion," flood, or similar occurrence. One remedy possibly available to a tenant or a landlord is the early termination of the tenant's lease without penalty. To terminate a lease before the contracted termination date, all of the following must be met:

(1) the tenant's dwelling is affected by "fire, smoke, hail, explosion," flood or similar occurrence,

(2) the event renders the dwelling, as a practical matter, totally unusable for residential purposes,

(3) the event is not caused by the negligence of the tenant, the tenant's family, guest or invitee and

(4) repairs on the dwelling are not complete prior to the tenant or the landlord giving written notice to the other of their intent to terminate the lease.

If these conditions are met, Sec. 92.054 may also entitle the tenant to "a pro rata refund of rent from the date the tenant moves out and to a refund of any security deposit otherwise required by law."

Out of an abundance of caution but not as a requirement of law, the tenant should call Austin Code and immediately report the conditions of the dwelling. A report from Austin Code affirming that the dwelling is totally uninhabitable will certainly strengthen the tenant's claim to an early termination under Sec. 92.054.

Because Austin Code was also present at the Flood Assistance Center, ATC staff was able to refer clients to their help table for answers to questions relating to the code process.

The Flood Assistance Center served Austin residents for four days and closed on November 14th. In addition to ATC's presence, a variety of city and county agencies as well as non-profits provided services. They included Watershed Protection, Development Service, Neighborhood Housing/Home Repair, 3-1-1, Buyout Austin/Travis County, Austin/Travis County Health and Human Services, Travis County Transportation and Natural Resources, Central Texas Red Cross, and Austin Disaster Relief Network among others.

If you are still dealing with the effects of the October floods, call 311 for assistance and visit: <http://austintexas.gov/HSEM>.

Remember, everyone's circumstances are unique and any tenant or landlord contemplating the early termination of a lease under Sec. 92.054 should contact ATC or a licensed attorney prior to termination.

ATC does not provide legal assistance but clients may call the counseling phone line at: 512-474-1961 and request assistance or a walk-in appointment.

Read about the repair process and casualty loss here: <http://housing-rights.org/repairs.html>

Newly Updated Guide to Affordable Housing

The 13th edition of Austin Tenants' Council Guide to Affordable Housing is now available online. Printed guides will be available to the public in our Austin office in the New Year. ATC would like to extend its full grati-

tude to Tonya Penny for performing the research necessary to update the guide. Thanks also to the Donald D. Hammill Foundation for providing the printed version. The guide is an excellent resource for prospective tenants with limited incomes.



Promover reintegración de ex presidiarios

Más de 600,000 personas al año son liberadas de prisiones estatales y federales. El Departamento de Viviendas y Desarrollo Urbano (HUD) de Estados Unidos tiene la meta de "ayudar a ex convictos a tener acceso a una de las bases fundamentales de una vida estable: un lugar donde vivir".

En noviembre, HUD difundió una guía para autoridades de viviendas públicas y dueños de viviendas asistidas por HUD sobre la incidencia del arresto carcelario al determinar quién puede vivir en propiedades asistidas por HUD.

La guía dispone: (1) HUD no requiere el uso de la regla 'una falla y fuera' que

niega la admisión a personas con antecedente criminal o que requiere el desalojo automático toda vez que un residente comete actividad criminal en violación de su contrato de renta.

(2) Al considerar específicamente si negar la admisión o cancelar asistencia o renta por el uso ilegal de drogas por un residente que ya no está involucrado en esa actividad, la PHA [Agencia de Vivienda Pública] o el propietario podrían considerar si el residente está participando o ha finalizado con éxito un programa de rehabilitación por drogas, o se ha rehabilitado de alguna otra manera.

(3) El arresto no es evidencia sufici-

ente de actividad criminal para justificar una decisión de admisión adversa, cancelación o desalojo.

(4) Los solicitantes y residentes tienen derecho al proceso legal si se toma una decisión adversa en base a antecedentes criminales.

(5) PHAs y propietarios deben aplicar toda restricción de manera justa y de acuerdo a leyes actuales de derechos civiles.

La guía completa y lista de mejores prácticas está disponible (en inglés) en: <http://portal.hud.gov/hudportal/documents/huddoc?id=PIH2015-19.pdf>.

¡Ayude a luchar contra la discriminación en la vivienda! Se necesitan voluntarios para "Clientes Secretos"

Austin Tenants' Council (Consejo de Inquilinos de Austin) necesita su ayuda para recabar información sobre prácticas de vivienda.

Los voluntarios servirían como 'verificadores', recabando y reportando información objetiva sobre la disponibilidad de viviendas, al actuar como posibles inquilinos o compradores.

Estos verificadores reciben entrenamiento y estipendio por verificación concluida, junto a reembolso de gastos como milaje. La verificación de Vivienda Justa es una manera objetiva de determinar si los posibles inquilinos o compradores son tratados de manera diferente, en violación del Acta Vivienda Justa.

Los verificadores son correspondidos de acuerdo a ingresos, historial crediticio y otros factores relevantes en el proceso de compra o renta de vivienda. Si usted está interesado, comuníquese con Melissa Orren al (512) 474-7007, Ext. 104.

La Administración del Condado Travis distingue a Especialista en Vivienda de ATC

En el Segundo Almuerzo Anual de Apreciación al Programa de Desarrollo Laboral del Condado Travis, la Administración del Condado Travis rindió honor a la Especialista en Vivienda de ATC Linda Aleman.

Linda recibió un premio al servicio, reconociendo su "arduo trabajo y numerosas contribuciones a la comunidad y al Programa de Desarrollo Laboral Planificación de Justicia". Con un historial de servicio comunitario, Linda se integró al Consejo de Inquilinos de Austin en el año 2007, y sirve a los clientes guiándolos con información sobre derechos y responsabilidades de inquilinos y propietarios bajo el Código de Propiedad de Texas.



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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 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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