

Housing Rights **ADVOCATE**

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\$275,000 Settlement Reached in Sexual Harassment Discrimination Case

Two female tenants, along with the Austin Tenants' Council and Texas Workforce Commission/Civil Rights Division, have agreed to settle a fair housing discrimination lawsuit filed against landlord Henry Carter of Bryan, Texas.

The lawsuit alleges that Carter, who managed more than 30 rental properties in Brazos County, violated the state and federal Fair Housing Act by engaging in a pattern or practice of sexual harassment of his female tenants, many of whom were recipients of Section 8 rental vouchers. The Housing Choice Voucher Program (Section 8) is the U.S. government's major program to provide housing assistance to low-income families and individuals.

According to the lawsuit, Carter subjected his female tenants to unwanted verbal sexual advances and unwanted sexual

touching; granted and denied tangible housing benefits in exchange for sexual favors; took adverse action against female tenants when they refused or objected to his sexual advances; and denied the rental of a dwelling based on the sex of the potential tenant. The lawsuit also alleges that Carter's attempt to hide his assets by transferring his real estate holdings to Urban Quest Properties, a company composed of Carter's three sons, is a violation of the Texas Uniform Fraudulent Transfer Act.

Christopher Brancart, a nationally renowned housing rights attorney, represented tenant Chenitha Burleson of Bryan, Texas, and the Austin Tenants' Council during the lawsuit. In July and August 2003, ATC helped Burleson secure an emergency housing transfer of her Section 8 rental

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ATC Thanks Board Member for Service



ATC's Sam Persley and Katherine Stark recognize retiring board member Dana Nelson George (center) for her dedicated service.

Dana Nelson George, who served on the Austin Tenants' Council board of directors for nearly 12 years, announced her retirement effective Dec. 31, 2008. ATC expresses its deep appreciation for the leadership and vision Nelson George displayed during her tenure. She was active in developing the agency's strategic plan and served as board chair for many years. Nelson George, a prosecutor with the Travis County District Attorney's Office, will continue her service to the Austin community by joining the SafePlace board of directors.

FH Case Updates

In all settled cases reported here, the respondent, unless otherwise noted, denies the allegations of discrimination made by the complainant and the parties have agreed to resolve the case prior to a trial on the merits.

Myron Golden v. Cricket Hollow

Cricket Hollow is an affordable housing community in Willis, Texas, and offers restricted rent units for low-income individuals. After a management turnover, Myron Golden, who is disabled, was informed that his live-in caregiver would have to be added as an occupant to his lease and her income would be included in the calculation of his rent. This change would have caused Golden's monthly payment to increase nearly \$350.

According to the U.S. Department of Housing and Urban Development, a live-in aide is "essential to the care and well-being" of the person with a disability. However, the aide is not a permanent member of the household and has no claim to stay if the tenant leaves a subsidized unit. While the tenant may be entitled to live in a larger unit so that the aide can have a separate bedroom, the aide's income is not counted in the calculation of the tenant's eligibility or rent obligation.

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Online Guide to Avoiding Foreclosure

Whether you're facing foreclosure now or worried about it in the future, the U.S. Department of Housing and Urban Development has information that can help.

Available at www.hud.gov/foreclosure, HUD's *Guide to Avoiding Foreclosure* offers a number of resources particularly important for individuals at risk of losing their homes. Homeowners can:

- Learn about the foreclosure process including time lines;
- Discover tips for avoiding foreclosure rescue scams;
- Explore refinancing options such as FHA Secure and HOPE for Homeowners;
- Find local and state resources; and
- Determine what to do when a lender is uncooperative.

Past and present discriminatory housing practices and mortgage lending are causes of the current foreclosure crisis, according to the National Commission on Fair Housing and Equal Opportunity. If you believe you have been a victim of discrimination in either the lending or foreclosure process, contact the ATC Fair Housing Program at 474-1961.

If you cannot pay your mortgage, don't ignore the problem because it won't go away. The best way to keep your home is to act now!

We thank **Michael Orem** and **Gustavo Artaza** for their generous contributions in support of ATC's programs and services.

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voucher due to the repeated sexual harassment and helped her file a fair housing complaint with the Texas Workforce Commission/Civil Rights Division. ATC has since acted as Burleson's advocate.

After conducting an investigation, TWC issued a charge of discrimination against Carter in September 2003, stating that reasonable cause existed to believe that a discriminatory housing practice had occurred. This decision was significant because charges of sexual harassment are often difficult to prove.

"We commend Ms. Burleson for having the courage to report her landlord's appalling conduct and the tenacity to see this difficult case through to the end," ATC executive director Katherine Stark says. "The Austin Tenants' Council is committed to ensuring renters are treated fairly and that women are free from unwelcome sexual harassment in their homes."



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ATC fair housing specialist Lucia Salinas helped Golden make a Request for Reasonable Accommodation, asking the manager not to consider his caregiver as part of the household. The manager quickly agreed to the request, and Golden renewed his lease for another year.

Maria Fraire v. Chevy Chase Downs

In December 2007, Leticia Johnson contacted ATC fair housing specialist Linda Aleman for assistance. Johnson's mother, Maria Fraire, was terminally ill and needed to be released from her lease contract so family members could look after her.

The manager denied Fraire's Request for Reasonable Accommodation, asserting that she did not believe Fraire was dis-

abled. Under the Consent Decree and Court Order signed on December 8, 2008, by Presiding Judge J.D. Langley of the 85th Judicial District Court, Carter and Urban Quest Properties must pay \$275,000 to the plaintiffs; Carter is permanently prohibited from managing rental property; and any of his sons who manage rental property are required to attend fair housing training. The defendants did not admit to the allegations asserted in the lawsuit.

After waiting more than five years for a resolution to her discrimination complaint, Burleson states "peace of mind" is personally the most important outcome of this settlement.

The Fair Housing Act treats sexual harassment as discrimination on the basis of sex and also prohibits discrimination on the basis of race, color, national origin, religion, disability, and familial status. For more information, contact the ATC Fair Housing Program by calling 474-1961.



abled. The Fair Housing Act defines handicap as a "physical or mental disability that substantially limits one or more major life activities." Because Fraire's illness affected her ability to care for herself, the FHA protected Fraire.

Nonetheless, the manager stated that if Fraire moved out she would owe the apartment complex several thousand dollars in reletting fees and accelerated rent. Aleman then helped Fraire file a fair housing complaint alleging discrimination based on disability. A week later, Fraire passed away.

The City of Austin Equal Employment/Fair Housing Office continued its investigation and negotiated a conciliation agreement where Fraire's beneficiaries received a \$3,000 settlement.

Compensación en Caso de Discriminación

Dos mujeres inquilinas, junto al Consejo de Inquilinos de Austin y la Comisión Laboral de Texas-División Derechos Civiles, han llegado a un acuerdo en el juicio por discriminación en vivienda iniciado contra el arrendador Henry Carter de Bryan, Texas.

El juicio alega que Carter, encargado de más de 30 propiedades de renta en el Condado Brazos, violó el Acta de Vivienda Justa estatal y federal, al dedicarse a una práctica de acoso sexual a sus inquilinas mujeres, muchas de las cuales recibían vouchers de renta Sección 8. El Programa de Vouchers para Opciones de Vivienda (Sección 8) es el mayor programa del gobierno nacional que ofrece asistencia en vivienda a familias e individuos de bajos ingresos.

Según el juicio, Carter sometió a sus inquilinas mujeres a avances sexuales verbales y contacto o manoseo sexual no deseado; negó u ofreció beneficios tangibles de vivienda a cambio de favores sexuales; tomó acciones adversas contra inquilinas cuando éstas se negaron o protestaron sus avances sexuales; y negó la renta de viviendas en base al sexo del posible inquilino. El juicio también alega que el intento de Carter por ocultar sus bienes al transferir sus propiedades a Urban Quest Properties — una compañía integrada por los tres hijos de Carter — es una violación al Acta de Transferencias Fraudulentas Uniformes de Texas.

Christopher Brancart, un abogado en derechos de vivienda de renombre nacional, representó a la inquilina Chenitha Burleson de Bryan, Texas, y al Consejo de Inquilinos de Austin (ATC) durante el juicio. En julio y agosto de 2003, ATC ayudó a Burleson a conseguir una transferencia de emergencia en la vivienda de su voucher de renta Sección 8 debido al repetido acoso

sexual, y la ayudó a introducir una queja de vivienda justa ante la Comisión Laboral de Texas (TWC)-División Derechos Civiles. ATC ha abogado por Burleson desde entonces.

Después de conducir una investigación, TWC emitió una acusación por discriminación contra Carter en septiembre de 2003, declarando que existía causa razonable para pensar que había ocurrido una práctica de discriminación en la vivienda. Esta decisión fue significativa porque las acusaciones de acoso sexual suelen ser difíciles de probar.

“Felicitamos a la Srta. Burleson por tener la valentía de reportar la deplorable conducta de su arrendatario y la tenacidad de continuar este difícil caso hasta el final”, dijo la directora ejecutiva de ATC Katherine Stark. “El Consejo de Inquilinos de Texas está comprometido a asegurar que los inquilinos sean tratados de manera justa y que las mujeres estén libres de acoso sexual no deseado en sus viviendas.”

Bajo el Decreto de Consentimiento y la Orden Judicial firmada el 8 de diciembre de 2008 por el Juez Presidente J.D. Langley de la Corte Judicial de Distrito 85º, Carter y Urban Quest Properties deben pagar \$275,000 a las demandantes; a Carter se le prohíbe permanentemente encargarse de propiedades de renta; y cualquiera de sus hijos que administre propiedades de renta deberá pasar por entrenamiento de vivienda justa. Los acusados no admitieron las denuncias declaradas en el juicio.

Después de esperar más de cinco años por una resolución a su queja por discriminación, Burleson declara que la “tranquilidad de espíritu” es personalmente el resultado más importante del acuerdo judicial. Para mayor información, comuníquese con el Programa Vivienda Justa de ATC, llamando al 474-1961.

Guía para Evitar la Ejecución Hipotecaria

Sea que usted enfrenta ahora la ejecución de su hipoteca o teme que ocurra en el futuro, el Departamento de Viviendas y Desarrollo Urbano tiene información para asistirlo.

En www.hud.gov/foreclosure, la Guía para Evitar la Ejecución Hipotecaria de HUD ofrece un número de recursos especialmente importantes para personas en riesgo de perder sus viviendas. Los propietarios pueden:

- Informarse sobre el proceso de ejecución hipotecaria, incluyendo plazos;
- Descubrir consejos para evitar estafas en rescates de ejecuciones;
- Explorar opciones de refinanciamiento como FHA Seguro y ESPERANZA AHORA;
- Hallar recursos locales y estatales; y
- Determinar qué hacer cuando un prestamista no coopera.

Presentes y pasadas prácticas de viviendas y préstamos hipotecarios discriminatorios son causa de la actual crisis de ejecución de hipotecas, según la Comisión Nacional de Vivienda Justa e Igualdad de Oportunidades. Si usted cree que ha sido víctima de discriminación tanto en el proceso de préstamo o ejecución hipotecaria, comuníquese con el Programa de Vivienda Justa de ATC al 474-1961.

Si no puede pagar su hipoteca, no ignore los problemas porque éstos no desaparecerán. ¡La mejor manera de conservar su vivienda es actuar ahora!

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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 474-7007.

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 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 474-7007.

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.

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