



Housing Rights ADVOCATE

Issue 9, Winter 1998

The Austin Tenants' Council

Safe • Affordable • Fair • Housing for All

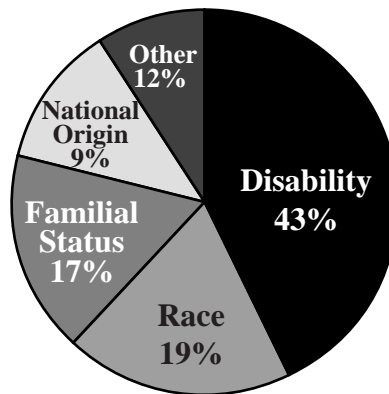
The Face of Discrimination

Sharp Rise in Housing Discrimination Complaints based on Disability

The Austin Tenants' Council's Fair Housing Program reports a sharp rise in the number of complaints of housing discrimination based on disability in the metropolitan Austin area. ATC receives housing discrimination complaints based on race, color, religion, sex, national origin, family status and disability. Since 1992, the proportion of discrimination disability-based complaints (mental and physical) reported to the ATC Fair Housing Program has increased each year.

The percentage of this type of complaint rose from 25.8% of the total of all ATC housing discrimination complaints in '94-95, to 29.8% in '95-96, 39% in '96-97, 38% in '97-98 and as of December 1998, the percentage of housing discrimination complaints from persons with disabilities has risen to 43% of the overall case load of the ATC Fair Housing Program.

Fair Housing Activities Coordinator Mary Daniels Dulan said, "Persons who are disabled experience housing discrimination in Austin, whether they have high, moderate or



low incomes. There is a lack of accessible, affordable rental housing in Austin for the disabled. Many landlords are unaware of the Fair Housing Amendments Act of 1988, and its reasonable accommodation and reasonable modification requirements. Though a few landlords and managers comply voluntarily to Requests for Reasonable Accommodation or Reasonable Modification rather than face enforcement actions, a significant number of fair housing complaints are referred to ATC Testing Coordinator Paul Leddy for investigation and testing. ATC has filed several housing discrimination complaints with HUD for enforcement action and investigation by the Austin Human Rights Commission or the Texas Commission on Human Rights. Other cases have been referred directly to attorneys for

HUD FUNDS NEW FAIR HOUSING PROGRAM

HUD recently awarded the Austin Tenants' Council a Fair Housing Initiatives Education and Outreach Program grant. The grant proposal was written under ATC's Renters' Rights Assistance Program in response to two needs identified by ATC's Fair Housing Program: the high denial rate for minority loan applicants and the lack of housing accessible to persons with disabilities.

Several studies nationwide have found minority applicants are denied mortgages more often than white applicants. ATC, in conjunction with the Consumers Union, will conduct an in-depth study of mortgage lending activities in the Austin Metropolitan Area.

This study will be a follow-up to the one released by the Consumers Union in the Spring of 1998. It will analyze 1997 Home Mortgage Disclosure Act data; survey lenders about their lending practices; and analyze fair lending complaints to the Austin Tenants' Council, the Austin Human Rights Commission and the Texas Commission on Human Rights.

The new program will also create a media campaign to notify minority homeseekers of their fair housing

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Fair Housing Updates

ATC Volunteers Receive 1998 Community Service Awards

The Austin Tenants' Council was founded more than 25 years ago by VISTA volunteers and volunteers from the Austin community. The Austin Tenants' Council depends on volunteers to support our fight for fair and equal housing opportunity. Whenever we issue the call, these dedicated people step forward to volunteer their time and resources. They serve tirelessly and many times without recognition.

Our volunteers come from diverse backgrounds and are committed to ATC's goal of fighting unfair housing practices. Volunteers serve as testers for the Fair Housing Program, testify at Community Development Commission

hearings and in front of the City Council on behalf of ATC's work, serve as fund-raisers to support ATC's many programs, answer tenant-landlord questions on our counseling line and serve as housing rights advocates by organizing tenants in troubled complexes and teaching them to assert their right to equal housing opportunity.

"The struggle for housing rights in Austin is as meaningful today as it was in 1973..."

Our volunteers represent tenants in lawsuits against deadbeat landlords and represent persons who have been discriminated against in the rental, sale, appraisal or financing of housing. They work with the Texas Legislature to improve laws affecting tenants rights, volunteer at or host housing fairs to educate the community about equal housing opportunities, publicize the Austin Tenants' Council on the radio, television and newspapers.

On December 18, 1998, ATC honored more than 80 persons for outstanding volunteer and community service at ATC's Annual Volunteer and Community Service Awards and Open House. Katherine Stark, ATC Executive Director stated, "The struggle for housing rights in Austin is as meaningful today as it was in 1973 when ATC was founded by community volunteers. Tenants and homebuyers face the same obstacles: poor living conditions, high rents and mortgages and housing discrimination. For this reason, the Austin Tenants' Council remains a part of the community twenty-five years later, still supported by volunteers, still advocating for safe, decent, affordable and fair housing for all."

HRA

Mediation Program Continues Success

In late November, ATC received a call from a client who was injured and could not work. He had not begun receiving his disability checks yet, and was unable to pay the rent. The manager gave him a notice to vacate and then filed an eviction suit in Justice of the Peace Court.

When the client received his first disability check, the manager did not want to accept rent because the eviction suit had already been filed. Bruce Rodenborn, Program Development Specialist, contacted the manager on the client's behalf.

Bruce's experience in resolving similar problems led him to believe that one of the major concerns for the manager would be that the client could pay November's rent, but might not be able to pay December's rent until late in that month. The tenant would then be continually behind on his payments.

To address this problem, Bruce discussed when the tenant would be receiving additional monies. The client had another disability check that would arrive by 12/5/98. Thus, the manager had assurance that if the eviction case was dropped December's rent would be paid.

*" . . . GET PAST THE
FEUDING . . . "*

Bruce contacted the manager and discussed the tenant's financial situation. Bruce pointed out that rather than incurring the expense of evicting a client who would need all of his financial resources to move, the landlord could accept this late payment one time and have assurance that December's rent would be paid no later than the fifth of the month. Otherwise, the landlord might lose two months of rent by the time the tenant was evicted. The manager agreed to the arrangement, the tenant paid November and December's rent, and he was allowed to continue living in his unit.

The above case is a prime example of how ATC's mediation program attempts to resolve issues to the benefit of both parties, whenever possible. As Bruce stated, "This was one of those situations where a better solution is possible, but sometimes the people involved in a dispute cannot see it. One of the most effective means of resolution is to get past the feuding and help both parties understand the benefit of their cooperation."

HRA

La Cara de la Discriminación

Aumentan las Quejas de Discriminación en la Vivienda en Razon de Incapacidad

El Programa de Vivienda Justa del Austin Tenants' Council (ATC) reporta un aumento considerable en el número de quejas de discriminación en la vivienda en relación de incapacidad en el área metropolitana de Austin. ATC recibe quejas en razón de la raza, color, religión, sexo, origen nacional, estado familiar e incapacidad. Cada año desde 1992 el número de quejas de discriminación en razón de incapacidad (mental y física) ha sido más de la mitad de las quejas recibidas por el Programa de Vivienda Justa del ATC.

El porcentaje de este tipo de queja subió desde el 25.8% de todas las quejas de discriminación en la vivienda en los años '94-95 a 29.8% en '95-96, a 39% en '96-97, a 38% en '97-98 y con fecha de diciembre de 1998, el porcentaje ha subido hasta 43%.

La Coordinadora de Vivienda Justa, Mary Daniels Dulan, dijo, "A la gente incapacitada en Austin le sucede la discriminación en la vivienda sin importar su nivel de ingreso. En Austin, a la gente incapacitada le falta vivienda accesible y conveniente. Muchos dueños no saben de las Enmiendas al Acto de Vivienda Justa de 1998, y sus requerimientos para adaptaciones y modificaciones razonables. Aunque unos dueños y gerentes cumplen voluntariamente con un Pedido para Adaptación Razonable o Modificación Razonable en vez de ser forzados, mucho de nuestras quejas están referidas al Coordinador de Pruebas, Paul Leddy, para una investigación y pruebas. Hemos entablado unas quejas de discriminación en la vivienda con HUD para una acción de cumplimiento forzoso e investigación por la Comisión de Derechos Humanos en Austin o La Comisión de Texas de Derechos



Humanos. Referimos otros casos directamente a un abogado para representarles en la supuesta violación bajo el acto de vivienda justa."

La Especialista de Vivienda Justa, Nekesha Monroe, ayuda a la gente incapacitada con Pedidos para Adaptaciones o Modificaciones Razonables y les aconseja acerca de sus derechos y medios bajo las leyes de Vivienda Justa federales, del estado, y de la Ciudad de Austin. Aparte de procesar las alegaciones de discriminación en la vivienda, en razón de todas las clases protegidas (raza, color, origen nacional, religión, sexo, estado familiar, e incapacidad) Nekesha también da apoyo y defensa a sus clientes incapacitados para crecer sus oportunidades de vivienda. Según Nekesha, "durante el último año y medio había mucho más quejas de discriminación en la vivienda en razón de incapacidad que otras clases protegidas. Este año hacen 43% de la suma total. Quejas en razón de raza son 19%; del estado familiar son 17%; origen nacional son 9%; y el otro 12% son de quejas en razón de color, religión, y sexo. Mientras la proporción de tenencia sube y las rentas se remontan, el inquilino incapacitado se desplaza en vivienda no accesible y peligrosa y no vemos un fin hasta que los dueños y gerentes aprendan que discriminar es ilegal."

HRA

NUEVO PROGRAMA DE VIVIENDA JUSTA POR HUD

El Austin Tenants' Council (ATC) acaba de recibir una donación para el Fair Housing Initiatives Education and Outreach Program por el Departamento de Vivienda y Desarrollo Urbano (HUD). La propuesta fue escrito bajo el Programa de Asistencia Para los Derechos de Inquilinos del ATC en reacción de dos necesidades identificada por el Programa de Vivienda Justa: la proporción muy alta de negación para un préstamo a solicitantes minoritarios y la falta de vivienda accesible a la gente con un incapacidad.

Recientemente, unos estudios encontraron que solicitantes minoritarios están negados más que solicitantes blancos. ATC, junto con el Consumers Union, conducirán un estudio intenso de las actividades de préstamos hipotecarios en el área Metropolitano de Austin. Este estudio sigue otro realizado por el Consumers Union en la primavera de 1998. Analizará datos de HMDA, 1997; preguntará prestamistas acerca de sus métodos; y analizará quejas en relación de préstamos recibido por el ATC, la Comisión de Derechos Humanos en Austin, y la Comisión de Texas de Derechos Humanos.

El nuevo programa también se realizará una campaña por la prensa para notificar gente monitorio que quiere comprar casa de sus derechos de vivienda justa. ATC asistirá clases para gente quien quiere comprar casa y pondrá advertencias en los periódicos locales, la televisión, y en el radio.

Esta donación también focará en los derechos de incapacitadas. Como ya descrito en el artículo, "La Cara de Discriminación", el número de quejas

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El Programa de Mediaciones Sigue sus Exitos

En noviembre, nos habló un inquilino lo cual no podía trabajar. Estaba esperando sus cheques de incapacidad y no podía pagar su renta. El cliente ya había recibido un aviso a moverse y el gerente entabló un desalojo en la Corte de Juicio de Paz.

Cuando el cliente recibió su primer cheque de incapacidad, el gerente no lo querría aceptar porque ya ha entablado el desalojo. Bruce Rodenborn, Especialista del Desarrollo de Programas, hablaba con el gerente, por parte del cliente.

Con la experiencia de resolver problemas similares, Bruce pensaba que el gerente iba a tener una preocupación: que el cliente podría pagar la renta para noviembre pero no pudiera pagar la renta para diciembre hasta más tarde. Así que el cliente siempre estaría atrasada con la renta.

El cliente esperaba otro cheque de incapacidad para el 5 de diciembre. Entonces, el gerente podría estar seguro de que la renta iba estar pagado si él se dejó el desalojo.

Hablando con el gerente, Bruce le mostraba que, en vez de gastar el dinero para desalojar a un inquilino - quien necesitaría todo su dinero para moverse - él podría aceptar la renta atrasada y tener la seguridad de que iba a recibir la renta de diciembre para el quinto día del mes. Si no, el

gerente pudiera perder dos meses de renta esperando el desalojo. El gerente concordaba con el arreglo, el inquilino pagó la renta de noviembre y diciembre, y él se quedaba viviendo en su apartamento.

Este caso es un ejemplo primario de como el programa de mediación de ATC trabaja a resolver problemas al beneficio de los partidos, cuando sea posible. Como dijo Bruce, "Esta situación fue una de la cual había una solución mejor, pero a veces los disputadores no la vean. Uno de los medios de resolución más afectuosos es salir de la riña y espere que los partidos entiendan el beneficio de su cooperación."

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Nuevo Programa

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en razón de incapacidad que ha recibido el ATC ha subido dramáticamente durante los últimos cuatro años. Debido, en parte, a la falta de vivienda accesible.

ATC ayudará a la gente con una incapacidad con un paquete de información lo cual asegurará sus derechos a adaptación y modificación razonable. Se distribuirán los paquetes a clientes y otros grupos con el intento a ayudar esta gente para que pueda vivir independiente, fuera de las facilidades de asistencia y de los altos precios.

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CONSEJOS POR TELEFONO - Los consejeros contestan preguntas acerca de inquilinos-propietarios y hacen referencias necesarias. Llame al 474-1961.

CONSEJOS EN LA OFICINA - Se provee información y materiales a los clientes que necesitan mayor información. Llame al 474-7006 para hacer una cita.

INTERVENCION CRISIS - Los consejeros median en nombre del inquilino a resolver una emergencia que amenezca su vivienda. Llame al 474-1961.

AYUDA CON REPARACIONES DE ALQUILER - Ayuda a los inquilinos de bajos ingresos a valer fuerza sus derechos a tener reparaciones por medio de negociación y mediación. Llame al 474-7006.

CONTRATOS - ATC vende paquetes de contratos y folletos describiendo los derechos y las responsabilidades del propietario y el inquilino por una cuota nominal.

EL PROGRAMA DE VIVIENDA JUSTA - El Programa de Vivienda Justa investiga las quejas y coordina servicios legales para las víctimas de discriminación cuando sus derechos estan violados bajo las leyes del estado y federal de vivienda justa. Llame al 474-7007.

Clínica Legal en la Noche, Gratuita

Volunteer Legal Services (Servicios Legales de Voluntarios - VLS) y Legal Aid of Central Texas (Ayuda Legal de Central Texas - LACT) ofrecen una clínica legal, dos veces a la semana, en las escuelas locales. Se pueden encontrar el Austin Tenants' Council, abogados, asistentes, traductores, y otros voluntarios, en las clínicas, dando asistencia acerca de desalojos hasta divorcios, y otros temas civiles. Unas preguntas pueden ser contestadas durante la consulta inicial. Si el cliente necesita más información o asistencia, el voluntario puede referirle a VLS para representación legal. Si le refiere, la asistencia también será gratuita.

Para ser referida a un abogado, el cliente tiene que satisfacer los requisitos del ingreso, no tener un conflicto, ni tener un caso criminal. Un ejemplo de un "conflicto" es si Ud. quiere entablar un divorcio pero VLS o LACT ya va a representar a su marido. De vez en cuando no aceptan un caso por otra razón - por ejemplo si los abogados no tienen el tiempo.

Es mejor que hable a Legal Aid anteriormente. Cuando hable, van a tomar información y decirle adonde dirigirse. Si no puede hablar antes, puede ir directamente a la clínica, pero tiene que llegar antes de las 7:00pm.

Puede hablar con Legal Aid al 476-7244. El lunes, la clínica está localizada en la escuela Brooke Elementary, 3100 E. 4th a las 6:00pm. El miércoles, la clínica está localizada en la escuela Webb Middle, 601 E. St. John's a las 6:00 pm.

HRA

Discrimination Report

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representation in fair housing violation claims.”

ATC Fair Housing Specialist Nekesha Monroe assists persons who are disabled with Requests for Reasonable Accommodation or Reasonable Modification and informs them about their rights and remedies under federal and state Fair Housing laws and the City of Austin Fair Housing Ordinance. Although Nekesha processes allegations of housing discrimination based on all the protected classes (race, color, national origin, religion, sex, family status and disability), she also provides support and advocacy to increase housing opportunities for her clients who are disabled. According to Nekesha, “During the past year and a half that I have been with the ATC Fair Housing Program, housing discrimination complaints based on disability far outnumber the other protected class complaints. This year they make up 43% of the total number, while race-based complaints are 19%, familial status complaints are 17%, national origin complaints are 9%, and complaints based on color, religion and sexual discrimination complaints constitute the other 12%. As Austin’s apartment occupancy rate rises and rental costs skyrocket, the disabled renter gets displaced into inaccessible, unsafe housing and we don’t see an end in sight unless housing providers learn that it is against the law to discriminate.”

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Free Evening Legal Clinics

Volunteer Legal Services (VLS) and the Legal Aid of Central Texas (LACT) sponsor a biweekly evening legal clinic at neighborhood schools. The Austin Tenants' Council, attorneys, paralegals, interpreters, and others volunteer at these clinics to provide assistance with problems from evictions to divorces and other civil matters. Some questions may be answered during the initial consultation. If you need further advice or assistance, the volunteer can refer your case to VLS for free legal representation.

In order to be referred to an attorney, the client must meet the income guidelines, not have a conflict, nor can the case be of a criminal matter. An example of a conflict is if you are filing for a divorce and your spouse has already acquired representation from VLS or LACT. Occasionally, the case will not be accepted for other reasons - such as if the attorneys do not have any openings in their case load.

It is best to call Legal Aid ahead of time. When you call, an intake will be performed and you will be told where and when to show up. If you are unable to call beforehand, then you can go directly to the legal clinic. You need to arrive before 7:00 pm as that is when

they stop taking "walk-ins". You can reach Legal Aid of Central Texas at 476-7244. Monday's clinic is at Brooke Elementary School, 3100 East 4th Street at 6:00. Wednesday's clinic is at Webb Middle School, 601 East St. John's, at 6:00.

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New Fair Housing Program

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rights. ATC will participate in homebuyers fairs and place ads in local newspapers, on television and on radio.

The other area of focus for this education and outreach program will be disability rights. As indicated in this newsletter’s “Face of Discrimination” article, the number of disability-based complaints to the Austin Tenants’ Council has risen dramatically over the last four years. This is due in part to a lack of accessible housing.

ATC will create a packet of information that assists persons with disabilities to secure their rights for reasonable accommodation and modification. The packet will be distributed to clients and other housing and disability rights groups so that persons with disabilities may live independently, outside of the much more expensive assisted-living facilities.

HRA

CALLING ALL UNDERCOVER AGENTS!

Your mission, should you choose to accept it:

Go undercover as a Fair Housing Tester, and pose as a prospective homeseeker. Record in detail the events of the "test" of a housing provider - what was said, what was offered, what price was quoted for an available apartment, etc. Your objective, fact-finding ability is a top priority. The top secret information you discover on your mission as a Fair Housing Tester can be used to support an administrative housing discrimination complaint with HUD or a private lawsuit.

THIS MESSAGE

WILL SELF-

DESTRUCT IN

TEN SECONDS

10...9...8...7...

The Austin Tenants' Council wants you!

ATC is recruiting stealthy individuals of all backgrounds to serve as Fair Housing Testers. We especially need people who are available three or four hours during the normal business week.

Call [474-7007](tel:474-7007) for your assignment.

Paul Leddy, ATC's Fair Housing Testing Coordinator, will talk with you more about becoming a Fair Housing Tester. Fight Housing Discrimination!

TENANT-LANDLORD

- TELEPHONE COUNSELING - Trained counselors answer tenant-landlord questions and make appropriate referrals. However, ATC offers no legal advice. Call 474-1961.
IN-HOUSE COUNSELING - Counseling information and materials are provided to clients in need of more in-depth assistance. Call 474-7006 for an appointment.
CRISIS INTERVENTION - Counselors mediate on behalf of tenants to resolve emergencies that threaten their housing. Call 474-1961.
RENTAL REPAIR ASSISTANCE - The Renters' Rights Assistance Program helps low-income renters enforce their rights for repairs through advocacy and mediation. Call 474-7006.
LEASE FORMS - ATC provides lease packets and brochures describing landlord and tenant rights and responsibilities to landlords for a small fee. Call 474-7006 for more information.

FAIR HOUSING

THE FAIR HOUSING PROGRAM - 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. Call 474-7007.

Next time you visit Randalls Grocery Store, remember to link your REMARKABLE CARD to ATC's GOOD NEIGHBOR NUMBER 5312 and help us raise funds for Tenant-Landlord and Fair Housing Programs the easy way! Randalls Good Neighbor Program



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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 474-1961 (voice) or Relay Texas at 1-800-735-2989 (TDD) for assistance.