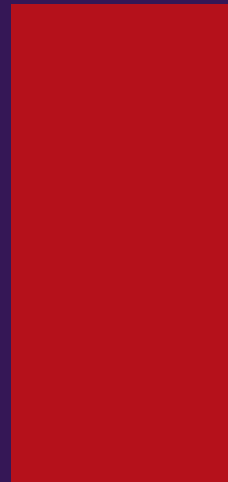


FAIR HOUSING PROGRAM



Safe ■ Decent ■ Fair
Housing for All



Austin Tenants' Council

1640-B East 2nd Street, Suite 150

512.474.1961 or 512.474.7007

www.housing-rights.org

ATC Programs:

- **Fair Housing Program**

- **Telephone Counseling** – This is a free service that provides education and information regarding residential tenant-landlord disputes. Phones are answered by trained housing counselors who offer options, refer callers to other agencies, or suggest legal assistance through Legal Aid, lawyer referral services, etc. Telephone counseling services are available to Travis County residents.

- **In-House Counseling** – The Renters' Rights Assistance Program provides 30-minute in-house counseling sessions to tenants and landlords who have questions regarding their rights or responsibilities. There is no charge to income-qualified residents of Travis County. Otherwise, there is a \$15 fee.

ATC Programs:

•**Mediation Services** – This is a free service that provides Crisis Intervention (illegal eviction, lockout, utility shut-off, or improper seizure of personal property) and Rental Repair Assistance (helps low-income renters enforce their right for repairs of conditions that threaten health or safety). Crisis intervention clients must be Travis County residents and rental repair assistance is available only to Austin residents who do not exceed income guidelines.

•**Lease Forms** – ATC provides lease packets to landlords for a small fee. These forms were developed so that landlords have access to applications, leases, move-in/move-out inventories, and security deposit refund forms that protect the landlord's financial interests without unnecessarily impinging on the tenant's rights. Lease packets cost \$20 for the first one purchased and \$10 thereafter.

Fair Housing Program

Established in 1992, the ATC Fair Housing Program works for the reversal of discriminatory housing practices and trends in Austin and its surrounding communities. The program is open to all victims of housing discrimination at no charge.

Fair Housing Act

The federal and state Fair Housing Act prohibits discrimination in housing because of an individual's:

- Race or color
- National origin
- Religion
- Sex (including sexual harassment)
- Familial status
- Disability (physical or mental)

Fair Housing Act

In Austin, a city ordinance offers additional protections based on an individual's age (18 years or older), marital status, sexual orientation, gender identity, status as a student, and source of income for veterans.

Fair Housing Act

Discrimination is prohibited in the rental, sale, financing, appraisal, and insurance of housing. No one may take the following actions based on these protected classes:

- Refuse to rent or sell housing;
- Falsely deny housing is available for inspection, sale, or rental;

Fair Housing Act

- Set different terms, conditions, or privileges for sale or rental of a dwelling; or
- Provide different housing services or facilities.
- Threaten, coerce, intimidate, or interfere with anyone exercising a fair housing right or assisting others who exercise that right.
- Advertise or make any statement that indicates a limitation or preference based on a protected class.

What Housing Is Covered

All single-family homes are covered when they are owned by private persons and a real estate broker is used, and all single family homes owned by corporations or partnerships regardless of whether a broker is used.

EXEMPTION: Private individual owners who do not own more than three single-family houses at any one time AND who do not use a real estate broker.

What Housing Is Covered

All multifamily dwellings are covered.

EXEMPTION: If the multifamily dwelling has four or fewer units and the owner lives in one of the units.

Section 804(c) of the FHA, 42 U.S.C. 3604(c)

It is illegal for anyone to:

Advertise or make any statement that indicates a limitation or preference based on race, color, national origin, religion, sex, familial status or handicap (disability).

Section 804(c) of the FHA, 42 U.S.C. 3604(c) (cont.):

Prohibitions in this section shall apply to all written or oral notices or statements by a person engaged in the sale or rental of a dwelling.

Written notices and statements include:

Applications	Flyers	Brochures
Deeds	Banners	Posters
Billboards	Signs	Waiting Lists Etc.

Advertising

The prohibition against discriminatory advertising applies to single-family and owner-occupied housing that is otherwise exempt from the FHA.

Advertising Exemptions

- **Shared Housing:** If you are advertising for a roommate, where tenants will share a bathroom, kitchen, or other common areas, you may express a preference based on **sex only**.
- **Housing for Older Persons** is exempt from prohibitions on **familial status** discrimination. In a qualified senior community, either 100% of the residents are 62 or older, or 80% of the households have at least one resident 55 or older.

Disability Under the FHA

The Fair Housing Act defines a person with a disability as someone with a physical or mental impairment that substantially limits one or more major life activities, someone who has a record of such an impairment, or someone regarded as having such an impairment.

Major life activities include such functions as walking, breathing, seeing, hearing, working, etc.

Disability Under the FHA (Cont)

A disability can be temporary or permanent. Persons with temporary disabilities are protected against discrimination in the same way as are persons who have permanent disabilities.

FHA Offers Additional Protection

The Fair Housing Act grants persons with disabilities additional protection from housing discrimination.

This additional protection falls into two categories: **reasonable accommodation** and **reasonable modifications**.

These requirements of the Fair Housing Act were passed to make existing housing more accessible to and usable by persons with disabilities.

ADA & Fair Housing

It is very important to understand that the Americans with Disabilities Act (ADA) **is not** the same as the Fair Housing Act. The ADA applies to public accommodations and typically only covers the office of an apartment complex.

Enforcement

Fair housing laws are enforced through either:

- An administrative complaint process at the city, state, or federal level. Complaint must be filed within one year of the discriminatory act.
- Private legal action brought in state or federal court. The lawsuit must be filed within two years of the the discriminatory act.

Remedies

Remedies may include:

- An order to a housing provider to complete a transaction or grant occupancy;
- Monetary compensation (for actual costs, compensatory and/or punitive damages, and attorney's fees)
- Orders to correct past unlawful practices and/or affirmatively correct the effects of such past practices.

Landlord-Tenant Issues

- Application fees and procedures
- Application deposits
- Lease contracts
- Repairs
- Evictions
- Security Deposits and move-out procedures

For More Information

Austin Tenants' Council

1640-B E. Second St., Suite 150

Austin, TX 78702

Telephone Counseling Line 512-474-1961

Administrative Line 512-474-7006

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