

Tarrant County Community Development

Fair Housing, Tenant's
Rights and HQS Inspections



What is the Fair Housing Act?



- Title VIII of the Civil Rights Act of 1968 prohibits discrimination in the sale, rental and financing of dwellings and other housing-related transactions based on race, color, religion, national origin, sex, disability, and family status.
- The Fair Housing Act is designed to protect individuals from discrimination in all phases of buying a home or renting property.

Fair Housing Discrimination Includes

- Any actions, omissions, or decisions taken because of race, color, religion, sex, disability, familial status, or national origin which restrict housing choices or the availability of housing choice.
- Any actions, omissions or decisions which have the effect of restricting housing choices or the availability of housing choices on the basis of race, color, religion, sex, disability, familial status, or national origin.
- Actions or omissions to the jurisdiction's public or private housing sector that constitute violations or potential violations of the Fair Housing Act or that are counterproductive to fair housing choice.

Accessibility Requirements for Persons with Disabilities



- Tenants with disabilities have the right to make reasonable changes or modifications to their units, specially tailored to their needs.
- These changes can be made to the interior of the unit and to common areas as necessary.
- The tenant must pay for these changes unless the housing provider receives federal funding.

Accessibility Requirements cont...

- The landlord cannot require an additional security deposit or to sign a different lease.
- If extensive modifications are needed, the landlord can require the tenant to create an escrow account for the cost of restoring to the original condition.
- It is unlawful for a housing provider to refuse to make necessary, reasonable changes in rules, policies, services or practices, to provide an equal opportunity for a person with a disability to use and enjoy the housing

Excuses that don't work

- “We can't make that modification because it violates code.”
- “We can't allow your seeing eye dog because we don't allow pets.”
- “Your HIV/AIDS diagnosis puts other tenants at risk.”



Reasonable Accommodation

- A “reasonable accommodation” is a change, exception, or adjustment to a rule, policy, practice, or service that may be necessary for a person with a disability to have an equal opportunity to use and enjoy a dwelling, including public and common use spaces.
- The Act makes it unlawful to refuse to make reasonable accommodations to rules, policies, practices, or services when such accommodations may be necessary to afford persons with disabilities an equal opportunity to use and enjoy a dwelling.

Example



- A housing provider has a policy of providing unassigned parking spaces to residents. A resident with a mobility impairment, who is substantially limited in her ability to walk, requests an assigned accessible parking space close to the entrance to her unit as a reasonable accommodation. There are available parking spaces near the entrance to her unit that are accessible, but those spaces are available to all residents on a first come, first served basis. The provider must make an exception to its policy of not providing assigned parking spaces to accommodate this resident.

Example



- A housing provider has a policy of requiring tenants to come to the rental office in person to pay their rent. A tenant has a mental disability that makes her afraid to leave her unit. Because of her disability, she requests that she be permitted to have a friend mail her rent payment to the rental office as a reasonable accommodation. The provider must make an exception to its payment policy to accommodate this tenant.

Other Fair Housing Examples

- Discrimination in Mortgage Lending
 - Refusal to make a mortgage loan
 - Refusal to provide information regarding loans
 - Imposing different terms or conditions on a loan, such as different interest rates, points, or fees
- Real Estate
 - Steering– Offering housing choices only in neighborhoods the agent deems “appropriate.”
 - Blockbusting– The illegal practice of inducing homeowners to sell their properties by making representations regarding the entry or prospective entry of persons of a particular race or national origin into the neighborhood

Fair Housing vs. Tenant Rights

- If the issue at hand does not involved alleged discrimination—then it is not a Fair Housing issue.
- Statutory Fair Housing issues are not to be confused with housing that is fair.
- An act or a refusal to act on the part of landlord might be unfair, inconvenient, wrong and even illegal, but it does not rise to the level of a fair housing violation unless the antecedent is based on discrimination of one of the protected categories.

Tenant Rights



- Tenants who have complaints that are not based on discrimination must follow a procedure that shows due diligence to make the landlord aware of the problem and to give the landlord time to correct the problem.
- Once that is done, a legal remedy can be pursued.

The Lease

- Your basic rights and duties as well as those of your landlord are all found in the LEASE
- If violated, landlord can ask you to move and hold you liable for future rent payments and damages
- READ it CAREFULLY!
- Make sure all verbal agreements are in it
 - Propose changes if needed
- DO NOT leave office without a copy



Review Lease Details

- Rent and Late Fees
 - Should define “Grace Period” if there is one
- House Rules- usually an attachment
 - May include parking, personal property storage, curfew, etc.
- Landlord’s Right to Enter
- How repairs are handled
- Occupants and Visitors
- Pets
- Changing terms in the Middle or End of the lease



Common Issues (Tenants' Rights Handbook p. 5)

- Landlord's Right to Enter
 - Stated in lease
 - A landlord may enter dwelling in the case of an emergency or for routine inspection or repair
- Repairs
 - Stated in lease
 - Texas law does NOT require a landlord to repair or remedy a condition that does not affect your health or safety, i.e. dishwasher
 - HQS standards to consider
- Occupants and Visitors
 - Stated in lease
 - A landlord can limit the number of occupants
 - SHP recommendations to consider

Tenant's Rights and Remedies

- **Repairs** (Tenants Rights' Handbook p.7)
 - “Texas law requires landlords to make a diligent effort to repair anything that affects the physical health or safety of an ordinary tenant”
 - Sewage backups, roaches, rats, no hot water, faulty wiring, roof leaks, etc
 - Usually violates City's building, health or fire code



Can I withhold rent payments?

- A tenant does not have a right to withhold rent because the landlord fails to make repairs when the condition needing repair does not materially affect your health and safety.
- Procedure for obtaining repairs (Tenants' Rights Handbook p. 9)

Tenant's Rights and Remedies

- **Security Deposits** (Tenant's Rights Handbook p. 16)
 - Landlord can deduct damages and charges from the security deposit for which you are legally liable for under lease agreement or for physical damages to the property
 - Landlord cannot retain part of the security deposit for normal wear and tear

What about my security deposit?

- A security deposit must be refunded or an explanation of charges given within 30 days after move-out, IF a forwarding address has been given to the landlord
- Landlord must provide an itemized description of the security deposit deductions

(Tenant's Rights Handbook p.16)



Who is the owner of the property?

- A tenant has the right to know the name and address of the owner and the property management company of the premises (Tenant's Rights Handbook p. 18)
- Property information can be searched for at www.tad.org.



Other Common Tenant's Rights Issues

- **Lockouts** (Tenant's Rights Handbook p. 20)
 - A landlord may change the door locks when the rent is late, in an emergency, for repair, or if the dwelling has been abandoned
 - To get back in, a tenant should contact the manager or owner for a new key
- **Utility Disconnection** (Tenant's Rights Handbook p. 20)
 - Depends on the way the tenant pays for utilities



Other Common Tenant's Rights Issues con't.

- **Landlord's Right to Remove Property** (Tenant's Rights Handbook p. 22)
 - The landlord's lien gives the landlord the right to peacefully take the tenant's "non-exempt" property for failure to pay rent
 - **Exempt property examples** (Tenant's Rights Handbook p. 23)
 - Clothing, tools for tenant's trade, school books, family portraits, some furniture, etc.



Moving Out



- Vacating the premises can be done by:
 - Mutual agreement of landlord and tenant
 - Get it in writing
 - End of lease
 - Make sure read lease to find out what kind of notice is required- 30 day, 60 day, etc.
 - Put it in writing
 - Court ordered eviction
 - Legal Process (Tenant's Rights Handbook p. 25)
 - Practice Eviction Prevention as Case Managers

Eviction Procedure

(Tenant's Rights Handbook p. 25)

- Landlord must give tenant a written notice to vacate the premises
- Landlord must file an eviction notice with the Justice of the Peace office in their area
- A constable officer will deliver the official eviction notification to the tenant, either by hand-delivering to the tenant or affixing to the door or fence of the tenant's residence
- The official eviction notification paperwork will contain the date and time of the court hearing or will provide a phone number to call in order to get the information
- All parties are encouraged to attend the court hearing

The tenant is allowed to stay in the dwelling until the court hearing

I want to file a housing discrimination complaint...

- Housing discrimination based on your race, color, national origin, religion, sex, family status, or disability is illegal by federal law. If you believe your rights have been violated, you can file a fair housing complaint by:
 - Calling 1-800-669-9777 **OR**
 - Write a letter to
Office of Fair Housing and Equal Opportunity
Department of Housing and Urban Development
Room 5204
451 Seventh St. SW
Washington DC 50410-2000

Fair Housing and Tenant's Rights Resources

- HUD Fair Housing Enforcement Office: (817) 978-5900
- Texas Commission on Human Rights: 1 (888) 452-4778
- Fort Worth Community Relations: (817) 392-7525
- West Texas Legal Service: (817) 336-3943
- Texas Tenant's Union (214) 827-3846
- Tarrant County Community Development (817) 850-7940

- www.texastenant.org
- www.tenant.net



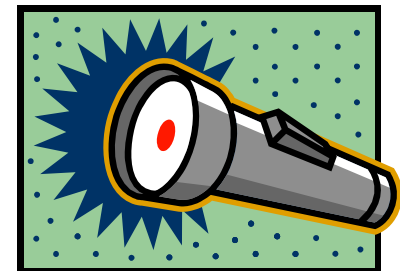
Tarrant County Community Development serves as a resource base for Fair Housing and Tenants Rights information. We cannot provide legal information or assistance. All calls that rise to the level of a fair housing complaint must be referred to an enforcement agency.

Housing Quality Standards (HQS)

- The HUD minimum quality standards for tenant-based programs (HQS regulations 24 CFR 982.401)
 - For SHP it is Habitability Standards
 - Owners and landlords are encouraged to provide housing above both standards
- Purpose is to protect the health and safety of tenants
- Required BEFORE initial signing of the lease and ANNUALLY
- Standards apply to the building and premises as well as the unit
- Units must meet HQS as long as tenant resides in the unit

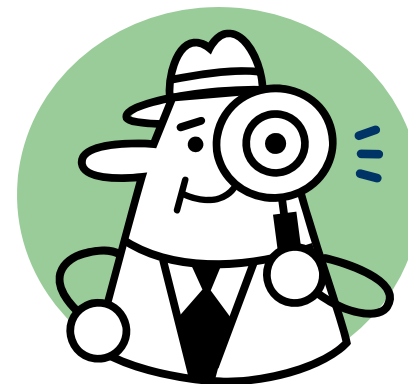
Inspections

- Inspections may be scheduled at request of HUD, housing staff, owner/landlord, or tenant
- All utilities must be in service at time of inspection
 - If initial inspection, should be in owner's name
 - Must be legally connected
- What you will need:
 - Circuit tester
 - Flashlight
 - Clip board and HQS inspection checklist
 - Digital Camera, if possible



What do I look for:

- Online training available
 - [Colorado Department of Local Affairs](#)
- Handouts
 - [HQS Criteria](#)
 - Tarrant County [HQS checklist](#)
 - HUD [HQS checklist](#)



Lead-Based Paint Assessment

- Part of HQS
 - Used extensively before 1960 because it was more durable than other paints available at the time
 - Banned from residential use in 1977 due to the harm caused by lead in paint
- SHP clients must get information packet and sign that they have received information
- Online Training Available for Visual Assessment
 - HUD - Visual Assessment Training

What do I do if it doesn't pass...

- All units must pass inspection before client signs lease, initial or renewal
- Document deficiencies on HQS inspection form
- Provide list of deficiencies to tenant, landlord, and put a copy in the tenant's file
- Give landlord no more than 30 days to complete repairs
- Re-inspect unit after prescribed amount of time



Questions

- Fair Housing
- Tenant's Rights
- HQS

