

Texas Tenants' Union

Fall 2009

Rent Decrease and Lawsuit at the Village of Kaufman

It's not every day that rents go down significantly, but tenants at the Village of Kaufman won rent decreases of \$42 per month for a one bedroom and \$108 per month for a two or three bedroom. Their rents dropped because the utility allowance was increased.

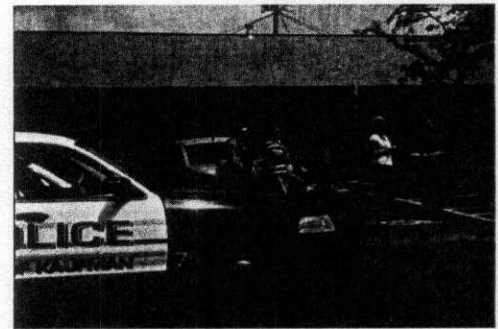
This property is owned by AIMCO and subsidized by HUD under a project-based Section 8 contract where tenants are supposed to pay 30% of their income for rent and utilities. The utilities are not included in the rent, so tenants receive a utility allowance that is supposed to cover the "reasonable consumption" of utilities "by an energy-conservative household."

The allowances at Village of Kaufman ranged from \$33 to cover gas and electricity in a one bedroom apartment to \$53 for a three bedroom. These amounts did not cover the actual costs in even the mildest weather, much less in the triple digit summer heat. Because they could not afford their utility bills, many tenants had to

scrimp on necessities, and used less heat in the winter and less air conditioning in the summer than they needed for basic comfort. This caused considerable hardship for the elderly people living on fixed incomes, people with disabilities, and lower income families who occupy the development.

The effort to get the utility allowance increased did not occur without obstacles. In the spring of 2008, the Village of Kaufman Cares Tenant Association sent a letter to the Fort Worth HUD office requesting the increase. It was ignored. In 2009, the tenant group retained lawyers from the Housing Preservation Project (Ann Norton, Jack Cann and Tim Thompson) and their local co-counsel Dave Jones, but not before management tried to stop the group from meeting by calling the police on the TTU organizer and Mr. Jones in direct violation of the HUD regulations protecting the tenants' right to organize.

Owners of HUD Section 8 properties are supposed to submit a utility analysis to HUD once a year, and request approval of an increase when the utility rates have gone up by 10% or more. The utility allowance at the Village of Kaufman had not been increased since at least 1997, despite regular increases in utility rates. The lawyers for the Village of Kaufman tenants have filed a case in federal court seeking retroactive adjustments to compensate the tenants for years of overcharges.



Kaufman Police respond to the manager at the Village of Kaufman. Texas Tenants' Union organizer and her attorney were told to leave the property.

The Texas Legislature passed several bills affecting tenants' rights. Most will go into effect on January 1, 2010. TTU members and staff testified at hearings, met with legislators, made phone calls, sent letters and e-mails, and held a press conference urging stronger protections for tenants. Thanks to all who participated.

Here are the bills that passed:
HB 882 by Reps. Eddie Rodriguez (D-Austin), Senfronia Thompson (D-Houston), David

New Tenant/Landlord Laws

to get the utilities turned on. Texas finally joins at least 36 other states in prohibiting utility cut-offs.

SB 1448 by Senator Royce West (D-Dallas) and Rep. Senfronia Thompson (D-Houston)
Gives the Justice of the Peace the authority to order landlords to repair or remedy conditions affecting the tenant's health and safety, and requires the hearing to be held within six to ten days of when the landlord is served.

prohibit these self-help remedies for landlords in all properties. This law was effective on 9/1/09.

HB 1819 by Reps. Dwayne Bohac (R), Carol Alvarado (D), Kristi Thibaut (D), Alma Allen (D), Hubert Vo (D), and Senator Rodney Ellis (D) all of Houston
Amends the Local Government Code by requiring cities with more than 1.7 million people to establish a multi-family rental housing inspection program and establish