

**RESOLUTION NO. 20170817-054**

**WHEREAS**, the “Austin Strategic Housing Blueprint” states that “an adequate supply of housing affordable to people working all types of jobs is necessary to maintain a culturally rich, diverse, and livable city;” and

**WHEREAS**, Title VIII of the Civil Rights Act of 1968 (*Fair Housing Act*) created protections for individuals related to the sale, rental and financing of dwellings based on race, color, religion, sex, disability, familial status, and national origin; and

**WHEREAS**, the Fair Housing Act establishes a set of minimum requirements for all levels of government to follow, while states and municipalities can expand on such laws as allowed; and

**WHEREAS**, a November 2012 report by the Austin Tenants Council entitled “Voucher Holders Need Not Apply: An Audit Report on the Refusal of Housing Choice Vouchers by Landlords in the Austin MSA” concluded that only 6% of the overall market units available for rent (or 8,590 of 139,919) were available to those using the federal Housing Choice Voucher Program (HCVP), in spite of otherwise qualifying for 78,217 total units available to recipients; and

**WHEREAS**, to further accommodate the intent of the Fair Housing Act, in 2014 the Austin City Council passed Resolution No. 20140417-048 to convene stakeholders around amending Chapter 5-1 (*Housing Discrimination*) of the City

Code that would include a clause to prohibit discrimination in housing based on source of income; and

**WHEREAS**, in December, 2014, the Austin City Council passed Ordinance No. 20141211-050 to prohibit discrimination in housing based on an individual's source of income and to recognize the "inalienable rights of each individual to obtain housing without regard to race, color, creed, religion, sex, national origin, disability, student status, marital status, familial status, sexual orientation, gender identity, age, or source of income;" and

**WHEREAS**, the Austin City Council has attempted to affirmatively further fair housing and improve integration by adopting additional measures to protect housing voucher holders, such as Resolution Nos. 20141002-044, 20160616-029 and 20160616-035; and

**WHEREAS**, according to 42 U.S. Code Section 1437f(a), the intent of the HCVP is to remove barriers to "low-income families in obtaining a decent place to live and of promoting economically mixed housing;" and

**WHEREAS**, during the 84th legislative session, the State of Texas passed Senate Bill 267 into law, which prohibits a municipality or county from protecting individuals from housing discrimination because an individual relies on federal housing assistance as a source of income; and

**WHEREAS**, the State of Texas has failed to remediate discrimination against HCVP recipients, and has failed to affirmatively further housing more generally; **NOW, THEREFORE**,

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

The Austin City Council believes that the State of Texas' Senate Bill 267, codified as Section 250.007 of the Texas Local Government Code, interferes with the City's moral and legal responsibility to protect our residents from housing discrimination.

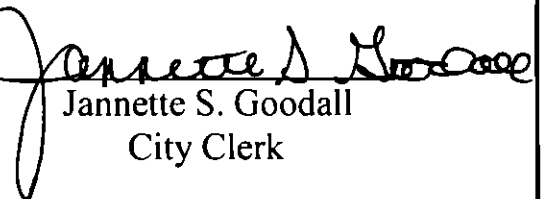
**BE IT FURTHER RESOLVED:**

The City Manager is hereby directed to prepare and pursue litigation, as appropriate, against the State of Texas to allow the City of Austin and other Texas municipalities to fight housing discrimination based on source of income.

**BE IT FURTHER RESOLVED:**

The City Manager is directed to explore, identify, and allocate the necessary resources, financial or otherwise, to pursue effective litigation against the State of Texas.

**ADOPTED:** August 17, 2017

**ATTEST:**   
Jannette S. Goodall  
City Clerk