



# POP QUIZ!

*What is your legal IQ? How much do you know?*

**IT'S 2019!** Let's start the new year by checking in on how much you know, legally speaking. Here's 20 questions for you to consider and answer. You can find the answers and explanations on Page 52.

**1. Which of the following are not protected classes under the Fair Housing Act?**

- a. Race.
- b. Age.
- c. Color.
- d. Religion.
- e. Ethnicity.

**2. Which of the following are correct ways to deliver a notice to vacate?**

- a. Certified mail.
- b. First class mail.
- c. Email.
- d. Giving the notice to a person residing in the unit who is 16 years of age.
- e. Placing the notice on the kitchen table (next to the cocaine).

**3. When can the notice be posted on the outside of the door?**

- a. When the notice is placed in an envelope on which is written the resident's name, address and the words, in all capital letters, "IMPORTANT DOCUMENT" or substantially similar language.
- b. When the notice is also mailed.
- c. When the owner believes that harm would result from personally delivering the notice to the resident.
- d. All of the above.

**4. What questions cannot be asked in response to a resident's request for a reasonable accommodation under the Fair Housing Act?**

- a. Do you have a disability (if the disability is not obvious)?
- b. What is the nature and severity of your disability?
- c. Can you clarify what you are asking for?
- d. Do you have a disability-related need for your accommodation (if this need is not obvious)?

**5. Can you deny rental to everyone who has been convicted of a crime?**

- a. Yes.
- b. No.

**6. A resident who loses an eviction in the justice of the peace court has the right to appeal, even if the resident admits to violating the lease.**

- a. True.
- b. False.

**7. The purpose of a notice to vacate is to demand that the resident pay rent or vacate the unit?**

- a. True.
- b. False.

**8. Which of the following is correct?**

- a. A request for a service animal be denied when the animal is a restricted breed.
- b. A request for a service animal be denied when the animal in question poses a direct threat to the health or safety of others.

- c. A request for a service animal be denied when the animal in question has caused substantial damage to the property of others.
- d. A request for a service animal be denied when there is no disability-related need for the animal.

**9. Does a service animal have to be certified?**

- a. Yes.
- b. No.

**10. Can you evict a resident for hoarding?**

- a. Yes.
- b. No.

**11. Is an owner liable if there is mold in a unit?**

- a. Yes.
- b. No.

**12. Which of the following records must be provided to a resident who requests and asks about their water bill?**

- a. A copy of the Texas Water Code law regarding submetering or allocating a water bill.
- b. A copy of the Texas Public Utility Commission rules regarding submetering or allocating water.
- c. The total amount billed to all residents each month.
- d. Total water and wastewater revenue collected from the residents each month.
- e. All of the above.

**13. If a hurricane or another casualty renders the unit uninhabitable, either you or the resident can terminate the lease.**

- a. True.
- b. False.

**14. If due to a hurricane or another casualty, a unit is partially uninhabitable, either the owner or the resident can terminate the lease.**

- a. True.
- b. False.

**15. What court documents have to be provided by a resident who attempts to terminate the lease as a result of being a victim of family violence?**

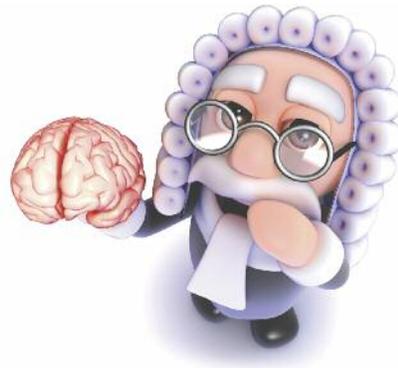
- a. Temporary injunction issued under the Texas Family Code.
- b. Temporary ex parte order issued under the Texas Family Code.
- c. Protective order issued under the Texas Family Code.
- d. Any of the above.

**16. How long after a judgment from the justice of the peace does a resident have to file an appeal of an eviction?**

- a. Three days.
- b. 10 days.
- c. 30 days.
- d. Five days.

**17. When can a writ of possession be requested after a judgment from the justice of the peace is signed?**

- a. Five days.
- b. Six days.
- c. 10 days.
- d. 30 days.



**18. If an owner does not refund a security deposit or provide an itemization of deductions from the security deposit within 30 days after the resident has surrendered the unit, the resident is entitled to \$100, three times the portion of the deposit wrongfully withheld and the resident's attorneys' fees in a suit to recover the deposit.**

- a. True.
- b. False.

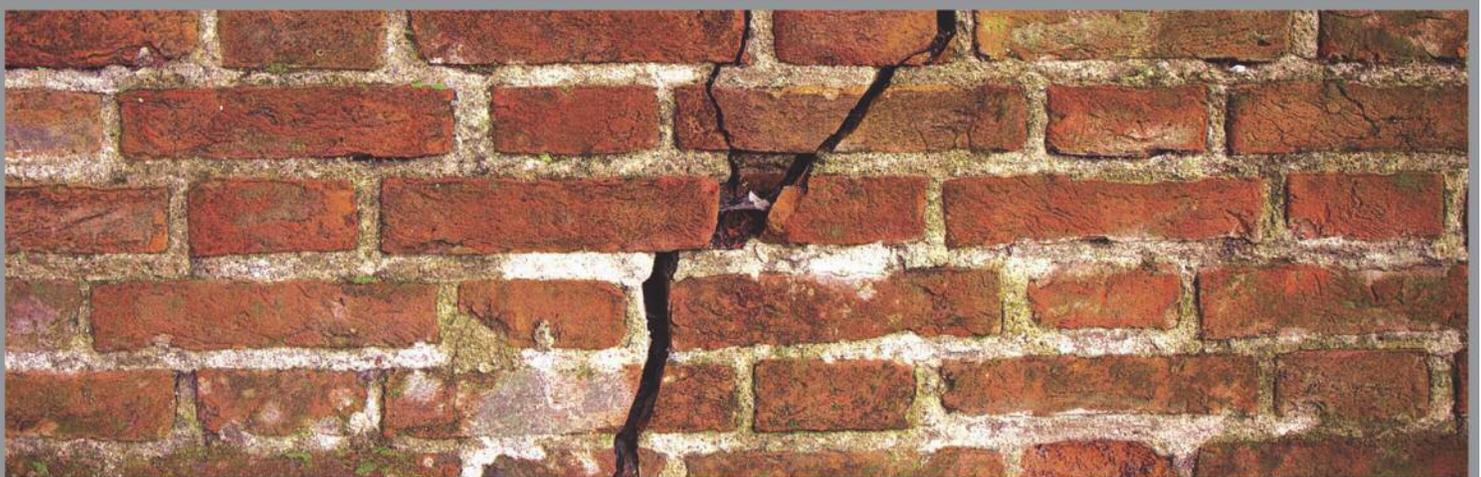
**19. If no security deposit was required, there is no need to notify the resident of amounts due before reporting the delinquency to a consumer reporting agency or debt collector.**

- a. True.
- b. False.

**20. In Harris County an owner has a choice of two courts to file an eviction in.**

- a. True.
- b. False. 🇺🇸

*See Page 52 for the answers.*



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**ANSWERS TO THE "IT'S THE LAW" POP QUIZ**

- 1. b and e.** While age and ethnicity may be protected classes in some local jurisdictions, the federal Fair Housing Act prohibits discrimination on the basis of race, color, religion, sex, national origin, familial status and disability.
- 2. a, b and d.** Pursuant to section 24.005(f) of the Texas Property Code, a notice to vacate may only be given in specific ways, which do not include email or placing the notice on furniture in the unit. Section 24.005(f1) of the Texas Property Code also allows an alternative method of delivery on the outside of the door when certain conditions are met.
- 3. d**
- 4. b**
- 5. b.** At least not according to HUD. In HUD's guidance on the application of Fair Housing Act standards to the use of criminal records, HUD states a housing provider that imposes a blanket prohibition on any person with any conviction record – no matter when the conviction occurred, what the underlying conduct entailed or what the convicted persons has done since then – will be unable to meet the burden necessary to defend itself against a disparate impact violation of the Fair Housing Act. Editors note: A property can deny applicants charged with specific crimes as long as it is included in the property's policies and said crimes are specified. This goes for both misdemeanors and felonies.
- 6. a. True.** A resident has a right to appeal and have a new trial in the county court whether or not there was any error made by the justice of the peace.
- 7. b. False.** A notice to vacate is supposed to be an unconditional demand for possession of the unit. Pursuant to section 24.005(i), if the owner has given a notice that rent is due and unpaid

- before the notice to vacate is given, the owner may include in the notice to vacate a demand that the resident must pay the delinquent rent or vacate. However, if the notice gives the resident the option of either paying the delinquent rent or vacating and no previous notice to pay rent has been given, the notice to vacate would not be sufficient to support the eviction.
- 8. b, c, and d.**
- 9. b.** As long as the person has a disability under the Fair Housing Act and has a disability-related need for the animal, the animal does not need to be certified as a service animal.
- 10. b.** Hoarding is considered a disability. Consequently, evicting someone because they are a hoarder would be discriminatory. You can still evict a resident for violating the lease due to the resident's conduct. If there are excessive pests, odor issues, fire hazards or other problems that may present themselves in a typical hoarding situation, the resident may be in default of the lease.
- 11. b.** As long as the mold situation didn't result from an owner's failure to repair or remedy a condition in a unit.
- 12. e.** The PUC rules (attached to each submetering or allocation lease addendum) require that an owner shall make certain records available for inspection by the resident.
- 13. a.** Pursuant to section 92.054(b) of the Texas Property Code, if after a casualty loss the unit is totally unusable for residential purposes, either the owner or the resident may terminate the lease by giving written notice to the other at any time before repairs are completed. It should also be noted that under section 26.5 of the standard TAA lease, if the owner believes catastrophic damage is substantial or performance of needed repairs poses a danger to the resident, the owner may terminate the lease by giving at least five days written notice.
- 14. b.** Pursuant to section 92.054(c) of the Texas

- Property Code, if after a casualty loss the unit is partially unusable for residential purposes, the resident is entitled to a reduction in the rent in an amount proportionate to the extent the unit is unusable because of the casualty, but only on judgment of a county or district court.
- 15. d.**
- 16. d.**
- 17. b.**
- 18. b.** Unless the failure to provide the deposit or itemization was done in bad faith. Section 92.109(d) of the Texas Property Code provides an owner who fails to either return a security deposit or to provide a written description and itemization of deductions on or before the 30th day after the date the resident surrenders possession is presumed to have acted in bad faith. However, case law provides the presumption of bad faith can be overcome if the owner can show that there was no intention to deprive the resident of a lawfully due refund.
- 19. b.** Section 92.110(a) of the Texas Property Code provides if a security deposit was not required, the owner shall notify the resident in writing of the owner's claim for damages and charges on or before the date the owner reports the claim to a consumer reporting agency or third-party debt collector. Pursuant to Section 92.110(c), if an owner does not provide the notice, the owner forfeits the right to collect damages and charges from the resident.
- 20. a.** There are 16 justices of the peace courts in Harris County. There are eight precincts and two judges in each precinct. If you are in Harris County, although you have to file in the precinct in which the property is located, you have a choice between two courts.
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