

ORDINANCE NO.

AN ORDINANCE AMENDING CITY CODE CHAPTER 4-14 TO RENAME THE CHAPTER; TO RENAME AND RENUMBER PROVISIONS RELATING TO THE REGISTRATION OF RENTAL PROPERTY; TO ESTABLISH A TENANT’S RIGHT TO ORGANIZE; TO PROHIBIT RETALIATION; AND TO CREATE AN OFFENSE AND PENALTY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. City Code Chapter 4-14 (*Registration of Rental Property*) is amended to rename the chapter and Article 1 (*General Provisions*) and to rename and renumber Articles 2, 3, 4, and 5 to read:

CHAPTER 4-14 [~~REGISTRATION OF~~] RENTAL PROPERTY

ARTICLE 1. REGISTRATION OF RENTAL PROPERTY [~~GENERAL PROVISIONS~~]

DIVISION 1 [~~ARTICLE 2~~]. RENTAL REGISTRATION APPLICATION.

DIVISION 2 [~~ARTICLE 3~~]. OPERATION.

DIVISION 3 [~~ARTICLE 4~~]. INSPECTION.

DIVISION 4 [~~ARTICLE 5~~]. ENFORCEMENT.

PART 2. City Code Section 4-14-1 (*Purpose*), Section 4-14-2 (*Definitions*), Section 4-14-3 (*Registration Required; Exceptions*), Section 4-14-4 (*Registration*), Section 4-14-6 (*Other Permits or Licenses Required*), Section 4-14-30 (*Rental of Unregistered Property Prohibited*), Section 4-14-31 (*Registration Period*), Section 4-14-34 (*Signs*), Section 4-14-40 (*Inspection by Code Official*), Section 4-14-50 (*Suspension*), Section 4-14-51 (*Revocation*), and Section 4-14-53 (*Penalty*) are amended to replace the word “chapter” with “article”.

PART 3. City Code Chapter 4-14 (*Rental Property*) is amended to add a new Article 2 (*Tenant Right to Organize*) to read:

27 **ARTICLE 2. TENANT RIGHT TO ORGANIZE.**

28 **§ 4-14-121 PURPOSE.**

29 The purpose of this article is to grant a right to a tenant to establish or participate in
30 a tenant organization.

31 **§ 4-14-122 DEFINITIONS.**

32 In this article:

- 33 (1) ACCOUNTABLE OFFICIAL means the City officer or employee
34 designated to administer, implement, and enforce this article.
- 35 (2) DWELLING means one or more rooms **leased for use and occupancy** as a
36 residence.
- 37 (3) LANDLORD means a person who owns, leases, or subleases a dwelling and
38 includes the landlord's manager or agent.
- 39 (4) LEASE means any written or oral agreement between a landlord and tenant
40 that establishes or modifies the terms, conditions, rules, or other provisions
41 regarding the **use and occupancy** of a dwelling.
- 42 (5) ON-SITE AREA means a community room or other available space for
43 meetings that is located at the premises.
- 44 (6) PREMISES means a tenant's dwelling, any on-site area or facility the lease
45 authorizes a tenant to use, and the appurtenances, grounds, and facilities held
46 out for the use of tenants generally.
- 47 (7) TENANT means a person, or a member of their household, who is
48 authorized to **use or occupy** a dwelling to the exclusion of others.

49 **§ 4-14-123 ADMINISTRATION AND ENFORCEMENT.**

- 50 (A) The accountable official administers, implements, and enforces this article.

- 51 (B) The accountable official may adopt rules under Chapter 1-2 (*Adoption of Rules*)
52 to implement, administer, and enforce this article.

53 **§ 4-14-124 RIGHT ESTABLISHED.**

- 54 (A) A tenant may establish and participate in a tenant organization.
- 55 (B) A tenant establishes or participates in a tenant organization if the tenant engages
56 in one or more of the following activities:
- 57 (1) initiates contact with other tenants related to tenant organizing;
- 58 (2) posts information related to tenant organizing on a bulletin board that is
59 available for use by tenants generally;
- 60 (3) distributes information related to tenant organizing to other tenants at the
61 premises;
- 62 (4) meets or attempts to meet with tenants, non-tenants, or organizations at
63 the premises or at an area that is off-site;
- 64 (5) communicates with non-tenant individuals or organizations related to
65 tenant organizing;
- 66 (6) proposes that the landlord modify facilities or services available at the
67 premises; or
- 68 (7) formulates responses to landlord actions related to rent, changes in
69 services or facilities available at the premises, or conversions of rental
70 property into non-residential use or condominiums.
- 71 (C) In this article, initiating contact with other tenants includes, but is not limited to,
72 conducting door-to-door surveys of tenants to ascertain interest in establishing a
73 tenant organization or offering information about tenant organizations.
- 74 (D) Nothing in this article requires a tenant to establish or participate in a tenant
75 organization.

76 **§ 4-14-125 RETALIATION PROHIBITED.**

- 77 (A) A landlord may not retaliate against a tenant if the tenant establishes, attempts
78 to establish, or participates in a tenant organization.
- 79 (B) A landlord retaliates against a tenant if, within the previous six months, the
80 tenant established, attempted to establish, or participated in a tenant
81 organization and the landlord:
- 82 (1) deprives the tenant of the use of the premises, except for reasons
83 authorized by law;
- 84 (2) decreases services to the tenant except as provided for in Subsection (C);
- 85 (3) increases the tenant's rent or other fees except as provided for in
86 Subsection (C);
- 87 (4) materially interferes with the tenant's rights under the tenant's lease; or
- 88 (5) issues a notice to vacate or files an eviction proceeding except as
89 provided for in Subsection (D).
- 90 (C) A landlord does not retaliate against a tenant if the landlord:
- 91 (1) assesses a fee that is included in the tenant's written lease and imposed
92 on each tenant for the use of an on-site area or facility;
- 93 (2) increases rent under an escalation clause in the tenant's written lease for
94 utilities, taxes, or insurance; or
- 95 (3) increases rent or reduces services as part of a pattern of rent increases or
96 service reductions applicable to each tenant at the premises.
- 97 (D) A landlord does not retaliate against a tenant if the landlord issues a notice to
98 vacate or files an eviction proceeding because:
- 99 (1) the actions of the tenant, or the tenant's household members or guests,
100 pose an imminent threat of physical harm to the landlord, the landlord's
101 employees, or other tenants, including other tenants within the
102 household;

- 103 (2) the tenant, or the tenant's household members or guests, engage in
104 criminal activity;
- 105 (3) an insured casualty loss such as fire, smoke, hail, explosion, or a similar
106 cause creates a condition that makes the residential premises totally
107 unusable;
- 108 (4) the tenant is delinquent in rent when the landlord gives notice to vacate
109 or files an eviction action;
- 110 (5) the tenant, or the tenant's household members or guests, intentionally
111 damage property on the premises;
- 112 (6) the tenant holds over after giving notice of termination or intent to
113 vacate;
- 114 (7) the tenant holds over after the landlord gives notice of termination at the
115 end of the rental term; or
- 116 (8) the tenant has materially breached the lease, other than by holding over,
117 by an action such as violating written lease provisions.
- 118 (E) In this article, a material breach of the lease does not include establishing,
119 attempting to establish, or participating in a tenant organization.
- 120 (F) In this article, criminal activity does not include establishing, attempting to
121 establish, or participating in a tenant organization.

122 **§ 4-14-126 OFFENSE AND PENALTY.**

- 123 (A) A person who violates this article commits a misdemeanor punishable as
124 provided by Section 1-1-99 (*Offenses; General Penalty*).
- 125 (B) A culpable mental state is not required and need not be proved for an offense
126 punishable under this section.

127 (C) A violation of this article and any subsequent enforcement of this article does
128 not limit or modify a tenant’s remedy in a proceeding authorized under Chapter
129 92 of the Texas Property Code.

130 **PART 4.** This ordinance takes effect on _____, 2022.

131 **PASSED AND APPROVED**

132 _____, 2022 §
133 §
134 §

Steve Adler
Mayor

137 **APPROVED:** _____ **ATTEST:** _____
138 Anne L. Morgan Myrna Rios
139 City Attorney City Clerk
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