ORDINANCE NO. XXXXXXX

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:

ARTICLE 2. TENANT RIGHT TO ORGANIZE.

§ 4-14-121 PURPOSE.

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

§ 4-14-122 DEFINITIONS.

In this article:

(1) ACCOUNTABLE OFFICIAL means the City officer or employee designated to administer, implement, and enforce this article.

(2) DWELLING means one or more rooms or lot used and occupied as a residence.

(3) LANDLORD means a person who owns, leases, or subleases a dwelling.

(4) LEASE means any written or oral agreement between a landlord and tenant that establishes or modifies the terms, conditions, rules, or other provisions regarding the use and occupancy of a dwelling.

(5) ON-SITE AREA means a community room or other available space for meetings that is located at the premises.

(6) PREMISES means a tenant's dwelling, any on-site area or facility the lease authorizes the tenant to use, and the appurtenances, grounds, and facilities held out for the use of tenants generally.

(7) TENANT means a person, or a member of their household, who is authorized to use and occupy a dwelling to the exclusion of others.

(8) TENANT ORGANIZER means a person who works or volunteers for a nonprofit organization that assists tenants in establishing and operating a tenant organization; and is not an employee or representative of the current or prospective owner, the current or prospective manager, or an agent of such persons.

§ 4-14-123 ADMINISTRATION AND ENFORCEMENT.

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

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

§ 4-14-124 RIGHT ESTABLISHED.

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(A) A tenant may establish and participate in a tenant organization without landlord interference with activities defined in (B).

(B) A tenant establishes or participates in a tenant organization if the tenant engages in one or more of the following activities:

(1) initiates contact with other tenants at the premises related to tenant organizing;

(2) posts information related to tenant organizing on a bulletin board that is available at the premises for use by tenants generally;

(3) distributes information related to tenant organizing to other tenants at the premises;

(4) meets or attempts to meet with tenants, non-tenants, or tenant organizations at the premises;

(5) invites tenant organizers to assist with organizing; or

(6) takes other actions related to establishing or operating a tenant organization.

(C) In this article, initiating contact with other tenants at the premises includes, but is not limited to, conducting door-to-door surveys of tenants to ascertain interest in establishing a tenant organization or offering information about tenant organizations.

(D) Nothing in this article requires a tenant to establish or participate in a tenant organization.

(E) ~~Upon the invitation of a tenant,~~ A tenant's right to invite a tenant organizer ~~has the right~~ to assist with organizing includes the tenant organizer entering the multi-family property and communicat~~e~~ing with tenants on the premises; assisting tenants in establishing and operating a tenant organization; and participat~~e~~ing in protected tenant organizing activities. This provision does not protect tenant organizer conduct that is otherwise in breach of local, state, or federal laws.

§ 4-14-125 INTERFERENCE PROHIBITED.

(A) A landlord may not intentionally interfere or allow another to interfere with a tenant's right to exercise the activities defined in Section 4-14-124.

(B) A landlord interferes with a tenant's right under Section 4-14-124 if the landlord intentionally acts in a way that hinders, impedes, or obstructs:

(1) the tenant from the use of the premises for tenant organizing activities defined in Section 4-14-124;

(2) services or decreases services to the tenant except as provided for in Subsection (C);

(3) a tenant initiating contact with other tenants at the premises related to tenant organizing;

(4) a tenant from posting information related to tenant organizing on a bulletin board that is available at the premises for use by tenants generally;

(5) a tenant from distributing information related to tenant organizing to other tenants at the premises;

(6) a tenant from meeting or attempting to meet with tenants, non-tenants, or organizations at the premises; or

(7) a tenant from inviting tenant organizers to assist with organizing.

(C) A landlord does not interfere with a tenant's right under Section 4-14-124 if the landlord:

(1) initiates contact with tenants related to concerns;

(2) meets or attempts to meet with tenants except for meetings related to tenant organization activities which require invitation from the tenant organization;

(3) informs tenants which bulletin boards are available for use by tenants generally;

(4) removes information posted or distributed by a tenant or a tenant organization that is discriminatory;

(5) requests a tenant or a tenant's guest to comply with the conduct outlined in an existing lease provided such request does not interfere with a right protected under Section 4-14-124;

(6) assesses a fee that is included in the tenant's written lease provided that it does not interfere with a right protected under Section 4-14-124;

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(7) assesses a fee that is included in the tenant's written lease and imposed on each tenant for the use of an on-site area or facility provided that it does not interfere with a right protected under Section 4-14-124;

(8) reduces services as part of a pattern of service reductions applicable to each tenant at the premises;

(9) enforces any section of an existing lease provided such request does not interfere with a right protected under Section 4-14-124; or

(10) exercises reasonable limitations on time, manner, and place of activities under Section 4-14-124 to avoid disruption of landlord's business operations or the quiet enjoyment of the premises by other tenants.

§ 4-14-126 TENANT CONDUCT AND BREACH OF LEASE.

This article does not authorize conduct that constitutes a breach of a tenant's lease and is not protected under Section 4-14-124.

§ 4-14-127 OFFENSE AND PENALTY.

(A) A landlord who violates this article commits a misdemeanor punishable as provided by Section 1-1-99. A landlord's manager or agent shall not be personally criminally liable for violations of this article.

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

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

PASSED AND APPROVED

§
§
_____, 2022 § _____
Steve Adler
Mayor

APPROVED: _____ **ATTEST:** _____
Anne L. Morgan
City Attorney

Myrna Rios
City Clerk