

ORDINANCE NO. XXXXXXXX

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 INTERFERENCE; 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.

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 or lot used and occupied as a
36 residence.
- 37 (3) LANDLORD means a person who owns, leases, or subleases a dwelling but
38 does not include a property 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 the tenant to use, and the appurtenances, grounds, and facilities
46 held 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 and occupy a dwelling to the exclusion of others.
- 49 (8) TENANT ORGANIZER means a person who works or volunteers for a
50 nonprofit organization that assists tenants in establishing and operating a
51 tenant organization; and is not an employee or representative of the current
52 or prospective owner, the current or prospective manager, or an agent of
53 such persons.

54 **§ 4-14-123 ADMINISTRATION AND ENFORCEMENT.**

- 55 (A) The accountable official administers, implements, and enforces this article.
- 56 (B) The accountable official may adopt rules under Chapter 1-2 (*Adoption of Rules*)
57 to implement, administer, and enforce this article.

58 **§ 4-14-124 RIGHT ESTABLISHED.**

- 59 (A) A tenant may establish and participate in a tenant organization without landlord
60 interference with activities defined in (B).
- 61 (B) A tenant establishes or participates in a tenant organization if the tenant engages
62 in one or more of the following activities:
- 63 (1) initiates contact with other tenants at the premises related to tenant
64 organizing;
- 65 (2) posts information related to tenant organizing on a bulletin board that is
66 available at the premises for use by tenants generally;
- 67 (3) distributes information related to tenant organizing to other tenants at the
68 premises;
- 69 (4) meets or attempts to meet with tenants, non-tenants, or tenant
70 organizations at the premises;
- 71 (5) invites tenant organizers to assist with organizing; or
- 72 (6) takes other actions related to establishing or operating a tenant
73 organization.
- 74 (C) In this article, initiating contact with other tenants at the premises includes, but
75 is not limited to, conducting door-to-door surveys of tenants to ascertain interest
76 in establishing a tenant organization or offering information about tenant
77 organizations.
- 78 (D) Nothing in this article requires a tenant to establish or participate in a tenant
79 organization.
- 80 (E) A tenant's right to invite a tenant organizer to assist with organizing includes
81 the tenant organizer entering the multi-family property and communicating with
82 tenants on the premises; assisting tenants in establishing and operating a tenant
83 organization; and participating in protected tenant organizing activities. This
84 provision does not protect tenant organizer conduct that is otherwise in breach
85 of local, state, or federal laws.

86 **§ 4-14-125 INTERFERENCE PROHIBITED.**

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

- 89 (B) A landlord interferes with a tenant's right under Section 4-14-124 if the
90 landlord intentionally acts in a way that hinders, impedes, or obstructs:
- 91 (1) the tenant from the use of the premises for tenant organizing activities
92 defined in Section 4-14-124;
- 93 (2) services or decreases services to the tenant except as provided for in
94 Subsection (C);
- 95 (3) a tenant initiating contact with other tenants at the premises related to tenant
96 organizing;
- 97 (4) a tenant from posting information related to tenant organizing on a bulletin
98 board that is available at the premises for use by tenants generally;
- 99 (5) a tenant from distributing information related to tenant organizing to other
100 tenants at the premises;
- 101 (6) a tenant from meeting or attempting to meet with tenants, non-tenants, or
102 organizations at the premises; or
- 103 (7) a tenant from inviting tenant organizers to assist with organizing.
- 104 (C) A landlord does not interfere with a tenant's right under Section 4-14-124 if the
105 landlord:
- 106 (1) initiates contact with tenants related to concerns;
- 108 (2) meets or attempts to meet with tenants except for meetings related to tenant
109 organization activities which require invitation from the tenant organization;
- 110 (3) informs tenants which bulletin boards are available for use by tenants
111 generally;
- 112 (4) removes information posted or distributed by a tenant or a tenant
113 organization that is discriminatory;
- 114 (5) requests a tenant or a tenant's guest to comply with the conduct outlined in
115 an existing lease provided such request does not interfere with a right
116 protected under Section 4-14-124;
- 117 (6) assesses a fee that is included in the tenant's written lease provided that it
118 does not interfere with a right protected under Section 4-14-124;

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

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

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

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

129 **§ 4-14-126 TENANT CONDUCT AND BREACH OF LEASE.**

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

132 **§ 4-14-127 OFFENSE AND PENALTY.**

- 133 (A) A landlord who violates or allows another to violate this article commits a
- 134 misdemeanor punishable as provided by Section 1-1-99 (*Offenses; General*
- 135 *Penalty*).

- 136 (B) A violation of this article and any subsequent enforcement of this article does
- 137 not limit or modify a tenant’s remedy in a proceeding authorized under Chapter
- 138 92 of the Texas Property Code.

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

140 **PASSED AND APPROVED**

141 _____ §
 142 _____ §
 143 _____, 2022 § _____

144 Steve Adler
145 Mayor

146
147
148 **APPROVED:** _____

149 Anne L. Morgan
150 City Attorney

ATTEST: _____

Myrna Rios
City Clerk