

Right to Organize Ordinance

August 5, 2025 - San Marcos City Hall



Indicates the suggested wording for the ordinance. This is subject to change.

What is tenant organizing?

Tenant organizing is a form of community organizing that enables tenants to advocate collectively for themselves and creates a more even distribution of power between tenants and their landlords.

Tenants typically mobilize initially in response to severe problems at their complexes, such as substandard living conditions, harassment and intimidation by landlords, and the threat of mass displacement.

By taking collective action through a tenant association, tenants have a far greater capacity to address problems with their landlords.

Purpose

Grant a right to a tenant to establish or participate in a tenant organization.

Proposed Benefits

- Texas renting culture privileges landlords while offering few protections for renters. In San Marcos, tenants vastly outnumber homeowners, meaning many are affected by and have the potential to change the renter-landlord power dynamic. Tenants Associations can achieve healthier and more dignified housing for all and a Right to Organize Ordinance is necessary to their creation.
- **Alignment with strategic plan/council budget priorities**
 - Improved quality of life for renters by ensuring healthy and safe places to live
 - Improved stability of housing for renters by fixing problems instead of feeling like they have to move
 - Improved Economic Vitality for landlords because when renters know their rights they report issues before they get more costly

Purpose Cont.

1. Build Community

a. Community is the most powerful tool to enact change. A right to Organize and Tenants Associations bring neighbors together and build community based on trust and support so that neighbors can use each others skills, resources, and knowledge to express collective concerns and take action.

2. Build Power

a. Rising rents and dwindling affordable housing enables landlords to think they can get away with providing substandard housing. Tenants associations can leverage renters' collective power to demand important and necessary changes to their homes. so they all have healthy, safe, and affordable housing.

3. Get support- and results!

a. Landlords might get away with providing substandard housing to an entire property, but it's not likely they can evict every tenant - their power knows an end. Tenants Associations can offer protection from individual retaliation by representing the tenant body as a whole and organize renter concerns, issues, and knowledge into targeted campaigns that demand change from their landlords. Often, Tenants Associations can achieve results for tenants that might not be possible through litigation.

Definitions

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

(2) DWELLING means one or more rooms leased for use and occupancy as a residence.

(3) LANDLORD means a person who owns, leases, or subleases a dwelling but does not include a property manager or agent.

(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 a 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 or occupy a dwelling to the exclusion of others.

(8) TENANT ORGANIZER means a person who works or volunteers for a non-profit 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.

Rights Established

(A) A tenant may establish and participate in a tenant organization without landlord interference with the activities described in Subsection (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.

Rights Established Cont. ●

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

REVIEW: Organizing Activities Protected

- Communicating with neighbors, including going door-to-door
- Distributing flyers and information, including on bulletin boards available for tenant use
- Meeting with neighbors, tenant organizers or others
- Holding tenant meetings at the property
- Inviting tenant organizers to help start or run a tenants association
- Any other activities related to tenant organizing

Interference Prohibition

(A) A landlord *shall not* intentionally interfere or allow another to interfere with a tenant's right to exercise the activities defined in (Rights Established).

(B) A landlord *interferes* with a tenant's right under (Rights Established) 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 (Rights Established);
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.

Interference Prohibition Cont.

(C) A landlord does *not* interfere with a tenant's right under (*Right Established*) if the landlord: initiates contact with tenants related to concerns;

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 (*Right Established*);
6. assesses a fee that is included in the tenant's written lease provided that it does not interfere with a right protected under (*Right Established*);
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 (*Right Established*);
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 (*Right Established*); or
10. exercises reasonable limitations on time, manner, and place of activities under (*Right Established*) to avoid disruption of landlord's business operations or the quiet enjoyment of the premises by other tenants.

REVIEW: Examples of Landlord Interference

- Telling tenants that they will get in trouble for continuing to organize or for working with tenant organizers
- Not allowing tenant groups to use community spaces available to other residents
- Saying that tenants can't pass out flyers due to a no soliciting policy
- Interrupting a meeting they weren't invited to and refusing to leave if asked



NOTE: No one is required to participate in tenant organizing. If a neighbor does not want to be contacted about tenant association activities, they have a right to not participate.

Additional Provisions

Administration and Enforcement

- (A) The accountable official administers, implements, and enforces this article. ***(Need to identify appropriate department)***
- (B) The accountable official may adopt rules to implement, administer, and enforce this article.

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 ***(Rights Established)***

Offense and Penalty

- (A) A landlord who violates or allows another to violate this article commits a misdemeanor punishable as provided by Sec. 1.015.
- (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.