

## ***TENANT RIGHT TO ORGANIZE.***

### **§ 46.090 PURPOSE.**

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

### **§ 46.091 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 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.

### **§ 46.092 ADMINISTRATION AND ENFORCEMENT.**

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

### **§ 46.093 RIGHT 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;

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- (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, if accompanied by the tenant; 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) 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, if accompanied by the tenant; 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.

#### **§ 46.094 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 46.093 (*Right Established*).
- (B) A landlord interferes with a tenant's right under Section 46.093 (*Right 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 Section 46.093 (*Right 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, if accompanied by the tenant.
- (C) A landlord does not interfere with a tenant's right under Section 46.093 (*Right Established*) 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 46.093 (*Right Established*);
  - (6) requests a tenant or a tenant's guest to remove litter caused by the distribution of material;

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- (7) assesses a fee that is included in the tenant's written lease provided that it does not interfere with a right protected under Section 46.093 (*Right Established*);
  - (8) 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 46.093 (*Right Established*);
  - (9) reduces services as part of a pattern of service reductions applicable to each tenant at the premises;
  - (10) enforces any section of an existing lease provided such request does not interfere with a right protected under Section 46.093 (*Right Established*); or
  - (11) exercises reasonable limitations on time, manner, and place of activities under Section 46.093 (*Right Established*) to avoid disruption of landlord's business operations or the quiet enjoyment of the premises by other tenants.

#### **§ 46.095 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 46.093 (*Right Established*).

#### **§ 46.096 OFFENSE AND PENALTY.**

- (A) A landlord who violates or allows another to violate this article commits a misdemeanor punishable as provided by Section 1.015 (General penalty for violations of Code; continuing violations).
- (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.