The following information is to provide the council with basic information regarding Austin's ordinance on tenant organizing rights and how it compares with current state and federal law.

AUSTIN ORDINANCE §§ 4-14-124–125: Tenant Organizing Rights

Austin law grants strong affirmative rights for tenants to organize:

Feature	Description
Protected Activities	Includes door-to-door outreach, meetings, posting on bulletin boards, distributing materials, and inviting tenant organizers.
Organizer Access	Organizers may enter multi-family properties and meet with tenants unless otherwise prohibited by law.
Landlord Interference Prohibited	Any intentional acts to hinder tenant organizing (e.g., restricting meetings, reducing services, or removing flyers) are banned.
Landlord Exceptions	Landlords may act if the conduct breaches a lease or law, affects general services equally, or imposes reasonable time/place/manner restrictions.

This ordinance clearly protects tenant organizing as a civil right, similar to labor organizing laws.

TEXAS STATE LAW

Issue

Speech

○ No Explicit Tenant Organizing Protections

Texas Law

Texas law does not currently provide any statute equivalent to Austin's ordinance. Key gaps:

Tenant Organizing	Not addressed by the Texas Property Code.		
Organizer Access No statutory right of entry for organizers onto private rental property.			
Retaliation Protections	1 , 2 3 3 3 3		
Freedom of			

Conclusion: Tenant organizing is not affirmatively protected under Texas law and could be restricted by lease terms or property rules.

May protect speech generally, but no codified right to organize as tenants.

FEDERAL LAW

a Limited Federal Protections for Tenant Organizing

Federal tenant organizing protections apply only in subsidized housing programs, particularly:

Law	Scope
HUD Regulation (24 CFR § 245.100–§ 245.135)	Applies to project-based Section 8 and HUD-assisted housing.
Protected Activities	Tenants can hold meetings, distribute flyers, and invite outside organizers.
Landlord Limits	Landlords must provide access to community spaces and cannot retaliate for organizing.
Non-HUD Housing	No general federal law protects tenant organizing rights in market-rate or state-regulated housing.

TOMPARISON SUMMARY

Right or Protection	Austin Ordinance	Texas Law	Federal Law
Right to organize	✓ Affirmatively protected	✗ Not addressed	⚠ Only in federally subsidized housing
Organizer access to property	✓ Permitted (unless unlawful)	X Not guaranteed	✓ In HUD housing only
Posting/distributing materials	✓ Protected	X May be limited by lease/property rules	✓ In HUD housing
Retaliation for organizing	Explicitly prohibited by ordinance	X Not covered	✓ Prohibited in HUD housing
Bulletin board use for organizing	✓ Protected right if board is open to tenants	X Not addressed	✓ In HUD housing
Meetings with outside organizers	✓ Permitted	X Not protected	✓ In HUD housing
Reasonable limits by landlord (time/place)	✓ Allowed if non- disruptive	✓ Allowed generally	✓ Allowed in HUD housing



- Austin grants tenants robust rights to organize, modeled closely after HUD tenant protections.
- Texas law is silent on organizing and may even allow landlords to ban or retaliate against tenant association activity unless protected by another right.
- Federal law only applies if tenants are in subsidized housing programs; otherwise, protections are absent.

Austin's ordinance is far more protective than either state or federal law in this area and serves as a local bulwark for collective tenant power.

Texas State Laws

1. Texas Property Code, Chapter 92 (Residential Tenancies):

- Tenant Rights: Texas law provides tenants with various rights, including the right to organize. However, it does not explicitly detail the right to form tenant organizations as comprehensively as the ordinance you provided.
- Landlord Obligations: Landlords must respect tenants' rights to privacy and peaceful enjoyment of the property. The ordinance's specific prohibitions against landlord interference align with these general principles.

2. Texas Fair Housing Act:

 Non-Discrimination: This act prohibits discrimination in housing based on race, color, national origin, religion, sex, familial status, or disability. The ordinance's provisions against discriminatory actions by landlords are consistent with this act.

Federal Laws

1. Fair Housing Act (Title VIII of the Civil Rights Act of 1968):

 Tenant Rights: Similar to the Texas Fair Housing Act, this federal law prohibits discrimination in housing. The ordinance's protections for tenant organizing activities must comply with non-discriminatory practices.

2. First Amendment Rights:

Freedom of Assembly and Speech: The ordinance supports tenants' rights to assemble and communicate, which are protected under the First Amendment. However, these rights are subject to reasonable restrictions on time, place, and manner, which the ordinance also acknowledges.

Key Comparisons

- **Tenant Organizing**: The ordinance explicitly protects tenant organizing activities, which is more detailed than state and federal laws. It provides clear guidelines on what constitutes tenant organizing and prohibits landlord interference.
- **Landlord Interference**: The ordinance outlines specific actions that constitute interference, providing more clarity than general state and federal laws.

 Non-Discrimination: Both the ordinance and existing laws emphasize non-discrimination, ensuring that tenant organizing activities are protected from discriminatory practices. 		