

ORDINANCE NO. XXXXXXX

Item No. 57
Version 2 (Law)
9/1/2022

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 REQUIRE A LANDLORD TO PROVIDE A NOTICE OF PROPOSED EVICTION PRIOR TO GIVING A NOTICE TO VACATE; 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 (*Notice of Proposed Eviction*) to read:

ARTICLE 2. NOTICE OF PROPOSED EVICTION.

§ 4-14-101 PURPOSE AND APPLICABILITY.

(A) The purpose of this article is to provide a residential tenant with additional time, information, or resources to prevent eviction filings, displacement, and homelessness.

(B) This article applies to a landlord who may evict a residential tenant on or after September 11, 2022.

§ 4-14-102 DEFINITIONS.

In this article:

- (1) DELINQUENT PAYMENT means rent, fee, or other charge owed under the lease that is not paid timely.
- (2) DWELLING means one or more rooms rented for use as a residence.
- (3) LANDLORD means a person who owns, leases, or subleases a dwelling and includes the landlord's manager or agent.
- (4) NOTICE OF PROPOSED EVICTION means a notice that precedes a notice to vacate in accordance with Texas Property Code Section 24.005(e) and complies with the requirements found in Section 4-14-104 (*Requirements*).
- (5) NOTICE TO VACATE means the statutory notice to vacate required by Section 24.005 of the Texas Property Code that must precede the filing of an eviction suit.
- (6) TENANT means a person, or a member of their household, who is authorized to occupy a dwelling to the exclusion of others.

§ 4-14-103 ADMINISTRATIVE RULE.

The city manager is authorized to adopt a form notice of proposed eviction by rule and in accordance with Chapter 1-2 (*Adoption of Rules*).

§ 4-14-104 REQUIREMENTS.

- (A) Except as provided in Subsection (E), a landlord shall give a tenant a notice of proposed eviction prior to giving the tenant a notice to vacate.
- (B) A notice of proposed eviction must be in writing and include:
- (1) a statement that complies with Subsection (D);

- 59 (2) the lease violations that may result in an eviction;
- 60 (3) a right for the tenant to cure any violations, including delinquent payments or
- 61 other lease violations;
- 62 (4) the time period to cure the lease violations described in (B)(2); and
- 63 (5) if required, the time period to respond to the landlord.

64 (C) A notice of proposed eviction shall be:

- 65 (1) provided to a tenant in a manner described in Section 24.005(f) of the Texas
- 66 Property Code;
- 67 (2) delivered using an email address or web portal the landlord uses to
- 68 communicate with the tenant in the regular course of business activity; or
- 69 (3) posted on the front door of the tenant's dwelling.

70 (D) The statement shall:

- 71 (1) be in 16-point font, bold typeface, and underlined;
- 72 (2) be placed at the top of the first page of the notice of proposed eviction; and
- 73 (3) include the following text in English and Spanish: "A NOTICE OF
- 74 PROPOSED EVICTION AND OPPORTUNITY TO CORRECT LEASE
- 75 VIOLATIONS. YOU DO NOT HAVE TO MOVE WHEN YOU GET THIS
- 76 NOTICE. YOU MUST CONTACT YOUR LANDLORD AS SOON AS
- 77 POSSIBLE. FAILURE TO CONTACT YOUR LANDLORD MAY END
- 78 THE OPPORTUNITY TO CORRECT LEASE VIOLATIONS. ESTO ES UN
- 79 AVISO DE PROPUESTA DE DESALOJO Y OPORTUNIDAD DE
- 80 CORREGIR VIOLACIONES AL CONTRATO DE ALQUILER. NO TIENE
- 81 QUE MUDARSE AL RECIBIR ESTE AVISO. DEBE COMUNICARSE
- 82 CON SU ARRENDADOR TAN PROTO COMO SEA POSIBLE. EL NO
- 83 CONTACTAR A SU ARRENDADOR PUEDE DAR FIN A LA
- 84 OPORTUNIDAD DE CORREGIR LAS VIOLACIONES AL CONTRATO
- 85 DE ALQUILER."

86 (E) A landlord is not required to provide a notice of proposed eviction if:

- 87 (1) the actions of the tenant, or the tenant's household members or guests, pose an
88 imminent threat of physical harm to the landlord, the landlord's employees, or
89 other tenants, including other tenants within the household;
- 90 (2) the tenant, or the tenant's household members or guests, engage in criminal
91 activity;
- 92 (3) an insured casualty loss such as fire, smoke, hail, explosion, or a similar cause
93 creates a condition that makes the residential premises totally unusable;
- 94 (4) the tenant, or the tenant's household members or guests, intentionally
95 damages property on the premises; or
- 96 (5) the tenant holds over after giving notice of termination or intent to vacate.

97 **§ 4-14-105 TIME TO CURE LEASE VIOLATIONS.**

- 98 (A) A landlord shall provide a tenant with a specific number of days to cure lease
99 violations.
- 100 (B) The minimum time period to cure a lease violation is 21 days.

101 **§ 4-14-106 TIME PERIOD TO RESPOND TO LANDLORD.**

- 102 (A) A landlord may require a tenant to respond to the notice of proposed eviction within
103 a specific time period.
- 104 (B) The minimum time period to respond to the landlord is 14 days.
- 105 (C) If a landlord requires a tenant to respond to the notice of proposed eviction, the
106 landlord must allow the tenant to respond in writing, including by electronic mail
107 or web portal used to communicate with tenants in the regular course of business
108 activity.
- 109 (D) If the tenant fails to respond to the landlord within the timeframe described in
110 Subsection (A), the landlord may give a notice to vacate before the time period to
111 cure lease violations expires.

112 **§ 4-14-107 NOTICE TO VACATE WITHOUT EFFECT.**

113 In accordance with Section 24.005(e) of the Texas Property Code, a notice to vacate
114 shall have no effect if the notice of proposed eviction:

- 115 (1) fails to comply with this article; or

(2) is given before the time period to cure lease violations expires.

PART 4. Chapter 4-14 of the City Code is amended to add a new Article 3 (*Tenant Right to Organize*) to read as follows:

ARTICLE 3. 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 rented for use as a residence.
- (3) LANDLORD means a person who owns, leases, or subleases a dwelling and includes the landlord's 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 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 occupy a dwelling to the exclusion of others.

§ 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.

144 **§ 4-14-124 RIGHT ESTABLISHED.**

- 145 (A) A tenant may establish and participate in a tenant organization.
- 146 (B) A tenant establishes or participates in a tenant organization if the tenant engages
147 in one or more of the following activities:
- 148 (1) initiates contact with other tenants related to tenant organizing;
 - 149 (2) posts information related to tenant organizing on a bulletin board that is
150 available for use by tenants generally;
 - 151 (3) distributes information related to tenant organizing to other tenants in an
152 on-site area or facility that is available for use by tenants generally;
 - 153 (4) meets or attempts to meet with tenants, non-tenants, or organizations in:
 - 154 (a) an on-site area that is generally available to any tenant;
 - 155 (b) a tenant's dwelling; or
 - 156 (c) an off-site area;
 - 157 (5) communicates with non-tenant individuals or organizations related to
158 tenant organizing;
 - 159 (6) proposes that the landlord modify facilities or services available at the
160 premises; or
 - 161 (7) formulates responses to landlord actions related to rent, changes in
162 services or facilities available at the premises, or conversions of rental
163 property into non-residential use or condominiums.
- 164 (C) In this article, initiating contact with other tenants includes, but is not limited to,
165 conducting door-to-door surveys of tenants to ascertain interest in establishing a
166 tenant organization or offering information about tenant organizations.
- 167 (D) Nothing in this article requires a tenant to establish or participate in a tenant
168 organization.

169 **§ 4-14-125 RETALIATION PROHIBITED.**

- 170 (A) A landlord may not retaliate against a tenant if the tenant establishes, attempts
171 to establish, or participates in a tenant organization.

- 172 (B) A landlord retaliates against a tenant if, within the previous six months, the
173 tenant established, attempted to establish, or participated in a tenant
174 organization and the landlord:
- 175 (1) deprives the tenant of the use of the premises, except for reasons
176 authorized by law;
- 177 (2) decreases services to the tenant except as provided for in Subsection (C);
- 178 (3) increases the tenant's rent or other fees except as provided for in
179 Subsection (C);
- 180 (4) substantially interferes with the tenant's rights under the tenant's lease; or
- 181 (5) issues a notice to vacate or files an eviction proceeding except as
182 provided for in Subsection (D).
- 183 (C) A landlord does not retaliate against a tenant if the landlord:
- 184 (1) assesses a fee that is included in the tenant's written lease and imposed
185 on each tenant for the use of an on-site area or facility;
- 186 (2) increases rent under an escalation clause in the tenant's written lease for
187 utilities, taxes, or insurance; or
- 188 (3) increases rent or reduces services as part of a pattern of rent increases or
189 service reductions applicable to each tenant at the premises.
- 190 (D) A landlord does not retaliate against a tenant if the landlord issues a notice to
191 vacate or files an eviction proceeding because:
- 192 (1) the actions of the tenant, or the tenant's household members or guests,
193 pose an imminent threat of physical harm to the landlord, the landlord's
194 employees, or other tenants, including other tenants within the
195 household;
- 196 (2) the tenant, or the tenant's household members or guests, engage in
197 criminal activity;
- 198 (3) an insured casualty loss such as fire, smoke, hail, explosion, or a similar
199 cause creates a condition that makes the residential premises totally
200 unusable;

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