

LEGISLATIVE DIGEST
(Revised 2/7/2022)

[Administrative Code - Tenant Organizing]

Ordinance amending the Administrative Code to require residential landlords to allow tenant organizing activities to occur in common areas of the building; require certain residential landlords to recognize duly-established tenant associations, confer in good faith with said associations, and attend some of their meetings upon request; and provide that a landlord’s failure to allow organizing activities or comply with their obligations as to tenant associations may support a petition for a rent reduction.

Existing Law

Under Chapter 49A of the Administrative Code, a landlord may not prohibit tenants from using building common areas to distribute literature on behalf of a tenants' association or other tenants' organization regarding issues of common interest or concern to other tenants. Meanwhile, under Chapter 37 of the Administrative Code, if a landlord provides housing services in conjunction with the use and occupancy of a unit (e.g., repairs, maintenance, elevator service), and then substantially reduces those services, the tenant may file a petition for a rent reduction with the Rent Board.

Amendments to Current Law

The ordinance would amend Chapter 49A to require landlords to allow tenant organizing activities in building common areas – not just literature distribution, but also other activities regarding issues of common concern such as initiating contact (e.g., door-to-door surveys) to ascertain interest in forming a tenant association, and allowing participation by non-resident advocates in meetings. Leases entered into or amended on or after January 1, 2022 could not require tenants to waive these rights.

The ordinance would also amend Chapter 49A to recognize the right of tenants in buildings with five or more rental units (unless the landlord is a 501(c)(3) non-profit) to form Tenant Associations. Tenants could form Tenant Association by securing the approval of a majority of the occupied units in the building. A landlord could request once every three years that the Tenant Association reconfirm that it still has that support and remains in good standing. Landlords and Tenant Associations in good standing would be required to confer with each other in good faith. On written request of the Tenant Association, the landlord (or their representative) would need to attend at least one Tenant Association meeting every three months.

The Rent Board would have authority to issue rules and regulations to the extent necessary to implement Chapter 49A. Also, a tenant’s right to have organizing activities in their building or to would qualify as a “housing service” under Chapter 37. A landlord’s failure to allow

organizing activities or confer with the Tenant Association in good faith could be used to support a petition for a substantial decrease in housing services.

Background

This version of the digest reflects amendments to clarify that 1) landlords may discharge their duties relative to tenant associations through authorized representatives such as property managers or resident managers; and 2) a person's participation or failure to participate in organizing activities does not affect their legal standing as a tenant.

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