

LEGISLATIVE DIGEST

[Administrative Code - Tenant Organizing]

Ordinance amending the Administrative Code to provide that tenants may elect to be accompanied by a tenant association representative at meetings with their landlord; to set rules for the duration of and attendance at meetings of the full tenant association; to provide that a tenant association remains in good standing unless it has failed to re-certify or a new tenant association has been certified; and to make clarifying changes regarding the obligation of landlords and tenant associations to confer in good faith.

Existing Law

Tenants in a building may establish a “tenant association” by providing their landlord a petition signed by tenants representing at least 50% of the occupied units, certifying that are forming a tenant association. The landlord must confer in good faith with tenant association on issues of common concern, and on request, must attend at least one tenant association meeting every three months. If a landlord does not comply with these obligations, it can support a tenant petition to the Rent Board for a rent reduction.

A tenant association remains operative so long as it represents at least 50% of the occupied units in the building. Every three years, a landlord can require the tenant association to re-certify that it represents at least 50% of the occupied units. If the tenant association does not timely re-certify, it is temporary suspended until such time as it has re-certified.

Amendments to Current Law

The ordinance specifies that an individual tenant can have a tenant association representative present during the tenant’s individual meetings with the landlord. It also requires landlords to remain in attendance at meetings of the full tenant association until the end of the meeting (up to two hours).

The ordinance also makes certain clarifying changes. First, it addresses what it means to confer in good faith and the types of matters that may be discussed with a tenant association. Second, it clarifies that a duly-formed tenant association remains in good standing unless and until either: 1) it fails to re-certify on the landlord’s request, or 2) a new tenant association representing a greater number of occupied units is formed to take its place.

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