

RETALIATION AGAINST A TENANT IS PROHIBITED BY LAW

The Austin Code Department issues this advisory to remind landlords and other housing providers that tenants have a right to be free from harassment and intimidation.

Chapter 92 of the Texas Property Code and Chapter 10 of the International Property Maintenance Code as amended by the City of Austin prohibit a landlord from retaliating against a tenant for filing a complaint with Austin City Code Department and other entities.

A landlord **MAY NOT** retaliate against a tenant by:

- **Filing an eviction against the tenant** for reasons other than nonpayment of rent, intentional damage to premises, material breach of lease, or unlawful holdover;
- **Depriving the tenant** of the use of the premises;
- **Decreasing services** to the tenant *unless uniformly applied for an entire multifamily dwelling project of four or more units.*
- **Increasing the tenant's rent** *Unless it is under the escalation clause for utilities, taxes or insurance in a written rental agreement; uniformly applied for an entire multifamily dwelling project of four or more units; or reasonably related to repairs or improvements actually made by the landlord after a complaint has been filed and which does not cause the total rent to exceed fair market value for the premises.*
- **Terminating the tenant's lease**; or
- **Engaging in bad faith conduct** that materially interferes with the tenant's rights under the lease

If the tenant, in good faith:

- **Complains** to a government entity, a public entity, or a civic or nonprofit agency about a building or housing code violation or utility problem if the complaint relates to a building or housing code violation or utility problem, and believes in good faith that the complaint is valid;
- **Attempts to exercise against a landlord** some right or remedy granted to the tenant by lease, municipal ordinance, or federal or state statute;
- **Gives the landlord a notice to repair** or exercises a remedy under Chapter 92 of the Texas Property Code; or
- **Establishes**, attempts to establish or participates in a tenant organization

For six (6) months after:

- **The tenant's good faith action** or
- **The completion of the repairs required** by a notice or order issued under the City Code, whichever time period is longer.

Violation of City Code can result in a criminal penalty ranging from \$500 to \$2,000.

Violation of the Texas Property Code may include tenant recovery of:

- One month's rent plus \$500;
- Actual damages;
- Court costs; and
- Reasonable attorney's fees.