

## **The federal law requires Section 8 owners to recognize tenant organizations and consider their concerns.**

### **245.105 Recognition of tenant organizations.**

Section 8 owners and management must recognize legitimate tenant organizations and give reasonable consideration to concerns raised by them.

The new law describes the requirements for a “legitimate tenant organization.” The new law does not place numerous restrictions on the organizations. Tenants can set up the organization as they see fit. However, HUD has a couple of simple requirements. Mainly, HUD wants to ensure that the organization is democratic, and represents all tenants, whether they belong to the organization or not.

Another important aspect of this provision is that the organization **must be** independent of the owners and property management. This includes the property manager, leasing agent, office staff and maintenance staff even if they live on the property. The owners and staff may attend meetings, if they are invited by the tenants.

### **245.110 Legitimate tenant organizations.**

The organization is legitimate if it was established by Section 8 tenants to address issues related to their living environment and:

- Meets regularly.
- Operates democratically.
- Represents all residents.
- Completely independent of owners, management, maintenance staff and their representatives.

HUD is trying to make it easy for tenants to start legitimate organizations in their properties.

### **245.115 Protected activities.**

Section 8 owners and management must allow tenants and tenant organizers to conduct these activities related to setting up and running their tenant organization:

- Distributing leaflets in lobby areas;
- Place leaflets at or under tenants' doors;
- Distributing leaflets in common areas;
- Initiating contact with tenants;
- Conducting door-to-door surveys of tenants to ascertain interest in establishing a tenant organization and to offer information about tenant organizations;
- Posting information on bulletin boards;
- Assisting tenants to participate in tenant organization activities;
- Convening regularly scheduled tenant organization meetings in a space on site and accessible to tenants, in a manner that is fully independent of management representatives. In order to preserve the independence of tenant organizations, management representatives may not attend such meetings unless invited by the tenant organization to specific meetings to discuss a specific issue or issues; and
- Formulating responses to owner's requests for:
  - (i) Rent increases;
  - (ii) Partial payment of claims;
  - (iii) The conversion from project-based paid utilities to tenant-paid utilities;
  - (iv) A reduction in tenant utility allowances;
  - (v) Converting residential units to non-residential use, cooperative housing, or condominiums;
  - (vi) Major capital additions; and
  - (vii) Prepayment of loans.

Section 8 Owners and management must allow tenants and tenant organizers to conduct other reasonable activities related to the setting up and running of a tenant organization.

Section 8 owners and management shall not require tenants and tenant organizers to obtain prior permission before conducting above activities.

### **245.120 Meeting space.**

Section 8 owners and management must reasonably make available the use of any community room or other available space appropriate for meetings that is part of the Section 8 property when requested by

- Tenants or tenant organization and used for activities related to running tenant organization.
- Tenants seeking to establish a tenant organization or collectively address issues related to their living environment.

Tenant and tenant organization meetings must be accessible to persons with disabilities, unless this is impractical for reasons beyond the organization's control. If the complex has an accessible common area or areas, it will not be impractical to make organizational meetings accessible to persons with disabilities.

### **Fees.**

A Section 8 owner may charge a reasonable, customary and usual fee, approved by the Secretary as may normally be imposed for the use of such facility in accordance with the procedures prescribed by the Secretary for the use of meeting space. An owner may waive this fee.

### **245.130 Tenants' rights not to be re-canvassed.**

A tenant has the right not to be re-canvassed against his or her wishes regarding participation in a tenant organization.

### **245.135 Enforcement**

Section 8 owners and management who violate any provision of this subpart so as to interfere with the organizational and participatory rights of tenants, may be liable for the following sanctions:

- Debarment
- Suspension
- Limited Denial of Participation

The logo for the Coalition for Economic Survival (CES) features the letters "CES" in a large, white, serif font, centered on a solid black rectangular background.

**Coalition for Economic Survival**  
Tenants call 213-252-4411

HUD also has new laws protecting tenant organizers who assist tenants in starting and running their organizations.

#### 245.125 Tenant organizers.

- A tenant organizer is a tenant or non-tenant who helps tenants setting up and running their tenant organization and who is not an employee or representative of current or prospective owners, management or their agents.
- Section 8 owners and management must allow organizers to assist tenants in setting up and running their tenant organization.
- **Non-tenant tenant organizers:**
- If the Section 8 housing has a consistently enforced, written policy against canvassing, the non-tenant organizer must be accompanied by a tenant while on the Section 8 property.
- This does not apply to HUD Outreach and Assistance Training Grants ("OTAG") or other direct HUD grants designed to enable recipients to provide education and outreach to tenants concerning HUD's mark-to-market program (see 24 CFR parts 401 and 402), and expiring Section 8 buildings who are conducting eligible activities as defined in the applicable Notice of Funding Availability for the grant or other effective grant document.
- If the Section 8 property has a written policy favoring canvassing, any non-tenant organizer must be afforded the same privileges and rights of access as other uninvited outside parties in the normal course of operations.
- If the Section 8 property does not have a consistently enforced, written policy against canvassing, the project shall be treated as if it has a policy favoring canvassing.

**If you would like to form a tenant organization in your building, or if you would like to get more information on HUD's policies, please contact us.**

DEPARTMENT OF HOUSING  
AND URBAN DEVELOPMENT  
(24 CFR Part 245)

**Subpart B Sections 245.100 Thru 245.135**  
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### **Federal Government Regulation**

Delivered to area tenants by



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**The Coalition for Economic Survival (CES)** is a grassroots, community organization founded in 1973 for the purpose of uniting and organizing people throughout the Los Angeles area. CES is available to help tenants establish tenant associations and ensure tenants' rights.



# WHY ORGANIZE?

Simply put, alone you can't, together we can! That's right. What we can't do alone, we can do together. It's an old concept, but there *is* strength in numbers. When tenants organize together, and form a tenant organization in their Section 8 community, they gain strength and carry a unified voice to the owners, management and HUD.

## TENANTS HAVE A RIGHT TO ORGANIZE FOR THEIR RIGHTS!

The Department of Housing and Urban Development fully supports the rights of tenants in Section 8 housing to form tenant organizations for the purpose of addressing issues related to their living environment. HUD understands the importance of tenant involvement on Section 8 properties, and tenant organizations are one of the most effective ways for tenants to take part in the decisions that affect their living conditions. New federal laws, which took effect July 7<sup>th</sup>, 2000, protect tenants and tenant organizers who organize in Section 8 housing. Brief descriptions follow each Section heading.

#### **245.100 Right of tenants to organize.**

Section 8 tenants have the right to establish and run a tenant organization to address issues related to their living environment, including the terms and conditions of their tenancy and activities related to housing and community development.