

Chapter 15



TENANT ORGANIZING

Knowing the law is not always enough to protect the tenant's right to decent housing at an affordable price. Often, tenants must organize and use their collective political, economic and social pressure to overcome recurring problems. A group of tenants can collectively exert more pressure than can individual tenants on their own.

Remember, landlords have been working together for a long time to make sure that politicians and public officials know what they want done. Tenants have every right to do the same thing. Sometimes tenants will organize themselves to let their local government know that they want certain actions taken. For example, they might press for better code enforcement to ensure that rental housing is safe and decent. The actions may be efforts to expand the supply of affordable housing, so that rents will be more reasonable. Sometimes tenants will want action for greater tenant rights under the law. For these changes to happen, tenants must make their voices heard in the offices where political decisions are made.

More commonly, tenants organize to deal with problems they are having with their own landlord. Such organizing involves getting together a group of people who live in the same apartment complex, public housing development or mobile-home park, or in various houses owned or managed by the same landlord. The tenants get together to make the landlord listen to their complaints, demands or suggestions. The tenants try to work together for a common goal, to make their lives and living situations better. While a landlord may find it easy to ignore individual tenant demands, a group of



tenants speaking with one voice may be harder to ignore.

When there are problems with a landlord, think about organizing.

Talk to other tenants about whether they think getting together to discuss problems would be a good idea. Set a time and place for a meeting that is convenient for everyone. At the first tenants' meeting, it is a good idea for one person to lead the meeting. This person can help keep the meeting going and get people to speak up and participate. The person or persons who organized the meeting should state why it was called. People should be encouraged to talk about their problems. The person leading the meeting can also create a list of complaints, so that everyone at the meeting will remember that many of their concerns are shared by the other tenants.

Minutes should be taken at this first meeting, including a list of those who attended. It might be helpful to advise people that they have a right to organize and that it is unlawful for the landlord to try to evict or take certain other punitive actions against individual tenants just because they joined the tenants' organization (NMSA § 47-8-39(A)(2)).

People at the meeting can decide what steps they want to take, agreeing on a set of goals for their new organization. They may consider writing a petition to their landlord. The petition can say that the tenants have formed an association to address shared problems and include a list of complaints and

problems that need attention. End by asking the landlord to meet with the association to discuss the problems. In cases where the rental units have housing code violations, it is useful and sometimes necessary to inform the landlord that the association plans to make a request for an inspector to make an official report.

Set a deadline for the landlord to respond to the petition. If the landlord ignores the request for a meeting, the tenants should meet again to discuss tactics aimed at the landlord's refusal to respond. It may be useful to get a lawyer to come to the meeting to discuss tactics and to explore the possibility of having the association take the landlord to court.

It is always important to get information about the landlord. Who is the landlord? Does the landlord own any other property? How much? If there are other tenants who rent from the same landlord, find out about their situation and ask for their support. By finding out what other businesses the landlord is involved in, tenants will have a better idea about the landlord's strength and whether the landlord is worried that others may learn about his or her lack of concern for tenants. Find out if the landlord has been involved in other housing lawsuits and how

those suits turned out. Even if the landlord did not respond to the original petition, he or she may respond to the threat of a lawsuit and become willing to discuss problems, either because the landlord has lost before in court or because the he or she fears the possibility of a court judgment.

Even if the landlord is willing to listen and discuss problems, this doesn't necessarily mean that both sides will agree about the problems or their solutions. Sometimes going to court will still be necessary, but it is always a good idea to try other methods first. Negotiation and mediation offer alternatives to court, and there are a growing number of professional organizations that offer help in setting up, and doing, mediation.

The landlord-tenant law protects tenants who organize. The law forbids landlords from evicting or threatening to evict tenants or taking certain other retaliatory actions against the tenants because they have been involved in organizing during the preceding six months (NMSA § 47-8-39(A)(2)). If the landlord does illegally retaliate, the tenant can be awarded damages of up to two months' rent, court costs and attorneys' fees.

