

By: Bernal

H.B. No. 2860

A BILL TO BE ENTITLED

AN ACT

relating to the prohibition of housing discrimination on the basis of sexual orientation or gender identity or expression and to the enforcement of that prohibition; creating an offense.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 301.003, Property Code, is amended by amending Subdivision (6) and adding Subdivisions (9-a) and (10-a) to read as follows:

(6) "Disability" means a mental or physical impairment that substantially limits at least one major life activity, a record of the impairment, or being regarded as having the impairment. The term does not include current illegal use or addiction to any drug or illegal or federally controlled substance ~~[and does not apply to an individual because of an individual's sexual orientation or because that individual is a transvestite].~~

(9-a) "Gender identity or expression" means having or being perceived as having a gender-related identity, appearance, expression, or behavior, regardless of whether that identity, appearance, expression, or behavior is different from that commonly associated with the person's actual or perceived sex.

(10-a) "Sexual orientation" means the actual or perceived status of a person with respect to the person's sexuality.

SECTION 2. Sections 301.021(a) and (b), Property Code, are

1 amended to read as follows:

2 (a) A person may not refuse to sell or rent, after the making  
3 of a bona fide offer, refuse to negotiate for the sale or rental of,  
4 or in any other manner make unavailable or deny a dwelling to  
5 another because of race, color, religion, sex, familial status,  
6 [~~or~~] national origin, sexual orientation, or gender identity or  
7 expression.

8 (b) A person may not discriminate against another in the  
9 terms, conditions, or privileges of sale or rental of a dwelling or  
10 in providing services or facilities in connection with a sale or  
11 rental of a dwelling because of race, color, religion, sex,  
12 familial status, [~~or~~] national origin, sexual orientation, or  
13 gender identity or expression.

14 SECTION 3. Section 301.022, Property Code, is amended to  
15 read as follows:

16 Sec. 301.022. PUBLICATION. A person may not make, print, or  
17 publish or effect the making, printing, or publishing of a notice,  
18 statement, or advertisement that is about the sale or rental of a  
19 dwelling and that indicates any preference, limitation, or  
20 discrimination or the intention to make a preference, limitation,  
21 or discrimination because of race, color, religion, sex,  
22 disability, familial status, [~~or~~] national origin, sexual  
23 orientation, or gender identity or expression.

24 SECTION 4. Section 301.023, Property Code, is amended to  
25 read as follows:

26 Sec. 301.023. INSPECTION. A person may not represent to  
27 another because of race, color, religion, sex, disability, familial

1 status, [~~or~~] national origin, sexual orientation, or gender  
2 identity or expression that a dwelling is not available for  
3 inspection for sale or rental when the dwelling is available for  
4 inspection.

5 SECTION 5. Section 301.024, Property Code, is amended to  
6 read as follows:

7 Sec. 301.024. ENTRY INTO NEIGHBORHOOD. A person may not,  
8 for profit, induce or attempt to induce another to sell or rent a  
9 dwelling by representations regarding the entry or prospective  
10 entry into a neighborhood of a person of a particular race, color,  
11 religion, sex, disability, familial status, [~~or~~] national origin,  
12 sexual orientation, or gender identity or expression.

13 SECTION 6. Section 301.026(a), Property Code, is amended to  
14 read as follows:

15 (a) A person whose business includes engaging in  
16 residential real estate related transactions may not discriminate  
17 against another in making a real estate related transaction  
18 available or in the terms or conditions of a real estate related  
19 transaction because of race, color, religion, sex, disability,  
20 familial status, [~~or~~] national origin, sexual orientation, or  
21 gender identity or expression.

22 SECTION 7. Section 301.027, Property Code, is amended to  
23 read as follows:

24 Sec. 301.027. BROKERAGE SERVICES. A person may not deny  
25 another access to, or membership or participation in, a  
26 multiple-listing service, real estate brokers' organization, or  
27 other service, organization, or facility relating to the business

1 of selling or renting dwellings, or discriminate against a person  
2 in the terms or conditions of access, membership, or participation  
3 in such an organization, service, or facility because of race,  
4 color, religion, sex, disability, familial status, [~~or~~] national  
5 origin, sexual orientation, or gender identity or expression.

6 SECTION 8. Sections 301.042(a) and (c), Property Code, are  
7 amended to read as follows:

8 (a) This chapter does not prohibit a religious  
9 organization, association, or society or a nonprofit institution or  
10 organization operated, supervised, or controlled by or in  
11 conjunction with a religious organization, association, or society  
12 from:

13 (1) limiting the sale, rental, or occupancy of  
14 dwellings that it owns or operates for other than a commercial  
15 purpose to persons of the same religion; or

16 (2) giving preference to persons of the same religion,  
17 unless membership in the religion is restricted because of race,  
18 color, sex, disability, familial status, [~~or~~] national origin,  
19 sexual orientation, or gender identity or expression.

20 (c) This chapter does not prohibit a person engaged in the  
21 business of furnishing appraisals of real property from considering  
22 in those appraisals factors other than race, color, religion, sex,  
23 disability, familial status, [~~or~~] national origin, sexual  
24 orientation, or gender identity or expression.

25 SECTION 9. Section 301.068, Property Code, is amended to  
26 read as follows:

27 Sec. 301.068. REFERRAL TO MUNICIPALITY. (a) Subject to

1 Subsection (b), the [~~The~~] commission may defer proceedings under  
2 this chapter and refer a complaint to a municipality that has been  
3 certified by the federal Department of Housing and Urban  
4 Development as a substantially equivalent fair housing agency.

5 (b) The commission may not defer proceedings and refer a  
6 complaint under Subsection (a) to a municipality in which the  
7 alleged discrimination occurred if:

8 (1) the complaint alleges discrimination based on  
9 sexual orientation or gender identity or expression; and

10 (2) the municipality does not have laws prohibiting  
11 the alleged discrimination.

12 SECTION 10. Section 301.171(a), Property Code, is amended  
13 to read as follows:

14 (a) A person commits an offense if the person, without  
15 regard to whether the person is acting under color of law, by force  
16 or threat of force intentionally intimidates or interferes with a  
17 person:

18 (1) because of the person's race, color, religion,  
19 sex, disability, familial status, [~~or~~] national origin, sexual  
20 orientation, or gender identity or expression and because the  
21 person is or has been selling, purchasing, renting, financing,  
22 occupying, or contracting or negotiating for the sale, purchase,  
23 rental, financing, or occupation of any dwelling or applying for or  
24 participating in a service, organization, or facility relating to  
25 the business of selling or renting dwellings; or

26 (2) because the person is or has been or to intimidate  
27 the person from:

1                   (A) participating, without discrimination  
2 because of race, color, religion, sex, disability, familial status,  
3 [~~or~~] national origin, sexual orientation, or gender identity or  
4 expression, in an activity, service, organization, or facility  
5 described by Subdivision (1); [~~or~~]

6                   (B) affording another person opportunity or  
7 protection to so participate; or

8                   (C) lawfully aiding or encouraging other persons  
9 to participate, without discrimination because of race, color,  
10 religion, sex, disability, familial status, [~~or~~] national origin,  
11 sexual orientation, or gender identity or expression, in an  
12 activity, service, organization, or facility described by  
13 Subdivision (1).

14           SECTION 11. The change in law made by this Act applies only  
15 to a complaint filed with the Texas Workforce Commission civil  
16 rights division on or after the effective date of this Act. A  
17 complaint filed before that date is governed by the law as it  
18 existed immediately before the effective date of this Act, and that  
19 law is continued in effect for that purpose.

20           SECTION 12. This Act takes effect September 1, 2015.