

By: Dukes

H.B. No. 4022

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the prohibition of housing discrimination and to the  
3 enforcement of that prohibition; creating an offense.

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

5 SECTION 1. Section 301.003, Property Code, is amended by  
6 amending Subdivisions (1) and (6) and adding Subdivisions (1-a),  
7 (9-a), (9-b), and (10-a) to read as follows:

8 (1) "Aggrieved person" includes any person who:

9 (A) claims to have been injured by a  
10 discriminatory housing practice; or

11 (B) believes that the person will be injured by a  
12 discriminatory housing practice that is about to occur.

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

20 (9-a) "Military status" means a person who is serving  
21 or has served in the uniformed services, as defined by 20 C.F.R.  
22 Section 1002.5, and who, if discharged, was discharged or released  
23 under conditions other than dishonorable.

24 (10-a) "Sexual orientation" means the actual or

1 perceived status of a person with respect to the person's  
2 sexuality.

3 SECTION 2. Section 301.021, Property Code, is amended by  
4 amending Subsections (a) and (b) and adding Subsection (b-1) to  
5 read as follows:

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

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

17 SECTION 3. Section 301.022, Property Code, is amended to  
18 read as follows:

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

27 SECTION 4. Section 301.023, Property Code, is amended to

1 read as follows:

2           Sec. 301.023. INSPECTION. A person may not represent to  
3 another because of race, color, religion, sex, disability, familial  
4 status, [~~or~~] national origin, military status, or sexual  
5 orientation that a dwelling is not available for inspection for  
6 sale or rental when the dwelling is available for inspection.

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

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

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

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

24           SECTION 7. Section 301.027, Property Code, is amended to  
25 read as follows:

26           Sec. 301.027. BROKERAGE SERVICES. A person may not deny  
27 another access to, or membership or participation in, a

1 multiple-listing service, real estate brokers' organization, or  
2 other service, organization, or facility relating to the business  
3 of selling or renting dwellings, or discriminate against a person  
4 in the terms or conditions of access, membership, or participation  
5 in such an organization, service, or facility because of race,  
6 color, religion, sex, disability, familial status, [~~or~~] national  
7 origin, military status, or sexual orientation.

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

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

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

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

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

27 SECTION 9. Section 301.068, Property Code, is amended to

1 read as follows:

2           Sec. 301.068. REFERRAL TO MUNICIPALITY. (a) Subject to  
3 Subsections (b) and (c), the [The] commission may defer proceedings  
4 under this chapter and refer a complaint to a municipality that has  
5 been certified by the federal Department of Housing and Urban  
6 Development as a substantially equivalent fair housing agency.

7           (b) The commission shall defer proceedings and refer a  
8 complaint to a municipality under Subsection (a) if:

9                   (1) the complaint alleges discrimination based on a  
10 characteristic other than race, color, religion, sex, disability,  
11 familial status, national origin, military status, or sexual  
12 orientation; and

13                   (2) the alleged discrimination occurred in a  
14 municipality that has laws prohibiting the alleged discrimination.

15           (c) The commission may not defer proceedings and refer a  
16 complaint under Subsection (a) to a municipality in which the  
17 alleged discrimination occurred if that municipality does not have  
18 laws prohibiting the alleged discrimination.

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

21           (a) A person commits an offense if the person, without  
22 regard to whether the person is acting under color of law, by force  
23 or threat of force intentionally intimidates or interferes with a  
24 person:

25                   (1) because of the person's race, color, religion,  
26 sex, disability, familial status, ~~or~~ national origin, military  
27 status, or sexual orientation, and because the person is or has been

1 selling, purchasing, renting, financing, occupying, or contracting  
2 or negotiating for the sale, purchase, rental, financing, or  
3 occupation of any dwelling or applying for or participating in a  
4 service, organization, or facility relating to the business of  
5 selling or renting dwellings; or

6 (2) because the person is or has been or to intimidate  
7 the person from:

8 (A) participating, without discrimination  
9 because of race, color, religion, sex, disability, familial status,  
10 ~~[or]~~ national origin, military status, or sexual orientation, in an  
11 activity, service, organization, or facility described by  
12 Subdivision (1); ~~[or]~~

13 (B) affording another person opportunity or  
14 protection to so participate; or

15 (C) lawfully aiding or encouraging other persons  
16 to participate, without discrimination because of race, color,  
17 religion, sex, disability, familial status, ~~[or]~~ national origin,  
18 military status, or sexual orientation, in an activity, service,  
19 organization, or facility described by Subdivision (1).

20 SECTION 11. The change in law made by this Act applies only  
21 to a complaint filed with the Texas Workforce Commission civil  
22 rights division on or after the effective date of this Act. A  
23 complaint filed before that date is governed by the law as it  
24 existed immediately before the effective date of this Act, and that  
25 law is continued in effect for that purpose.

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