

## **BILL ANALYSIS**

C.S.H.B. 192  
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Business & Industry  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Interested parties assert that the Texas Fair Housing Act's prohibition against discriminatory housing practices based on certain characteristics should be expanded to prohibit discrimination based on sexual orientation or gender identity or expression. C.S.H.B. 192 seeks to ensure all Texans have fair access to housing by providing for this expansion.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 192 amends the Property Code to include discrimination based on sexual orientation or gender identity or expression as a form of housing discrimination under the Texas Fair Housing Act. The bill removes from the definition of "disability" under that act a specification excluding from that term an individual because of an individual's sexual orientation or because that individual is a transvestite. The bill defines, for purposes of that act, "gender identity or expression" as 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 and "sexual orientation" as actual or perceived status of a person with respect to the person's sexuality.

C.S.H.B. 192 establishes that the act does not prohibit a religious organization, association, or society or a nonprofit institution or organization operated, supervised, or controlled by or in conjunction with a religious organization, association, or society from giving preference to persons of the same religion unless membership in the religion is restricted based on, among other things, sex, disability, familial status, sexual orientation, or gender identity or expression. The bill includes sexual orientation and gender identity or expression as factors a person engaged in the business of furnishing appraisals of real property is prohibited from considering in those appraisals.

C.S.H.B. 192 prohibits the Texas Workforce Commission from deferring proceedings under the act and referring a complaint to a municipality in which the alleged discrimination occurred if the complaint alleges discrimination based on sexual orientation or gender identity or expression and the municipality does not have laws prohibiting the alleged discrimination. The bill includes the intentional intimidation or interference with a person by force or threat of force under certain circumstances because of the person's sexual orientation or gender identity or expression as

conduct that constitutes an offense of intimidation or interference under the act.

**EFFECTIVE DATE**

September 1, 2017.

**COMPARISON OF ORIGINAL AND SUBSTITUTE**

C.S.H.B. 192 differs from the original only by amending the caption.