

By: Dukes

H.B. No. 2312

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the prohibition of housing discrimination and to the
3 enforcement of that prohibition; affecting the prosecution of a
4 criminal offense.

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

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

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

16 (9-a) "Military status" means a person who is serving
17 or has served in the uniformed services, as defined by 20 C.F.R.
18 Section 1002.5, and who, if discharged, was discharged or released
19 under conditions other than dishonorable.

20 (10-a) "Sexual orientation" means the actual or
21 perceived status of a person with respect to the person's
22 sexuality.

23 SECTION 2. Sections 301.021(a) and (b), Property Code, are
24 amended to read as follows:

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

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

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

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

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

25 Sec. 301.023. INSPECTION. A person may not represent to
26 another because of race, color, religion, sex, disability, familial
27 status, [~~or~~] national origin, military status, or sexual

1 orientation that a dwelling is not available for inspection for
2 sale or rental when the dwelling is available for inspection.

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

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

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

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

20 SECTION 7. Section 301.027, Property Code, is amended to
21 read as follows:

22 Sec. 301.027. BROKERAGE SERVICES. A person may not deny
23 another access to, or membership or participation in, a
24 multiple-listing service, real estate brokers' organization, or
25 other service, organization, or facility relating to the business
26 of selling or renting dwellings, or discriminate against a person
27 in the terms or conditions of access, membership, or participation

1 in such an organization, service, or facility because of race,
2 color, religion, sex, disability, familial status, [~~or~~] national
3 origin, military status, or sexual orientation.

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

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

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

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

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

23 SECTION 9. Section 301.068, Property Code, is amended to
24 read as follows:

25 Sec. 301.068. REFERRAL TO MUNICIPALITY. (a) Subject to
26 Subsections (b) and (c), the [~~The~~] commission may defer proceedings
27 under this chapter and refer a complaint to a municipality that has

1 been certified by the federal Department of Housing and Urban
2 Development as a substantially equivalent fair housing agency.

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

5 (1) the complaint alleges discrimination based on a
6 characteristic other than race, color, religion, sex, disability,
7 familial status, national origin, military status, or sexual
8 orientation; and

9 (2) the alleged discrimination occurred in a
10 municipality that has laws prohibiting the alleged discrimination.

11 (c) The commission may not defer proceedings and refer a
12 complaint under Subsection (a) to a municipality in which the
13 alleged discrimination occurred if that municipality does not have
14 laws prohibiting the alleged discrimination.

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

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

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

1 selling or renting dwellings; or

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

4 (A) participating, without discrimination
5 because of race, color, religion, sex, disability, familial status,
6 ~~or~~ national origin, military status, or sexual orientation, in an
7 activity, service, organization, or facility described by
8 Subdivision (1); ~~or~~

9 (B) affording another person opportunity or
10 protection to so participate; or

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

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

22 SECTION 12. This Act takes effect September 1, 2017.