

By: Vo

H.B. No. 4307

A BILL TO BE ENTITLED

AN ACT

relating to housing discrimination under the Texas Fair Housing Act.

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

SECTION 1. Subchapter B, Chapter 301, Property Code, is amended by adding Section 301.028 to read as follows:

Sec. 301.028. CERTAIN CONDUCT PROHIBITED. A person may not interfere, coerce, intimidate, retaliate against, or harass any person who:

(1) exercises a right or protection granted under this chapter; or

(2) encourages another person to exercise a right or protection granted under this chapter.

SECTION 2. Section 301.041, Property Code, is amended to read as follows:

Sec. 301.041. CERTAIN SALES AND RENTALS EXEMPTED. (a) Sections 301.021, 301.023, 301.024, and 301.025 do [~~Subchapter B does~~] not apply to:

(1) the sale or rental of a single-family house sold or rented by the owner if:

(A) the owner does not:

(i) own more than three single-family houses at any one time; or

(ii) own any interest in, nor is there owned

1 or reserved on the person's behalf, under any express or voluntary
2 agreement, title to or any right to any part of the proceeds from
3 the sale or rental of more than three single-family houses at any
4 one time; and

5 (B) the house is sold or rented without:

6 (i) the use of the sales or rental
7 facilities or services of a broker, agent, or salesperson licensed
8 under Chapter 1101, Occupations Code, or of an employee or agent of
9 a licensed broker, agent, or salesperson, or the facilities or
10 services of any person in the business of selling or renting a
11 dwelling [~~the owner of a dwelling designed or intended for~~
12 ~~occupancy by five or more families~~]; or

13 (ii) the publication, posting, or mailing
14 of a notice, statement, or advertisement prohibited by Section
15 301.022; or

16 (2) the sale or rental of the rooms or units in a
17 dwelling containing living quarters occupied by or intended to be
18 occupied by not more than four families living independently of
19 each other, if the owner maintains and occupies one of the living
20 quarters as the owner's residence.

21 (b) The exemption in Subsection (a)(1) applies only to one
22 sale [~~or rental~~] in a 24-month period if the owner was not the most
23 recent resident of the house at the time of the sale [~~or rental~~].

24 (c) Subsection (a) does not prohibit the use of attorneys,
25 escrow agents, abstractors, title companies, and other
26 professional assistants necessary to transfer title.

27 (d) For purposes of Subsection (a), a person is in the

1 business of selling or renting a dwelling if:

2 (1) the person has, within the preceding year,
3 participated as the seller or landlord in three or more
4 transactions involving the sale or rental of a dwelling or any
5 interest in a dwelling;

6 (2) the person has, within the preceding year,
7 participated in two or more transactions, other than transactions
8 involving the person's own dwelling, as an agent providing sales or
9 rental facilities or services involving the sale or rental of a
10 dwelling or any interest in a dwelling; or

11 (3) the person is the owner of a dwelling designed or
12 intended for occupancy by, or that is occupied by, five or more
13 families.

14 SECTION 3. Subchapter G, Chapter 301, Property Code, is
15 amended by adding Section 301.134 to read as follows:

16 Sec. 301.134. CONCILIATION AGREEMENT ENFORCEMENT. The
17 commission may review a respondent's compliance with the terms of a
18 conciliation agreement entered into under this chapter. If the
19 commission has reasonable cause to believe that a respondent has
20 breached a conciliation agreement, the commission shall refer the
21 matter to the attorney general with a recommendation for the
22 attorney general to file in accordance with this subchapter a civil
23 action to enforce the agreement.

24 SECTION 4. This Act takes effect September 1, 2019.