

By: Lopez

H.B. No. 875

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the prohibition of housing discrimination on the basis  
3 of age or certain housing needs and to the enforcement of that  
4 prohibition.

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 (1) and adding Subdivisions (1-a) and (9-a) to  
8 read as follows:

9 (1) "Age" means 65 years of age or more.

10 (1-a) "Aggrieved person" includes any person who:

11 (A) claims to have been injured by a  
12 discriminatory housing practice; or

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

15 (9-a) "Housing needs" means the housing needs of an  
16 individual as a result of the individual's age, including the need  
17 to move into a group, shared, or apartment home that is regulated  
18 under this chapter.

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

21 (a) A person may not refuse to sell or rent, after the making  
22 of a bona fide offer, refuse to negotiate for the sale or rental of,  
23 or in any other manner make unavailable or deny a dwelling to  
24 another because of race, color, religion, sex, familial status,

1 [~~or~~] national origin, age, or housing needs.

2 (b) A person may not discriminate against another in the  
3 terms, conditions, or privileges of sale or rental of a dwelling or  
4 in providing services or facilities in connection with a sale or  
5 rental of a dwelling because of race, color, religion, sex,  
6 familial status, [~~or~~] national origin, age, or housing needs.

7 SECTION 3. Section 301.022, Property Code, is amended to  
8 read as follows:

9 Sec. 301.022. PUBLICATION. A person may not make, print, or  
10 publish or effect the making, printing, or publishing of a notice,  
11 statement, or advertisement that is about the sale or rental of a  
12 dwelling and that indicates any preference, limitation, or  
13 discrimination or the intention to make a preference, limitation,  
14 or discrimination because of race, color, religion, sex,  
15 disability, familial status, [~~or~~] national origin, age, or housing  
16 needs.

17 SECTION 4. Section 301.023, Property Code, is amended to  
18 read as follows:

19 Sec. 301.023. INSPECTION. A person may not represent to  
20 another because of race, color, religion, sex, disability, familial  
21 status, [~~or~~] national origin, age, or housing needs that a dwelling  
22 is not available for inspection for sale or rental when the dwelling  
23 is available for inspection.

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

26 Sec. 301.024. ENTRY INTO NEIGHBORHOOD. A person may not,  
27 for profit, induce or attempt to induce another to sell or rent a

1 dwelling by representations regarding the entry or prospective  
2 entry into a neighborhood of a person of a particular race, color,  
3 religion, sex, disability, familial status, [~~or~~] national origin,  
4 age, or housing needs.

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

7 (a) A person whose business includes engaging in  
8 residential real estate related transactions may not discriminate  
9 against another in making a real estate related transaction  
10 available or in the terms or conditions of a real estate related  
11 transaction because of race, color, religion, sex, disability,  
12 familial status, [~~or~~] national origin, age, or housing needs.

13 SECTION 7. Section 301.027, Property Code, is amended to  
14 read as follows:

15 Sec. 301.027. BROKERAGE SERVICES. A person may not deny  
16 another access to, or membership or participation in, a  
17 multiple-listing service, real estate brokers' organization, or  
18 other service, organization, or facility relating to the business  
19 of selling or renting dwellings, or discriminate against a person  
20 in the terms or conditions of access, membership, or participation  
21 in such an organization, service, or facility because of race,  
22 color, religion, sex, disability, familial status, [~~or~~] national  
23 origin, age, or housing needs.

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

26 (a) This chapter does not prohibit a religious  
27 organization, association, or society or a nonprofit institution or

1 organization operated, supervised, or controlled by or in  
2 conjunction with a religious organization, association, or society  
3 from:

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

7 (2) giving preference to persons of the same religion,  
8 unless membership in the religion is restricted because of race,  
9 color, sex, disability, familial status, [~~or~~] national origin, age,  
10 or housing needs.

11 (c) This chapter does not prohibit a person engaged in the  
12 business of furnishing appraisals of real property from considering  
13 in those appraisals factors other than race, color, religion, sex,  
14 disability, familial status, [~~or~~] national origin, age, or housing  
15 needs.

16 SECTION 9. Section 301.068, Property Code, is amended to  
17 read as follows:

18 Sec. 301.068. REFERRAL TO MUNICIPALITY. (a) Subject to  
19 Subsection (b), the [~~The~~] commission may defer proceedings under  
20 this chapter and refer a complaint to a municipality that has been  
21 certified by the federal Department of Housing and Urban  
22 Development as a substantially equivalent fair housing agency.

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

26 (1) the complaint alleges discrimination based on age  
27 or housing needs; and

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

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

5           (a) A person commits an offense if the person, without  
6 regard to whether the person is acting under color of law, by force  
7 or threat of force intentionally intimidates or interferes with a  
8 person:

9           (1) because of the person's race, color, religion,  
10 sex, disability, familial status, [~~or~~] national origin, age, or  
11 housing needs and because the person is or has been selling,  
12 purchasing, renting, financing, occupying, or contracting or  
13 negotiating for the sale, purchase, rental, financing, or  
14 occupation of any dwelling or applying for or participating in a  
15 service, organization, or facility relating to the business of  
16 selling or renting dwellings; or

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

19           (A) participating, without discrimination  
20 because of race, color, religion, sex, disability, familial status,  
21 [~~or~~] national origin, age, or housing needs, in an activity,  
22 service, organization, or facility described by Subdivision (1);  
23 [~~or~~]

24           (B) affording another person opportunity or  
25 protection to so participate; or

26           (C) lawfully aiding or encouraging other persons  
27 to participate, without discrimination because of race, color,

1 religion, sex, disability, familial status, [~~or~~] national origin,  
2 age, or housing needs, in an activity, service, organization, or  
3 facility described by Subdivision (1).

4         SECTION 11. The change in law made by this Act applies only  
5 to a complaint filed with the Texas Workforce Commission civil  
6 rights division on or after the effective date of this Act. A  
7 complaint filed before that date is governed by the law as it  
8 existed immediately before the effective date of this Act, and that  
9 law is continued in effect for that purpose.

10         SECTION 12. This Act takes effect September 1, 2021.