

By: West

S.B. No. 265

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the prohibition of housing discrimination on the basis
3 of a person's source of income 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 adding Subdivision (10-a) to read as follows:

8 (10-a) "Source of income" includes:

9 (A) a housing choice voucher under Section 8,
10 United States Housing Act of 1937 (42 U.S.C. Section 1437f); or

11 (B) any other federal or state or local housing
12 assistance provided to a family or an individual or to a homeowner
13 on behalf of a family or an individual, including rental vouchers,
14 rental assistance, or rental subsidies from a nongovernmental
15 organization.

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

18 (a) A person may not refuse to sell or rent, after the making
19 of a bona fide offer, refuse to negotiate for the sale or rental of,
20 or in any other manner make unavailable or deny a dwelling to
21 another because of race, color, religion, sex, familial status,
22 [~~or~~] national origin, or source of income.

23 (b) A person may not discriminate against another in the
24 terms, conditions, or privileges of sale or rental of a dwelling or

1 in providing services or facilities in connection with a sale or
2 rental of a dwelling because of race, color, religion, sex,
3 familial status, [~~or~~] national origin, or source of income.

4 SECTION 3. Section 301.022, Property Code, is amended to
5 read as follows:

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

14 SECTION 4. Section 301.023, Property Code, is amended to
15 read as follows:

16 Sec. 301.023. INSPECTION. A person may not represent to
17 another because of race, color, religion, sex, disability, familial
18 status, [~~or~~] national origin, or source of income that a dwelling is
19 not available for inspection for sale or rental when the dwelling is
20 available for inspection.

21 SECTION 5. Section 301.024, Property Code, is amended to
22 read as follows:

23 Sec. 301.024. ENTRY INTO NEIGHBORHOOD. A person may not,
24 for profit, induce or attempt to induce another to sell or rent a
25 dwelling by representations regarding the entry or prospective
26 entry into a neighborhood of a person of a particular race, color,
27 religion, sex, disability, familial status, [~~or~~] national origin,

1 or source of income.

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

4 (a) A person whose business includes engaging in
5 residential real estate related transactions may not discriminate
6 against another in making a real estate related transaction
7 available or in the terms or conditions of a real estate related
8 transaction because of race, color, religion, sex, disability,
9 familial status, ~~or~~ national origin, or source of income.

10 SECTION 7. Section 301.027, Property Code, is amended to
11 read as follows:

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

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

23 (a) This chapter does not prohibit a religious
24 organization, association, or society or a nonprofit institution or
25 organization operated, supervised, or controlled by or in
26 conjunction with a religious organization, association, or society
27 from:

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

4 (2) giving preference to persons of the same religion,
5 unless membership in the religion is restricted because of race,
6 color, ~~[or]~~ national origin, or source of income.

7 (c) This chapter does not prohibit a person engaged in the
8 business of furnishing appraisals of real property from considering
9 in those appraisals factors other than race, color, religion, sex,
10 disability, familial status, ~~[or]~~ national origin, or source of
11 income.

12 SECTION 9. Section 301.068, Property Code, is amended to
13 read as follows:

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

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

22 (1) the complaint alleges discrimination based on
23 source of income; and

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

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

1 (a) A person commits an offense if the person, without
2 regard to whether the person is acting under color of law, by force
3 or threat of force intentionally intimidates or interferes with a
4 person:

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

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

15 (A) participating, without discrimination
16 because of race, color, religion, sex, disability, familial status,
17 [~~or~~] national origin, or source of income, in an activity, service,
18 organization, or facility described by Subdivision (1); [~~or~~]

19 (B) affording another person opportunity or
20 protection to so participate; or

21 (C) lawfully aiding or encouraging other persons
22 to participate, without discrimination because of race, color,
23 religion, sex, disability, familial status, [~~or~~] national origin,
24 or source of income, in an activity, service, organization, or
25 facility described by Subdivision (1).

26 SECTION 11. Section 250.007, Local Government Code, is
27 repealed.

1 SECTION 12. The change in law made by this Act applies only
2 to a complaint filed with the Texas Workforce Commission civil
3 rights division on or after the effective date of this Act. A
4 complaint filed before that date is governed by the law as it
5 existed immediately before the effective date of this Act, and that
6 law is continued in effect for that purpose.

7 SECTION 13. This Act takes effect immediately if it
8 receives a vote of two-thirds of all the members elected to each
9 house, as provided by Section 39, Article III, Texas Constitution.
10 If this Act does not receive the vote necessary for immediate
11 effect, this Act takes effect September 1, 2021.