

By: Birdwell

S.B. No. 1264

A BILL TO BE ENTITLED

AN ACT

relating to the applicability of the Texas Fair Housing Act to certain sales and rentals.

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

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

(B) the house is sold or rented without:

(i) the use of the sales or rental facilities or services of a broker, agent, or salesperson licensed under Chapter 1101, Occupations Code, or of an employee or agent of a licensed broker, agent, or salesperson, or the facilities or

1 services of any person in the business of selling or renting a  
2 dwelling [~~the owner of a dwelling designed or intended for~~  
3 ~~occupancy by five or more families~~]; or

4 (ii) the publication, posting, or mailing  
5 of a notice, statement, or advertisement prohibited by Section  
6 301.022; or

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

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

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

18 (d) For purposes of Subsection (a), a person is in the  
19 business of selling or renting a dwelling if:

20 (1) the person has, within the preceding year,  
21 participated as the seller or landlord in three or more  
22 transactions involving the sale or rental of a dwelling or any  
23 interest in a dwelling;

24 (2) the person has, within the preceding year,  
25 participated in two or more transactions, other than transactions  
26 involving the person's own dwelling, as an agent providing sales or  
27 rental facilities or services involving the sale or rental of a

1 dwelling or any interest in a dwelling; or

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

5 SECTION 2. This Act takes effect September 1, 2021.