

## **BILL ANALYSIS**

Senate Research Center  
88R18735 KBB-D

H.B. 1193  
By: Turner et al. (Miles)  
Local Government  
5/15/2023  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

A cornerstone of the Texas economy is economic freedom. A person should be free to accept payment for and dispose of their property as they wish. Recently, a homeowners association (HOA) in Texas passed a rule prohibiting tenants who participate in the Housing Choice Voucher Program, also known as Section 8, from renting homes that are governed by a homeowners' association. This rule disproportionately affected residents who were Black and female. Further, it goes directly against the work that this legislature has done in creating processes for neighborhoods to remove discriminatory deed restrictions.

H.B. 1193 prohibits an HOA from prohibiting or restricting a property owner from renting to a person based on their method of payment.

H.B. 1193 amends current law relating to prohibiting housing discrimination by a property owners' association against a residential tenant based on the tenant's method of payment.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Chapter 202, Property Code, by adding Section 202.024, as follows:

Sec. 202.024. DISCRIMINATION AGAINST TENANT BASED ON METHOD OF PAYMENT PROHIBITED. (a) Provides that in this section, "method of payment" includes payment made in whole or in part by:

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

(2) any other federal or state or local housing assistance provided to a person or to a property owner on behalf of a person, including rental vouchers, rental assistance, or rental subsidies from a nongovernmental organization.

(b) Prohibits a property owners' association from including or enforcing a provision in a dedicatory instrument that prohibits or restricts a property owner from renting a dwelling to a person based on the person's method of payment.

SECTION 2. Effective date: September 1, 2023.