

By: Bernal

H.B. No. 265

A BILL TO BE ENTITLED

AN ACT

relating to the prohibition of housing discrimination on the basis of sexual orientation or gender identity and to the enforcement of that prohibition.

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

SECTION 1. Section 301.003, Property Code, is amended by amending Subdivision (6) and adding Subdivisions (9-a) and (10-a) to read as follows:

(6) "Disability" means a mental or physical impairment that substantially limits at least one major life activity, a record of the impairment, or being regarded as having the impairment. The term does not include current illegal use or addiction to any drug or illegal or federally controlled substance ~~[and does not apply to an individual because of an individual's sexual orientation or because that individual is a transvestite]~~.

(9-a) "Gender identity" means the gender-related identity, appearance, or other gender-related characteristics of an individual with or without regard to the individual's designated sex at birth.

(10-a) "Sexual orientation" means an individual's actual or perceived heterosexuality, bisexuality, or homosexuality.

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

1 (a) A person may not refuse to sell or rent, after the making
2 of a bona fide offer, refuse to negotiate for the sale or rental of,
3 or in any other manner make unavailable or deny a dwelling to
4 another because of race, color, religion, sex, familial status,
5 ~~[or]~~ national origin, sexual orientation, or gender identity.

6 (b) A person may not discriminate against another in the
7 terms, conditions, or privileges of sale or rental of a dwelling or
8 in providing services or facilities in connection with a sale or
9 rental of a dwelling because of race, color, religion, sex,
10 familial status, ~~[or]~~ national origin, sexual orientation, or
11 gender identity.

12 SECTION 3. Section 301.022, Property Code, is amended to
13 read as follows:

14 Sec. 301.022. PUBLICATION. A person may not make, print, or
15 publish or effect the making, printing, or publishing of a notice,
16 statement, or advertisement that is about the sale or rental of a
17 dwelling and that indicates any preference, limitation, or
18 discrimination or the intention to make a preference, limitation,
19 or discrimination because of race, color, religion, sex,
20 disability, familial status, ~~[or]~~ national origin, sexual
21 orientation, or gender identity.

22 SECTION 4. Section 301.023, Property Code, is amended to
23 read as follows:

24 Sec. 301.023. INSPECTION. A person may not represent to
25 another because of race, color, religion, sex, disability, familial
26 status, ~~[or]~~ national origin, sexual orientation, or gender
27 identity that a dwelling is not available for inspection for sale or

1 rental when the dwelling is available for inspection.

2 SECTION 5. Section 301.024, Property Code, is amended to
3 read as follows:

4 Sec. 301.024. ENTRY INTO NEIGHBORHOOD. A person may not,
5 for profit, induce or attempt to induce another to sell or rent a
6 dwelling by representations regarding the entry or prospective
7 entry into a neighborhood of a person of a particular race, color,
8 religion, sex, disability, familial status, ~~[or]~~ national origin,
9 sexual orientation, or gender identity.

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

12 (a) A person whose business includes engaging in
13 residential real estate related transactions may not discriminate
14 against another in making a real estate related transaction
15 available or in the terms or conditions of a real estate related
16 transaction because of race, color, religion, sex, disability,
17 familial status, ~~[or]~~ national origin, sexual orientation, or
18 gender identity.

19 SECTION 7. Section 301.027, Property Code, is amended to
20 read as follows:

21 Sec. 301.027. BROKERAGE SERVICES. A person may not deny
22 another access to, or membership or participation in, a
23 multiple-listing service, real estate brokers' organization, or
24 other service, organization, or facility relating to the business
25 of selling or renting dwellings, or discriminate against a person
26 in the terms or conditions of access, membership, or participation
27 in such an organization, service, or facility because of race,

1 color, religion, sex, disability, familial status, [~~or~~] national
2 origin, sexual orientation, or gender identity.

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

5 (a) This chapter does not prohibit a religious
6 organization, association, or society or a nonprofit institution or
7 organization operated, supervised, or controlled by or in
8 conjunction with a religious organization, association, or society
9 from:

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

13 (2) giving preference to persons of the same religion,
14 unless membership in the religion is restricted because of race,
15 color, sex, disability, familial status, [~~or~~] national origin,
16 sexual orientation, or gender identity.

17 (c) This chapter does not prohibit a person engaged in the
18 business of furnishing appraisals of real property from considering
19 in those appraisals factors other than race, color, religion, sex,
20 disability, familial status, [~~or~~] national origin, sexual
21 orientation, or gender identity.

22 SECTION 9. Section 301.068, Property Code, is amended to
23 read as follows:

24 Sec. 301.068. REFERRAL TO MUNICIPALITY. (a) Subject to
25 Subsection (b), the [~~The~~] commission may defer proceedings under
26 this chapter and refer a complaint to a municipality that has been
27 certified by the federal Department of Housing and Urban

Development as a substantially equivalent fair housing agency.

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

(1) the complaint alleges discrimination based on sexual orientation or gender identity; and

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

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

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

(1) because of the person's race, color, religion, sex, disability, familial status, ~~[or]~~ national origin, sexual orientation, or gender identity and because the person is or has been selling, purchasing, renting, financing, occupying, or contracting or negotiating for the sale, purchase, rental, financing, or occupation of any dwelling or applying for or participating in a service, organization, or facility relating to the business of selling or renting dwellings; or

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

(A) participating, without discrimination because of race, color, religion, sex, disability, familial status, ~~[or]~~ national origin, sexual orientation, or gender identity, in an

1 activity, service, organization, or facility described by
2 Subdivision (1); ~~[or]~~

3 (B) affording another person opportunity or
4 protection to so participate; or

5 (C) lawfully aiding or encouraging other persons
6 to participate, without discrimination because of race, color,
7 religion, sex, disability, familial status, ~~[or]~~ national origin,
8 sexual orientation, or gender identity, in an activity, service,
9 organization, or facility described by Subdivision (1).

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

16 SECTION 12. This Act takes effect September 1, 2023.