By: West S.B. No. 570

A BILL TO BE ENTITLED

AN ACT

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

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

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

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

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

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

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

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

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

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

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

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

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

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

or source of income.

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

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

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

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

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

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

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

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

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

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

Sec. 301.068. REFERRAL TO MUNICIPALITY. (a) Subject to Subsection (b), the [~~The~~] commission may defer proceedings under this chapter and refer a complaint to a municipality that has been 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 source of income; 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, or source of income 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, or source of income, in an activity, service, organization, or facility described by Subdivision (1); [~~or~~]

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

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

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

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

SECTION 13. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2023.