

## **BILL ANALYSIS**

H.B. 4307  
By: Vo  
Business & Industry  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

It has been noted that the Texas Workforce Commission lacks clear authority to enforce any conciliation agreement between parties in a housing discrimination suit or to refer these matters to the attorney general for enforcement. Currently, cases involving the exceptions to exemption from the federal Fair Housing Act must be referred to the U.S. Department of Housing and Urban Development for investigation because the Texas Fair Housing Act does not contain applicable provisions related to these exceptions. H.B. 4307 seeks to address this issue by making changes relating to housing discrimination under the Texas Fair Housing Act to align the act with the federal Fair Housing Act.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

H.B. 4307 amends the Property Code to prohibit a person from interfering, coercing, intimidating, retaliating against, or harassing any person who exercises a right or protection granted under the Texas Fair Housing Act or who encourages another person to exercise a right or protection granted under that act.

H.B. 4307 revises the exemption of the sale or rental of a single-family house under certain conditions and the sale or rental of the rooms or units in a dwelling containing living quarters occupied by or intended to be occupied by not more than four families living independently of each other under certain conditions to remove the exemption for Texas Fair Housing Act prohibited discrimination provisions relating to publication about the sale or rental of a dwelling, to residential real estate-related transactions, and to brokerage services.

H.B. 4307 changes a condition under which the sale or rental of a single-family house is exempt from certain Texas Fair Housing Act prohibited discrimination provisions from the house being sold or rented without the use of the facilities or services of the owner of a dwelling designed or intended for occupancy by five or more families to the house being sold or rented without the use of facilities or services of any person in the business of selling or renting a dwelling. The bill clarifies that these exemption provisions expressly do not prohibit the use of attorneys, escrow agents, abstractors, title companies, and other professional assistants necessary to transfer title. The bill sets out the persons considered a person in the business of selling or renting a dwelling for purposes of such provisions. The bill revises the provision making the exemption applicable

only to one sale or rental of a single family home in a 24-month period if the owner was not the most recent resident of the house at the time of sale or rental to remove the applicability for a rental under those circumstances.

H.B. 4307 authorizes the Texas Workforce Commission (TWC) to review a respondent's compliance with the terms of a conciliation agreement entered into under the Texas Fair Housing Act. The bill requires the TWC, if the TWC has reasonable cause to believe that a respondent has breached a conciliation agreement, to refer the matter to the attorney general with a recommendation for the attorney general to file in accordance with that act a civil action to enforce the agreement.

**EFFECTIVE DATE**

September 1, 2019.