

## **BILL ANALYSIS**

H.B. 191  
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Urban Affairs  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Housing discrimination is a prevalent issue among the LGBTQ community, and this discrimination often results in housing uncertainty and homelessness. It has been reported that somewhere between 20 and 40 percent of youth experiencing homelessness identify as LGBTQ, with roughly one-sixth of these homeless LGBTQ youth reporting that their state of homelessness is a direct result of housing discrimination.

The Texas Fair Housing Act currently prohibits discrimination on the basis of race, color, religion, sex, familial status, or national origin but does not protect individuals on the basis of their sexual orientation or gender identity or expression. Given this lack of protection, there is no statewide mechanism in place to collect complaints of discrimination on the basis of sexual orientation or gender identity or expression.

H.B. 191 expands the protections of the Texas Fair Housing Act to include discrimination based on sexual orientation, gender identity, or gender expression as a form of prohibited housing discrimination.

### **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. 191 amends the Property Code to include discrimination based on sexual orientation or gender identity or expression as a form of housing discrimination prohibited under the Texas Fair Housing Act. The bill defines "gender identity or expression" and "sexual orientation" for purposes of the act and removes language establishing that, for purposes of the act, the term "disability" does not apply to an individual because of an individual's sexual orientation or because that individual is a transvestite.

H.B. 191 includes a religion whose membership is restricted because of sex, disability, familial status, sexual orientation, or gender identity or expression among the religions that are excepted from the specification that the act does not prohibit certain religious entities from giving preference to persons of the same religion. The bill includes sexual orientation and gender identity or expression among the factors that a person engaged in the business of furnishing appraisals of real property is prohibited from considering in those appraisals.

H.B. 191 prohibits the Texas Workforce Commission from deferring proceedings and referring a complaint alleging violation of the act to a municipality in which the alleged discrimination occurred if:

- the complaint alleges discrimination based on sexual orientation or gender identity or expression; and
- the municipality does not have laws prohibiting the alleged discrimination.

H.B. 191 includes intentional intimidation or interference with a person by force or threat of force under certain circumstances because of sexual orientation or gender identity or expression as conduct that constitutes the Class A misdemeanor offense of intimidation or interference under the act.

**EFFECTIVE DATE**

September 1, 2021.