

PROPERTY CODE
TITLE 15. FAIR HOUSING PRACTICES
CHAPTER 301. TEXAS FAIR HOUSING ACT
SUBCHAPTER A. TITLE, PURPOSE, AND DEFINITIONS

Sec. 301.001. SHORT TITLE. This chapter may be cited as the Texas Fair Housing Act.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 40, eff. Sept. 1, 1993.

Sec. 301.0015. TEXAS WORKFORCE COMMISSION CIVIL RIGHTS DIVISION. The powers and duties exercised by the Commission on Human Rights under this chapter are transferred to the Texas Workforce Commission civil rights division. A reference in this chapter to the "commission" means the Texas Workforce Commission civil rights division.

Added by Acts 2003, 78th Leg., ch. 302, Sec. 3, eff. March 19, 2004.

Sec. 301.002. PURPOSES. The purposes of this chapter are to:

- (1) provide for fair housing practices in this state;
- (2) create a procedure for investigating and settling complaints of discriminatory housing practices; and
- (3) provide rights and remedies substantially equivalent to those granted under federal law.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 40, eff. Sept. 1, 1993.

Sec. 301.003. DEFINITIONS. In this chapter:

(1) "Aggrieved person" includes any person who:
(A) claims to have been injured by a discriminatory housing practice; or

(B) believes that the person will be injured by a discriminatory housing practice that is about to occur.

(2) "Complainant" means a person, including the commission, that files a complaint under Section 301.081.

(3) Repealed by Acts 2003, 78th Leg., ch. 302, Sec. 4(3).

(4) "Conciliation" means the informal negotiations among an aggrieved person, the respondent, and the commission to resolve issues raised by a complaint or by the investigation of the complaint.

(5) "Conciliation agreement" means a written agreement resolving the issues in conciliation.

(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.

(7) "Discriminatory housing practice" means an act prohibited by Subchapter B or conduct that is an offense under Subchapter I.

(8) "Dwelling" means any:

(A) structure or part of a structure that is occupied as, or designed or intended for occupancy as, a residence by one or more families; or

(B) vacant land that is offered for sale or lease for the construction or location of a structure or part of a structure described by Paragraph (A).

(9) "Family" includes a single individual.

(10) "Respondent" means:

(A) a person accused of a violation of this chapter in a complaint of discriminatory housing practice; or

(B) a person identified as an additional or substitute respondent under Section 301.084 or an agent of an additional or substitute respondent.

(11) "To rent" includes to lease, sublease, or let, or to grant in any other manner, for a consideration, the right to occupy premises not owned by the occupant.

(12) "Person" means:

(A) an individual;

(B) a corporation, partnership, association, unincorporated organization, labor organization, mutual company, joint-stock company, and trust; and

(C) a legal representative, a trustee, a trustee in a case under Title 11, U.S.C., a receiver, and a fiduciary.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 40, eff. Sept. 1, 1993.

Amended by Acts 2001, 77th Leg., ch. 1420, Sec. 17.003, eff. Sept. 1, 2001; Acts 2003, 78th Leg., ch. 302, Sec. 4(3), eff. March 19,

2004.

Sec. 301.004. FAMILIAL STATUS. A discriminatory act is committed because of familial status if the act is committed because the person who is the subject of discrimination is:

- (1) pregnant;
- (2) domiciled with an individual younger than 18 years of age in regard to whom the person:
 - (A) is the parent or legal custodian; or
 - (B) has the written permission of the parent or legal custodian for domicile with that person; or
- (3) in the process of obtaining legal custody of an individual younger than 18 years of age.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 40, eff. Sept. 1, 1993.

Sec. 301.005. CONSTRUCTION OF CHAPTER. The statutory civil remedies or theories of recovery created by this chapter may not be expanded beyond their express statutory terms.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 40, eff. Sept. 1, 1993.

SUBCHAPTER B. DISCRIMINATION PROHIBITED

Sec. 301.021. SALE OR RENTAL. (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.

(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.

(c) This section does not prohibit discrimination against a person because the person has been convicted under federal law or the law of any state of the illegal manufacture or distribution of a controlled substance.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 40, eff. Sept. 1, 1993.

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.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 40, eff. Sept. 1, 1993.

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

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 40, eff. Sept. 1, 1993.

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.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 40, eff. Sept. 1, 1993.

Sec. 301.025. DISABILITY. (a) A person may not discriminate in the sale or rental of, or make unavailable or deny, a dwelling to any buyer or renter because of a disability of:

- (1) the buyer or renter;
- (2) a person residing in or intending to reside in that dwelling after it is sold, rented, or made available; or
- (3) any person associated with the buyer or renter.

(b) A person may not discriminate against another in the terms, conditions, or privileges of sale or rental of a dwelling or in the provision of services or facilities in connection with the dwelling because of a disability of:

- (1) the other person;
- (2) a person residing in or intending to reside in that dwelling after it is sold, rented, or made available; or
- (3) any person associated with the other person.

(c) In this section, discrimination includes:

(1) a refusal to permit, at the expense of the person having a disability, a reasonable modification of existing premises occupied or to be occupied by the person if the modification may be necessary to afford the person full enjoyment of the premises;

(2) a refusal to make a reasonable accommodation in rules, policies, practices, or services if the accommodation may be

necessary to afford the person equal opportunity to use and enjoy a dwelling; or

(3) the failure to design and construct a covered multifamily dwelling in a manner:

(A) that allows the public use and common use portions of the dwellings to be readily accessible to and usable by persons having a disability;

(B) that allows all doors designed to allow passage into and within all premises within the dwellings to be sufficiently wide to allow passage by a person who has a disability and who is in a wheelchair; and

(C) that provides all premises within the dwellings contain the following features of adaptive design:

(i) an accessible route into and through the dwelling;

(ii) light switches, electrical outlets, thermostats, and other environmental controls in accessible locations;

(iii) reinforcements in bathroom walls to allow later installation of grab bars; and

(iv) kitchens and bathrooms that are usable and have sufficient space in which an individual in a wheelchair can maneuver.

(d) Compliance with the appropriate requirements of the American National Standard for buildings and facilities providing accessibility and usability for persons having physical disabilities, commonly cited as "ANSI A 117.1," satisfies the requirements of Subsection (c)(3)(C).

(e) Subsection (c)(3) does not apply to a building the first occupancy of which occurred on or before March 13, 1991.

(f) This section does not require a dwelling to be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others.

(g) In this subsection, the term "covered multifamily dwellings" means:

(1) buildings consisting of four or more units if the buildings have one or more elevators; and

(2) ground floor units in other buildings consisting of four or more units.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 40, eff. Sept. 1, 1993.

Sec. 301.026. RESIDENTIAL REAL ESTATE RELATED TRANSACTION. (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.

(b) In this section, "residential real estate related transaction" means:

(1) the making or purchasing of loans or the provision of other financial assistance:

(A) to purchase, construct, improve, repair, or maintain a dwelling; or

(B) to secure residential real estate; or

(2) the selling, brokering, or appraising of residential real property.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 40, eff. Sept. 1, 1993.

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.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 40, eff. Sept. 1, 1993.

SUBCHAPTER C. EXEMPTIONS

Sec. 301.041. SALES AND RENTALS EXEMPTED. (a) Subchapter B does not apply to:

(1) the sale or rental of a single-family house sold or rented by the owner if:

(A) the owner does not:

(i) own more than three single-family houses at any one time; or

(ii) own any interest in, nor is there owned or reserved on the person's behalf, under any express or voluntary agreement, title to or any right to any part of the proceeds from the sale or rental of more than three single-family houses at any one time; and

(B) the house is sold or rented without:

(i) the use of the sales or rental facilities or services of a broker, agent, or salesperson licensed under Chapter 1101, Occupations Code, or of an employee or agent of a licensed broker, agent, or salesperson, or the facilities or services of the owner of a dwelling designed or intended for occupancy by five or more families; or

(ii) the publication, posting, or mailing of a notice, statement, or advertisement prohibited by Section 301.022; or

(2) 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, if the owner maintains and occupies one of the living quarters as the owner's residence.

(b) The exemption in Subsection (a)(1) applies only to one sale or rental in a 24-month period if the owner was not the most recent resident of the house at the time of the sale or rental.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 40, eff. Sept. 1, 1993. Amended by Acts 2003, 78th Leg., ch. 1276, Sec. 14A.810, eff. Sept. 1, 2003.

Sec. 301.042. RELIGIOUS ORGANIZATION, PRIVATE CLUB, AND APPRAISAL EXEMPTION. (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.

(b) This chapter does not prohibit a private club that is not open to the public and that, as an incident to its primary purpose, provides lodging that it owns or operates for other than a commercial purpose from limiting the rental or occupancy of the lodging to its members or from giving preference to its members.

(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.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 40, eff. Sept. 1, 1993.

Sec. 301.043. HOUSING FOR ELDERLY EXEMPTED. The provisions of this chapter relating to familial status do not apply to housing:

(1) that the commission determines is specifically designed and operated to assist elderly individuals under a federal or state program;

(2) intended for, and solely occupied by, individuals 62 years of age or older; or

(3) intended and operated for occupancy by at least one individual 55 years of age or older for each unit as determined by commission rules.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 40, eff. Sept. 1, 1993.

Sec. 301.044. EFFECT ON OTHER LAW. (a) This chapter does not affect a reasonable local or state restriction on the maximum number of occupants permitted to occupy a dwelling or a restriction relating to health or safety standards.

(b) This chapter does not affect a requirement of nondiscrimination in any other state or federal law.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 40, eff. Sept. 1, 1993.

SUBCHAPTER D. ADMINISTRATIVE PROVISIONS

Sec. 301.062. RULES. The commission may adopt rules necessary to implement this chapter, but substantive rules adopted by the commission shall impose obligations, rights, and remedies that are the same as are provided in federal fair housing regulations.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 40, eff. Sept. 1, 1993.

Sec. 301.063. COMPLAINTS. As provided by Subchapters E and F, the commission shall receive, investigate, seek to conciliate, and act on complaints alleging violations of this chapter. Added by Acts 1993, 73rd Leg., ch. 268, Sec. 40, eff. Sept. 1, 1993.

Sec. 301.065. REPORTS AND STUDIES. (a) The commission shall, at least annually, publish a written report recommending legislative or other action to carry out the purposes of this chapter.

(b) The commission shall make studies relating to the nature and extent of discriminatory housing practices in this state. Added by Acts 1993, 73rd Leg., ch. 268, Sec. 40, eff. Sept. 1, 1993.

Sec. 301.066. COOPERATION WITH OTHER ENTITIES. The commission shall cooperate with and may provide technical and other assistance to federal, state, local, and other public or private entities that are designing or operating programs to prevent or eliminate discriminatory housing practices. Added by Acts 1993, 73rd Leg., ch. 268, Sec. 40, eff. Sept. 1, 1993.

Sec. 301.067. SUBPOENAS AND DISCOVERY. (a) The commission may issue subpoenas and order discovery in investigations and hearings under this chapter.

(b) The subpoenas and discovery may be ordered to the same extent and are subject to the same limitations as subpoenas and discovery in a civil action in district court. Added by Acts 1993, 73rd Leg., ch. 268, Sec. 40, eff. Sept. 1, 1993.

Sec. 301.068. REFERRAL TO MUNICIPALITY. 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. Added by Acts 1993, 73rd Leg., ch. 268, Sec. 40, eff. Sept. 1, 1993.

Sec. 301.069. GIFTS AND GRANTS. (a) The commission may accept gifts and grants from any public or private source for administering this chapter.

(b) Gifts and grants received shall be deposited to the credit of the fair housing fund in the state treasury.

(c) Money deposited to the credit of the fund may be used only for administering this chapter. Added by Acts 1993, 73rd Leg., ch. 268, Sec. 40, eff. Sept. 1, 1993.

Sec. 301.070. ACCESSIBILITY ASSISTANCE AND INFORMATION FOR LANDLORDS. The commission shall provide to landlords technical and other assistance relating to the accessibility requirements under this chapter.

Added by Acts 1999, 76th Leg., ch. 872, Sec. 16, eff. Sept. 1, 1999.

SUBCHAPTER E. ADMINISTRATIVE ENFORCEMENT

Sec. 301.081. COMPLAINT. (a) The commission shall investigate complaints of alleged discriminatory housing practices.

(b) A complaint must be:

- (1) in writing;
- (2) under oath; and
- (3) in the form prescribed by the commission.

(c) An aggrieved person may file a complaint with the commission alleging the discriminatory housing practice. The commission may file a complaint.

(d) A complaint must be filed on or before the first anniversary of the date the alleged discriminatory housing practice occurs or terminates, whichever is later.

(e) A complaint may be amended at any time.

(f) On the filing of a complaint, the commission shall:

(1) give the aggrieved person notice that the complaint has been received;

(2) advise the aggrieved person of the time limits and choice of forums under this chapter; and

(3) not later than the 20th day after the date of the filing of the complaint or the identification of an additional or substitute respondent under Section 301.084, serve on each respondent:

(A) a notice identifying the alleged discriminatory housing practice and advising the respondent of the procedural rights and obligations of a respondent under this chapter; and

(B) a copy of the original complaint.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 40, eff. Sept. 1, 1993.

Sec. 301.082. ANSWER. (a) Not later than the 10th day after the date of receipt of the notice and copy of the complaint under

Section 301.081(f)(3), a respondent may file an answer to the complaint.

(b) An answer must be:

- (1) in writing;
- (2) under oath; and
- (3) in the form prescribed by the commission.

(c) An answer may be amended at any time.

(d) An answer does not inhibit the investigation of a complaint.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 40, eff. Sept. 1, 1993.

Sec. 301.083. INVESTIGATION. (a) If the federal government has referred a complaint to the commission or has deferred jurisdiction over the subject matter of the complaint to the commission, the commission shall promptly investigate the allegations set forth in the complaint.

(b) The commission shall investigate all complaints and, except as provided by Subsection (c), shall complete an investigation not later than the 100th day after the date the complaint is filed or, if it is unable to complete the investigation within the 100-day period, shall dispose of all administrative proceedings related to the investigation not later than the first anniversary after the date the complaint is filed.

(c) If the commission is unable to complete an investigation within the time periods prescribed by Subsection (b), the commission shall notify the complainant and the respondent in writing of the reasons for the delay.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 40, eff. Sept. 1, 1993.

Sec. 301.084. ADDITIONAL OR SUBSTITUTE RESPONDENT. (a) The commission may join a person not named in the complaint as an additional or substitute respondent if during the investigation the commission determines that the person should be accused of a discriminatory housing practice.

(b) In addition to the information required in the notice under Section 301.081(f), the commission shall include in a notice to a respondent joined under this section the reasons for the determination that the person is properly joined as a respondent.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 40, eff. Sept. 1, 1993.

Sec. 301.085. CONCILIATION. (a) The commission shall, during the period beginning with the filing of a complaint and ending with the filing of a charge or a dismissal by the commission, to the extent feasible, engage in conciliation with respect to the complaint.

(b) A conciliation agreement between a respondent and the complainant is subject to commission approval.

(c) A conciliation agreement may provide for binding arbitration or another method of dispute resolution. Dispute resolution that results from a conciliation agreement may authorize appropriate relief, including monetary relief.

(d) A conciliation agreement is public information unless:

(1) the complainant and respondent agree that it is not; and

(2) the commission determines that disclosure is not necessary to further the purposes of this chapter.

(e) Statements made or actions taken in the conciliation may not be made public or used as evidence in a subsequent proceeding under this chapter without the written consent of the persons concerned.

(f) After completion of the commission's investigation, the commission shall make available to the aggrieved person and the respondent, at any time, information derived from the investigation and the final investigative report relating to that investigation.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 40, eff. Sept. 1, 1993.

Sec. 301.086. TEMPORARY OR PRELIMINARY RELIEF. (a) The commission may authorize a civil action for temporary or preliminary relief pending the final disposition of a complaint if the commission concludes after the filing of the complaint that prompt judicial action is necessary to carry out the purposes of this chapter.

(b) On receipt of the commission's authorization, the attorney general shall promptly file the action.

(c) A temporary restraining order or other order granting preliminary or temporary relief under this section is governed by the applicable Texas Rules of Civil Procedure.

(d) The filing of a civil action under this section does not affect the initiation or continuation of administrative

proceedings under Section 301.111.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 40, eff. Sept. 1, 1993.

Sec. 301.087. INVESTIGATIVE REPORT. (a) The commission shall prepare a final investigative report including:

- (1) the names of and dates of contacts with witnesses;
- (2) a summary of correspondence and other contacts with the aggrieved person and the respondent showing the dates of the correspondence and contacts;
- (3) a summary description of other pertinent records;
- (4) a summary of witness statements; and
- (5) answers to interrogatories.

(b) A final report under this section may be amended if additional evidence is discovered.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 40, eff. Sept. 1, 1993.

Sec. 301.088. REASONABLE CAUSE DETERMINATION. (a) The commission shall determine from the facts whether reasonable cause exists to believe that a discriminatory housing practice has occurred or is about to occur.

(b) The commission shall make the determination under Subsection (a) not later than the 100th day after the date a complaint is filed unless:

- (1) making the determination is impracticable; or
- (2) the commission approves a conciliation agreement relating to the complaint.

(c) If within the period provided by Subsection (b) making the determination is impracticable, the commission shall give in writing to the complainant and the respondent the reasons for the delay.

(d) If the commission determines that reasonable cause exists to believe that a discriminatory housing practice has occurred or is about to occur, the commission shall, except as provided by Section 301.090, immediately issue a charge on behalf of the aggrieved person.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 40, eff. Sept. 1, 1993.

Sec. 301.089. CHARGE. (a) A charge issued under Section 301.088:

(1) must consist of a short and plain statement of the facts on which the commission finds reasonable cause to believe that a discriminatory housing practice has occurred or is about to occur;

(2) must be based on the final investigative report; and

(3) is not limited to the facts or grounds alleged in the complaint.

(b) Not later than the 20th day after the date the commission issues a charge, the commission shall send a copy of the charge with information about the election under Section 301.093 to:

- (1) each respondent; and
- (2) each aggrieved person on whose behalf the complaint was filed.

(c) The commission shall include with a charge sent to a respondent a notice of the opportunity for a hearing under Section 301.111.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 40, eff. Sept. 1, 1993.

Sec. 301.090. LAND USE LAW. If the commission determines that the matter involves the legality of a state or local zoning or other land use law or ordinance, the commission may not issue a charge and shall immediately refer the matter to the attorney general for appropriate action.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 40, eff. Sept. 1, 1993.

Sec. 301.091. DISMISSAL. (a) If the commission determines that no reasonable cause exists to believe that a discriminatory housing practice that is the subject of a complaint has occurred or is about to occur, the commission shall promptly dismiss the complaint.

(b) The commission shall make public disclosure of each dismissal.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 40, eff. Sept. 1, 1993.

Sec. 301.092. PENDING CIVIL TRIAL. The commission may not issue a charge alleging a discriminatory housing practice after the beginning of the trial of a civil action commenced by the aggrieved party under federal or state law seeking relief with respect to that discriminatory housing practice.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 40, eff. Sept. 1, 1993.

Sec. 301.093. ELECTION OF JUDICIAL DETERMINATION. (a) A complainant, a respondent, or an aggrieved person on whose behalf a complaint was filed may elect to have the claims asserted in the charge decided in a civil action as provided by Section 301.131.

(b) The election must be made not later than the 20th day after the date the person having the election receives service under Section 301.089(b) or, in the case of the commission, not later than the 20th day after the date the charge is issued.

(c) The person making the election shall give notice to the commission and to all other complainants and respondents to whom the charge relates.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 40, eff. Sept. 1, 1993.

SUBCHAPTER F. ADMINISTRATIVE HEARINGS

Sec. 301.111. ADMINISTRATIVE HEARING. (a) If a timely election is not made under Section 301.093, the commission shall provide for a hearing on the charge.

(b) Except as provided by Subsection (c), Chapter 2001, Government Code, governs a hearing and an appeal of a hearing.

(c) A hearing under this section on an alleged discriminatory housing practice may not continue after the beginning of the trial of a civil action commenced by the aggrieved person under federal or state law seeking relief with respect to the discriminatory housing practice.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 40, eff. Sept. 1, 1993.

Sec. 301.112. ADMINISTRATIVE PENALTIES. (a) If the commission determines at a hearing under Section 301.111 that a respondent has engaged in or is about to engage in a discriminatory housing practice, the commission may order the appropriate relief, including actual damages, reasonable attorney fees, court costs, and other injunctive or equitable relief.

(b) To vindicate the public's interest, the commission may assess a civil penalty against the respondent in an amount that does not exceed:

(1) \$10,000 if the respondent has been found by order of the commission or a court to have committed a prior discriminatory housing practice; or

(2) except as provided by Subsection (c):

(A) \$25,000 if the respondent has been found by order of the commission or a court to have committed one other discriminatory housing practice during the five-year period ending on the date of the filing of the charges; or

(B) \$50,000 if the respondent has been found by the commission or a court to have committed two or more discriminatory housing practices during the seven-year period ending on the date of filing of the charge.

(c) If the acts constituting the discriminatory housing practice that is the object of the charge are committed by the same individual who has previously been found to have committed acts constituting a discriminatory housing practice, the civil penalties in Subsection (b)(2) may be imposed without regard to the period of time within which any other discriminatory housing practice occurred.

(d) At the request of the commission, the attorney general shall sue to recover a civil penalty due under this section. Funds collected under this section shall be paid to the comptroller for deposit in the state treasury to the credit of the fair housing fund.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 40, eff. Sept. 1, 1993.

Amended by Acts 1997, 75th Leg., ch. 1423, Sec. 16.39, eff. Sept. 1, 1997.

Sec. 301.113. EFFECT OF COMMISSION ORDER. A commission order under Section 301.112 does not affect a contract, sale, encumbrance, or lease that:

(1) is consummated before the commission issues the order; and

(2) involves a bona fide purchaser, encumbrancer, or tenant who did not have actual notice of the charge filed under this chapter.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 40, eff. Sept. 1, 1993.

Sec. 301.114. LICENSED OR REGULATED BUSINESS. If the commission issues an order with respect to a discriminatory housing practice that occurs in the course of a business subject to a licensing or regulation by a governmental agency, the commission shall, not later than the 30th day after the date the order is issued:

(1) send copies of the findings and the order to the governmental agency; and

(2) recommend to the governmental agency appropriate disciplinary action.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 40, eff. Sept. 1, 1993.

Sec. 301.115. ORDER IN PRECEDING FIVE YEARS. If the commission issues an order against a respondent against whom another order was issued within the preceding five years under Section 301.112, the commission shall send a copy of each order to the attorney general.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 40, eff. Sept. 1, 1993.

SUBCHAPTER G. ENFORCEMENT BY ATTORNEY GENERAL

Sec. 301.131. ATTORNEY GENERAL ACTION FOR ENFORCEMENT. (a) If a timely election is made under Section 301.093, the commission shall authorize and not later than the 30th day after the date the election is made the attorney general shall file in a district court a civil action seeking relief on behalf of the aggrieved person.

(b) Venue for an action is in the county in which the alleged discriminatory housing practice occurred or is about to occur.

(c) An aggrieved person may intervene in the action.

(d) If the court finds that a discriminatory housing practice has occurred or is about to occur, the court may grant as relief any relief that a court may grant in a civil action under Subchapter H.

(e) If monetary relief is sought for the benefit of an aggrieved person who does not intervene in the civil action, the court may not award the monetary relief if that aggrieved person has not complied with discovery orders entered by the court.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 40, eff. Sept. 1, 1993.

Sec. 301.132. PATTERN OR PRACTICE CASE. (a) On the request of the commission, the attorney general may file a civil action in district court for appropriate relief if the commission has reasonable cause to believe that:

(1) a person is engaged in a pattern or practice of resistance to the full enjoyment of a right granted under this chapter; or

(2) a person has been denied a right granted by this chapter and that denial raises an issue of general public importance.

(b) In an action under this section the court may:

(1) award preventive relief, including a permanent or temporary injunction, restraining order, or other order against the person responsible for a violation of this chapter as necessary to assure the full enjoyment of the rights granted by this chapter;

(2) award other appropriate relief, including monetary damages, reasonable attorney fees, and court costs; and

(3) to vindicate the public interest, assess a civil penalty against the respondent in an amount that does not exceed:

(A) \$50,000 for a first violation; and

(B) \$100,000 for a second or subsequent violation.

(c) A person may intervene in an action under this section if the person is:

(1) a person aggrieved by the discriminatory housing practice; or

(2) a party to a conciliation agreement concerning the discriminatory housing practice.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 40, eff. Sept. 1, 1993.

Sec. 301.133. SUBPOENA ENFORCEMENT. The attorney general, on behalf of the commission or another party at whose request a subpoena is issued under this chapter, may enforce the subpoena in appropriate proceedings in district court.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 40, eff. Sept. 1, 1993.

SUBCHAPTER H. ENFORCEMENT BY PRIVATE PERSONS

Sec. 301.151. CIVIL ACTION. (a) An aggrieved person may file a civil action in district court not later than the second year after the date of the occurrence or the termination of an alleged discriminatory housing practice or the breach of a conciliation agreement entered under this chapter, whichever occurs last, to obtain appropriate relief with respect to the discriminatory housing practice or breach.

(b) The two-year period does not include any time during which an administrative hearing under this chapter is pending with respect to a complaint or charge under this chapter based on the discriminatory housing practice. This subsection does not apply to

actions arising from the breach of a conciliation agreement.

(c) An aggrieved person may file an action whether a complaint has been filed under Section 301.081 and without regard to the status of any complaint filed under that section.

(d) If the commission has obtained a conciliation agreement with the consent of an aggrieved person, the aggrieved person may not file an action with respect to the alleged discriminatory housing practice that forms the basis of the complaint except to enforce the terms of the agreement.

(e) An aggrieved person may not file an action with respect to an alleged discriminatory housing practice that forms the basis of a charge issued by the commission if the commission has begun a hearing on the record under this chapter with respect to the charge. Added by Acts 1993, 73rd Leg., ch. 268, Sec. 40, eff. Sept. 1, 1993.

Sec. 301.152. COURT-APPOINTED ATTORNEY. On application by a person alleging a discriminatory housing practice or by a person against whom a discriminatory housing practice is alleged, the court may appoint an attorney for the person.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 40, eff. Sept. 1, 1993.

Sec. 301.153. RELIEF GRANTED. If the court finds that a discriminatory housing practice has occurred or is about to occur, the court may award to the plaintiff:

(1) actual and punitive damages;

(2) reasonable attorney fees;

(3) court costs; and

(4) subject to Section 301.154, a permanent or temporary injunction, temporary restraining order, or other order, including an order enjoining the defendant from engaging in the practice or ordering appropriate affirmative action.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 40, eff. Sept. 1, 1993.

Sec. 301.154. EFFECT OF RELIEF GRANTED. Relief granted under this subchapter does not affect a contract, sale, encumbrance, or lease that:

(1) is consummated before the granting of the relief; and

(2) involves a bona fide purchaser, encumbrancer, or tenant who did not have actual notice of the filing of a complaint or civil action under this chapter.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 40, eff. Sept. 1, 1993.

Sec. 301.155. INTERVENTION BY ATTORNEY GENERAL. (a) On request of the commission, the attorney general may intervene in an action under this subchapter if the commission certifies that the case is of general public importance.

(b) The attorney general may obtain the same relief as is available to the attorney general under Section 301.132(b).

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 40, eff. Sept. 1, 1993.

Sec. 301.156. PREVAILING PARTY. A court in a civil action brought under this chapter or the commission in an administrative hearing under Section 301.111 may award reasonable attorney fees to the prevailing party and assess court costs against the nonprevailing party.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 40, eff. Sept. 1, 1993.

SUBCHAPTER I. CRIMINAL PENALTY

Sec. 301.171. INTIMIDATION OR INTERFERENCE. (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 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, 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, in

an activity, service, organization, or facility described by Subdivision (1).

(b) An offense under this section is a Class A misdemeanor.
Added by Acts 1993, 73rd Leg., ch. 268, Sec. 40, eff. Sept. 1, 1993.