

1-1 By: Birdwell S.B. No. 1264
 1-2 (In the Senate - Filed March 9, 2021; March 18, 2021, read
 1-3 first time and referred to Committee on Natural Resources &
 1-4 Economic Development; April 21, 2021, reported favorably by the
 1-5 following vote: Yeas 8, Nays 0; April 21, 2021, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11			X	
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to the applicability of the Texas Fair Housing Act to
 1-20 certain sales and rentals.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Section 301.041, Property Code, is amended to
 1-23 read as follows:

1-24 Sec. 301.041. CERTAIN SALES AND RENTALS EXEMPTED. (a)
 1-25 Sections 301.021, 301.023, 301.024, and 301.025 do [~~Subchapter B~~
 1-26 ~~does~~] not apply to:

1-27 (1) the sale or rental of a single-family house sold or
 1-28 rented by the owner if:

1-29 (A) the owner does not:

1-30 (i) own more than three single-family
 1-31 houses at any one time; or

1-32 (ii) own any interest in, nor is there owned
 1-33 or reserved on the person's behalf, under any express or voluntary
 1-34 agreement, title to or any right to any part of the proceeds from
 1-35 the sale or rental of more than three single-family houses at any
 1-36 one time; and

1-37 (B) the house is sold or rented without:

1-38 (i) the use of the sales or rental
 1-39 facilities or services of a broker, agent, or salesperson licensed
 1-40 under Chapter 1101, Occupations Code, or of an employee or agent of
 1-41 a licensed broker, agent, or salesperson, or the facilities or
 1-42 services of any person in the business of selling or renting a
 1-43 dwelling [~~the owner of a dwelling designed or intended for~~
 1-44 ~~occupancy by five or more families~~]; or

1-45 (ii) the publication, posting, or mailing
 1-46 of a notice, statement, or advertisement prohibited by Section
 1-47 301.022; or

1-48 (2) the sale or rental of the rooms or units in a
 1-49 dwelling containing living quarters occupied by or intended to be
 1-50 occupied by not more than four families living independently of
 1-51 each other, if the owner maintains and occupies one of the living
 1-52 quarters as the owner's residence.

1-53 (b) The exemption in Subsection (a)(1) applies only to one
 1-54 sale [~~or rental~~] in a 24-month period if the owner was not the most
 1-55 recent resident of the house at the time of the sale [~~or rental~~].

1-56 (c) Subsection (a) does not prohibit the use of attorneys,
 1-57 escrow agents, abstractors, title companies, and other
 1-58 professional assistants necessary to transfer title.

1-59 (d) For purposes of Subsection (a), a person is in the
 1-60 business of selling or renting a dwelling if:

1-61 (1) the person has, within the preceding year,

2-1 participated as the seller or landlord in three or more
2-2 transactions involving the sale or rental of a dwelling or any
2-3 interest in a dwelling;
2-4 (2) the person has, within the preceding year,
2-5 participated in two or more transactions, other than transactions
2-6 involving the person's own dwelling, as an agent providing sales or
2-7 rental facilities or services involving the sale or rental of a
2-8 dwelling or any interest in a dwelling; or
2-9 (3) the person is the owner of a dwelling designed or
2-10 intended for occupancy by, or that is occupied by, five or more
2-11 families.

2-12 SECTION 2. This Act takes effect September 1, 2021.

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