

Chapter 14

HUMAN RELATIONS*

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ARTICLE I. IN GENERAL

Secs. 14-1--14-25. Reserved.

ARTICLE II. HOUSING DISCRIMINATION**

DIVISION 1. GENERALLY

Sec. 14-26. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Discriminatory housing practice shall mean an act prohibited by division 3 of this article.

Dwelling shall mean:

- (1) Any building, structure or part of a building or structure that is occupied as, or designed or intended for occupancy as, a residency by one (1) or more families; or
- (2) Any vacant land that is offered for sale or lease for the construction or location of a building, structure, or part of a building or structure described by (a) above.

Family shall include a single individual.

Handicap shall mean a mental or physical impairment that substantially limits at least one (1) major life activity, a record of such an impairment, or being regarded as having such an impairment. The term does not include current illegal use of or addiction to any drug or illegal or federally controlled substance. In this article, a reference to “an individual with a handicap” or to “handicap” does not apply to an individual because of that individual’s sexual orientation or because that individual is a transvestite.

Person shall mean one (1) or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts,

***State law reference**—Commission on Human Rights Act, V.A.C.S. art. 5221k.

****Cross reference**—Building and construction regulations, Ch. 8; licenses, permits and miscellaneous business regulations, Ch. 15.

State law references—Texas Fair Housing Act, V.A.C.S. art. 1f; local antihousing discrimination ordinances, V.A.C.S. art. 5221k, § 4.01.

unincorporated organizations, trustees, trustees in cases under Title 11, receivers and fiduciaries.

To rent shall include to lease, to sublease and otherwise to grant for a consideration the right to occupy a premises not owned by the occupant.

(Code 1963, Ch. 5½, art. II, § 1 [Ord. No. 78-56, § 1, 8-22-78])

Cross reference(s)--Definitions and rules of construction generally, § 1-2.

State law reference(s)--Similar provisions, V.A.C.S. art. 1f, § 1.03.

Sec. 14-27. Violation of provisions.

Any person violating any provision of this article shall be guilty of a misdemeanor, and, upon conviction, shall be punished as provided in section 1-8 for each violation. Each day a violation continues after passage of seventy-five (75) days from the date of the filing of the initial complaint with the administrator shall constitute a separate and distinct offense. (Code 1963, Ch. 5½, art. II, § 13 [Ord. No. 78-56, § 13, 8-22-78])

Sec. 14-28. Certain sales and rentals exempted.

(a) Subject to (b) below, division 3 of this article does not apply to:

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

a. The owner does not:

1. Own more than three (3) single-family houses at any one (1) time; or
2. Own any interest in, nor is there owned or reserved on his 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 (3) single-family houses at any one (1) time; and

b. The house was sold or rented without:

1. The use of the sales or rental facilities or services of a real estate broker, agent, or salesman licensed under The Real Estate License Act (Vernon's Ann. Civ. St. art. 6573a), or of an employee or agent of a licensed broker, agent, or salesman, or the facilities or services of the owner of a dwelling designed or intended for occupancy by five (5) or more families; or
2. The publication, posting, or mailing of a notice, statement, or advertisement prohibited by section 14-63; or

(2) The sale or rental of rooms or units in a dwelling containing living quarters occupied or intended to be occupied by no more than four (4) families living independently of each other if the owner maintains and occupies one (1) of the living quarters as the owner's residence.

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

(Code 1963, Ch. 5½, art. II, § 5 [Ord. No. 78-56, § 5, 8-22-78])

State law reference(s)--Similar provisions, Vernon's Ann. Civ. St. art. 1f, § 1.05.

Sec. 14-29. Religious organization and private club exemption.

(a) This article 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 article does not prohibit a private club not open to the public 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 that lodging to its members or from giving preference to its members.

(Code 1963, Ch. 5½, art. II, § 5 [Ord. No. 78-56, §5, 8-22-78])

State law reference(s)--Similar provisions, Vernon's Ann. Civ. St. art. 1f, § 1.06.

Sec. 14-30. Housing for elderly exempted.

(a) The provisions of this article relating to familial status do not apply to housing for older persons.

(b) In this section, "housing for older persons" means housing:

- (1) That the state commission on human rights determines is specifically designed and operated to assist elderly persons under a federal or state program;
- (2) Intended for, and solely occupied by, persons sixty-two (62) years of age or older; or
- (3) Intended and operated for occupancy by at least one (1) person fifty-five (55) years of age or older per unit as determined by rules of the state commission on human rights.

(Code 1963, Ch. 5½, art. II, § 5 [Ord. No. 78-56, § 5, 8-22-78])

State law reference(s)--Similar provisions, Vernon's Ann. Civ. St. art. 1f, § 1.07.

Sec. 14-31. Appraisal exemption.

This article does not prohibit a person engaged in the business of furnishing appraisals of real property from taking into consideration factors other than race, color, religion, sex, handicap, familial status or national origin. (Code 1963, Ch. 5½, art. II, § 5 [Ord. No. 78-56, § 5, 8-22-78])

State law reference(s)--Similar provisions, Vernon's Ann. Civ. St. art. 1f, § 1.08.

Sec. 14-32. Effect on other law.

(a) This article does not affect a reasonable local or state restriction on the maximum number of occupants permitted to occupy a dwelling or restriction relating to health or safety standards.

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

(Code 1963, Ch. 5½, art. II, § 5 [Ord. No. 78-56, § 5, 8-22-78])

State law reference(s)--Similar provisions, Vernon's Ann. Civ. St. art. 1f, § 1.09.

Sec. 14-33. Unlawful intimidation.

It shall be unlawful for any person to harass, threaten, harm, damage or otherwise penalize any individual, group or business because he has complied with the provisions of this article, because he has exercised his rights under this article, or enjoyed the benefits of this article, or because he has made a charge, testified or assisted in any manner in any investigation, or in any proceeding hereunder or have made any report to the administrator. (Code 1963, Ch. 5½, art. II, § 10 [Ord. No. 78-56, § 10, 8-22-78])

Secs. 14-34--14-45. Reserved.

DIVISION 2. ADMINISTRATION AND ENFORCEMENT

Sec. 14-46. Fair housing administrator.

The director of planning and community development is herein designated as the fair housing administrator and shall have the responsibility for implementing this article. The administrator may delegate his authority to investigate and conciliate complaints to other city employees under his direction. (Code 1963, Ch. 5½, art. II, § 6 [Ord. No. 78-56, § 6, 8-22-78])

Sec. 14-47. Complaints.

(a) Only the person who claims to have been injured by a discriminatory housing practice, who believes he will be irrevocably injured by a discriminatory housing practice that has occurred or is occurring (hereafter referred to as “person aggrieved”), may file a complaint with the administrator. Such complaints shall be in writing and shall identify the person alleged to have committed or alleged to be committing a discriminatory housing practice and shall state the facts upon which the allegations of a discriminatory housing practice are based. The administrator shall prepare complaint forms and furnish them without charge to any person, upon request.

(b) If at any time the administrator shall receive or discover credible evidence and shall have probable cause to believe that any person has committed or is committing a discriminatory housing practice as to which no complaint has been filed, the administrator may prepare and file a complaint upon his own motion and in his own name and such complaint shall thereafter be treated in the same manner as a complaint filed by a person aggrieved.

(c) The administrator shall receive and accept notification and referral complaints from the U.S. Attorney General and the secretary of housing and urban development pursuant to the provisions of Title VIII, Fair Housing Act of 1968, Public Law 90-284, and shall treat such complaints hereunder in the same manner as complaints filed pursuant to (a) above.

(d) All complaints shall be filed within sixty (60) days following the occurrence of an alleged discriminatory housing practice. Upon the filing or referral of any complaint, the administrator shall provide notice of the complaint by furnishing a copy of such complaint to the persons named therein who allegedly committed or were threatening to commit an alleged discriminatory housing practice. The accused may file an answer to the complaint within fifteen (15) days of receipt of the written complaint.

(e) All complaints and answers shall be subscribed and sworn to before an officer authorized to administer oaths.

(Code 1963, Ch. 5½, art. II, § 7 [Ord. No. 78-56, § 7, 8-22-78])

Sec. 14-48. Investigation.

(a) Upon the filing or referral of a complaint as provided in this division, the administrator shall cause to be made a prompt and full investigation of the matter stated in the complaint.

(b) During or after the investigation, but subsequent to the mailing of the notice of complaint, the administrator shall, if it appears that a discriminatory housing practice has occurred or is threatening to occur, attempt by informal endeavors to effect conciliation, including voluntary discontinuance of the discriminatory housing practice and adequate assurance of future voluntary compliance with the provisions of this article. Nothing said or done in the course of such informal endeavors may be made public by the administrator, by the complainant or by any other party to the proceedings without the written consent of all persons concerned.

(c) Upon completion of the investigation and informal endeavors at conciliation by the administrator, but within thirty (30) days of the filing of the complaint with the administrator, if the efforts of the administrator to secure voluntary compliance have been unsuccessful and if the administrator has made a determination that a discriminatory housing practice has in fact occurred, the administrator shall recommend to the city attorney that such violation be prosecuted in the municipal court. With such recommendation, the administrator shall refer his entire file to the city attorney. The city attorney shall, within thirty (30) days after such referral, make a determination as to whether to proceed with the prosecution of such complaint in municipal court. If the city attorney determines to prosecute, he shall institute a complaint and prosecute same to conclusion within thirty (30) days after such determination, or as soon thereafter as practicable.

(Code 1963, Ch. 5½, art. II, § 8 [Ord. No. 78-56, § 8, 8-22-78])

Sec. 14-49. Other remedies.

This article is cumulative in its legal effect and is not in lieu of any and all other legal remedies which the person aggrieved may pursue. (Code 1963, Ch. 5½, art. II, § 9 [Ord. No. 78-56, § 9, 8-22-78])

Sec. 14-50. Cooperation with federal officials.

The administrator and the city attorney are authorized to cooperate with the secretary of housing and urban development and the U.S. Attorney General pursuant to the provisions of Title VIII, Fair Housing Act of 1968, Public Law 90-284, and may render such service to the secretary as they shall deem appropriate to further the policies of this article. (Code 1963, Ch. 5½, art. II, § 11 [Ord. No. 78-56, § 11, 8-22-78])

Sec. 14-51. Education and public information.

In order to further the objectives of this article, the administrator may conduct educational and public information programs. (Code 1963, Ch. 5½, art. II, § 12 [Ord. No. 78-56, § 12, 8-22-78])

Secs. 14-52--14-60. Reserved.

DIVISION 3. PROHIBITED DISCRIMINATORY ACTS

Sec. 14-61. Familial status.

In this article, 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 eighteen (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
 - c. Is in the process of obtaining legal custody of an individual younger than eighteen (18) years of age.

(Code 1963, Ch. 5½, art. II, § 5 [Ord. No. 78-56, § 5, 8-22-78])

State law reference(s)--Similar provisions, Vernon's Ann. Civ. St. art. 1f, § 1.04.

Sec. 14-62. Refusal to sell, rent.

(a) A person may not refuse to sell or to rent after the making of a bona fide offer, refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny a dwelling to any person because of race, color, religion, sex, familial status or national origin.

(b) A person may not discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in providing services or facilities in connection with the sale or rental, 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.

(Code 1963, Ch. 5½, art. II, § 2 [Ord. No. 78-56, § 2, 8-22-78])

State law reference(s)--Similar provisions, Vernon's Ann. Civ. St. art. 1f, § 3.01.

Sec. 14-63. Publication.

A person may not make, print or publish or cause to be made, printed or published any notice, statement or advertisement with respect to the sale or rental of a dwelling that indicates any preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status or national origin, or an intention to make such a preference, limitation or discrimination. (Code 1963, Ch. 5½, art. II, § 2 [Ord. No. 78-56, § 2, 8-22-78])

State law reference(s)--Similar provisions, Vernon's Ann. Civ. St. art. 1f, § 3.02.

Sec. 14-64. Inspection.

A person may not represent to any person because of race, color, religion, sex, handicap,

familial status or national origin that a dwelling is not available for inspection for sale or rental when the dwelling is available for inspection. (Code 1963, Ch. 5½, art. II, § 2 [Ord. No. 78-56, § 2, 8-22-78])

State law reference(s)--Similar provisions, Vernon's Ann. Civ. St. art. 1f, § 3.03.

Sec. 14-65. Entry into neighborhood.

A person may not, for profit, induce or attempt to induce a person 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, handicap, familial status or national origin. (Code 1963, Ch. 5½, art. II, § 2 [Ord. No. 78-56, § 2, 8-22-78])

State law reference(s)--Similar provisions, Vernon's Ann. Civ. St. art. 1f, § 3.04.

Sec. 14-66. Handicap.

(a) A person may not discriminate in the sale or rental or otherwise make unavailable or deny a dwelling to any buyer or renter because of a handicap of:

- (1) That 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 that buyer or renter.

(b) A person may not discriminate against any person 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 handicap of:

- (1) That 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 that person.

(c) For purposes of this section only, discrimination includes:

- (1) A refusal to permit, at the expense of the handicapped person, reasonable modifications of existing premises occupied or to be occupied by the person if the modifications may be necessary to afford the person full enjoyment of the premises;
- (2) A refusal to make reasonable accommodations in rules, policies, practices, or services, when the accommodations may be necessary to afford the person equal opportunity to use and enjoy a dwelling; or
- (3) In connection with the design and construction of covered multifamily dwellings for first occupancy after the date that is thirty (30) months after the date of enactment of the federal Fair Housing Amendments Act of 1988 (Public Law 100-430), a failure to design and construct those dwellings in a manner that:
 - a. The public use and common use portions of the dwellings are readily accessible to and usable by handicapped persons;
 - b. All the doors designed to allow passage into and within all premises within the dwellings are sufficiently wide to allow passage by handicapped persons in

wheelchairs; and

- c. All premises within the dwellings contain the following features of adaptive design:
 1. An accessible route into and through the dwelling;
 2. Light switches, electrical outlets, thermostats, and other environmental controls in accessible locations;
 3. Reinforcements in bathroom walls to allow later installation of grab bars; and
 4. Usable kitchens and bathrooms so that an individual in a wheelchair can maneuver about the space.

(d) Compliance with the appropriate requirements of the American National Standard for buildings and facilities providing accessibility and usability for physically handicapped people, commonly cited as “ANSI A 117.1,” suffices to satisfy the requirements of (c)(3)c. above.

(e) As used in this subsection, the term “covered multifamily dwellings” means:

- (1) Buildings consisting of four (4) or more units if the buildings have one (1) or more elevators; and
- (2) Ground floor units in other buildings consisting of four (4) or more units.

(f) Nothing in this section requires that a dwelling 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.

(Code 1963, Ch. 5½, art. II, § 2 [Ord. No. 78-56, § 2, 8-22-78])

State law reference(s)--Similar provisions, Vernon’s Ann. Civ. St. art. 1f, § 3.05.

Sec. 14-67. Brokerage services.

A person may not deny any person 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, handicap, familial status or national origin. (Code 1963, Ch. 5½, art. II, § 4 [Ord. No. 78-56, § 4, 8-22-78])

State law reference(s)--Similar provisions, Vernon’s Ann. Civ. St. art. 1f, § 3.07.

Sec. 14-68. Residential real estate related transaction.

(a) A person whose business includes engaging in residential real estate related transactions may not discriminate against a person 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, handicap, familial status or national origin.

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

- (1) Making or purchasing loans or providing other financial assistance:

- a. To purchase, construct, improve, repair, or maintain a dwelling; or

b. To secure residential real estate; or

(2) Selling, brokering, or appraising residential real property.

(Code 1963, Ch. 5½, art. II, § 3 [Ord. No. 78-56, § 3, 8-22-78])

State law reference(s)--Similar provisions, Vernon's Ann. Civ. St. art. 1f, § 3.06.