

FACT SHEET: HB 2127 ("DEATH STAR" PREEMPTION BILL)



Current Status: In effect while on appeal

What is House Bill 2127?

- HB 2127 was passed during the 2023 Texas legislative session.
- It prohibits local governments from adopting ordinances, orders, or rules that go beyond what is already expressly authorized in state law under the Agriculture code, Business and Commerce code, Finance code, Insurance code, Labor code, Local Government code, Natural Resources code, Occupations code, or Property code.
 - Anyone who feels they have been injured (actual or threatened) by an ordinance that this bill prohibits would be allowed to sue the local government responsible for the ordinance.
 - While the bill was written largely to take aim at labor/employment rights granted by ordinances, it is broad enough to bring many kinds of protections into question.

What is the status of HB 2127 and the lawsuit against it?

- HB 2127 faces a number of lawsuits from the Cities of San Antonio, Houston, Arlington, Denton, Plano, and Waco; and it was briefly declared to be likely unconstitutional and blocked by a state court.
- The Attorney General appealed and the law is now in effect while litigation continues before the Texas Supreme Court.

Does the law affect nondiscrimination ordinances?

- The bill author claimed it would not affect nondiscrimination ordinances, but refused to include language in the bill explicitly saying as much. We will be vigilant about any efforts to roll back hard-fought protections of our rights.
- For the LGBTQIA+ community, there's been concern that HB 2127 could threaten local nondiscrimination protections in housing. However, the Fair Housing Act includes nondiscrimination protections based on sexual orientation and gender identity, which would supersede any attempt by the state to limit these particular protections.
 - It should also be noted that some Texas courts have also found that state non-discrimination law prohibits discrimination based on sexual orientation and gender identity in employment, but there are also ongoing lawsuits in federal courts in Texas seeking to roll back nondiscrimination protections for the LGBTQIA+ community.

What are our concerns about the bill?

- HB 2127 is written so broadly across so many different parts of government code that it's not only unclear which local policies would be destroyed or spared, but how municipalities would be able to follow this law without violating other policies that are connected to the ones under fire.
- As mentioned above, it places LGBTQIA+ Texans in the position of not being sure whether they have

housing nondiscrimination protections or not. This is especially concerning given the high rates of homelessness among LGBTQIA+ youth.

- The bill would strip local governments of their ability to address workplace safety, disaster response and public health, thereby endangering all Texans.
 - HB 2127 would rob municipalities' ability to mandate water breaks for construction workers, contributing to the rise in heat-related deaths of construction workers in record-breaking summer temperatures.
 - It would also spell the end of mandatory paid sick leave policies at a time when Texas has the highest population of residents without health insurance in the country.

For those who may be impacted by HB 2127:

- If concerned about housing nondiscrimination protections, remember that:
 - Federal law supports your right to access housing free of discrimination based on sexual orientation, gender identity, and other attributes.
 - You are not required to disclose your sexual orientation or gender identity to landlords, realtors, sellers, mortgage companies and other housing professionals.
- If unsure which local protections may be at risk in your municipality, consider reaching out to your city council member's office for clarification.
- Support Texas construction workers by encouraging sites to adopt [Better Builder](#) standards.
- Remember that you have a right to a safe workplace under federal law, and you may [file complaints](#) with the federal Occupational Safety and Health Administration.
- Ask whether businesses you engage with have paid sick leave for employees, and push them to offer it if not. If your employer doesn't offer paid sick time, consider whether they can be persuaded to offer it or if unionizing is an option.
- If you become impacted by HB 2127, reach out to us as. We're here to support you.

Contact us:

ACLU of Texas - intake@aclutx.org

Equality Texas - info@EqualityTexas.org

Human Rights Campaign - feedback@hrc.org

Lambda Legal - media@lambdalegal.org

Texas Freedom Network - tfn@tfn.org

Transgender Education Network of Texas - info@transtexas.org

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