



Mission Statement

The mission of the Civil Rights Division is to reduce discrimination in employment and housing through education and enforcement of state and federal laws.

Vision

The vision of the Civil Rights Division is to help create an environment in which the people of the State of Texas may pursue and enjoy the benefits of employment and housing that are free from discrimination.

Texas Commission on Human Rights Commissioners

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Civil Rights Division Sees Continuing Trend of Discrimination Against People with Disabilities

From September 1, 2014 to January 31, 2015, the Division resolved 135 cases alleging housing discrimination. Eighty-five cases or (63%) were resolved as no reasonable cause, 43 cases or (32%) resulted in conciliation agreements or settlements, six cases or (4%) were closed due to lack of jurisdiction or for some other administrative reason. Since the beginning of the fiscal year, four charges have been issued, one of which has settled and three are currently in litigation.

When peeling back the numbers for those cases

conciliated, settled, or charged, we found an indication that people with disabilities are more likely to suffer discrimination than any other segment of the Texas population.

For those four cases that have been charged, two, or 50%, are based on disability, one is based on familial status, and one is based on race. Respondents were charged with subjecting residents with

disabilities to:

- discriminatory refusal to rent,
- discriminatory advertising, statements and notices,
- failure to make reasonable accommodation, and
- discriminatory terms, conditions, privileges, or



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Equal Opportunity Employer/
Program Auxiliary aids and
services are available upon
request to individuals with
disabilities.

Relay Texas: 800-735-2989
(TTY) and 711 (Voice).

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*Let's Work Together
for Fair Housing*

services and facilities.

Of the 43 cases conciliated
or settled, 24—more than
half—were based on disability.

In addition to the
discriminatory conduct
alleged in the charged
cases, complainants have
also alleged Respondents
subjected them to retaliation
or harassment.

So, who are the persons
or entities against whom
these complaints are being
filed? They include lenders,
property owners, property
managers, realtors, home
owners associations, and
other housing providers.

One of the most persistent
problems is that the Division
continues to receive parking
cases where a resident
will ask for a parking
accommodation and is
ignored by the housing
provider.

The Department of Justice
(DOJ) and the Department
of Housing and Urban
Development (HUD)
published a guidance dated
March 17, 2004 regarding
reasonable accommodations
and a second guidance dated
March 5, 2008 relating to
reasonable modifications,
which states as follows:

Courts have treated
requests for parking spaces
as requests for a reasonable
accommodation and have

placed the responsibility
for providing the parking
space on the housing
provider, even if provision of
an accessible or assigned
parking space results in
some cost to the provider.
For example, courts have
required housing providers
to provide an assigned space
even though the housing
provider has a policy of not
assigning parking spaces or
has a waiting list for available
parking. However, housing
providers may not require
persons with disabilities to
pay extra fees as a condition
of receiving accessible
parking spaces. Providing
a parking accommodation

could include creating
signage, repainting markings,
redistributing spaces, or
creating curb cuts. This list is
not exhaustive.

A best practice for housing
providers, even absent a
request for reasonable
accommodation, is to ensure
they have objective rental
policies, rules, criteria, and
procedures in place and train
employees to apply these
rules consistently.

While issues of reasonable
accommodations and
reasonable modifications
can be challenging, housing
providers are not alone.



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By closely following the DOJ and HUD memoranda, housing providers can be assured they are operating within the guidelines of both Texas Fair Housing Act and the Federal Fair Housing Act.

For technical assistance or training from the Civil Rights Division, housing providers may contact us at 512-463-

2642 or toll free at 1-888-452-4778.

Launching of On-line Fair Housing Complaint

We are pleased to announce that in the near future, customers may file a complaint using our *on-line fair housing complaint form*. This on-line complaint form will allow the filing process

to become more efficient. However, customers who do not have access to the on-line version may continue to submit by mail, email, fax, phone, or in person.

Remember: If you believe you have been subjected to housing discrimination, you must submit the *fair housing complaint form* within one

year, that is, on or before the first anniversary of the date alleged discriminatory housing practice occurred or terminated.

In the meantime, please stay tuned as the current complaint form that is now in Microsoft Word and Adobe Acrobat will be supplemented by the on-line version. ■



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CRD Settles Disability Discrimination Administrative Case

In our last issue of the Civil Rights Reporter the Division reported issuing a Charge of Discrimination against Thien Pham for disability discrimination. It was alleged that Julia Lyles called Mr. Pham to inquire

about an apartment for rent. During the course of the phone call, Mr. Pham asked if she was employed. Ms. Lyles explained that she receives SSDI (Social Security Disability Income). At that point, Mr. Pham told her that

he does not rent to people who are on disability or who are disabled, and then hung up.

The case was set for an administrative hearing on March 4, 2015 before

the Texas Workforce Commission Special Hearings Department. The matter was settled on the eve of the hearing for \$1,000.00 in damages for Ms. Lyles and a requirement of fair housing training for Mr. Pham. ■

Recent Fair Housing Texas Case Summary

Hood v. Pope 2015 U.S. Dist. LEXIS 4643 (S.D. Tex. Jan. 15, 2015)

The pro se Plaintiffs, Anthony Hood and Princess Williams, alleged that they initially were denied a particular apartment unit and move-in special based on their race, that they were given discriminatory terms in an animal addendum to the lease, that they were harassed during their rental period when the property management staff made loud noises and followed them, and that an off-duty police officer working as a courtesy officer for the complex pulled a gun on Plaintiffs to prevent them from voicing their concerns about the alleged discrimination.

Plaintiffs filed an administrative complaint with the Texas Workforce Commission Civil Rights Division (TWCCRD), which found no reasonable cause to believe that a discriminatory housing practice occurred and dismissed the complaint. Specifically, TWCCRD found that Defendants did not refuse to rent to Plaintiffs based on race and did not subject Plaintiff to different terms, conditions, privileges, services, or facilities based on race. Plaintiffs then filed a lawsuit in federal court alleging housing discrimination due to disparate treatment and threats or coercion in connection with exercise of rights to fair housing.

The Court held that Plaintiffs did not state a claim under Section 3604(a) of the Federal Fair Housing Act, which makes it unlawful to “refuse to sell or rent” or under Section 3604(b) relating to discrimination in “terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith” because they had not alleged that they were denied the requested unit, or otherwise were discriminated against, in connection with the initial rental of the unit. The Court relied upon a Fifth Circuit case rejecting a claim that the City of Dallas violated Section 3604(a) when it failed to prevent dumping at a housing site, in which the higher court stated that the statutory language did not reach claims of current homeowners regarding the value or habitability of their property.

Similarly, the Court ruled that Plaintiffs did not state a claim for harassment by Defendants under Section 3604,

because the alleged conduct did not pertain to the initial rental of the unit.

The Court concluded that, since Plaintiffs failed to state a claim under Section 3604, they could not maintain a claim under Section 3617, which makes it unlawful to “coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of his having exercised or enjoyed, or on account of his having aided or encourage any other person in the exercise or enjoyment of, any right granted or protected by section...3604.”

The Court also addressed claims alleged by Plaintiffs involving criminal statutes, the First Amendment and defamation of character, all of which were also dismissed. (Director’s Note: the plaintiffs were not represented by counsel; the present case did not involve value or habitability of a dwelling; and a substantial body of state and federal case law involves post-sale or post-initial rental conduct). ■



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Civil Rights Division: Education Training & Outreach

Upcoming Schedule of Events

The Texas Workforce Commission Civil Rights Division (TWCCRD) is committed to providing training and technical assistance, outreach and education programs to assist employers, employees and other stakeholders in understanding and preventing discrimination. We believe that discrimination can be averted if everyone knows their rights and responsibilities. Please come and visit with us at the following upcoming scheduled events:

- April 22 – 25, 2015 Texas

Apartment Association Lone Star Expo at Henry B. Gonzalez Convention Center & Grand Hyatt Hotel in San Antonio, TX. To register, visit www.taa.org or call TAA at 512-479-6252.

- May 20-23, 2015 40th Annual Neighborhood USA Convention at the Hyatt Regency Conference Center in Houston, TX. To register, visit www.nusa.org/nusa-conferences-registrations.

No-cost Outreach and Education

Programs: TWCCRD representatives are available on a limited basis at no cost to make presentations and participate in meetings with employees and employers, and their representative groups, as well as

community organizations and other members of the general public.

TWCCRD Education Training &

Technical Assistance: TWCCRD provides low-cost, fee-based trainings and technical assistance programs

throughout the State of Texas.

For more information, availability, and training designed for your needs, contact TWCCRD at 888-452-4778, 512-463-2642, or CRDTraining@twc.state.tx.us. ■

A MATTER OF PLACE

A Film About Housing Discrimination



GARLAND
FAIR HOUSING

Celebrating April as
National Fair Housing Month

Join Garland Fair Housing Services for a short Documentary Film
Presentation and Discussion of "A Matter of Place"

Thursday, April 16, 2015 at 5:30 p.m.

Carver Center Bldg. 2 (232 Carver Dr. Garland, Texas 75040)

Light refreshments to be served. RSVP to 972-205-3300

Synopsis

The film, "A Matter of Place", is a documentary that shines a bright light on housing discrimination, one of the most shrouded and misunderstood civil rights issues in America. The film connects past struggles for fair housing to contemporary incidents of housing bias based on race, sexual orientation, disability, and source of income, and presents three stories of people who faced housing discrimination in present-day New York City. They poignantly describe the injuries inflicted on them during these incidents, as well as their resolve to fight for justice. Through experts, civil rights advocates, and fair housing testers, the film also recounts our nation's often overlooked history of residential segregation and introduces viewers to systemic and pervasive injustices that, despite the existence of fair housing laws, continue to inflict harm on entire communities and individuals throughout America.

The film was produced by the Fair Housing Justice Center of New York, in partnership with Kavanagh Productions.

TWC to Host Fair Housing Webinar Series

Other events scheduled for National Fair Housing Month in April

The Texas Workforce Commission (TWC) has partnered with the Texas Department of Housing and Community Affairs (TDHCA) to present a webinar series and other events in April to honor National Fair Housing Month and remind Texans that the Federal Fair Housing Act and the Texas Fair Housing Act ensure that all individuals have equal access to housing.

These acts prohibit discrimination in housing based on disability, race, color, religion, national origin, sex and familial status. TWC's Civil Rights Division, which enforces fair housing laws, resolved more than 330 cases involving allegations of housing discrimination in fiscal year 2014.

TWC and the TDHCA are hosting a Fair Housing Webinar Series starting on April 7 at 1 p.m. Attendees will learn the basics about fair housing in Texas and

how to apply information in a review of potential scenarios. This HUD-approved presentation will give general information about fair housing and the Texas Fair Housing Act. For information and to register, visit: <https://attendee.gotowebinar.com/register/1516049877635898881>. Attendees can also learn the basics about how TWC investigates Fair Housing Complaints on April 14 at 1 p.m. by visiting: <https://attendee.gotowebinar.com/register/924205858148399361>.

Other fair housing month events include the Greater Houston Fair Housing Center's 13th Annual Fair Housing Luncheon with U.S. Rep. Sheila Jackson Lee and U.S. Department of Housing and Urban Development Deputy Assistant Secretary for Enforcement and Programs Sara Pratt as guest speakers. The event will be held on Friday, April 17 from 11:30 a.m. to 1 p.m. at the Lionel Castillo

Community Center located at 2101 South Street in Houston. For more information and to register, call 713-641-3247.

The Fair Housing Council of Greater San Antonio is conducting a training that will cover the fair housing rights of people with disabilities and how to make housing accessible through reasonable accommodations and modifications on April 23 from 1:30 p.m. to 4 p.m. at the Goliad Building at 4203 Woodcock drive in San Antonio. To register, visit: http://myfairhousing.org/programsservices.html#Upcoming_Events.

TWC urges all Texans to work together for fair housing. For more information about your rights as consumer or your responsibilities as a housing provider, visit: twc.state.tx.us/partners/civil-rights-discrimination. ■



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TEXAS DEPARTMENT OF HOUSING & COMMUNITY AFFAIRS

Building Homes. Strengthening Communities.

Fair Housing Webinar Series and Live Accessibility Training

The online webinar series will begin at 1:00pm, CST and is presented by Texas Department of Community and Housing

Affairs and Texas Workforce Commission Civil Rights Division (TWCCRD). The purpose of the webinars is to assist

everyone in learning the basics about Fair Housing in Texas, and how TWCCRD investigates Fair Housing Complaints. ■

Event	Date	City, State
Fair Housing Webinar Series I: Fair Housing Overview	4/7/2015	N/A
Fair Housing Webinar Series II: The Texas Workforce Commission Civil Rights Division's Role in the Investigative Process	4/14/2015	N/A
Fair Housing Webinar Series III: Reasonable Accommodations	4/20/2015	N/A
FHA Accessibility Training	5/27/2015	San Antonio, TX

To register for the online webinar use the following event URLs

- Fair Housing Overview Webinar Series I, <http://www.tdhca.state.tx.us/events/index.jsp?eventID=2082>
- Fair Housing Webinar Series II, <http://www.tdhca.state.tx.us/events/>

[index.jsp?eventID=2083](http://www.tdhca.state.tx.us/events/index.jsp?eventID=2083)

- Fair Housing Webinar Series III, <http://www.tdhca.state.tx.us/events/index.jsp?eventID=2084>

- FHA Accessibility Training, <http://www.fairhousingfirst.org/training/calendar.html>

For more information and event details please visit the TDCHA website at:

<http://www.tdhca.state.tx.us/events/> ■

CRD Employees Attend Civil Rights Activist's Speech

Several employees of the Texas Workforce Commission Civil Rights Division attended the 9th Annual Barbara Jordan Forum at the Lyndon B. Johnson School of Public Affairs at The University of Texas at Austin on February 4, 2015. The theme for this year's forum, which was selected by students, is "The stakes are too high for government to be a spectator sport." The theme is taken from Barbara Jordan's remarks at Harvard University's Commencement Address June 16, 1977.

Civil rights activist and former Georgia State Sen. Horace Julian Bond was the keynote speaker. Bond was center stage during the Civil Rights Movement of the 1960s, including participating and getting arrested for sitting at a cafeteria counter in segregated Atlanta. A former Morehouse College student of Dr. Martin Luther King Jr., Bond was a leader of the March on Washington for Jobs and Freedom in 1963 and the Mississippi "Freedom Summer" voting rights campaign of 1964. Bond also co-founded the Student Nonviolent Coordinating Committee in 1961, and served as the chairman of the NAACP from 1998 to 2009.

Bond's speech was titled "On the Front Lines of Equality Then and Now." When speaking about the remarkable improvements to the "racial picture in America" that have occurred during his lifetime, Bond reflected, "So much so that a black man is in the White House today and a statue of Martin Luther

King stands on the Washington Mall."

However, Bond cautioned that President Barack Obama's election and re-election is testament to one man's singular abilities and not to racial nirvana in this country.

Bond asserted that most of the people

who made up the movement were not famous, they were faceless. "Yesterday's movement succeeded, in part, because the victims became their own best captains," Bond said. "When Rosa Parks refused to stand up, and when Dr. King stood up to preach, mass participation

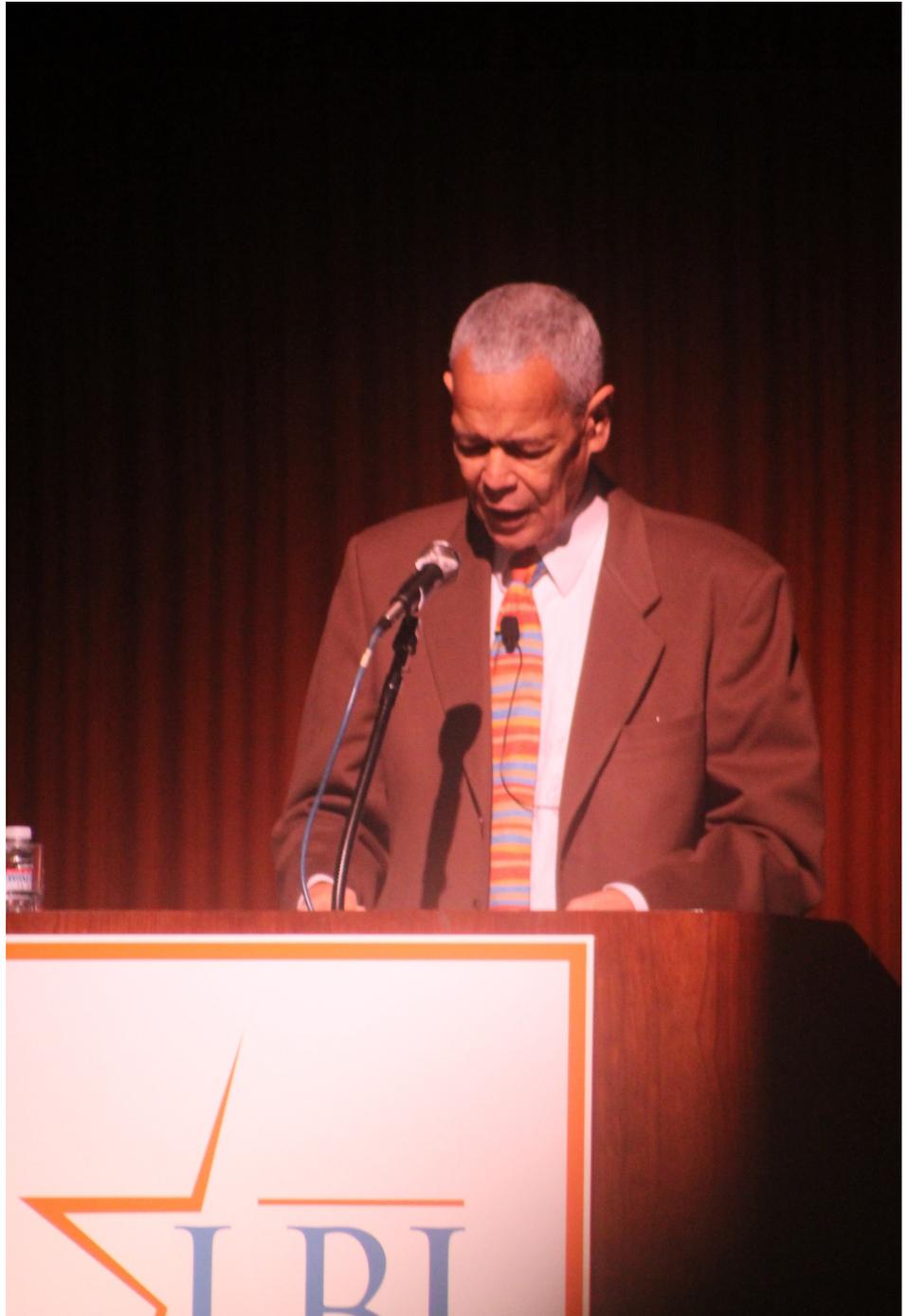


Photo courtesy of Eloise Reynolds, CRD

came to the movement for civil rights. Now it's up to all of us to continue this fight.”

According to Bond, the task ahead of the people is to continue to litigate, to organize, to mobilize and to form coalitions of the caring and concerned. He warned the audience that racial inequality still exists in America, and cited many statistics, including the 4

year life expectancy difference between whites and blacks to prove his point.

Although grateful for the advancements that have been made, Bond believes more must be done. “We have to fight discrimination wherever it raises its ugly head,” Bond maintained.

As University of Texas at Austin Division of Diversity and Community Engagement graduate student assistant Virginia

Cumberbatch, who delivered Bond's introductory speech so eloquently stated, “The life-long work of Julian Bond should not only impress us, it should also inspire us to sustained and meaningful action, as his leadership stands as a blueprint for social advocacy.” ■



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