



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 Workforce Commission Commissioners

Andres Alcantar - Chairman
Commissioner Representing the Public

Ruth R. Hughs
Commissioner Representing Employers

Julian Alvarez
Commissioner Representing Labor



In this issue:

Fair Housing Mediation Program - Positive Responses/ Positive Results	1
TDA's Fair Housing Booth at Texas State Fair Lassos Attendees for Outreach	2
Public Housing Arrest Guidance	4
Recent Fair Housing Texas Case Summary	5
Blindness Awareness Activity	6
City of Austin Equal Employment & Fair Housing Office 2016 Fair Housing Conference Save The Date	8

FAIR HOUSING MEDIATION PROGRAM - POSITIVE RESPONSES/ POSITIVE RESULTS

On July 1, 2014 the Texas Workforce Commission's Civil Rights Division (CRD) began offering Complainants and Respondents involved in a Fair Housing Complaint the opportunity to participate in a Fair Housing Mediation Program. Mediation is available for all cases in which all parties, complainant and respondent(s), voluntarily agree to participate.

The program provides a trained fair housing mediator at no charge to the parties. The fair housing mediator does not decide who is right or wrong, and has

no authority to impose a settlement on the parties. However, the mediator works with the parties to explore different options to resolve their differences.

The program, now in its second year, has provided many parties the opportunity to reach an early resolution to the Fair Housing Complaint process. The benefits of mediation--instead of the traditional investigation/ litigation model--are that the process is confidential, less expensive, faster and more efficient. The mediation option also allows the parties

to discuss conciliation prior to the actual mediation session. As a result, some cases are resolved before the mediation is even held.

It is clear that parties have come to recognize the benefits that mediation can provide. Positive responses and positive results have continued to grow as the program moves forward. The less costly, less time-consuming aspects of mediation provide an opportunity for a win/win experience. ■

Mailing Address:
101 East 15th St.
Room 144T
Austin, Texas 78778

Physical Address:
1117 Trinity St.
Room 144T
Austin, Texas 78701

Phone: 512-463-2642
or 888-452-4778
Fax: 512-463-2643

For more information or to
subscribe to this newsletter,
please visit:
civilrightsreporter@twc.state.tx.us

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).

Copies of this publication
(11/2014) have been
distributed in compliance
with the State Depository
Law, and are available for
public use through the Texas
State Publication Depository
Program at the Texas State
Library and other state
depository libraries.

www.texasworkforce.org



**Let's Work Together
for Fair Housing**

TDA's Fair Housing Booth at Texas State Fair Lassos Attendees for Outreach

In May 2014, the Texas Department of Housing and Urban Development, the Texas Workforce Commission, Texas Department of Agriculture (TDA), Texas Department of State Health Services, and General Land Office formed the Texas Fair Housing Workgroup. The purpose of the Workgroup is to collaborate and partner on fair housing activities in the state of Texas.

Each year, TDA hosts the Food and Fiber Pavilion at the Texas State Fair, using this venue to showcase Texan-produced food and other products.

Over 2 million visitors stroll through 25,000 square feet of a renovated art deco building - sampling food, talking to Texas vendors, and purchasing wares.



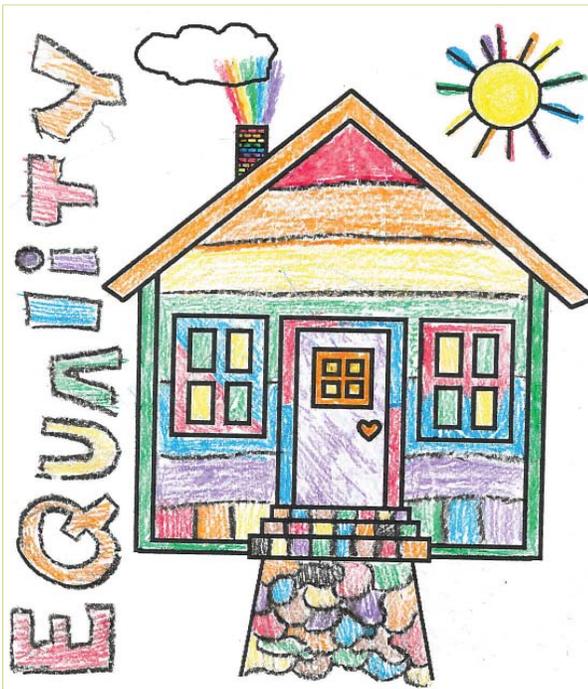
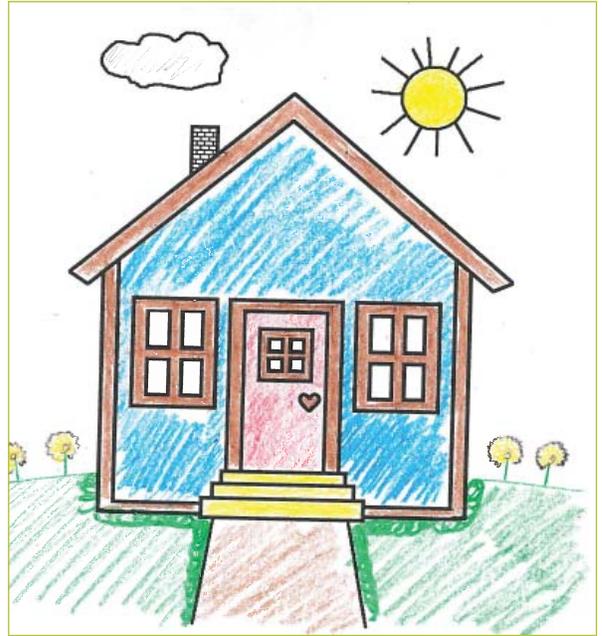
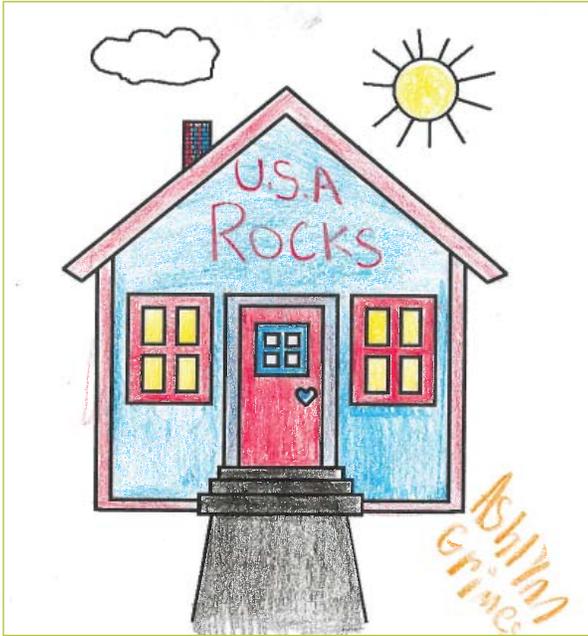
This year, TDA and its Office of Rural Affairs partnered with the Texas Workforce Commission during the weeks of September 25th-October 17, 2015 by

hosting a booth on fair housing at the Food and Fiber Pavilion. Visitors were given fair housing canvas tote bags, fair housing fact sheets in both Spanish and English, and mediation brochures, all supplied by the Texas Workforce Commission. Instead of handing out food samples, coloring pages of outlined houses and crisp, new Crayola crayons were provided. Attendees were asked to color their idea of fair housing.

Hundreds of "fair" houses were colored and drawn by children and adults alike and were then displayed at the booth. While visitors colored, discussions arose about what fair housing means and the resources available to ensure fair housing protections are followed. More than 700+ bags and brochures were handed to attendees.

"Fair housing is important in building strong communities," stated Suzanne Barnard, Director for CDBG Programs for TDA's Office of Rural Affairs. "Hosting a TDA booth at the Texas State Fair offered an enormous opportunity to reach literally millions of Texans and highlight how fair housing protects individuals and benefits the entire community."

On page 3 are some samples of what "fair" houses mean in this great state! ■



Public Housing Arrest Guidance

By *Ellena E. Rodríguez*

For the past few years, the United States Department of Housing and Urban Development (HUD) has been an active member of the Federal Interagency Reentry Council. This Council, made of multiple federal agencies, meets on a regular basis to act on issues that affect the lives of those released from incarceration. Recently, there's been some very interesting movement regarding criminal background issues both in employment and housing, i.e. "Ban the Box" or the new term and movement known as "Second Chance Hiring or Housing."

As you may be aware, having a criminal record severely limits a person's ability to seek higher education, employment, qualify for credit and secure affordable housing. The majority of individuals in our prisons will one day return to our communities. In Texas, approximately 70,000 people leave

prisons every year, while a million people cycle through local jails. Many barriers and restrictions prevent these same people from successfully transitioning into our communities, forcing many back into confinement. To address this issue, HUD announced updated public housing arrest guidance to Public Housing Authorities (PHA) similar to the Equal Employment Opportunity (EEO) guidance. In short, these federal agencies advise that an arrest in and of itself is not evidence of criminal activity that can support an adverse admission, termination, or eviction decision. Furthermore, HUD does not require PHAs and owners to adopt or enforce "One Strike" policies. Policies that deny admission to anyone with a criminal record or that require automatic eviction any time a household member engages in criminal activity is a violation of their lease.

For more information and details click on the link, http://portal.hud.gov/hudportal/HUD?src=/press/press_releases_media_advisories/2015/HUDNo_15-140

For the HUD Guidance click on the link, <http://portal.hud.gov/hudportal/documents/huddoc?id=PIH2015-19.pdf>

Additional Article Resources:

Texas Criminal Justice Coalition, <http://texascjc.org/solutions-confinement-reentry>

Texas Department of Criminal Justice Statistical Report, www.tdcj.state.tx.us/documents/Statistical_Report_FY2014.pdf ■

Recent Fair Housing Texas Case Summary

Hood v. Pope
2015 U.S. App. LEXIS 17380
(Unpublished Opinion)
(5th Cir., October 1, 2015)

The district court opinion in this case was previously summarized in Civil Rights Reporter, Fair Housing Edition, Issue 03, April 2015. In the Fifth Circuit opinion, the Court noted in the background on the case that the Texas Workforce Commission, Civil Rights Division had issued a “Determination of No Reasonable Cause.” The Fifth Circuit ruled that the renters failed to establish a plausible basis for a contention that any defendant’s behavior was racially discriminatory, and the district court properly dismissed all of their claims brought under 42 U.S.C. § 3604 for failure to rent or discriminatory terms and conditions of rental. The renters had not alleged sufficient facts to suggest that the initial, in-person refusal to rent by an employee of the management company or any of the subsequent actions taken by the company were on account of their race.

The renters also failed to allege a violation of 42 U.S.C. § 3617 for coercion, intimidation, threats or interference on account of exercising rights under § 3604, because the renters voluntarily rented the apartment and had not suggested that they did so due to any kind of threatening or intimidating behavior by the company. Any harassment subsequent to the initial rental did not state a claim under § 3617, because the renters did not at any point exercise any right granted under § 3604, or other section of the Fair Housing Act, but the Court acknowledged that the behavior alleged could be potentially unlawful for other reasons.

MacKenzie v. Castro
2015 U.S. Dist. LEXIS 168816
(N.D. Tex., November 2, 2015)

Plaintiff is or was a partner in the entity that filed a complaint against the City of Dallas with the U.S. Department of Housing and Urban Development (HUD) over the redevelopment of a downtown

skyscraper. HUD investigated and then signed a Voluntary Compliance Agreement with the City. The Plaintiff filed suit seeking judicial review of the alleged Fair Housing Act violations via the Administrative Procedure Act (APA). The Court held that it lacked jurisdiction to hear Plaintiff’s claim that HUD’s actions did not further policies relating to housing and urban development under § 3608(e)(5). The APA does not allow judicial review of agency actions that are committed to agency discretion by law. Here, what the Plaintiff alleged as HUD’s “numerous failures” at best boiled down to complaints about discretionary actions; and therefore, they could not be challenged. ■

Blindness Awareness Activity

By Faith N. Penn



Photo of Faith Penn, Civil Rights Investigator/Mediator
Photo courtesy of CRD.

October is a month that is shared with several commemorative and awareness campaigns such as National Breast Cancer Awareness, LGBTQ History, National Domestic Violence Awareness, National Information Literacy Awareness, and National Disability Employment Awareness Month--just to name a few. In addition, October has been named "Meet the Blind Month" by the National Federation of the Blind of which I am a proud member.

The purpose of "**Meet the Blind Month**" is to help educate the public and create greater awareness of the capabilities of people who are blind. Additionally, October 15th is "White Cane Safety Day," which recognizes the use of white canes by blind individuals.

Across the country, groups of blind and low vision individuals and their friends and family observe this month through various outreach activities such as participating in public events, speaking in public venues like schools, civic clubs, church groups, passing out literature, hosting meet and greets, conducting

blindness awareness activities, and volunteering service in their communities.

During the month of October, I was approved to e-mail one or two questions a day to select Texas Workforce Commission (TWC) staff, Civil Rights Division (CRD) staff, and the TWC Executive Director regarding blindness. Once the questions were received, participants had the option to respond with their best guess. Use of the internet was strongly discouraged. The questions were designed to be fun, to further educate staff regarding blindness, and to explain different daily techniques blind individuals use to ensure independence.

Later in the day, I e-mailed the answers to each question in addition to a short explanation or summary regarding each answer. Participation was voluntary, but I hoped everyone would participate and find the activity to be fun, innovative and informative. I wanted to create an exciting, educational activity where people could enjoy themselves while gaining knowledge about blindness.

Additionally, I gave a presentation to CRD staff regarding different tools and techniques blind individuals use to assist with living independently. During the presentation, I demonstrated two devices to write Braille, three different types of canes, a device that determines colors, Braille playing cards and a refreshable Braille display. CRD Director, Lowell Keig, assisted by passing out Braille alphabet cards, and acted as the guinea pig with the demonstration of the color identifier. Staff members stayed after to

ask questions and to test several devices.

We as humans tend to shy away from anything different or that is unfamiliar. Based on statements my co-workers and friends have made, some people are hesitant to ask blind individuals questions regarding blindness for fear of coming across as rude or insensitive. One of my goals for this activity was to try to break down those barriers and help people understand that a blind person is not any different than the next person, and to help people realize that it is acceptable to ask questions to educate themselves regarding something unfamiliar. I am of the opinion that we all have certain "characteristics," that is what makes the world so unique.

Since I started the activity, I have found that people are more willing to broach questions with me regarding blindness; and I love it! I truly hope this activity helps people to see me as me, Faith--not a person in need of coddling or a person with a condition.

Try Yourself on These Blindness Awareness Questions (see answers on page 7):

1. What blind sport is played with a 16 inch ball with an implanted sound module?
 - A. Sound Lacrosse
 - B. Bell Soccer
 - C. Beep Baseball
 - D. Golf for the Blind
2. Scenario: You and your co-workers are on your way out to lunch when you come across David,

a blind individual from the fourth floor. You've seen him around the building, but you and he have never had a conversation. David is walking in front of you and your associates using his cane. The group heads toward the main entrance, but David veers left and is now walking toward a row of occupied chairs. Specifically, he is headed straight for a woman holding a newborn baby who is unaware of the impending danger. What is the best technique to offer assistance to David?

3. Scenario: you are a huge dog lover and you happen to see a blind person with a guide dog and you feel inclined to pet the dog. What is the best way to handle this situation?

- A. Approach the dog with your hand out allowing it to get your scent, then pet the dog.
- B. Whistle at the dog to try to get its attention
- C. Speak to the blind individual and ask if you can pet the dog.
- D. Inform the blind individual you are going to pet their dog.
- E. None of the above

4. True or False: A person's other senses become more acute after the onset of blindness or visual impairment.

5. How does a blind individual who uses a service animal (guide dog) know when it is safe to cross the street?

- A. The dog watches the light to see when it turns green, then signals his owner that it is safe to cross.
- B. The owner listens to traffic and gives the dog a signal when it is safe to cross
- C. The owner asks someone when it is safe to cross.
- D. The dog barks once when it is safe to cross and barks twice when it is not safe to cross.

Answers to Blindness Awareness Questions:

1. C. Beep Baseball. "In 1964, Charley Fairbanks, an engineer with Mountain Bell Telephone, . . . implanted a small beeping sound module inside a normal sized softball." Visit nbba.org to learn more.

2. Under no circumstances is it appropriate for anyone to grab a blind person's cane or their guide dog's harness to lead them. It is not only embarrassing but dangerous for the blind individual. Give directions such as "to your right, to your left, behind you or in front of you." Cardinal directions such as North, South, East, and West are also appropriate. If you do not feel comfortable offering directions, offer your arm to the person, allow them to accept your assistance, and lead them to their destination or an indicated place or area.

3. C. Speak to the blind individual and ask if you can pet the dog. It's important for a "working" dog to stay focused for the safety of the team and maintenance of training standards. However, most guide dog owners enjoy interacting with the public when they have the time. It's an essential courtesy to first ask for permission to pet a guide dog.

4. False. Blindness does not entail compensatory powers. Although one may learn to pay greater attention to one's hearing, for example, the hearing does not actually spontaneously improve or become more acute to compensate for the one lost sense.

5. B. The owner listens to traffic and gives the dog a signal when it is safe to cross. Blind people listen for the surge of parallel traffic and tell their guide dogs when it is safe



Photo of Faith N. Penn demonstrating assistive tools for blind individuals. Photo courtesy of CRD.

to cross the street. A hand signal is given to the dog when it is time to cross. Dogs are color blind so they can't see the traffic light or the cross signals. The dogs are trained not to walk into on-coming traffic, no matter if a command is given.... ■



SAVE THE DATE

***For the City of Austin
Equal Employment & Fair
Housing Office
2016 Fair Housing Conference***

APRIL 20, 2016

***Formal invitation, registration
and event details to follow***

***In Partnership with the
Texas Workforce Commission
Civil Rights Division***

for Fair Housing
Let's Work Together



The City of Austin is committed to compliance with the American with Disabilities Act. Reasonable Modifications and equal access to communication will be provided upon request. If you need accommodations please contact (512) 974-3251