MISSION STATEMENT
The mission of the Civil Rights Division is to reduce discrimination in employment and housing through education and enforcement.

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

DISABILITY - TOP BASIS OF HOUSING COMPLAINTS STATEWIDE

When the federal Fair Housing Act was passed in 1968 and the state Act was passed in 1993, the major purpose of these anti-discrimination laws was to combat racial discrimination in housing. However, in the recent past, disability has become the most common basis for housing complaint filings in Texas.

The case of Mr. Glenn Eaglin is an excellent example of how disability discrimination complaints can be successfully resolved. Mr. Eaglin had a disability that limited his ability to walk. He used an electric wheelchair for mobility.

Through the Greater Houston Fair Housing Center, an advocacy organization, he made a request to a condominium association for a designated and accessible parking space with a curb-cut ramp.

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. Providing a parking accommodation can include creating signage, repainting markings, redistributing spaces, or creating curb cuts.

The condo association’s management company ignored the request. The Director of the Texas Workforce Commission’s Civil Rights Division issued a Charge of Discrimination. The Attorney General’s Office filed a lawsuit on behalf of the State and Mr. Eaglin. All parties were able to settle the case.
Mr. Eaglin was not even looking for money—he just wanted accessible parking. He had to wait two years from the time he made the request to get that accessible parking. A lot of time, effort, and frustration might have been avoided if the property management company had been well-versed in what is required for disability accommodations.

Mr. Eaglin’s case is indicative of the types of disability discrimination we encounter in complaints filed with the Civil Rights Division. And, a high volume of disability complaints is not a new phenomenon. In fact, disability was the basis in the majority of housing discrimination complaints filed in Texas and with the Texas Workforce Commission Civil Rights Division (CRD) in FY 2014, FY 2015, and FY 2016.

As the chart below indicates, in FY 2014, 53% of the housing discrimination complaints filed listed Disability as the basis. In FY 2016, that percentage increased significantly to 67%. For CRD filings, an amazing 77% of cases filed in FY 2016 listed Disability as the basis. There were 567 disability cases filed with CRD in FY 2016, and

![](chart1.png)

![](chart2.png)
a majority of the complaints included the issue of denial of a reasonable accommodation, along with 345 cases involving accommodation testing for service/assistance animals.

In addition to investigating housing discrimination complaints, CRD has implemented a comprehensive approach to educate housing providers and consumers about disability-related issues. In addition to offering free Reasonable Accommodation webinars, TWC recently began publishing blog posts and presenting at professional organizations about disability issues. CRD’s initiative has received grant funding from the U.S. Department of Housing and Urban Renewal (HUD).

Here are some disability-related pitfalls for housing providers to avoid:

- A reasonable accommodation request does not have to be on a housing provider’s form or even be in writing.
- When provided with a request for a reasonable accommodation, the housing provider should begin the interactive process immediately.
- A housing provider should carefully draft, review, and revise the reasonable accommodation policy on a regular basis.
- A housing provider cannot ask for the requester’s detailed medical records or about the extent of the individual’s disability. A housing provider has the right to ask a requester to provide documentation to determine if the requester meets the Fair Housing Act’s definition of a disability, describe the need for the accommodation, and show the relationship between the person’s disability and the need for the requested accommodation.

CRD wants to educate housing providers who really want to do the right thing—they just don’t know what the law requires.

At the same time, we need to actively reach out to consumers who have disabilities to let them know what their rights and responsibilities are. Consumers need to understand not only what constitutes a fair housing violation, but also what does not constitute a fair housing violation—such as a dispute that might be solely a breach of a lease agreement or a violation of another chapter of the Texas Property Code that is not enforced by CRD.

With cooperation and coordination of all stakeholders we can work together for fair housing.

Photo courtesy of ThinkStock
Civil Rights Division Celebrates African American History Month

**Surprising Facts from a Visit to the Texas African American History Memorial Monument at the Capitol**

One of the Civil Rights Division’s ways of celebrating African American History Month this year in February was a brief walk to the Texas African American History Memorial Monument on the south lawn of the Texas State Capitol. Aside from the impressive features of the sculpture, many of us were pleasantly surprised to learn some interesting facts about the involvement of Texas African Americans in our past history.

The monument is adorned with various plaques telling true stories about our African American ancestors. A plaque on slavery during the Mexican National Era from 1821 to 1836 informs the reader that slaves of African descent were brought to Texas by Anglo-American settlers and goes on to state:

In 1830, Mexican lawmakers prohibited further immigration into Texas from the United States and explicitly banned the introduction of enslaved people into the territory. This ban contributed to increasing tensions between United States settlers and the Mexican government, and was one of the causes of the Texas Revolution....By the time Texas declared independence there were approximately 5,000 enslaved Blacks in the region.

Another plaque, which addresses the battles for Texas independence from Mexico, reflects that several individuals of African descent participated notably at the Alamo and in San Jacinto. Although we commonly think that no one survived the battle of the Alamo, this plaque conveys that “Joe, slave of William B. Travis, fought at the Alamo and survived. His account of the fighting is one of the most important Alamo narratives.” Also, “Mack Smith, slave of Ben Fort Smith, and Dick the Drummer, a musician, both participated in the battle of San Jacinto.” The plaque further tells the story of “Emily,” a mulatto girl, who belonged to Col. James Morgan:

A plaque covering the Civil War, Emancipation and Juneteenth during the time frame of 1861 to 1865 states that on the eve of the Civil War, the number of enslaved people in Texas totaled 30 percent of the state’s population and continued to grow as slaveholders from other areas of the Confederacy came to Texas as refugees with their enslaved individuals. It is estimated that more than 30,000 enslaved people were brought into Texas during the Civil War. After the end of the Civil War, General Gordon Granger issued an order at Galveston on June 19, 1865 to enforce President Lincoln’s Emancipation Proclamation. The inscription states, “That day soon became recognized as Juneteenth or Emancipation Day, although many slaves were not freed until much later.” In 1980, Juneteenth was officially declared a state holiday in Texas and is celebrated here and in other states as a milestone of the struggle for freedom.

We encourage you to share in our experience by visiting the monument to enjoy the stories and the wonderful art.

A plaque was employed by Col. Morgan as a house worker in...[what is] (now Morgan’s Point) on Galveston Bay. Morgan’s settlement was occupied and burned by Santa Anna's army on April 20, the day before the battle. His servants, unable to escape, were capture by the Mexican Army. Emily, sometimes known as “the Yellow Rose of Texas,” may have been among the prisoners....
RECENT FAIR HOUSING TEXAS CASE SUMMARY
By Corra Dunigan, TWC Assistant General Counsel

Crain v. City of Selma
2017 U.S. Dist. LEXIS 30160
(W.D. of Tex., March 3, 2017)

In this case, plaintiff Crain alleged that the City of Selma, two of its lawyers and several city employees discriminated against him during a public excess-property auction based on his race, in violation of the Fair Housing Act (FHA). Plaintiff (an African American) claims that he and two other bidders (a White and an Hispanic) submitted an offer for a parcel of land. Plaintiff alleges that he submitted his bid by the December 19, 2014 deadline, but was not offered the opportunity to resubmit his bid. According to the plaintiff, the other two bidders submitted non-confirming bids initially, but were invited to resubmit. Plaintiff claims that the final bid of the Hispanic bidder was stamped as received on December 22, 2014—three days after the deadline.

Plaintiff filed a complaint with TWC and HUD on September 29, 2015. In filing his complaint, he claimed he requested that the City of Selma preserve all relevant evidence pending litigation. He also asserted that there was a video camera located in City Hall, which would have recorded a conversation that showed that the Hispanic tester was allowed to resubmit his bid. When no such video footage was located, he claimed that the video was altered to omit said conversation. TWC’s investigation resulted in a finding of no reasonable cause.

In addition to the FHA violation, plaintiff filed four other causes of action, which are not detailed in this case summary. The Magistrate Judge reported and recommended dismissal of all claims. Plaintiff filed an objection to the Magistrate Judge’s report and recommendation, and in doing so triggered a de novo review by the U.S. District Judge.

The Court set out the standard for review of a motion to dismiss under Rule 12(b)(6). It requires that a complaint state a claim upon which relief may be granted. To survive motion to dismiss, “a complaint must contain sufficient factual matter” that is “plausible on its face.” When considering a motion to dismiss under Rule 12(b)(6), all factual allegations should be taken as true and the facts are to be construed in the light most favorable to the plaintiff. “A well pleaded complaint may proceed even if it appears ‘that a recovery is very remote and unlikely.’”

Upon review, the Court concurred with the Magistrate’s Report and Recommendation to dismiss all claims except for the FHA claim. The court found that Plaintiff had standing to assert an FHA claim, concluding that 1) plaintiff is a member of a protected class because he is African American, and 2) plaintiff alleged that he incurred a “distinct, palpable injury” because he adequately pled that he was subjected to differential treatment during the auction process. The Court further found that plaintiff’s allegations set out a prima facie case of disparate treatment under the FHA in that African Americans, a protected group, were subjected to “explicitly differential” treatment in terms, conditions, and privileges of purchasing a dwelling.

Director’s Note: The finding of no reasonable cause by TWC is not extinguished by this ruling of the Court on the motion to dismiss for failure to state a claim under Federal Rule 12(b)(6). TWC’s analysis considered and weighed all of the evidenced adduced through the investigation. At this stage of the litigation, the Court correctly was only looking at the evidence as pled by the plaintiff and taking it as true. The Court’s ruling now allows the case to proceed to the merits.