



### In this issue:

Governor Greg Abbott Proclaims October Persons with Disabilities History and Awareness Month.....	1
2018 Austin Fair Housing Summit .....	2
Disability Awareness Proclamation from Governor.....	3
Meet the Blind Month.....	4
CRD Releases TDHCA Annual Report.....	6
Recent Fair Housing Texas Case Summary .....	8
Summaries of Successful ADR Closures .....	10

### 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. Hughes**  
*Commissioner Representing Employers*

**Julian Alvarez**  
*Commissioner Representing Labor*

## Governor Greg Abbott Proclaims October *Persons with Disabilities History and Awareness Month*

Throughout our state’s history, Texans with disabilities have played an outsized role in making Texas the greatest state in our nation to live, work and raise a family. Demonstrating the remarkable qualities of the Texas spirit – courage, independence and ingenuity – Texans have filled some of our highest offices, fought in historic battles and contributed to the art and culture of our state.

Each October is designated *Persons with Disabilities History and Awareness*

*Month* in Texas. The state’s observance was enacted by the 82nd Texas Legislature with the passage of House Bill 3616. This law encourages public schools and state agencies to celebrate the accomplishments of people with disabilities. The intent is to increase public awareness of the many achievements of people with disabilities, to encourage public understanding of the disability rights movement, and to reaffirm the local, state, and federal commitment

to providing equality and inclusion for people with disabilities.

Governor Abbott encourages all Texans to learn more about the achievements of Texans with disabilities who have contributed so much to our society and about the disability rights movement as it takes its rightful place as part of the story of Texas.

There is no better place to learn about the story of Texas and the role of Texans with disabilities in our state’s rich

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history than the University of Texas at Arlington. In October, UT Arlington exhibited its accessible campus' history collection on the ground floor rotunda of the Capitol Building.

According to Dr. Sarah Rose with UT Arlington's Disability Histories Minor Studies Program, people with disabilities make up about twenty percent of the population of the United States and worldwide: one of the largest minorities. Yet their history—and their fight for full civil rights and equal opportunity—is just beginning to be told.

As is often the case, Texans have played a prominent role, especially in the disability rights movement that led to the passage of the Americans with Disabilities Act of 1990 (ADA). "Godfather of the ADA" Justin W. Dart, Jr. crisscrossed the country during the 1980s, talking with ordinary Americans with disabilities about the barriers they faced. As executive director of the National Council on Disability, "Architect of the ADA" Lex Frieden guided the drafting of the Americans with Disabilities Act. Bob Kafka of ADAPT of Texas, in turn, organized grassroots protests crucial

to raising legislators' awareness about longstanding, systemic barriers.

For those seeking to learn—or teach—more, one could hardly do better than explore the thousands of virtual artifacts and teaching tools available at the online Disability History Museum ([www.disabilitymuseum.org](http://www.disabilitymuseum.org)).

The Governor's Committee on People with Disabilities Executive Director Ron Lucey remarked, "This year we are proud to partner with the University of Texas at Arlington to support additions to their disability history collection through gathering informational interviews with prominent Texans who shaped the disability rights movement of the 20th and 21st centuries. The next chapter in the story of Texas is still being written. Working at the Office of the Governor I'm reminded by historic images in our building and through our current interactions with leaders in the disability rights movement that Texans with disabilities make meaningful contributions that continue to shape the future direction of our great nation."

Article Resource: The Governor's Committee on People with Disabilities

## 2018 Austin Fair Housing Summit

Save the Date!

The 2018 Austin Fair Housing Summit will take place April 2 - 5, 2018 at the Austin Convention Center in Austin, Texas. The Summit will provide a comprehensive forum for discussion of the continuing effects of the Fair Housing Act, including the history of housing practices before and after the Act's passage, current models

of fair housing policies and practices, and opportunities to continue and improve fair housing for the next 50 years.

For more information, please visit the event website at <http://www.austinfairhousingsummit.com> or email: [FairHousingSummit@austintexas.gov](mailto:FairHousingSummit@austintexas.gov).



## STATE OF TEXAS OFFICE OF THE GOVERNOR

The often used slogan for the Lone Star State's approach to commerce is that "Texas is wide open for business." This openness and welcoming atmosphere has been a major part of the foundation for our strong economy. Thus, it is crucial that we ensure this welcoming atmosphere applies not only to our business climate but to the hardworking men and women who make up the indomitable Texas workforce.

An important part of this workforce is Texans with disabilities, who make invaluable contributions to Texas employers. In light of this, while we strengthen our state's workforce system to prepare Texans with disabilities for the jobs of the 21st century, we must engage in disability employment awareness to ensure that all Texans have the equal opportunity to contribute to the workforce that is the backbone of our great state's robust economy.

That is why this October is dedicated to Texans with disabilities. During this month, we dedicate ourselves to promoting disability employment awareness, creating more inclusive workplaces and creating more employment opportunities for Texans with disabilities to support an economy that is made ever stronger by the diversity and full participation of workers with disabilities.

Not only as the governor of the Lone Star State, but as a Texan with a disability myself, I encourage all Texans to learn more about disability employment and join me in celebrating the varied accomplishments of Texans with disabilities that have contributed to building an even better and brighter future for our great state. Texas employers can find additional resources on how to promote disability employment awareness through the Texas HireAbility Campaign, which raises awareness about the benefits of hiring people with disabilities and highlights the contributions of people with disabilities in the workforce.

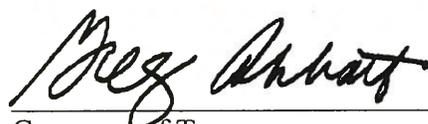
Therefore, I, Greg Abbott, Governor of Texas, do hereby proclaim October 2017 to be

## Disability Employment Awareness Month

in Texas, and urge the appropriate recognition whereof.

In official recognition whereof,  
I hereby affix my signature this the  
28<sup>th</sup> day of September, 2017.



  
Governor of Texas

# Meet the Blind Month Activity

By: Faith N. Penn

Several commemorative and awareness campaigns share the month of October. These campaigns are designed to bring awareness to the general public regarding topics such as Breast Cancer, Domestic Violence, Information Literacy and Disability Employment. In addition, October has been named “Meet the Blind Month” by the National Federation of the Blind.

“Meet the Blind Month” helps educate the public and create greater awareness of the capabilities of people who are blind. Additionally, October 15th is “White Cane Day,” which recognizes the use of white canes by blind individuals.

Across the country, groups of people who are blind and low vision, along with their friends, families, and co-workers, observe this month by participating in various outreach activities, awareness events and public speaking engagements at venues including schools, civic clubs and church groups. Additional activities include distributing awareness literature, hosting meet and greets, conducting blindness awareness activities and volunteering service within their communities.

During Meet the Blind Month, the Director of Texas Workforce Commission’s Civil Rights Division (CRD) authorized me to offer and conduct 15-minute blindfold/cane

travel sessions to interested staff members. In addition, I e-mailed two blindness/visual impairment-related educational questions daily to the entire CRD staff, giving each member an option to respond with their knowledge or best guess without use of the Internet. The questions were fun, educational and explained different alternative techniques individuals use daily, to ensure nonvisual independence. I provided the correct answers to the entire staff before the end of each work day to increase awareness and attract more participants.

The Blindfold Training Activity presented an educational and slightly challenging exercise in a safe and controlled environment, where participants could enjoy themselves, while relying on their four other senses to navigate, solve problems and complete one or more daily tasks.

As the facilitator, I required participating staff members to choose from a straight cane, a lighter or heavier folding cane or a telescoping cane. After selecting a travel tool, I blindfolded each participant and used sighted/human guide to lead them to a quiet area in the office for instruction. Once there, I explained the importance of walking in

step, covering one’s body by swinging the cane slightly beyond shoulder width, centering the cane and several types of cane techniques such as constant contact and shorelining.

After a bit of practice, I required participants to locate two to three items or places within the CRD office space. I was very impressed with several of my fellow co-workers’ abilities. Additionally, I was fascinated to observe the different strengths and problem solving and cane travel skills demonstrated by each participant. Some participants displayed stronger, better direction-following and mental mapping, while others excelled in using other senses to structurally discover their destination(s).



Lee Pierce (left) with Faith Penn (right). Photo courtesy of Thelma Villanueva

Participation was voluntary, and I am impressed with the overall reception. I had a great time facilitating this event and hope all participants found the activities fun, innovative and informative.

Often, we solicit and receive perspectives from blind and visually impaired persons regarding how they function in the world. Through this activity, I hope to enlighten others by asking the sighted Blindfold Training Activity participants to share their thoughts about the experience.

Lowell Keig, Director of CRD said, “Participating in the white cane exercise with a blindfold gives you a keen appreciation of the obstacles encountered daily by someone who is blind. We have a structural pole in a passageway that I knew was there, and caused me to worry about hitting my head on it during the exercise. I can only imagine what it is like for someone who has never seen the layout of a building beforehand. This exercise definitely helped us be better prepared to help people who are blind.”

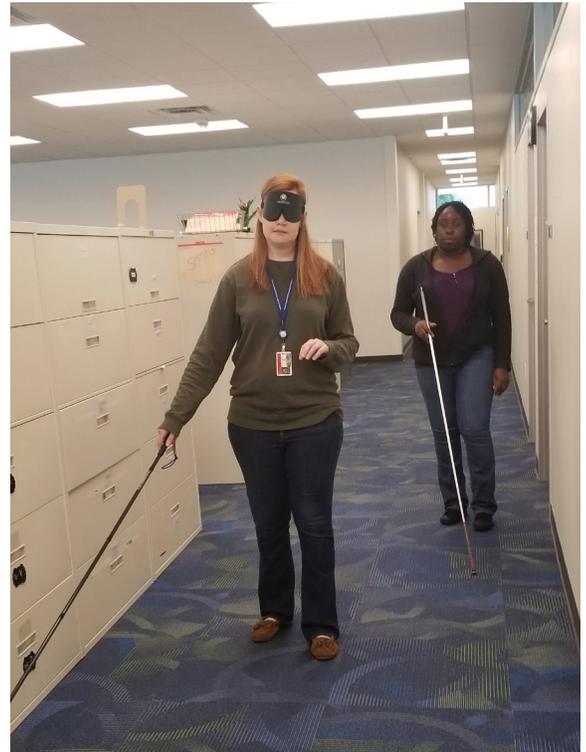
Carrie Mills, Housing Investigator and Mediator for the Texas Workforce Commission Civil Rights Division said, “The activity was very challenging. Especially when I didn’t know what location I was starting from and I was trying to get to a certain location like the front door. I found it challenging, but in a good

way because it helped me learn a lot about how someone who is blind would actually have to find their way if they did not know where they were starting from. Mills went on to say, “Faith Penn was very helpful as the leader of the training and very patient with me.”

Javier Cano, Employment Investigator for the Texas Workforce Commission Civil Rights Division said, “I found the experience challenging and frightening. At first it was difficult to get my bearings but then an interesting thing happened.

I began to get a mental picture of my environment from having a visual foundation. I then turned to my hearing and began to trust my cane just as you had instructed. I could literally see, in my mind, the lay out of the office. It gave me an even greater appreciation and respect for the challenges the visually impaired face on a daily basis. I would recommend the experience to everyone.”

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



Liza Ward (left) with Faith Penn (right). Photo courtesy of Thelma Villanueva

goals for this activity was to try to break down those barriers and help people understand that blind people are not any different than anyone else. I want 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 different “characteristics”—that is what makes the world so unique.

Since I started organizing Meet the Blind Month activities in the CRD offices, I found that people are more willing to broach questions with me regarding blindness; and I love it! I truly hope this activity helps more individuals see people who happen to be different as people, and not persons with conditions.

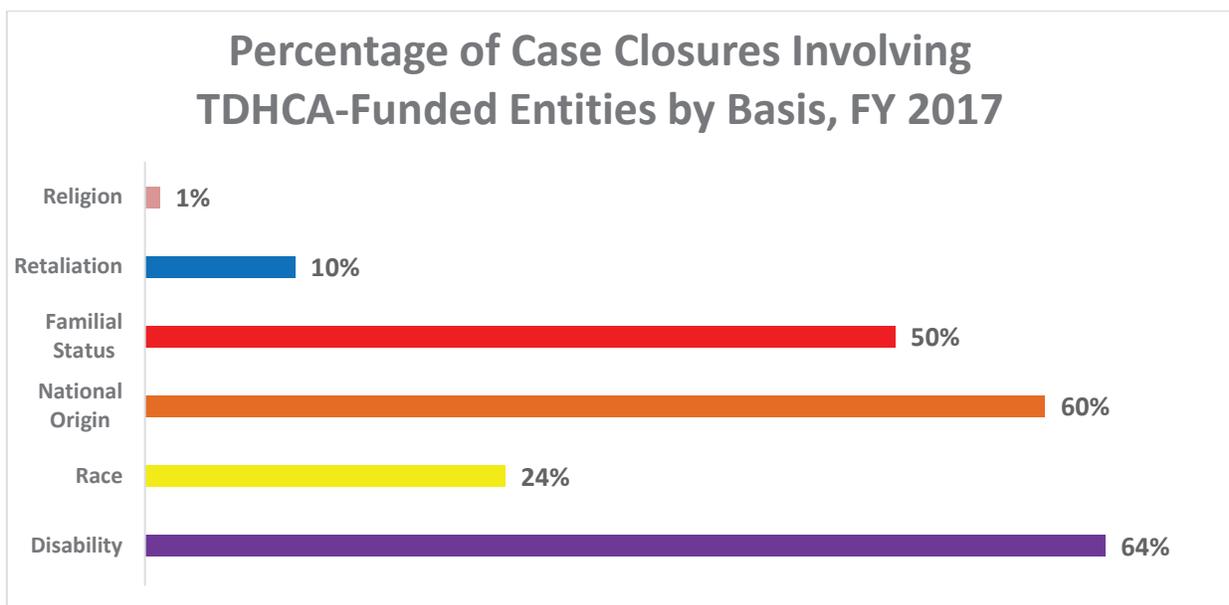
# CRD RELEASES TDHCA ANNUAL REPORT

The Texas Workforce Commission Civil Rights Division (CRD) has a Memorandum of Understanding (MOU) with the Texas Department of Housing and Community Development (TDHCA) for coordination of fair housing outreach and enforcement. Under the MOU, CRD sends TDHCA an annual report of the type and number of complaints against any rental housing development funded by TDHCA. With this information, TDHCA is able to provide technical assistance to those housing providers and make improvements in fair housing training based upon identified problem areas.

Below is a brief summary of the major findings with graphs:

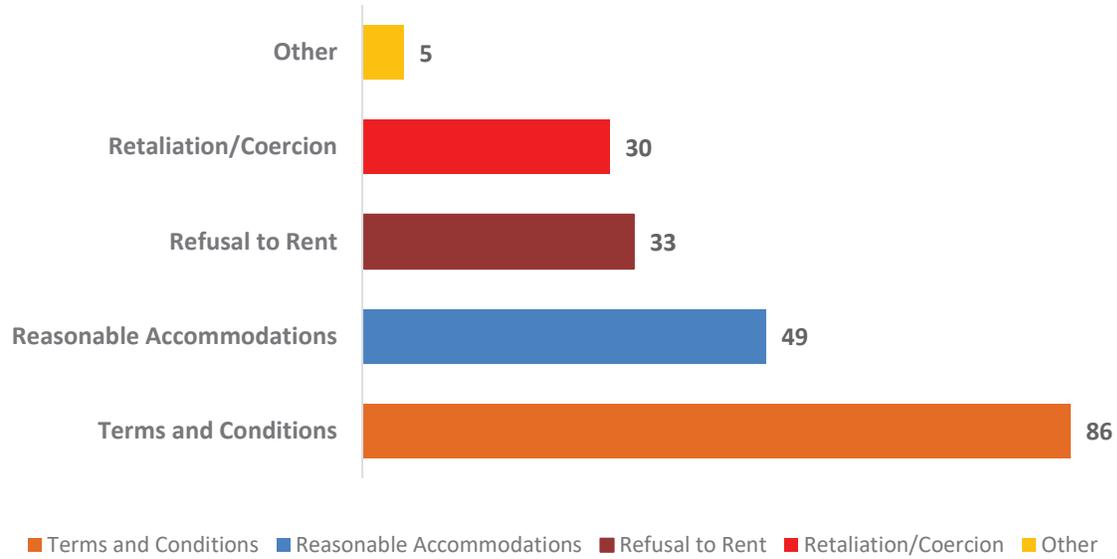
- In FY 2017, there were 91 cases closed involving TDHCA-Funded Entities out of a total of 516 case closures.
- Disability was the most common basis, followed by national origin.
- Terms and conditions and failure to make a reasonable accommodation were the two most common issues.
- While no reasonable cause was the most common determination, it should be noted that 41% of the cases were closed due to the parties signing a conciliation agreement.

Together, CRD and TDHCA are working to get, and keep, government-funded housing providers into fair housing compliance.



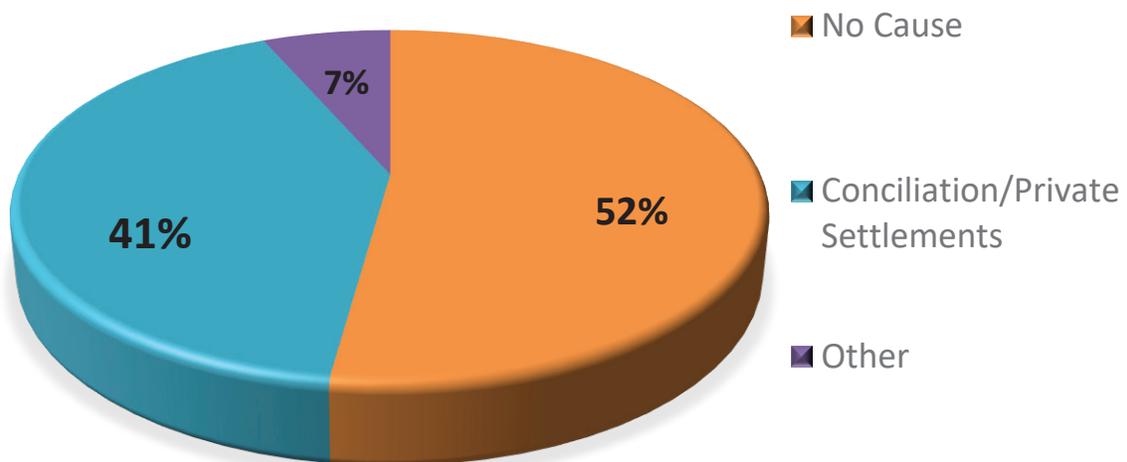
Note: According to CRD's database, there were 91 cases out of a total of 516 cases closed that received TDHCA and/or HUD government funding during FY 2017. Some cases had more than one issue and more than one basis; therefore, the percentages for basis will not total to 100%. Cases where the complainant refused to cooperate or withdrew the complaint without a resolution are categorized as administrative closures. Settlements after filing a suit or initiating a special hearing are considered judicial consent decree. During FY 2017, there was one case that was closed as a result of a judicial consent decree.

## Number of Case Closures Involving TDHCA-Funded Entities by Issue, FY 2017



NOTE: “Other” includes discriminatory advertising, statements and notices; design and construction; and refusing to provide municipal services or property.

## Case Closures Involving TDHCA-Funded Entities by Closure Type, FY 2017



NOTE: “Other” includes Administrative Closures.

# Recent Fair Housing Texas Case Summary

By Corra Dunigan, TWC Assistant General Counsel

## ***Houston v. DTN Operating Co., LLC,***

Civil Action No. 4:17-CV-00035, 2017

U.S. Dist. LEXIS 171676 (E.D. Tex. 2017)

On June 2, 2016, Plaintiff applied for housing with the Republic of Denton (The Republic). During the application process with The Republic, Plaintiff indicated that she had a disability and that she would need to have a service dog with her. Plaintiff provided a letter from her therapist (a family and marriage therapist) which stated that she would need a “therapy dog.” Plaintiff further provided documentation that she had registered her dog as an emotional support animal. Without receiving approval for her dog, Plaintiff moved into student housing at The Republic on August 22, 2016. Soon thereafter, The Republic sent a letter to Plaintiff asking for additional information regarding her disability. Plaintiff provided another letter from her therapist stating that Plaintiff “needed a therapy dog to help her cope with her mental health condition.”

On September 15, 2016, The Republic notified Plaintiff by letter that they had received several noise complaints from her dog. They further reminded her that

she had an unregistered animal in her apartment (as the dog had not yet been approved) and fined her \$200.

On September 19, 2016, The Republic wrote Plaintiff a second letter informing her that they would continue to evaluate her accommodation request, but informed her that her dog had not been approved and would need to be removed from the complex. The letter also informed her that they would not be able to approve her request because of complaints from neighbors that her dog barks continuously, especially when left alone. On September 21, 2016, Plaintiff received a three-day notice to vacate the property.

On January 13, 2017, Plaintiff filed her complaint against The Republic asserting disability discrimination, alleging that the Defendant violated: the Fair Housing Act, the Civil Rights Act of 1964, the Texas Fair Housing Act, the Texas Civil Rights Act, the Americans with Disabilities Act, and other statutes and common

law duties. This case summary focuses on the alleged fair housing violation.

Defendant filed a motion to dismiss Plaintiff’s complaint. Plaintiff alleged that the Defendant violated the Fair Housing Act (FHA) for discriminatory housing practices due to her disability, arguing that it is “medically necessary” for her to have a “service dog.” The FHA makes it unlawful to discriminate against an individual in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provisions of services or facilities in connection with such dwelling on the basis of disability. The FHA defines a disabled person as having a “(1) physical or mental impairment which substantially limits one or more of such person’s major life activities, (2) a record of having such impairment, or (3) being regarded as having such an impairment.” Plaintiff alleged in her complaint that she has a disability and having a “therapy dog was necessary for her to cope with her mental health condition.”

To support her claim, Plaintiff first provided a letter from her therapist which stated that Plaintiff has a mental disability and needed an emotional support animal. At the request of The Republic for more information, Plaintiff provided a second letter from the therapist stating that Plaintiff had been under her care since April 2016 and gave a vague explanation that Plaintiff needed a therapy dog to help her cope with her mental health condition. However, Plaintiff never provided documentation about what her disability was and how it impaired her “major life activities.” Following yet another request for more information regarding her disability and how the dog would assist her with her disability, her therapist sent another letter merely stating that Plaintiff has a “mental illness” and as such, has “certain limitations.”

In its decision, the court noted that while a landlord is required by the FHA to provide an accommodation to a disabled person so that they can “use and enjoy a dwelling,” the Plaintiff in this case failed to adequately identify her disability or demonstrate how it affected any life activity, let alone a “major

life activity.” Despite her claims that The Republic’s acts were motivated by her disability, she failed to show how her disability affected one or more major life

activities; and further, she was unable to demonstrate how her dog would assist her with her disability. Thus, the case was dismissed.

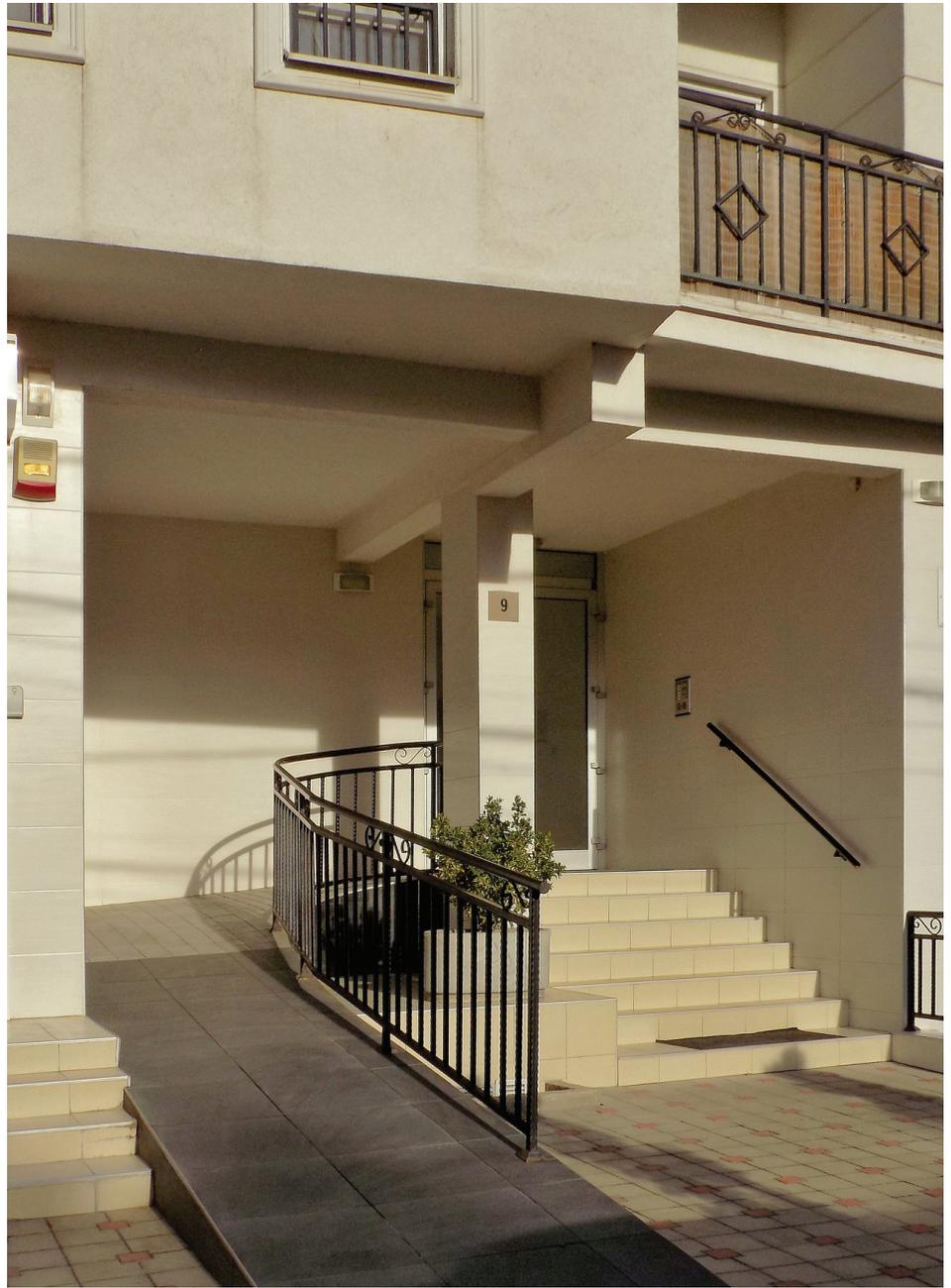


Photo courtesy of Thinkstock

# SUMMARIES OF SUCCESSFUL ADR CLOSURES

For the period of July 1 – October 31, 2017, twenty-eight cases were closed because the parties were able to agree to the terms of a Conciliation Agreement. These cases were conciliated through 1) a formal mediation process conducted by a mediator; 2) conciliation negotiations conducted by a mediator, or 3) conciliation discussions facilitated by an investigator (collectively referred to below as alternative dispute resolution or “ADR” cases). Continuing a trend, disability was the basis for the majority, 21, of those conciliated cases.

Below are allegations and settlement terms of six selected ADR Closures. A review of the settlement terms of these cases indicate that ADR Closure settlement terms most often include policy changes and fair housing training.

## ***Lease Non-Renewal due to Reasonable Accommodation Request***

**Allegation:** The complainant resided in a rental house for six years with her disabled son. The complainant informed the respondent that her son had just received approval for a service animal. The next day she was informed that her lease would not be renewed.

**Settlement Terms:**

- Respondents paid Complainant \$6,800 for reimbursement of moving costs, the rental increase and security deposit expenses.
- Respondent agreed to take TWCRD-approved fair housing training.

## ***Reasonable Accommodation Request for Accessible Parking Space***

**Allegation:** Complainant made a request for a reasonable accommodation to be assigned an accessible parking space due to her disabilities and provided medical documentation showing the need for the accommodation. Respondent property manager

informed the complainant that her request was denied. According to the manager, the property only assigns parking spaces to residents after they have lived at the complex for at least 10 years.

**Settlement Terms:**

- Complainant terminated her lease early without any penalties or fees associated with early termination.
- Respondents agreed to take TWCRD-approved fair housing training.

## ***Reasonable Accommodation Request for Curb Ramp Access***

**Allegation:** Complainant requested permission from the association management company to construct a curb ramp so that she could access her unit. The respondent had not responded to her request after thirty days.

**Settlement Terms:**

- Respondents approved complainant’s request to construct a curb ramp allowing her entry into her unit.
- Respondents also agreed to take TWCRD-approved fair housing training.

## ***Two Reasonable Accommodation Requests for Emotional Support Animals on the Same College Campus***

*NOTE: The September 2017 issue of the Civil Rights Reporter, Housing contains a conciliation summary of a reasonable accommodation complaint involving another college campus.*

**Allegation #1:** A student was informed that she violated the college’s emotional support animals (ESA) policy by taking her ESA out of her room. She was told that she must voluntarily remove her ESA from her on-campus housing unit or she would be fined and her ESA would be removed by the college. At a meeting with the assistant director of residential living, the complainant

was told that only Service Dogs, and not ESAs, were permitted everywhere on campus. To determine that the complainant's ESA met the definition of a Service Dog, the assistant director asked the complainant to demonstrate the service that her ESA provided.

**Settlement Terms:**

- Respondent agreed to pay the complainant \$1,000 in damages because she was not able to enjoy her home.
- Respondent agreed to modify its fair housing policies so that they comply with the Texas Fair Housing Act, the Fair Housing Act, and the U.S. Department of Housing and Urban Development guidance regarding reasonable accommodations.
- Respondents also agreed to take TWCRD-approved fair housing training.

**Allegation #2:** The tester from a nonprofit organization contacted a college by telephone. In the phone call, the tester identified his son as a disabled person who required an emotional support animal (ESA). The college representative refused to waive the college's pet rule, and stated that the tester's ESA would be required to remain indoors. The college representative also indicated that students with ESAs were encouraged to reside in a specific dormitory.

**Settlement Terms:**

- Respondent agreed to pay the complainant \$1,000 for staff time for intake and investigation; providing educational and outreach services; and for diverting the organization's resources.
- Respondent agreed to modify its fair housing policies so that they comply with the Texas Fair Housing Act, the Fair Housing Act, and the US Department of Housing and Urban Development guidance regarding reasonable accommodations.
- Respondents also agreed to take TWCRD-approved fair housing training.

***Disparate Treatment in Assessing Lease Violations***

**Allegation:** Complainant is African American. Shortly after discovering the complainant's husband was White, the respondent property manager issued the complainant a lease violation, accusing her children of making noise. In less than one month, a new property manager started working at the complex who gave the complainant an Eviction Notice for nonpayment of rent – one day before the grace period ended. (The complainant believes the new property manager was aware of the racial identity of the complainant and her husband.) The new property manager refused to accept the rent on the 3rd of the month, although the property newsletter stated rent payments made by that date are not considered late.

**Settlement Terms:**

- Respondents agreed to waive the Complainant's balance of \$1,100, as well as any other related fees, including attorney fees.
- Respondent agreed to remove the eviction from complainant's rental history.
- Respondent agreed to provide the Complainant with a neutral rental history letter.
- Respondent agreed to pay the complainant \$2,700 as reimbursement for moving costs and hotel expenses following the eviction.