

CHAPTER 819. CIVIL RIGHTS DIVISION

ADOPTED RULES TO BE PUBLISHED IN THE *TEXAS REGISTER*. THIS DOCUMENT WILL HAVE NO SUBSTANTIVE CHANGES BUT IS SUBJECT TO FORMATTING CHANGES AS REQUIRED BY THE OFFICE OF THE SECRETARY OF STATE.

ON **APRIL 14, 2026**, THE TEXAS WORKFORCE COMMISSION ADOPTED THE RULES BELOW WITH PREAMBLE TO BE SUBMITTED TO THE *TEXAS REGISTER*.

Publication Date of the Adoption in the *Texas Register*: **May 1, 2026**

The Rules are Effective: **May 4, 2026**

The Texas Workforce Commission (TWC) adopts amendments to the following sections of Chapter 819, relating to the Civil Rights Division:

Subchapter C. Equal Employment Opportunity Reports, Training, and Reviews, §819.25
Subchapter G. Texas Fair Housing Act Provisions, §819.112

Amended §819.25 and §819.112 are adopted *without changes* to the proposal, as published in the January 30, 2026, issue of the *Texas Register* (51 TexReg 541), and, therefore, the adopted rule text will not be published.

PART I. PURPOSE, BACKGROUND, AND AUTHORITY

TWC's Civil Rights Division (CRD) enforces state and federal employment and fair housing laws, investigates claims of employment and housing discrimination, and provides discrimination training to employers and training on fair-housing best practices.

The purpose of the Chapter 819 rule change is to:

- align the rules relating to employment discrimination training with current federal guidance provided in Executive Order 14281, issued on April 23, 2025; and
- clarify the definition of "Disability" as it relates to Texas Property Code, Chapter 301, and its use in Chapter 819, Subchapters G - L.

Rule Review

Texas Government Code, §2001.039, requires a state agency to review and consider for readoption each of its rules every four years. In accordance with the statute, TWC has reviewed Chapter 819, Civil Rights Division, and readopts of the rules as amended.

PART II. EXPLANATION OF INDIVIDUAL PROVISIONS

(Note: Minor editorial changes are made that do not change the meaning of the rules and, therefore, are not discussed in the Explanation of Individual Provisions.)

SUBCHAPTER C. EQUAL EMPLOYMENT OPPORTUNITY REPORTS, TRAINING, AND REVIEWS

TWC adopts the following amendments to Subchapter C:

§819.25. Compliance Employment Discrimination Training

Section 819.25 is amended to conform with Executive Order 14281 by removing §819.25(c)(1) through (4) relating to disparate treatment and disparate impact training. Consequently, existing §819.25(c)(5) through (8) is renumbered as §819.25(c)(1) through (4).

SUBCHAPTER G. TEXAS FAIR HOUSING ACT PROVISIONS

TWC adopts the following amendments to Subchapter G:

§819.112. Definitions

Section 819.112 is amended to clarify the definition of "Disability" as it is used in Chapter 819, Subchapters G - L. The change removes unnecessary language from the definition.

TWC hereby certifies that the rules have been reviewed by legal counsel and found to be within TWC's legal authority to adopt.

PART III. PUBLIC COMMENTS

The comment period ended on March 2, 2026. No comments were received.

PART IV. STATUTORY AUTHORITY

The rules are adopted under:

- Texas Labor Code, §21.003(a)(7), which provides TWC the specific authority to establish rules relating to employment discrimination;
- Texas Property Code, §301.062, which provides TWC the specific authority to establish rules relating to fair housing practices; and
- Texas Labor Code §301.0015(a)(6), which provides TWC the general authority to adopt, amend, or repeal such rules as it deems necessary for the effective administration of TWC services and activities.

The adopted rules relate to Title 2, Texas Labor Code, Chapter, 21, and Title 15, Texas Property Code, Chapter 134.

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SUBCHAPTER C. EQUAL EMPLOYMENT OPPORTUNITY REPORTS, TRAINING, AND REVIEWS

§819.25. Compliance Employment Discrimination Training.

- (a) For purposes of this section, the term "complaint with merit" shall mean a complaint that is resolved, either by a cause finding or through withdrawal of the complaint with a remedy favorable to the complainant, such as a negotiated settlement, withdrawal with benefits, or conciliation.
- (b) State agencies receiving three or more complaints with merit within a fiscal year shall provide compliance employment discrimination training. The training may be provided by the Agency or by another entity or person approved by the Agency.
- (c) CRD's minimum standards for the content of compliance employment discrimination training shall include, but not be limited to, requiring participants to:
 - (1) identify criteria for accurately measuring compliance with applicable laws;
 - (2) define the different types of employment discrimination;
 - (3) identify the appropriate action to be taken in a situation involving a potential case of employment discrimination; and
 - (4) describe strategies for prevention of employment discrimination.

SUBCHAPTER G. TEXAS FAIR HOUSING ACT PROVISIONS

§819.112. Definitions.

The following words and terms, when used in Subchapter G, Texas Fair Housing Act Provisions; Subchapter H, Discriminatory Housing Practices; Subchapter I, Texas Fair Housing Act Complaints and Investigations Process; Subchapter J, Fair Housing Deferral to Municipalities; Subchapter K, Fair Housing Administrative Hearings and Judicial Review; and Subchapter L, Fair Housing Fund, shall have the following meanings, unless the context clearly indicates otherwise.

- (1) Accessible or readily accessible to and usable by--Means a public or common use area can be approached, entered, and used by individuals with disabilities, as set forth in Texas Property Code, §301.025(c)(3). Compliance with the appropriate requirements of the American National Standards Institute (ANSI) for buildings and facilities providing accessibility and usability for persons

having physical disabilities, commonly cited as ANSI A117.1, satisfies this requirement.

- (2) Accessible building entrance--A building entrance that is accessible by individuals with disabilities, as set forth in Texas Property Code, §301.025(c). Compliance with the appropriate requirements of ANSI for buildings and facilities providing accessibility and usability for persons having physical disabilities, commonly cited as ANSI A117.1, satisfies this requirement.
- (3) Accessible route--A route that is accessible by individuals with disabilities, as set forth in Texas Property Code, §301.025(c). Compliance with the appropriate requirements of ANSI for buildings and facilities providing accessibility and usability for persons having physical disabilities, commonly cited as ANSI A117.1, satisfies this requirement.
- (4) Building--A structure, facility, or the portion thereof that contains or serves one or more dwelling units.
- (5) Common use areas--Rooms, spaces, or elements inside or outside of a building that are made available for the use of residents or the guests of a building. These areas include, but are not limited to, hallways, lounges, lobbies, laundry rooms, refuse rooms, mailrooms, recreational areas, and passageways among and between buildings.
- (6) Complaint--A written statement made under oath stating that an unlawful housing practice has been committed, setting forth the facts on which the complaint is based, and received within one year of the date the alleged unlawful housing practice occurred or terminated, whichever is later, and for which CRD shall initiate an investigation.
- (7) Controlled substance--Any drug or other substance or immediate precursor as defined in the Controlled Substances Act, 21 U.S.C. §802 or the Texas Controlled Substances Act, Texas Health and Safety Code, Chapter 481.
- (8) Disability--A mental or physical impairment that substantially limits at least one major life activity, a record of such an impairment, or being regarded as having such an impairment. The term does not include current illegal use of or addiction to any drug or illegal or controlled substance.

(A) Physical or mental impairment includes:

- (i) any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal, special sense organs, respiratory, including speech organs, cardiovascular, reproductive,

digestive, genitourinary, hemic and lymphatic, skin, and endocrine;
or

- (ii) any mental or psychological disorder, such as intellectual disability, organic brain syndrome, emotional or mental illness, and specific learning disabilities. The term "physical or mental impairment" includes, but is not limited to, such diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, human immunodeficiency virus infection, intellectual disability, emotional illness, drug addiction (other than addiction caused by current, illegal use of a controlled substance) and alcoholism.
- (B) Major life activity means a function such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.
 - (C) A record of having such an impairment means a history of, or misclassification as having, a mental or physical impairment that substantially limits one or more major life activity.
 - (D) Being regarded as having an impairment means having:
 - (i) a physical or mental impairment that does not substantially limit one or more major life activity but that is treated by another person as constituting such a limitation;
 - (ii) a physical or mental impairment that substantially limits one or more major life activity only as a result of the attitudes of others toward such impairment; or
 - (iii) none of the impairments in subparagraph (A) of this paragraph but is treated by another person as having such an impairment.
- (9) Discriminatory housing practice--An action prohibited by Texas Fair Housing Act, Subchapter B, or conduct that is an offense under Texas Fair Housing Act, Subchapter I.
 - (10) Entrance--Any access point to a building or portion of a building used by residents for the purpose of entering the building.
 - (11) Exterior--All areas of the premises outside of an individual dwelling unit.
 - (12) Ground floor--Within a building, any floor with an entrance on an accessible route. A building may have more than one ground floor.

- (13) Interior--The spaces, parts, components, or elements of an individual dwelling unit.
- (14) Modification--Any change to the public or common use areas of a building or any change to a dwelling unit.
- (15) Premises--The interior or exterior spaces, parts, components, or elements of a building, including individual dwelling units and the public and common use areas of a building.
- (16) Public use areas--Interior or exterior rooms or spaces of a building that are made available to the general public. Public use may be provided at a building that is privately or publicly owned.
- (17) Site--A parcel of land bounded by a property line or a designated portion of a public right of way.
- (18) Texas Fair Housing Act--Texas Property Code, Chapter 301.
- (19) United States Fair Housing Act--Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988.