

CHAPTER 819. CIVIL RIGHTS DIVISION

PROPOSED 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 **JANUARY 13, 2026**, THE TEXAS WORKFORCE COMMISSION PROPOSED THE RULES BELOW WITH PREAMBLE TO BE SUBMITTED TO THE *TEXAS REGISTER*.

Estimated Publication Date of the Proposal in the *Texas Register*: **January 30, 2026**

Estimated End of Comment Period: **March 2, 2026**

The Texas Workforce Commission (TWC) proposes 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

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 proposed 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 proposes readoption 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 proposes 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 proposes 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.

PART III. IMPACT STATEMENTS

Chris Nelson, Chief Financial Officer, has determined that for each year of the first five years the rules will be in effect, the following statements will apply:

There are no additional estimated costs to the state and to local governments expected as a result of enforcing or administering the rules.

There are no estimated cost reductions to the state and to local governments as a result of enforcing or administering the rules.

There are no estimated losses or increases in revenue to the state or to local governments as a result of enforcing or administering the rules.

There are no foreseeable implications relating to costs or revenue of the state or local governments as a result of enforcing or administering the rules.

There are no anticipated economic costs to individuals required to comply with the rules.

There is no anticipated adverse economic impact on small businesses, microbusinesses, or rural communities as a result of enforcing or administering the rules.

Based on the analyses required by Texas Government Code, §2001.024, TWC has determined that the requirement to repeal or amend a rule, as required by Texas Government Code, §2001.0045, does not apply to this rulemaking.

Takings Impact Assessment

Under Texas Government Code, §2007.002(5), "taking" means a governmental action that affects private real property, in whole or in part or temporarily or permanently, in a manner that requires the governmental entity to compensate the private real property owner as provided by the Fifth and Fourteenth Amendments to the US Constitution or the Texas Constitution, §17 or §19, Article I, or restricts or limits the owner's right to the property that would otherwise exist in the absence of the governmental action, and is the producing cause of a reduction of at least 25 percent in the market value of the affected private real property, determined by comparing the market value of the property as if the governmental action is not in effect and the market value of the property determined as if the governmental action is in effect. TWC completed a Takings

Impact Assessment for the proposed rulemaking action under Texas Government Code, §2007.043. The primary purpose of this proposed rulemaking action, as discussed elsewhere in this preamble, is to modify rule language to conform with federal guidance provided in Executive Order 14281 and to clarify the definition of "disability" as it relates to Texas Property Code, Chapter 301.

The proposed rulemaking action will not create any additional burden on private real property or affect private real property in a manner that would require compensation to private real property owners under the US Constitution or the Texas Constitution. The proposal also will not affect private real property in a manner that restricts or limits an owner's right to the property that would otherwise exist in the absence of the governmental action. Therefore, the proposed rulemaking will not cause a taking under Texas Government Code, Chapter 2007.

Government Growth Impact Statement

TWC has determined that during the first five years the rules will be in effect, they:

- will not create or eliminate a government program;
- will not require the creation or elimination of employee positions;
- will not require an increase or decrease in future legislative appropriations to TWC;
- will not require an increase or decrease in fees paid to TWC;
- will not create a new regulation;
- will not expand, limit, or eliminate an existing regulation;
- will not change the number of individuals subject to the rules; and
- will not positively or adversely affect the state's economy.

Economic Impact Statement and Regulatory Flexibility Analysis

TWC has determined that the rules will not have an adverse economic impact on small businesses or rural communities, as the proposed rules place no requirements on small businesses or rural communities.

Mariana Vega, Director, Labor Market Information, has determined that there is not a significant negative impact upon employment conditions in the state as a result of the rules.

Bryan Snoddy, Director, Civil Rights Division, has determined that for each year of the first five years the rules are in effect, the public benefit anticipated as a result of enforcing the proposed rules will be to conform with federal guidance and to clarify the rule language.

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

PART IV. COORDINATION ACTIVITIES

Federal law governs many of CRD's activities. This rulemaking is in direct response to a federal executive order. The public will have an opportunity to comment on the proposed rule changes as set forth below.

PART V. REQUEST FOR IMPACT INFORMATION

TWC requests, from any person required to comply with the proposed rule or any other interested person, information related to the cost, benefit, or effect of the proposed rule,

including any applicable data, research, or analysis. Please submit the requested information to TWCPolicyComments@twc.texas.gov no later than March 2, 2026.

PART VI. PUBLIC COMMENTS

Comments on the proposed rules may be submitted to TWCPolicyComments@twc.texas.gov and must be received no later than March 2, 2026.

PART VII. STATUTORY AUTHORITY

The rules are proposed 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 proposed 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) distinguish between disparate treatment and disparate impact;~~
 - ~~(2) identify the elements of a complaint involving disparate treatment and disparate impact;~~
 - ~~(3) explain the defenses available to an employer resulting from both statute and case law involving disparate treatment and disparate impact;~~
 - ~~(4) explain the burden of proof requirements for disparate treatment and disparate impact;~~
 - (1)(5) identify criteria for accurately measuring compliance with applicable laws;
 - (2)(6) define the different types of employment discrimination;
 - (3)(7) identify the appropriate action to be taken in a situation involving a potential case of employment discrimination; and
 - (4)(8) 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~~Appeals~~ 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; ~~and reference to "an individual with a disability" or perceived as "disabled" does not apply to an individual based on that individual's sexual orientation or because that individual is a transvestite.~~

(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.