

FAIR HOUSING OVERVIEW



Presented by:

Texas Workforce Commission

Civil Rights Division

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TEXAS WORKFORCE
COMMISSION
CIVIL RIGHTS DIVISION

The vision of the Texas Workforce Commission Civil Rights Division is to help create an environment in which citizens of the State of Texas may pursue and enjoy the benefits of employment and housing that are free from discrimination



THE TEXAS FAIR HOUSING ACT

The Texas Fair Housing Act mirrors the text of the Federal Fair Housing Act

- Passed by the Texas Legislature on May 25, 1989.
- The Texas Commission on Human Rights, established June 26, 1983 by the state legislature, originally enforced the Texas Fair Housing Act.
- Since September 1st, 2015, the duties of the Texas Commission on Human Rights were transferred to the Civil Rights Division of the Texas Workforce Commission.



PROTECTED CLASSES/BASES

- Race
- Color
- National Origin
- Familial Status
- Religion
- Sex
- Disability

WHAT ARE REASONABLE ACCOMMODATIONS AND MODIFICATIONS?

REASONABLE ACCOMMODATIONS

- A change, exception, or adjustment to a rule, policy, practice, and/or service
- i.e. Pet policy, trash policy/practices

REASONABLE MODIFICATIONS

- A structural change to a dwelling unit or common area
- i.e. Accessible ramps, accessible lifts, changing parking layout to add accessible parking



WHAT DO THE ACTS REQUIRE?

Housing providers to make reasonable accommodations to the rules, policies, practices, or services, when such accommodations *may be necessary* to afford persons with disabilities an equal opportunity to use and enjoy a dwelling.

WHEN CAN I DENY A REASONABLE ACCOMMODATION?

- The person poses a “direct threat” (including service animal)
- There is no disability-related need for the accommodation
- The accommodation is not reasonable and imposes an undue financial and administrative burden





Assistance Animals

Assistance Animals

The American with Disabilities Act (the “ADA”) covers service dogs in “areas of public of accommodation.” Areas of public accommodation are where business with the public is conducted.

The Fair Housing Act covers the sale or rental of housing and the accommodations you must make and modifications you must allow, such as allowing an emotional support animal.

Assistance animals are not pets. They are animals that do work, perform tasks, assist, and/or provide therapeutic emotional support for individuals with disabilities

Persons with disabilities may request a reasonable accommodation for service animals and other types of assistance animals, including support animals, under the FHA.



Service Animal

This means any **dog** that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability.



Emotional Support Animal

This means an animal that provides emotional support to a person with a disability. They are trained or untrained animals that do work, perform tasks, provide assistance, and/or provide therapeutic emotional support for individuals with disabilities

Typically, the animal is a dog, cat, small bird, rabbit, hamster, gerbil, other rodent, fish, turtle, or other small, domesticated animal that is traditionally kept in the home for pleasure rather than for commercial purposes



Documentation

Some websites sell certificates, registrations, and licensing documents for assistance animals to anyone who answers certain questions or participates in a short interview and pays a fee.

Under the Fair Housing Act, a housing provider may request reliable documentation when an individual requesting a reasonable accommodation has a disability and disability-related need for an accommodation that are not obvious or otherwise known.

One reliable form of documentation is a note from a person's health care professional that confirms a person's disability and/or need for an animal when the provider has personal knowledge of the individual





FAIR HOUSING EXEMPTIONS

EXEMPTIONS: SALES AND RENTALS

- The sale or rental of a single family house may be exempt from application of the Fair Housing Act, if the owner **does not**:
 - Own three or more properties or single-family houses at any one time; **or**
 - Own any interest in, nor is there owned or reserved on the persons behalf, under any express or voluntary agreement, title to or any right to any part of the proceeds from the sale or rental of more than three single-family houses at any one time; **and**



EXEMPTIONS: SALES AND
RENTALS (CONTINUED)

- The house is sold or rented without:
 - The use of the sales or rental facilities or services of a broker, agent, or licensed salesperson; **or**
 - The prohibited publication, posting, or mailing of a notice, statement, or advertisement; **or**
- The sale or rental of the rooms or units in a dwelling containing living quarters occupied by or intended to be occupied by not more than four families living independently of each other



EXEMPTIONS: HOUSING FOR THE ELDERLY

Exempt from Familial Status if the property is specifically:

- Designed and operated to assist elderly individuals
- Intended for, and solely occupied by, persons 62 years of age or older
- 80% of the occupied units have at least one person who is 55 years of age

**MEMBERS
ONLY**



OTHER EXEMPTIONS

- Religious organizations
- A private club that is not open to the public



FAIR HOUSING ISSUES FOR LOCAL
GOVERNMENTS

Land Use and Zoning Laws

- Prohibiting or restricting the development of housing based on a protected class.

A moratorium on the development of multifamily housing due to fears that residents would include a particular class.

- Refusing to provide necessary reasonable accommodations to policies that prevent persons with disabilities from using and enjoying the housing.

Denying a request to modify a setback requirement so an accessible sidewalk or ramp can be provided for one or more persons with mobility disabilities.

- Not waiving an ordinance that limits the number of unrelated persons in single-family homes as a reasonable accommodation



Unintentional Discrimination

A zoning practice may result in a discriminatory effect if it,

- Caused or predictably will cause a disparate impact on a protected class
- Creates, increases, reinforces, or perpetuates segregated housing patterns



TRAINING & TECHNICAL ASSISTANCE

Contact the Texas Workforce Commission

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