

Employment and Housing Laws Enacted during the 87th Legislature

As the regular session of the Texas Legislature ended on May 31st there were roughly 1,400 bills that were enacted into law. Of those, four have a direct impact on employment and housing matters within the civil rights program. In employment, Senate Bill (SB) 45 and House Bill (HB) 21 changed sexual harassment protocols in the workplace which directly affect all employers and employees in the state. In housing, SB 581 now prohibits religious discrimination within homeowners' associations, and SB 30 allows for the removal of discriminatory statements and measures within deeds and titles that are against the Civil Rights Act.

Employment

Sexual harassment laws have been amended as to who can file a complaint, the response an employer must take and now allows employees to file sexual harassment lawsuits against supervisors and coworkers in their individual capacity, as well as anyone who "acts directly in the interests of an employer in relation to an employee." This can include supervisors, managers, HR personnel and shift leaders.

Another significant change to the law now allows for workplaces with 1 or more workers to file complaints of sexual harassment; previously an employee could only bring a charge if the workplace employed 15 or more people.

Another change to the law is the response an employer must take in a complaint. The old law stated a "**prompt**" response with no specific definition of what that amounted to. The law was updated to state an "**immediate and appropriate corrective action**" when they receive an allegation.

Finally, the current statute of limitations to file a sexual harassment claim with the Texas Workforce Commission is 180 days from the date the harassment took place. Now, the new law will expand that time to up to 300 days (which is the same amount of time an employee can file a claim with the Equal Employment Opportunity Commission (EEOC)).

Housing

In housing legislation, the state passed a law that prohibits property owners' associations (which is what the state has labeled homeowners' associations) from enacting rules or regulations that prohibit a resident from placing religious items on their home. This prohibition must not threaten the public health or safety, violate other laws, or contain language, graphics, or any display that is patently offensive to a passerby. An example of this would be, a person placing a pentagram on their door because they follow the Wiccan religion but a homeowners' association's (HOA) does not like symbols outside of traditional religions and creates a discriminatory clause that does not allow for it. This is now illegal with the passing of SB 581. For older homes that have certain discriminatory statements nestled into their deed or title, (for example, a clause that forbids the selling of a home to African Americans) these deeds can now be updated to remove such statements at no cost to the homeowner. The discriminatory provisions include statements that prohibit the use by or the sale, lease, or transfer to a person because of race, color, religion, or national origin. SB 30 allows for a home/property owner to bring the proper statement

down to the local district court clerk's office and have it removed, and a new deed or title printed and maintained on file.