

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 1737
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Intergovernmental Relations
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Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Texas Workforce Commission (TWC) Civil Rights Division (CRD) enforces housing discrimination laws. These laws are enforced by conducting investigations, compliance monitoring of conciliation agreements, education and outreach. CRD is required to monitor compliance with conciliation agreements per its contract with the U.S. Department of Housing and Urban Development; however, there is no current statutory mechanism for CRD to monitor compliance.

Currently, when a housing discrimination complaint is filed with the TWC Civil Rights Division, attempting to resolve the issue through conciliation is always the first step, and at all possible times, TWC also engages in conciliation throughout the investigative process. However, current statute does not specify how the Texas Workforce Commission Civil Rights Division can ensure compliance with a conciliation agreement.

S.B. 1737 amends the Property Code and allows TWC to review conciliation agreements for compliance. The bill further requires that if TWC has reasonable cause to believe that a respondent has breached a conciliation agreement, TWC shall refer those cases to the Texas Attorney General's Office with the recommendation for the filing of a civil action.

Statute currently does not provide TWC with clear statutory authority to enforce a conciliation agreement if the respondent has been found in breach of that agreement.

S.B. 1737 provides TWC with clear statutory authority to refer cases where a respondent has breached a conciliation agreement in fair housing cases to the Attorney General.

The committee substitute to S.B. 1737 only changes the caption to the bill. The caption on the filed version of the bill was a drafting error by Legislative Council and the committee substitute corrects that.

C.S.S.B. 1737 amends current law relating to the enforcement of conciliation agreements entered into under the Texas Fair Housing Act.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter G, Chapter 301, Property Code, by adding Section 301.134, as follows:

Sec. 301.134. CONCILIATION AGREEMENT ENFORCEMENT. Authorizes the Texas Workforce Commission (TWC) to monitor a respondent's compliance with a conciliation agreement entered into under this chapter. Requires TWC, if TWC has reasonable cause to believe that a respondent has breached a conciliation agreement, to refer the matter to the Texas attorney general (attorney general) with a recommendation for the attorney general to file in accordance with this subchapter a civil action to enforce the agreement.

SECTION 2. Effective date: September 1, 2017.