

Grievance Procedures for Complaints of Discrimination by Applicants or Beneficiaries of THDA's Programs under Title VI, Title VIII (Fair Housing), Section 504

I. Non-Discrimination in Services

Tennessee Housing Development Agency (THDA) is committed to providing benefits to the public in a manner that ensures non-discrimination on the basis of race, color, national origin, religion/creed, disability, sex/gender, familial status and any other class protected under state and federal law, in particular Title VI of the Civil Rights Act of 1964, Title VIII (Fair Housing) of the Civil Rights Act of 1968 and the Tennessee Human Rights Act (Tenn. Code Ann. §§ 4-21-601 et. Seq.). THDA is also committed to ensuring no qualified individual with a disability should, only by reason of his or her disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance (Section 504 of the Rehabilitation Act of 1973).

II. Grievance Procedures for Discrimination Complaints from Applicants/Beneficiaries of THDA Administered Programs

Any applicant to or beneficiary of THDA funded program who alleges discrimination based on race, color, national origin, religion/creed, disability, sex/gender, or familial status has the right to file a complaint no later than 180 days after the alleged discrimination, unless the time for filing is extended by the responsible department official (in this case the Tennessee Human Rights Commission) or his/her designee. At the complainant's discretion, the complaint may be filed with the federal department (typically, the Department of Housing and Urban Development) or the state agency with jurisdictional authority, the Tennessee Human Rights Commission (THRC), rather than THDA directly. THDA will cooperate with all discrimination complaint investigations conducted by other appropriate federal or state agencies.

Discrimination complaints may be written or verbal. It is not necessary to know the identity of the complainant, so long as the information is sufficient to determine the identity of the recipient and to indicate the possibility of a violation. THDA has developed a Discrimination Complaint Form that may be used by a complainant and may be found on THDA's website. Allegations submitted verbally without a written, signed complaint form will be investigated by the appropriate division at THDA and recorded, but will not be accepted by the Tennessee Human Rights Commission ("jurisdictional agency") for further investigation. THDA's investigation and actions may be limited when a complaint is submitted verbally. In the event that the complaint is oral or in a format other than the THDA Discrimination Complaint Form, the complainant will be asked to provide the following information:

1. Name, address and telephone number of the complainant.
2. The location and name of the entity delivering the service (e.g. THDA Specialist, landlord/property manager or loan officer).
3. The nature of the incident that led the complainant to feel discrimination was a factor.
4. The basis of the complaint, e.g., race, national origin, disability.
5. Names, addresses and phone numbers of people who may have knowledge of the event.
6. The date or dates on which the alleged discriminatory event or events occurred. Forms may be developed to aid a complainant in filing the complaint, but the use of such forms is not required for acceptance of a complaint.

In handling discrimination complaints, THDA uses the following process:

1. Upon receipt of a complaint alleging discrimination under Title VI, Title VIII (Fair Housing) or Section 504 (verbal or written), the complaint must be forwarded to the Civil Rights Compliance Advisor. If the complaint is verbal, the THDA staff member may forward the complaint information via email to the Civil Rights Compliance Advisor.
2. The Civil Rights Compliance Advisor will enter an entry into a Discrimination Complaint Log. A complaint log will be maintained for records and submission to the proper state and federal authorities. The Discrimination Complaint Log will be updated at various points noting the progress of the complaint through transfer or resolution.
3. The Civil Rights Compliance Advisor will send the complainant a written acknowledgement of receipt of the complaint within 10 business days. The acknowledgement may be sent via email or electronic communication when that is the original form of communication used by the complainant.
4. A preliminary review based on the information provided will be conducted by the Civil Rights Compliance Advisor within ten (10) business days to determine if the complaint involves alleged discrimination that would violate THDA's non-discrimination policy.
 - a. If it is determined that the complaint does not involve alleged activities that violate THDA's non-discrimination policy:
 - i. The Civil Rights Compliance Advisor will make a notation in the log that the complaint was reviewed and determined not to contain violations of THDA's non-discrimination policy.
 - ii. The complaint will be forwarded to the program division for response.
 - iii. The acknowledgement of receipt sent to the complainant will include an explanation that it has been determined that the activities reported do not violate THDA's non-discrimination policy, and the complaint has been forwarded to the program division for further investigation and response.
 - b. If it is determined that the complaint involves alleged activities that violate THDA's non-discrimination policy:
 - i. The acknowledgement of receipt sent to the complainant will include the time frame and basic process for investigation.
 - ii. The complaint will be forwarded to THRC or other appropriate agency (jurisdictional agency) for review.
 - iii. When THRC advises THDA to initiate an investigation, the complaint will be forwarded to THDA's Internal Audit (IA) division for investigation.
 - iv. IA will perform the investigation and issue a preliminary report of findings within 60 business days of the initial complaint. The preliminary report of findings will be given to THDA's Civil Rights Compliance Advisor.
 1. If the complaint of discrimination is found to be substantiated, THDA's Civil Rights Compliance Advisor will make recommendations on appropriate remedial actions based on the report of findings to THDA's Executive Director and THDA's Assistant General Counsel.
 - a. Once a decision is made on final actions, a letter will be issued to the complainant that documents the actions THDA has taken to remedy the alleged discrimination.
 2. If the complaint of discrimination is found not to be substantiated, the Civil Rights Compliance Advisor will issue a letter to the complainant

that summarizes the basis for the determination that no discriminatory action was found.

- v. The Civil Rights Compliance Advisor will complete an investigative summary and forward it, along with a copy of the response letter to THRC.
 - vi. If the THRC notifies THDA that further action is warranted, the Civil Rights Compliance Advisor will coordinate the actions.
5. Complaint investigations and responses handled by THDA should be concluded within 90 days of their receipt.
 6. Complainants may file an appeal with THDA's Executive Director or THRC directly. THDA's Executive Director will assign a review of the complaint, investigation, remedial actions and the appeal to THDA's Assistant General Counsel for consideration and consultation. THDA's Executive Director will make a determination within 30 days of the appeal and that decision will be final within THDA.

Note: THDA's Contract with HUD for Contract Administration of the Section 8 project based ("low rent") apartments does not include managing discrimination complaints. Complaints received by THDA from residents of Section 8 project based apartments will be logged in THDA's discrimination complaint log, then forwarded to HUD FHEO for investigation and response. The complainant will be informed of this process at the time a complaint is received.

III. Sub-recipients of THDA Federal Funds

At the complainant's discretion, a discrimination complaint may be filed with the agency providing the service ("sub-recipient" of Federal funds), the recipient of Federal funds (Tennessee Housing Development Agency), the Federal department issuing the Federal funds (typically, the Department of Housing and Urban Development) or the state agency with jurisdictional authority, the Tennessee Human Rights Commission (THRC).

In handling discrimination complaints, sub-recipients of THDA federal funds are required to:

1. Maintain written grievance procedures.
2. Ensure their beneficiaries are notified of how to file a discrimination complaint with the sub-recipient, or alternately with THDA, THRC or the governing Federal agency (i.e. HUD, DOE).
3. Investigate all complaints and respond to complainant within 90 days. Include information on how to file an appeal of the sub-recipient agency's decision to THDA or THRC.
4. Submit copies of all discrimination complaints, investigative materials and communication with applicants or beneficiaries of programs funded with THDA Federal funds to the THDA Civil Rights Compliance Advisor within 90 days of the date a complaint is filed with the sub-recipient agency.

THDA will include discrimination complaints from beneficiaries receiving services through a sub-recipient of THDA federal funds in the THDA discrimination complaint log submitted annually with the agency's Title VI Plan.