



FISCAL YEAR 2023-2024

TITLE VI COMPLIANCE REPORT &
IMPLEMENTATION PLAN

TENNESSEE HOUSING DEVELOPMENT
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SECTION II: OVERVIEW

II. OVERVIEW

The Tennessee Housing Development Agency (THDA) is a political subdivision of the State of Tennessee, created by the Tennessee General Assembly in 1973 through the enactment of *TCA 13-23-101, et seq.* THDA is the state's housing finance agency (HFA). As Tennessee's HFA, THDA engages in activities to increase and sustain affordable homeownership and rental housing opportunities, primarily targeted to low- to moderate-income homebuyers and extremely low to low-income renters¹. THDA is the primary funding recipient for various federal housing and related programs (utility assistance) and administers agency or state funded housing programs. Each of the programs is described below by activity.

Appendix A contains an organizational chart of all positions within the agency and the reporting structure.

A. Homeownership/Housing Counseling

THDA provides loans, manages housing grants and supports housing counseling/education across the state to promote successful and stable homeownership for low-to-moderate income Tennesseans under the management of the Chief of Single-Family Programs.

- THDA is authorized to issue bonds and notes to provide funds for mortgage loans at below market interest rates through enabling state legislation. THDA issues Mortgage Revenue Bonds (MRBs) to support financing opportunities for qualified first-time homebuyers, repeat buyers, active military and veterans and first responders through its *Great Choice Loan Programs*, which are administered by THDA's *Single Family Loan Operations (SFLO)* division. Great Choice loans have competitive interest rates; many are insured by FHA or USDA-RD and require a lower than market downpayment. Income and purchase price limits apply to the Great Choice program. Active and retired members of the military receive a half-percent reduction on the interest rate through the Homeownership for the Brave program. THDA also offers downpayment assistance (DPA) where borrowers may receive up to \$6,000 dollars (forgivable second mortgage loan) to help fund a downpayment. THDA is not a lender and does not work directly with borrowers, but rather partners with approved mortgage lenders ("originating agents" or "OAs") from across Tennessee to originate its loans. THDA underwrites loan applications submitted by OAs, and then commits to purchase pre-approved loans after closing. The servicing department within THDA, *Volunteer Mortgage Loan Servicing (VMLS)*, services all THDA loans.

¹ The Department of Housing and Urban Development (HUD) defines "extremely low income" as less than 30 percent of family area median income (AMI). Low income may not exceed 80 percent of AMI.

- THDA provides capacity for non-profit organizations to provide housing counseling and education through THDA's *Housing Counseling Programs (HCP)*. Great Choice Plus and Homeownership for the Brave homebuyers are required to participate in a THDA-approved homebuyer education course before loan approval. THDA's Board of Directors authorizes proceeds from THDA's MRB program to be utilized for HCP programs, and that funding, along with a U.S. Department of Housing and Urban Development (HUD) Housing Counseling Program grant allow THDA to fund and support a statewide network of non-profit housing counseling affiliates to provide homeownership counseling.
- THDA's Board of Directors authorized the utilization of mortgage loan proceeds for the *Tennessee Housing Trust Fund (THTF)* beginning in 2006. THTF allocates funding for various housing programs described herein that benefit low- and very low-income elderly and special needs Tennesseans. THDA's Community Housing division administers the THTF through grants to cities, counties, development districts, and public housing authorities (PHAs) for approved housing activities. The THTF maintains a targeted annual allocation for *Habitat for Humanity* of Tennessee to provide funding to statewide Habitat affiliates for the construction of new single-family homes affordable at lower income levels (*New Start Program*).
- THDA utilizes funding from the *HOME Investment Partnership (HOME)* program, a HUD formula grant program for the production, preservation and rehabilitation of single-family housing for low-income households. The HOME program is administered by THDA's Community Housing division and governed by Title 24 Code of Federal Regulations, Part 92, as amended and other HUD guidance. THDA awards grants from its HOME program through a competitive application process to cities, counties and non-profit organizations outside local participating jurisdictions or those local governments in Tennessee that receive formula grant funding directly from HUD². THDA provides separate HOME funding opportunities for nonprofit housing developers designated by the State as a Community Housing Development Organization (CHDO).

² The Local PJs are Clarksville, Chattanooga, Jackson, Knoxville, Memphis, Nashville-Davidson County, Knox County, Shelby County, and the Northeast Tennessee/Virginia Consortium (the cities of Bristol, Kingsport, Johnson City, Bluff City, Sullivan County, and Washington County, excluding the Town of Jonesborough).

B. Affordable Rental Housing Development or Preservation

Through various programs, all of which fall under the direction of the Chief of Programs, THDA works with housing developers to encourage the construction and rehabilitation of rental housing for low-income individuals and families.

- THDA is the State administrator for the *Low Income Housing Tax Credit (LIHTC) program*. The LIHTC program was created by the Tax Reform Act of 1986 under Section 42 of the Internal Revenue Code of 1986, as amended (“Section 42”), to encourage the construction and rehabilitation of rental housing for low-income individuals and families. THDA competitively awards tax credits to project sponsors/developers who raise capital by selling the credits to investors and in turn build rental housing projects affordable to low-income households.
- THDA is authorized to allocate *Multi-family Tax-Exempt Bond Authority (MTBA)* to local issuers to finance multifamily housing units in Tennessee under Section 142(d) of the Internal Revenue Code of 1986. THDA allocates private activity bond authority to local issuing entities to provide financing for the rehabilitation or development of eligible affordable rental housing.
- The *National Housing Trust Fund (NHTF)* is a HUD funded formula grant program established by the Housing and Economic Recovery Act of 2008 to increase and preserve the supply of rental housing and to increase homeownership for extremely low-income and very low-income families, including homeless families. The program is governed by Title 24 Code of Federal Regulations, Parts 91 and 93; Interim Rule. THDA’s Multifamily Division awards NHTF through a competitive application process concurrent with and as a part of an application for competitive LIHTC. NHTF grants are targeted towards proposals for permanent supportive housing and proposals for multifamily rental housing in rural counties. Eligible recipients are local public housing authorities and non-profit organizations.

The LIHTC, MTBA and NHTF programs are administered by THDA’s Multifamily Division.

- The *Community Investment Tax Credit (CITC)* program is administered by THDA’s Community Housing division in cooperation with the Tennessee Department of Revenue. Through the CITC, financial institutions may obtain a credit against the sum total of taxes imposed by the Franchise and Excise Tax Laws when qualified loans, qualified investments, grants, or contributions are extended to eligible housing entities for engaging in eligible low-income housing activities.

- The *Tennessee Housing Trust Fund (THTF)* funds several housing or related programs with THDA Board approval and administration by THDA's Community Housing division. The *Competitive Grants* program funds the development and/or preservation of affordable rental housing for the elderly and those with special needs, including persons with mental, physical, or developmental disabilities, individuals recovering from substance addiction, victims of domestic violence, veterans with multiple needs, youth aging out of foster care and ex-offenders re-entering society. Funding is awarded to local communities, non-profits, PHAs and development districts through a competitive process.

C. Rental Assistance

In addition to rental development programs, THDA administers programs or activities that help very low-income households afford rent payments in both privately owned rental housing and housing complexes with a HUD project based rental assistance contract. The Chief of Programs oversees the rental assistance programs.

- Through its Rental Assistance division, THDA directly administers the HUD-funded *Housing Choice Voucher (HCV) Program*, which provides rental and utility assistance payments for very low-income households across the state in compliance with 24 CFR Part 982 and other HUD guidance. In the HCV program, the participant pays up to 30 percent of their monthly-adjusted income for rent and utilities in a privately owned property. THDA pays the remainder directly to the property owner, with qualifying participants also receiving a utility assistance payment. Additionally, THDA administers targeted allocations of vouchers (*Mainstream*) for individuals with a disability.
- Participants of the HCV program may also elect to participate in the *Family Self Sufficiency Program*, which is administered by the Rental Assistance division and connects individuals to resources to help them become self-sufficient of government assistance programs, such as education and housing or financial counseling.
- THDA's Compliance division oversees compliance monitoring for *HUD low-rent Section 8 apartments* and makes qualifying housing and utility assistance payments to the properties through a performance based Annual Contributions Contract (ACC) with HUD. THDA sub-contracts the responsibilities under the HUD ACC to CGI, Inc., an IT and business consulting firm.

D. Homelessness Prevention & Solutions

THDA's Community Services division administers funding aimed at assisting unhoused individuals and families and those at risk of homelessness as the state administrator for the *Emergency*

Solutions Grant (ESG) program in compliance with 24 CFR Part 576 and other HUD guidance. The ESG program is a HUD formula grant program designed to identify sheltered and unsheltered homeless persons, as well as those at risk of homelessness, and provide the services necessary to help those persons secure permanent housing. THDA competitively awards ESG funds across the state to local governments and non-profit organizations outside of entitlement communities that receive a direct allocation of funding from HUD³. THDA also administers supplemental allocations of ESG, when made available by HUD, to prevent, prepare for, and respond to housing emergencies.

E. Rehabilitation, Repair & Weatherization Assistance

THDA's Community Housing and Services divisions administer several programs that help very- and low-income households with home rehabilitation, repair and weatherization. In all of the programs, THDA grants funds to sub-recipient agencies, typically local community agencies or other non-profit agencies, who serve local or regional areas and work directly with eligible households.

- THDA utilizes HUD *HOME* program funding to sub-award grant funding to cities, counties and non-profit organizations, who use the funding at the local level to preserve and rehabilitate single- family housing for low-income households. THDA's HOME program operates in areas outside of local participating jurisdictions, which receive direct HUD funding⁴.
- THDA's *Weatherization Assistance Program (WAP)* is funded through the Department of Energy (DOE) and administered in compliance with 10 CFR Part 400, as amended and other DOE guidance. The WAP program assists low-income households with reducing fuel costs by improving the thermal efficiency of housing units through activities such as weather stripping, caulking, and adding of insulation. Households with young children, elderly or disabled members are prioritized in the WAP. With federal approval, THDA allocates ten percent of the state's *Low Income Home Energy Assistance (LIHEAP)* Program allocation to *Weatherization (LIHEAP Wx)* activities that increase the energy efficiency, health, and safety of eligible low- income individuals' dwellings. THDA operates the LIHEAP Wx program in concurrence with its DOE Weatherization Assistance Program (WAP). THDA grants LIHEAP and LIHEAP WX funding to sub-recipients, typically local community or government entities, such as Community Action Agencies, Economic Development Councils or Human Resource Agencies, who directly administer the program in their local or regional service areas.

³ Entitlement areas that receive a direct allocation of regular ESG funds are Chattanooga, Memphis, and Nashville-Davidson County.

⁴ The Local PJs are Clarksville, Chattanooga, Jackson, Knoxville, Memphis, Nashville-Davidson County, Knox County, Shelby County, and the Northeast Tennessee/Virginia Consortium (the cities of Bristol, Kingsport, Johnson City, Bluff City, Sullivan County, and Washington County, excluding the Town of Jonesborough).

- THDA's THTF provides funding for several home repair or rebuild programs with THDA Board approval. The *Emergency Repair Program* allocates funds statewide to development districts and/or human resource agencies to help elderly or disabled homeowners make essential home repairs. The *Home Modification and Ramp Program*, also funded through THTF and administered statewide through the United Cerebral Palsy of Middle Tennessee, provides funding to construct ramps and make other home modifications to assist persons with disabilities gain better access to their homes. The *THTF Rebuild & Recover* program provides funds to assist eligible communities recover from a natural disaster. Grants are made to the city or county.

F. Home Utility Assistance

THDA's Community Services division administers the *Low Income Home Energy Assistance (LIHEAP)* Program funded through the Department of Health and Human Services (DHHS) in compliance with 45 CFR Part 96. The LIHEAP program provides one time and crisis assistance with home energy bills (for renters and homeowners). THDA grants LIHEAP and LIHEAP WX funding to sub-recipients, typically local community or government entities who directly administer the program in their local or regional service areas.

G. Temporary Programs

Following the Covid-19 crisis, THDA received a share of funding through the state appropriation of the Consolidated Appropriations Act (2021). THDA also received direct appropriations from the American Rescue Plan Act (ARP) of 2021. THDA has administered a range of temporary housing and housing related programs described through these appropriations compliant with guidance provided by DHHS, HUD and U.S. Treasury.

- THDA initially received a share of state funding from the Department of Finance and Administration to administer a temporary U.S. Treasury *Emergency Rental Assistance* program (ERA-1) that assisted eligible renter households in paying rent, utilities, or other home energy costs due to loss of wages/income because of the COVID-19 pandemic in areas of the state that did not receive direct funding. THDA received additional ERA funding through an ARP appropriation (ERA-2) to continue ERA and eviction prevention (EPP) activities statewide. In FY 2023-2024, remaining ERA-2 funding was allocated by THDA to qualified non-profit agencies, cities or counties to manage eviction prevention programs in their service area, with oversight by THDA's Community Services division. The ERA/EPP program is expected to continue into FY 2024-2025.
- THDA received a direct allocation of ARP funds through the HUD appropriation to administer the Emergency Housing Voucher (EHV) program. THDA's Rental Assistance Division administered the program and assisted eligible households who were

homeless, at-risk of homelessness, fleeing, or attempting to flee, domestic violence, dating violence, sexual assault, stalking, or human trafficking, or were recently homeless or have a high risk of housing instability. THDA's Rental Assistance division administered the EHV Program through June 30, 2024, when the program ended.

- THDA received a direct allocation of ARP funds from DHHS to administer the *Low Income Home Water Program (LIHWAP)* to assist low-income households with water and wastewater bills. THDA's Community Services division sub-awarded grants to local or county government entities for administration. The LIHWAP program ended during FYE2024.
- THDA received an allocation of the State's ARP to administer the *Housing Assistance Fund (HAF)* program with oversight by U.S. Treasury. Initially, the program supported homeowners experiencing financial hardship due to Covid-19 with mortgage delinquencies and defaults, foreclosures, loss of utilities or home energy services and displacement. The HAF mortgage assistance program closed for new program applications on August 6, 2023, and the remaining funds were allocated during FYE2024 to extinguishing pay off or reducing partial claims for eligible applicants with certain types of government loans, including FHA, VA and USDA FHA. This program is expected to continue into FY 2024-2025. THDA contracts with Prolink Solutions to provide underwriting and call center activities, software and support.
- THDA received a direct allocation of ARP funds through the HUD appropriation to administer the HOME-ARP program. Initially, THDA's HOME-ARP program supported the allocation of grants to qualifying sub-recipients through a competitive application process for the acquisition, construction and rehabilitation of affordable rental housing for qualifying and low-income households located in any Tennessee county. In FY 2023-2024, THDA began allocating HOME-ARP funding to eligible subrecipient agencies to assist qualifying individuals and families who are: i) homeless; ii) at risk of homelessness; iii) fleeing, or attempting to flee, domestic violence, human trafficking; or iv) other vulnerable individuals to provide the services necessary to help those persons regain stability quickly in temporary or permanent housing after experiencing a housing crisis and/or homelessness.

H. Other Housing Related Initiatives

THDA's *THTF* also supports special initiatives designed to ensure long-term stability of local affordable housing efforts through capacity building or leveraging of funds when approved by THDA's Board of Directors. One such initiative is the *Capacity Building* grant program which supports the development and strengthening of the operations, processes and resources that nonprofit organizations need to effectively ensure affordable housing in Tennessee.

SECTION III:
RESPONSIBLE OFFICIALS

III. RESPONSIBLE OFFICIALS

THDA's Executive Team is comprised of the Executive Director (Department Head), Ralph Perrey, and five Executive Officers. THDA's Executive Director, Assistant Chief Legal Counsel, and Civil Rights Compliance Advisor are the responsible officials for the Title VI Compliance and Implementation Plan.

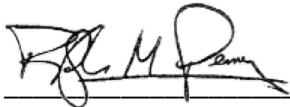
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SECTION IV: DEFINITIONS

IV. DEFINITIONS

Table 1 defines common abbreviations and terms used in this report and in programs administered by THDA. The purpose of presenting these definitions is to ensure a consistent understanding of the applicable abbreviations and terms.

Table 1- Acronyms and Definitions

ACS	American Community Survey - An ongoing statistical survey that samples a small percentage of the population every year -- giving communities the information they need to plan investments and services.
AMI	Area Median Income - The midpoint of a region's income distribution – half of families in a region earn more than the median and half earn less than the median. Housing programs utilize AMI to identify households eligible to live in income-restricted housing units and to calculate the affordability of housing units to low-income households.
ARP	The American Rescue Plan Act of 2021 (COVID-19 Stimulus Package)- housing provision provides additional funding for rental assistance, homelessness assistance, housing counseling, and housing assistance related to the COVID-19 pandemic.
CARES Act	The Coronavirus Aid, Relief, and Economic Security (CARES) Act (March 25, 2020) implemented a variety of programs to address issues related to the onset of the COVID-19 pandemic. The Consolidated Appropriations Act (signed into law) December 27, 2020 continued many of these programs by adding new phases, new allocations, and new guidance to address issues related to the continuation of the COVID-19 pandemic.
CAA/CAC	Community Action Agency or Commission – A nonprofit organizations created through the Economic Opportunity Act of 1964. Tennessee's 20 Community Action Agencies cover all 95 counties and work to reduce or eliminate poverty in geographically designated areas.
CAPER	Consolidated Annual Performance Evaluation Report - An evaluation and performance report required by the Department of Housing and Urban Development (HUD) and completed by recipients of formula grant funding.
CDBG	Community Development Block Grant – A HUD formula grant program that provides communities with resources to address a wide range of unique community development needs.
CHAS	Comprehensive Housing Affordability Strategy – A custom tabulation of ACS data on the conditions and characteristics of housing units and households across the United States provided to HUD grantees for planning and analysis.
CHDO	Community Housing Development Organization – A private nonprofit, community-based service organization whose primary purpose is to provide and develop decent, affordable housing for the community it serves.

CoC	Continuum of Care - A regional or local planning body that coordinates housing and services funding for homeless families and individuals.
COVID-19	Covid-19 – A disease caused by a new strain of coronavirus disease that emerged in 2019 and resulted in an ongoing global pandemic.
DOE	US Department of Energy - A cabinet department in the Executive branch of the U.S. federal government that sets policies regarding energy and safety in handling nuclear material and funds the Weatherization program.
ESG	Emergency Solutions Grant - A HUD formula grant program that provides funds to engage homeless individuals and families living on the street; improve the number and quality of emergency shelters for the homeless; provide essential services to shelter residents and rapidly re-house homeless individuals and families.
FSS	The Family Self-Sufficiency Program - A HUD funded program that facilitates access to the supportive services families need to become free of public assistance. The program is offered to recipients of the Housing Choice Voucher (HCV) program.
Great Choice	The Great Choice Mortgage Loan Program offers 30-year, fixed rate mortgages to qualified first-time, repeat and military veteran homebuyers in Tennessee funded through the sale of Mortgage Revenue Bonds (MRB).
HAF	Housing Assistance Fund Program - A U.S. Treasury program established under Section 3206 of The American Rescue Plan Act of 2021 to prevent mortgage delinquencies and defaults, foreclosures, loss of utilities or home energy services, and displacement of homeowners experiencing financial hardship after January 21, 2020 as a result of Covid-19 impacts.
HAP	Housing Assistance Payment – A HUD funded payment to assist with rent or utility payments and paid on the behalf of eligible households participating in the HUD-funded Housing Choice Voucher Program (HCV) or through a project-based contract through the Section 8 Project Based Rental Assistance program (PBCA).
HBEI/HBC	Homebuyer Education Initiative (Homebuyer Counseling) – THDA’s initiative to create better-prepared first- time homebuyers primarily funded through proceeds from THDA’s mortgage program and partially funded through a HUD Homebuyer Counseling grant.
HCV	Housing Choice Voucher Program – The federal government's major program for assisting very low-income families, the elderly, and the disabled to afford decent, safe, and sanitary housing in the private rental market.
HFA	Housing Finance Agency – A state-chartered authority established to help meet the affordable housing needs of the states’ residents. Through partnerships with the private and public sector, HFAs provide housing for people of low or moderate income.
HHS	US Department of Health & Human Services – A cabinet department in the Executive branch of the United States federal government with the goal of protecting the health of all Americans and providing essential human services.

HRA	Human Resource Agency – Agencies that provide services for improving the health, well-being, and economic opportunities of people needing critical support or of those who may have an immediate need.
THTF	Tennessee’s Housing Trust Fund Program (HTF) is financed by revenue from the mortgage loan proceeds and funds housing-related activities for persons of low and very low income through a number of initiatives.
HUD	US Department of Housing and Urban Development – A cabinet department in the Executive branch of the United States federal government. HUD funds programs that that develop and support affordable housing opportunities, including public housing programs and homeownership programs. HUD also seeks to protect consumers through education, Fair Housing Laws, and housing rehabilitation initiatives.
IRS	Internal Revenue Service – The U.S. government agency responsible for tax collection and tax law enforcement, including allocation and oversight of the LIHC program.
LIHC	The Low Income Housing Tax Credit Program offers owners and investors of affordable rental housing a reduction in federal income tax liability over a period of 10 years. The IRS allocates tax credit authority to states on a calendar year basis. Tennessee does not receive actual dollars, but instead receives tax credit authority that is allocated in both competitive (9% credit) and non-competitive (4%) awards.
LIHEAP	Low Income Home Energy Assistance Program provides one time and crisis assistance with home energy bills (for low-income renters and homeowners) through federal funding from the DHHS. A portion of the LIHEAP grant is set aside for weatherization purposes (LIHEAP Wx).
LIHWAP	Low Income Home Water Assistance Program provides low-income households with water and wastewater bills through federal funding from the DHHS.
MRB	THDA sells tax-exempt mortgage revenue bonds in the private market to raise capital to finance the mortgage loan program, which in turn allows low- and moderate-income households to purchase their first home with below-market interest rates making the homeowners’ monthly payments more affordable.
MFTBA	THDA authorizes the allocation of Multifamily Tax-Exempt Bond Authority to local issuers for multifamily developments. A local board or other issuing entity with jurisdiction in the area of the proposed development must issue bonds.
NHTF	The National Housing Trust Fund is a HUD formula grant program that provides funding for the rehabilitation and new construction of rental housing for extremely low income households.
PHA	Public Housing Agency – Any state, county, municipality or other governmental entity or public body, or agency or instrumentality of these entities authorized to engage or assist in the development or operation of low-income housing under the U.S. Housing Act of 1937. PHAs may own and manage public housing properties, administer other HUD programs, such as the HCV program, and own other types of affordable housing.

Treasury	U.S. Treasury Department- A cabinet department in the Executive branch of the United States federal government. The agency responsible for promoting economic prosperity and ensuring the financial security of the United States.
WAP	The Weatherization Assistance Program (WAP) reduces energy costs for low-income households by increasing the energy efficiency of their homes, while ensuring their health and safety.

SECTION V:
NON-DISCRIMINATION POLICY

V. NON-DISCRIMINATION POLICY

- A. THDA has adopted the “Tennessee Housing Development Agency (THDA) Non-Discrimination in Provision of Services” policy and the “Equal Employment Opportunity and Affirmative Action” policy, both of which are included as **Appendix B** of this document. The agency-wide policy governs the activities of all program divisions, sub-recipients and contractors when providing services to the public with THDA funding. The policy states: “THDA is committed to providing equal access to its programs, services, and activities and complies with all applicable federal and state civil rights laws and enabling regulations. THDA does not discriminate on the basis of race, color, national origin, religion, familial status, sex, disability or any other protected class under state or federal law in admission to its programs, services, or activities; in access to them; in the provision of benefits, or in any aspect of operations.” An employee who fails to comply with the policy or encourages such conduct by others is subject to corrective action in accordance with THDA’s Progressive Discipline Policy.

The policy also provides guidance in regards to contracts between THDA and sub-recipients or contractors of THDA’s Federal financial Assistance. It states, “Every contract to provide funding for services through THDA partners shall include language in the contract that establishes an affirmative obligation to not discriminate against any individual on the basis of that individual’s membership in a class that is protected by the policy.” Any sub-recipient or contractor who fails to comply with contractual obligations not to discriminate may face loss of funding or other consequences as outlined in the THDA contract.

The authority for THDA to conduct non-discrimination compliance reviews for programs with Federal financial assistance is derived from the implementing regulations of the Federal departments from which THDA is a primary recipient of funding. The implementing regulations include programs, services and activities subject to Title VI of the Civil Rights Act of 1964, and housing activities subject to Title VIII of the Civil Rights Act of 1968 (the “Fair Housing Act”), which makes it unlawful to refuse to sell, rent to, or negotiate with any person because of that person's inclusion in a protected class (race, color, disability, religion, sex, familial status, or national origin).

- B. THDA, along with its sub-recipients and contractors, shall make available any Title VI compliance report to THRC upon request.

SECTION VI:
ORGANIZATION OF THE
CIVIL RIGHTS OFFICE

VI. ORGANIZATION OF THE CIVIL RIGHTS OFFICE

- A. Civil Rights oversight and compliance is situated in THDA's Legal Division. The Civil Rights Compliance Advisor is responsible for providing agency-wide oversight to ensure compliance with THDA and Federal implementing regulations for non-discrimination. The Advisor serves as THDA's Title VI Coordinator.
- B. The Legal division positions and reporting structure is displayed within THDA's organization chart found in **Appendix A**.
- C. The Civil Rights Compliance Advisor/Title VI Coordinator's duties include the following:
 - Review THDA program policies and procedures for fair housing and civil rights compliance and work with program divisions for implementation of changes in processes and policies where needed to ensure compliance with state and federal laws and enabling regulations.
 - Prepare and/or coordinate and track non-discrimination training for THDA staff on an annual basis and new employees within their probationary period.
 - Prepare and/or coordinate non-discrimination training for THDA sub-recipients, contractors and partners and track annual completion.
 - Oversight and compliance reviews of THDA's annual sub-recipient non-discrimination self-survey and assessment.
 - Coordinate discrimination complaint intake, internal investigation (where appropriate), tracking/reporting and communication with jurisdictional agencies.
 - Coordinate language access activities for agency, including oversight of contract activities for oral interpretation and written translation, and the research and development of a Language Access Plan.
 - Gather internal and external information, analyze data and information, compile and submit THDA's Title VI Compliance Plan
 - Coordinate activities to affirmatively further fair housing and cultivate relationships with fair housing and local minority serving organizations.
 - Lead the research and development of the agency's Analysis of Impediments to Fair Housing Choice and a Fair Housing Strategic Action Plan in cooperation with THDA's Research division, as part of the agency's Consolidated Planning activities.
 - Coordinate measurement and reporting for the agency's fair housing and Title VI activities annually.

THDA Assistant Chief Legal Counsel, Charity Williams, serves as the primary legal counsel for civil rights issues and as the agency's Section 504 Coordinator. In this role, she manages the following activities related to civil rights oversight and compliance:

- Interpreting federal and state legislation and regulations relating to the organization.
- Counseling the organization regarding legal rights and responsibilities, including working with the Title VI Coordinator to appropriately review and refer or respond to Title VI and Fair Housing complaints.
- Drafting and reviewing documents used with the organization's programs.
- Advising on questions of law involved in the operation of the organization.
- Working with the Attorney General's office and private attorneys on litigation.
- Representing the organization in administrative hearings and certain trial courts.

In addition to the two staff members directly involved with Title VI and Fair Housing activities on a routine basis, THDA's Internal Audit division assists with the investigation of Title VI and Fair Housing complaints related to Federal programs directly administered by THDA.

SECTION VII:
DISCRIMINATORY PRACTICES

VII. DISCRIMINATORY PRACTICES

Compliance with Title VI and other non-discrimination laws, such as the Fair Housing Act, is integral to the programs and activities carried out by THDA as an affordable housing finance agency. Through its *non-discrimination in services* policy, THDA prohibits discrimination on the basis of race, color, national origin, religion, familial status, sex, disability or any other protected class under state or federal law in admission to its programs, services, or activities; in access to them; in the provision of benefits, or in any aspect of operations.

Examples of possible discriminatory practices based on race, color and national origin in THDA's programs and activities are listed below.

- Treating individuals differently when applying for housing, energy/utility assistance, weatherization or home rehabilitation/repair programs
- Misrepresenting the availability of housing, housing assistance, or energy/utility assistance
- Providing different quality of services, rehabilitation or repairs
- Steering clients to a certain neighborhood or community
- Redlining or limiting mortgage lending in a particular area because of the demographics of that area or imposing different conditions on a loan or the servicing of a loan
- Applying different loan servicing terms

SECTION VIII:
FEDERAL PROGRAMS
& ACTIVITIES

VIII. FEDERAL PROGRAMS & ACTIVITIES

- A. During FY2023-2024, THDA received \$489,886,993 in Federal financial assistance (FFA) as a primary recipient or sub-recipient of another eligible State entity. As of 6/30/2024, applications for renewal funding for the Weatherization, HOME, ESG, and National HTF were pending approval. No applications for new allocations of FFA were pending.

Table 2 details each program and/or activity, purpose or description of the activities supported by the funding, the source of funding, and the dollar amount received (for program and administrative purposes). **Table 3** lists the budgeted FFA for FY 2024-2025.

Table 2- THDA Federally Funded Program Description & Federal Financial Assistance, FY 2023-2024

Program	Purpose/Description	Federal Funding Source	Program Revenue	Admin Revenue
<i>Federally Funded Programs, THDA Primary Recipient & Direct Administrator</i>				
Section 8 Housing Choice Voucher (HCV), includes Section 811 Non-Elderly Disabled (NED) Vouchers	Provides rental assistance for eligible extremely to low-income households in privately owned housing that meet quality standards (HQS). Some households may receive utility assistance. Eligible households may also use their HCV for homeownership rather than rental.	HUD	\$ 44,034,628	\$ 4,526,475
Section 8 Mainstream Vouchers	Provides rental assistance for eligible extremely to low-income non-elderly persons with disabilities in privately owned housing.	HUD	\$ 814,598	\$ 165,966
Family Self Sufficiency (FSS)	Facilitates access to supportive services for participating HCV participants to work toward becoming free of public assistance. Funding is received for administrative costs only.	HUD	-	\$ 354,567
Section 8 Emergency Housing Vouchers	Provides rental assistance to households who are homeless, at-risk of homelessness, fleeing, or attempting to flee, domestic violence, dating violence, sexual assault, stalking, or human trafficking, or were recently homeless or have a high risk of housing instability.	HUD	\$ 1,403,122	\$ 813,211
Homeowners Assistance Fund (HAF)	Provides mortgage assistance to eligible households experiencing a Covid-19 financial hardship to prevent mortgage delinquencies and defaults, foreclosures and displacement of homeowners.	Treasury	\$ 10,695,618	\$ 1,536,277

Table 2- THDA Federally Funded Program Description & Federal Financial Assistance, FY 2023-2024

Program	Description	Federal Funding Source	Program Revenue	Admin Revenue
<i>Federally Funded Programs, THDA Primary Recipient, Contracts with Sub-recipient Administrators</i>				
Emergency Rental Assistance (2)	Provides rental and utility assistance payments to eligible households experiencing financial hardship to prevent eviction and displacement.	Treasury	\$ 14,473,806	\$ 1,626,513
HOME Investment Partnership*	Provides funding for the production and rehabilitation of single-family housing for low- income households. Funding is competitively awarded annually to cities, counties and non-profit organizations.	HUD	\$ 13,476,232	\$ 499,747
HOME American Rescue Plan (ARP)	Provides temporary services and assistance to qualifying individuals and families to help those persons regain stability quickly in temporary or permanent housing after experiencing a housing crisis and/or homelessness.	HUD	\$ 3,306,708	\$ 201,490
National Housing Trust Fund (NHTF)*	Provides funding to develop and preserve quality affordable housing for extremely low- income households. Funding is competitively awarded annually to local Public Housing Authorities, non-profit and for-profit housing entities.	HUD	\$ 6,362,311	\$ 149,723
Emergency Solutions Grant (ESG), regular, Cares Act*	Provides funding for housing stability by supporting homelessness prevention, emergency shelters and related services. Funding is competitively awarded annually to local governments and non-profit organizations in consultation with Continuum of Care (COC) agencies.	HUD	\$ 4,334,769	\$ 256,832
Housing Counseling Program	Provides funding for housing counseling to facilitate housing counseling through competitively awarded contracts with housing counseling affiliates.	HUD	\$ 46,592	\$ 41,879
Weatherization Assistance (WAP)*	Provides funding for energy efficiency, weatherization repairs and consumer education for low-income households. Funding is awarded non-competitively to human resource, community action and housing development agencies	DOE	\$ 4,915,953	\$ 310,873

Table 2- THDA Federally Funded Program Description & Federal Financial Assistance, FY 2023-2024

Program	Description	Federal Funding Source	Program Revenue	Admin Revenue
<i>Federally Funded Programs, THDA Primary Recipient, Contracts with Sub-recipient Administrators</i>				
Low Income HH Water Assistance (LIHWAP)*	Provides funds to assist low- income households with water/wastewater bills. Funding is sub-awarded non-competitively to human resource and community action agencies.	HHS	\$ 11,477,483	\$ 106,812
Low Income Home Energy Assistance (LIHEAP & LIHEAP Wx)**	Provides funding for energy assistance to low income households and energy efficiency and weatherization repairs of low-income household dwellings. Funding is sub-awarded non-competitively to human resource and community action agencies.	HHS	\$ 93,478,867	\$ 668,990
Neighborhood Stabilization Program (INACTIVE)***	NSP provided emergency assistance to stabilize communities with high rates of abandoned and foreclosed homes.	HUD	--	\$ 16,916
Program	Description	Federal Funding Source	Program Revenue	Admin Revenue
<i>Federally Funded Programs, THDA Contract Administrator for Federal Agency</i>				
Section 8 Contract Administration	THDA is contracted with HUD to conduct limited monitoring, calculate and make rental and utility assistance payments for properties with a HUD Housing Assistance Payment Contract.	HUD	\$ 263,005,040	\$ 6,784,995
Total Federal Financial Assistance			\$ 471,825,727	\$ 18,061,266

*Funds are paid to subrecipients over a multi-year period (typically 3 years). Program and Admin revenue represents program and administrative expenses paid in FYE2024 from allocation(s) received in the current or a prior fiscal year.

** Funds are drawn down by subrecipients over a multi-year period. Program and Admin revenue includes the routine funding award and supplemental funding through the Infrastructure Investment and Jobs Act (IIJA) and Emergency Contingency allocations.

***NSP program funding is fully expended; grant is closed with remaining administrative revenue not recaptured.

Table 3- Projected Federal Financial Assistance Budget, FY 2024-2025

Federal Program	Federal Funding Agency	FY 2024-2025 Anticipated Revenue*
Emergency Solutions Grant (ESG)	HUD	\$2,957,000
HOME Investment Partnership	HUD	\$10,493,500
HOME American Rescue Plan (ARP)	HUD	\$51,557,100
National Housing Trust Fund (NHTF)	HUD	\$3,400,000
Housing Counseling Program (HCP)	HUD	\$284,200
Housing Choice (HCV)/Mainstream/Section 811 Vouchers	HUD	\$61,693,800
HCV Emergency Voucher Program (EVP)	HUD	\$561,900
HCV Family Self Sufficiency (FSS)	HUD	\$263,300
Section 8 Contract Administration (HUD low rent apartments)	HUD	\$324,000,000
Low income Home Energy Assistance (LIHEAP)	HHS	\$70,546,400
Weatherization Assistance (WAP)	DOE	\$65,489,900
Homeowner Assistance Fund (HAF)	Treasury	\$112,343,500
Emergency Rental Assistance (ERA)	Treasury	\$150,206,900
State and Local Fiscal Recovery Fund (FAHE Program)	Treasury	\$10,000,000
Total Anticipated Federal Financial Assistance		\$ 863,797,500

*Anticipated revenue includes both program funding and administrative funding.

- B. Other than administrative fees/revenue (included in Table 2), THDA received no additional federal grants, loans or subsidies to fund programs or activities. Federal administrative revenue represents \$18,061,266 of the total FFA received in FY2023-2024 and funds expenses associated with the program/activity, such as salaries, leases, equipment, technology and training.
- C. THDA received no Federal financial assistance related to land, loans, or federal personnel in FY2023-2024.

SECTION IX:
DATA COLLECTION
& ANALYSIS

IX. DATA COLLECTION & ANALYSIS

A. Race & Ethnicity Characteristics of THDA's Beneficiaries

1. THDA collects beneficiary demographic data, including race and ethnicity, through applications and recertification forms completed by applicants and participants of THDA's programs and activities. The information is collected and updated at intervals determined by the program requirements or governing agency. Beneficiary information includes participants in HUD formula grant and HHS energy and water programs, tenants in the HUD Section 8 HCV/PBCA programs and LIHTC/MTBA programs, homeowners in the weatherization/home repair programs and potential homebuyers and homeowners in the HUD Housing Counseling and THDA Homeownership programs.
 - Information is retrieved from proprietary databases with information submitted or entered by a sub-recipient, contract agency or originating agent for the following programs: ESG, HOME, HOME-ARP, NHTF, TN HTF, LIHEAP, WAP/LIHEAPx, ERA, SFLO, HCP and HAF programs.
 - Information is retrieved from a proprietary database with information submitted or entered by THDA staff for the HCV programs.
 - Information is retrieved annually from a proprietary database with information submitted or entered by on-site property managers in the LIHTC/MTBA and from the HUD TRACS system for Section 8 Contract Administration Programs.
2. When determining racial and ethnic representation in THDA's programs, the race/ethnicity of beneficiaries or participants in THDA programs⁵ is compared with income eligible Tennessee households by race and ethnicity derived from the following resources:
 - Race and ethnicity demographic profiles at the state level geography from the U.S. Census, American Community Survey (ACS), DP05: Demographic and Housing Estimates, 5-Year Estimate (2022)
 - HUD Comprehensive Housing Affordability Strategy (CHAS) data, which is a custom tabulation of U.S. Census data for HUD and includes race and ethnicity by HUD's Area Median Income (AMI) definitions. Most of the programs that THDA administers include income eligibility based on HUD's AMI or Median Family Income definitions. The most recent data available for CHAS datasets is 2017-2021, ACS, 5-year estimates.

⁵ The disclosure of race and ethnicity information for most programs administered by THDA is voluntary, and thus, underreporting may occur.

- 3) While income eligibility varies by program, most of THDA's federally funded programs require participant income to fall between the HUD-determined extremely low and low-income area median income (AMI) at admission. Rental assistance and homelessness programs target a large share of funding to extremely low income households (below 30% AMI). The LIHEAP and LIHWAP programs base eligibility on poverty thresholds, which are typically below HUD's very low-income limit (50% AMI). THDA Great Choice and Housing Counseling programs assist moderate-income households.

Table 4- Population Data for Tennessee Households by Race & Ethnicity

U.S. Census, ACS DP05, 2022 (5 Year Estimate)	Race				Ethnicity
	White, alone	Black/ African Am., alone	Other Races, alone ¹	Two or More Races	Hispanic/ Latino (any race)
	72.6%	16.1%	2.3%	3.0%	6.0%
CHAS Estimates by Area Median Income, 2017-2021. *Totals will not equal 100%. The "Other" (including multiple races, non-Hispanic) race/ethnicity category is now suppressed to comply with U.S. Census enhanced disclosure avoidance protections.	Race				Ethnicity
	White	Black/ African Am.	Other Races		Hispanic/ Latino (any race)
Extremely Low Income Owner Households	79.3%	14.9%	1.4%		2.8%
Extremely Low Income Renter Households	55.5%	35.1%	1.6%		5.6%
Total Extremely Low Income Households (<30% AMI)	64.4%	27.6%	1.5%		4.6%
Very Low Income Owner Households	81.1%	13.3%	1.2%		3.2%
Very Low Income Renter Households	58.8%	29.2%	1.5%		8.6%
Total Very Low Income Households (30-50% AMI)	70.3%	21.0%	1.4%		5.8%
Low Income Owner Households	82.7%	12.1%	1.3%		2.8%
Low Income Renter Households	62.7%	26.8%	1.6%		6.9%
Total Low Income Renter Households (50-80% AMI)	74.5%	18.1%	1.4%		4.5%
Owner Households earning 80-100% AMI	83.6%	11.8%	1.2%		2.4%
Renter Households earning 80-100% AMI	66.4%	24.0%	1.9%		6.0%
Total Households earning 80-100% AMI	77.7%	16.0%	1.4%		3.7%

¹In the US Census data, Other Races includes Asian, American Indian and Alaska Native, Native Hawaiian and Other Pacific Islander, and Some Other Race categories, all of which individually represent less than 3 percent of the state population. In the CHAS data, Other Races includes Asian, Am. Indian/Alaskan Native, Native Hawaiian/Pacific Islander, Other and two or more races. The most common category reported in the CHAS data within the two or more race area is White and Black or African American.

Table 5- THDA Beneficiaries by Race/Ethnicity

Federal Financial Assistance Programs	Total Beneficiaries	White	Black/ African Am.	Other Race¹	Two or More Races	Race not answered or collected	Hispanic/ Latino
HOME Investment Partnership	187	63.1%	34.8%	7.0%	-	-	2.1%
National Housing Trust Fund ²	34	55.9%	41.2%	2.9%	-	-	0%
Emergency Solutions Grant ³	4,060	66.7%	24.0%	7.0%	-	-	1.5%
Emergency Rental Assistance	5,245	30.7%	34.1%	<1%	11.3%	18.3%	4.0%
Low Income Energy Assistance ⁴	118,121	54.5%	42.5%	2.0%	<1%	<1%	1.8%
Low Income Water Assistance ⁴	43,698	46.6%	50.4%	2.3%	<1%	<1%	2.1%
Weatherization Programs ⁵	474	67.4%	27.2%	1.9%	-	2.6%	<1%
Section 8 Tenant Based Rental (HCV)	6,726	28.0%	71.3%	<1%	-	-	2.3%
Section 8 Project Based Rental Apts. ⁶	25,996	49.5%	49.3%	1.2%	-	-	2.4%
Homeowner Assistance Fund	1774	46.7%	43.5%	<1%	3.1%	5.9%	3.9%
Housing Counseling Program	190	67.6%	29.0%	<1%	-	2.8%	4.2%
Other Programs							
LIHTC/MTFBA (multifamily rental)	69,023	36.9%	48.6%	2.8%	n/a	10.3%	2.3%
Great Choice Homeownership	3,414	81.1%	16.0%	1.8%	n/a	1.1%	11.0%
TN Housing Trust Fund ⁷	371	66.3%	32.6%	1.1%	n/a	-	3.2%

¹Other includes the following categories: Asian, Am. Indian/Alaskan Native, Native Hawaiian/Pacific Islander, Other. Where two or more races is reported as n/a, the two or more race category is included in the Other category (when reported).

²Beneficiary report is limited to the occupants of units placed in service in the most recent reporting period and does not include occupants of funded properties placed in service in prior reporting periods but that are still in an affordability period.

³Beneficiary reporting for ESG is for each sheltered individual, including children, rather than by household.

⁴Beneficiary totals for LIHEAP and LIHWAP include every individual within an assisted household, not just the head of household.

⁵Weatherization Programs include the Weatherization Program (WAP) and LIHEAP Wx.

⁶Beneficiary reporting includes demographic information for all household members. The total represents each unit/apartment and not every individual within an assisted household.

⁷The THTF beneficiary information includes Competitive Grants, CHI-2, Emergency Repair, Home Modification & Ramps and Habitat programs. Competitive grant beneficiaries are limited to the occupants of units placed in service in the most recent reporting period and does not include occupants of funded properties placed in service in prior reporting periods but that are still in an affordability period.

B. Minority Representation of THDA Staff

THDA employed 300 individuals as of June 30, 2024. All staff are classified executive service.

Table 6 shows the breakdown of THDA staff by race, ethnicity and gender.

Table 6- Demographic Characteristics of THDA Staff

Characteristic	Number of Staff	Percent of Total Staff
Race (Non-Hispanic or Latino)		
White	177	59.0%
Black/African American	103	34.3%
Asian	3	1.0%
Other (not specified or two or more)	11	3.7%
Ethnicity		
Hispanic/Latino	6	2.0%
Gender		
Female	220	73.3%
Male	80	26.7%

Note: The data in the table above is from THDA's Affirmative Action Plan. The Plan includes only the racial reporting categories of White, Black/African American, Asian/Pacific Islander, and Other. Additionally, race information is not collected for persons who identify as Hispanic or Latino ethnicity.

SECTION X:
LIMITED ENGLISH PROFICIENCY

X. LIMITED ENGLISH PROFICIENCY (LEP)

A. THDA Policy for Providing Meaningful Access

A copy of THDA's policy for Providing Meaningful Access to LEP Persons is located in **Appendix C** and the web link to the Language Access Plan in **Appendix D**.

B. Breaking Down Barriers with LEP Population

THDA's LEP policy requires all employees to ensure that LEP persons have meaningful access to apply and if otherwise eligible, participate in the services, activities and programs offered by THDA. THDA engages in the following activities to break down barriers with the LEP population:

1. The main phone message is available in both English and Spanish languages.
2. Avaza Language Identification Guides ("I Speak Cards") are posted in the lobby or reception area of each of THDA's offices and on THDA's Intranet site with other language access instructions. THDA employees use a Language Identification Guide to determine the language spoken before contacting a qualified interpreter through AVAZA Language Services.
3. THDA staff, who are proficient in a language other than English, may assist LEP persons with limited interpretation activities, such as determining the program/issue for which the LEP person needs assistance before connecting with AVAZA.
4. THDA translates vital documents into Spanish and utilizes translated documents into languages other than English by federal funding agencies, where available.
5. A notice of free language assistance in Spanish, Arabic, Kurdish, Chinese, Korean, Laotian, Somali and Vietnamese is attached to vital THDA documents where a translated document is not available.
6. THDA's website is convertible to over 90 languages using Google Translator technology.
7. A notice of free language assistance in the languages other than English spoken most commonly in Tennessee (Spanish, Arabic, Chinese, Korean, Kurdish, Laotian, Somali and Vietnamese) is placed on THDA's website banner, which is visible on the main page and each search page.
8. Annual staff training includes information on how employees may access language assistance resources and detailed LEP procedures and resources. THDA conducts in-depth LEP procedural training on an as needed basis, in particular with public facing employees.
9. THDA conducts outreach efforts to reach all citizens, including those in a protected class, for public comments on programs with Federal financial assistance during appropriate periods. To improve the effectiveness of citizen participation requests in

the planning process, THDA translates all public notices into Spanish and certain notices into additional languages commonly spoken in Tennessee other than English.

10. THDA publishes announcements or advertisements for the availability of assistance in the Spanish language in the HCV rental assistance and Great Choice mortgage programs. THDA advertises availability of assistance (wait list opening) for the HCV program in three Spanish language newspapers, available in West and Middle Tennessee. THDA also publishes HCV waiting list openings on TNHousingSearch.org, a free online housing locator funded by THDA. TNHousingSearch.org website content is convertible to over 100 languages using Google Translator technology. TNHousingSearch.org is also supported by a toll free bi-lingual (English/Spanish) call center that is available to the public during regular business hours.
11. THDA provides Spanish language brochures to sub-recipients of THDA's LIHEAP (energy/utility assistance) and Mortgage programs to encourage effective outreach to the LEP Hispanic/Latino population.
12. THDA offers reimbursement (up to \$400) to Housing Counseling Program network partners who provide up to four hours of one-on-one interpretation of housing counseling materials.

Examples of translated public notices, brochures and marketing materials are in **Appendix E**.

C. List of Translators or Interpreters

THDA employees are required to connect all LEP persons with a qualified interpreter from AVAZA Language Services Corporation (under state contract), Nashville, TN, phone: (615) 534-3400. Bi-lingual THDA employees may provide introductory interpretation to determine how to assist a visitor or caller, but must connect with an AVAZA interpreter for all formal interactions. A list of bi-lingual THDA employees by language spoken is in **Appendix F**. For written translation of vital documents not available through another reliable source, such as federal agencies, and for public notices and summaries, THDA contracts with ASTA-USA, Dallas, Texas, phone: (817) 717-1493 or accesses services through the State of Tennessee contract with the Tennessee Language Center (University of Tennessee).

D. Translated Vital Documents

Through its Language Access Plan, THDA completed a four-factor analysis that supports Spanish as the most common language spoken, other than English, in THDA's service areas. THDA contracts with the translation agencies identified above to translate vital program documents into the Spanish language where translations are not available through another source, such as the federal funding agency. A notice of free language assistance in Spanish, Arabic, Kurdish,

Chinese, Korean, Laotian, Somali and Vietnamese is attached to vital documents not translated into Spanish. THDA's notice of free language assistance is in **Appendix G**.

A list of translated documents for use in THDA's federal and non-federal programs is in **Appendix H**. For federal programs, THDA also utilizes translated written resources and materials made available through federal oversight agencies. HUD provides funding for many of THDA's federally funded programs and has the largest array of translated program documents, which may be accessed at: hud.gov/program_offices/fair_housing_equal_opp/17lep. The HUD website provides a range of vital documents such as, brochures, booklets, fact sheets, forms, posters and public service announcements in several languages other than English.

E. Language Encounters

During FY 2023-24, Spanish was the predominant language group, other than English, encountered by THDA staff, sub-recipient and contract agencies. THDA or its sub-contractors provided language assistance to 381 LEP individuals during the fiscal year with 96 percent involving Spanish language speakers. **Table 7** displays the language assistance provided by language and month during FY2023-2024 and includes language assistance provided through THDA staff encounters, along with encounters by contract agencies managing the call center and underwriting for THDA's Homeowner Assistance Fund.

Table 7- Language Assistance by Month, FY 2023-24

Language	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June	FYE23 Total
Spanish	19	15	19	18	41	19	28	22	54	54	52	22	364
Arabic	1	1	-	1	1	-	-	-	2	2	5	2	14
Vietnamese	-	-	-	-	-	-	-	-	-	1	1	-	2
Burmese	-	-	-	-	-	-	-	-	-	-	-	1	1
Total	20	16	19	19	42	19	28	22	56	57	58	25	381

Source: Avaza Language Line, THDA communication record, Prolink Solutions (HAF contract agency)

Sub-recipients of THDA's federal funding provide information on LEP encounters through the Non-Discrimination in Services Self-Survey. Spanish is the language most frequently encountered in FYE2024, other than English, by sub-recipients carrying out programs or activities on THDA's behalf.

SECTION XI:
COMPLAINT PROCEDURES

XI. COMPLAINT PROCEDURES

A. Complaint Filing Procedures

Any applicant to or beneficiary of a THDA funded program who alleges discrimination covered by THDA's non-discrimination policy, including Title VI, has the right to file a complaint directly with THDA no later than 180 days after the alleged discrimination. A complaint of discrimination may be filed verbally, but a formal investigation by THDA may only proceed when a written complaint is received. All individuals who contact THDA with a verbal complaint of discrimination are notified to submit their complaint in writing, preferably using THDA's Discrimination Complaint form. Complaints submitted by email with sufficient information are considered written complaints. The complainant or charging party is asked to include the following information in a written complaint:

- i. Name, address and telephone number of the complainant.
- ii. The location and name of the entity engaging in the adverse action (i.e. "the respondent").
- iii. The date or dates on which the alleged adverse action(s) occurred.
- iv. The basis of the complaint, e.g., race, national origin, disability.
- v. The nature of the adverse action that led the complainant to feel discrimination was a factor.
- vi. Names, addresses and phone numbers of people who may have knowledge of the event.

B. Total Number of Complaints

During FY2023-24, THDA received four complaints alleging discrimination covered under Title VI. All four complaints alleged race-based discrimination, with two of the complainants also alleging disability discrimination. All four of the complaints were determined to be non-jurisdictional (THDA was not the named respondent) and dismissed/closed by THDA with notification or referral to the appropriate jurisdictional agency (THRC or HUD).

C. Total Number of Substantiated Complaints

During FY 2023-2024, THDA had no substantiated complaints of Title VI discrimination.

D. Complaint Log

THDA maintains records for complaints alleging discrimination covered under both Title VI and Title VIII (Fair Housing Act), investigations and resolution. The complaint record (log)

includes, at a minimum, the name of the complainant, contact information, date of the alleged adverse action, whether the complaint was filed verbally or written, basis of the complaint, nature of the alleged discrimination, case notes. THDA's Title VI complaint log is included with this report as a *non-public appendix* to protect personally identifiable information.

E. Complaints Form

A copy of the THDA Discrimination Complaint form in both English and Spanish is in **Appendix I.**

F. Title VI Complaint Investigation Procedures

All complaints (verbal and written) that allege discrimination covered by THDA's non-discrimination policy are forwarded to the Civil Rights Compliance Advisor upon receipt for initial review and action, regardless of who receives the complaint, a THDA employee or agent (contractor). Upon receipt of a complaint that alleges discrimination, the Civil Rights Compliance Advisor ("Advisor") conducts an initial review within ten (10) business days to determine whether the complaint meets, prima facie, the following conditions necessary to qualify for processing through THDA's discrimination complaint process:

- 1) The complainant belongs to a protected class covered by Title VI, Title VIII (Fair Housing Act), Section 504 of the Rehabilitation Act or any other state or federal civil rights law, and
- 2) The complaint alleges an adverse action by THDA, an agent of THDA (contractor) or a sub-recipient of THDA funding (i.e THDA or an agent/sub-recipient is the named respondent), and
- 3) The complaint alleges a causal connection (nexus) between the protected status and the adverse action.

Where the above conditions are not established prima facie, THDA shall dismiss and close the claim of discrimination with a written notice to the complainant. Where a claim of discrimination is dismissed and closed but where a THDA program or activity or a THDA employee is named in the complaint, the complaint may be transferred to the appropriate THDA division head for further investigation and response under program or division procedures.

All investigations of complaints processed through THDA's discrimination complaint process are coordinated with or reported to the appropriate jurisdictional authority as required by the regulations or administrative procedures of those agencies.

Complaint Intake, Review and Investigation Procedures

A complaint that alleges discrimination covered by THDA's non-discrimination policy, including complaints that allege discrimination by a THDA contractor (agent) or sub-recipient must be forwarded immediately, upon receipt, to the Advisor. The Advisor coordinates the initial review, communication between THDA and any jurisdictional agency, notifications and documentation for all complaints that allege discrimination through the following procedures.

- 1) Within five business days of receipt, the Advisor logs the complaint in an Excel worksheet. The Advisor updates the log as the case progresses from the initial review to final resolution.
 - a. The log will include the name of the complainant, contact information, date of the alleged discrimination, nature of the alleged discrimination (and protected class), person or entity named (respondent), jurisdiction, final resolution, case notes.
- 2) Within ten business days of receipt, the Advisor completes an initial review.
 - a. THDA may choose to dismiss verbal complaints of discrimination not followed by a written complaint within ten business days without a written notice to the complainant.
 - b. Written complaints are reviewed to determine if the complaint meets the prima facie conditions for processing as a discrimination complaint. During the initial review, additional information may be requested from the complainant.
- 3) Where it is determined that the complainant does not belong to a covered protected class or where the causal connection between the protected class status and the adverse action is not sufficiently established (prima facie):
 - a. The discrimination claim is dismissed and closed by THDA.
 - b. Where applicable, the complaint is transferred to a THDA program division for review based upon division or program complaint procedures.
 - c. The Advisor sends the complainant a written notice of the review and action within ten business days of THDA's receipt of the complaint. The notice will include information on how to file a complaint with the appropriate jurisdictional agency should the complainant disagree with the decision. If the complaint is transferred to a program division for review, the notice will include information on who to contact within the THDA program division for additional information.
 - d. The complaint log is updated.
- 4) Where it is determined that the complainant belongs to a protected class covered by Title VI, Fair Housing Act, Section 504 or any other state or federal civil rights law, but the complaint does not allege an adverse action by THDA, an agent of THDA (contractor) or a sub-recipient of THDA funding:
 - a. The Advisor sends a notice of receipt, along with a copy of the original complaint to the appropriate jurisdictional agency, typically THRC.

- b. The Advisor sends a notice of review and action to the complainant explaining that THDA is not the appropriate jurisdictional agency to investigate the claim of discrimination. Where appropriate and known, the notice includes the contact information for the appropriate jurisdictional agency.
 - c. All notifications to the complainant and/or referrals to state or federal jurisdictional agencies are sent within ten business days of THDA's receipt of the complaint.
 - d. The complaint is dismissed and closed by THDA.
 - e. The complaint log is updated.
- 5) Where it is determined that the complaint is covered under Title VI (race, color, national origin basis) and the complaint alleges an adverse action by THDA, an agent of THDA (contractor) or a sub-recipient of THDA funding:
- a. Within ten business days of THDA's receipt of the complaint:
 - i. The Advisor sends the complainant a notice of review and action. The notice explains jurisdiction, and the process for THDA to investigate the complaint, along with a timeline.
 - ii. The notice explains that the investigation will be coordinated with THRC and includes contact information for THRC. The Advisor coordinates communication between THDA and THRC throughout the investigation process.
 - iii. The Advisor emails a notice of complaint receipt to THRC Title VI Division with a copy of the original complaint and waits not more than ten (10) days for THRC to notify THDA to proceed with an investigation.
 - iv. Where the respondent is a THDA sub-recipient agency, the Advisor will notify the sub-recipient agency.
 - b. Within thirty business days of the receipt of a complaint notification, THDA will initiate an initial investigation. The investigator will review the initial review file, and interview or otherwise collect necessary facts from the complainant, respondent and any witnesses.
 - c. Within sixty days of the receipt of the complaint, THDA will issue an investigative report or summary.
 - d. Upon completion of the investigative report, the Advisor will work with the Assistant Chief Legal Counsel to:
 - i. Write a memorandum based on the report that includes a detailed summary of the investigation, findings, determination and any planned remedial actions.
 - ii. Send the memorandum to THRC Title VI Complaint Division no more than seventy-five days after the date the initial complaint notification was sent to THRC.
 - iii. Track THRC's response to THDA's investigation, which should be received within ten days.

- e. Upon receipt of THRC's response to the investigation, or no more than ninety days after the receipt of the complaint (whichever comes first), unless otherwise directed by THRC:
 - i The Advisor will work with the Assistant Chief Legal Counsel to write a notice of findings or determination.
 - ii The notice summarizes the basis for the determination and explains any actions, including corrective actions, to be completed by THDA to resolve the complaint.
 - iii The notice will include information on how to file an appeal of the determination with THDA or THRC, and the deadline to file an appeal.
 - iv THDA's Executive Director is responsible for all THDA appeal decisions. The Executive Director may choose to assign the appeal to THDA's Chief Legal Counsel.
- 6) Where it is determined that the complaint alleges discrimination by a resident in a Section 8 project based ("low rent") apartment covered under THDA's contract with HUD for Project Based Contract Administration (PBCA), within ten business days:
 - a. The complaint is sent to CGI, Inc., who is contracted to intake all complaints related to properties in THDA's project-based portfolio. CGI is responsible to coordinate complaints with HUD.
 - b. Where a complaint is covered under Title VI, a copy of the complaint is sent to THRC with a notification explaining that the complaint was transferred to the CGI Contact Center (and the date of transfer).
 - c. The complaint is closed administratively by THDA.

G. Federal Complaints

THDA has no pending Federal complaints on file.

H. Lawsuits or Litigation

One lawsuit alleging discrimination in services covered under Title VI (filed on August 8, 2023) was dismissed without prejudice in the United States District Court, Middle District of Tennessee, Nashville Division on March 12, 2024. As of the date of this report, THDA is not a respondent in any additional lawsuits alleging Title VI discrimination in services. THDA is the respondent in a lawsuit (filed July 1, 2023) in the Chancery Court of Davidson County (22-0908-111) alleging discrimination in employment that may be covered under Title VI and is pending resolution.

SECTION XII:
TITLE VI NON-DISCRIMINATION
TRAINING PLAN

XII. TITLE VI/NON-DISCRIMINATION TRAINING

A. Training Program Description

1. *THDA Employee Training.* THDA requires all new employees to complete comprehensive Title VI, Fair Housing and non-discrimination training and quiz within the first six months of employment. THDA requires all employees to complete annual non-discrimination training to review important Title VI, Fair Housing and other Federal, state and agency non-discrimination requirements, policy and procedures. A copy of THDA training materials presented in FY2023-2024 and the new employee quiz is located in **Appendix J**. During FY2023-2024, 44 new employees completed training (100% of new employees completing the probationary period), and 297 THDA employees (99.6%) completed annual Title VI training.
2. *Other Non-Discrimination Training.* THDA routinely helps organize and provides financial or in-kind sponsorship for Fair Housing events/training across the state to ensure training is available to THDA staff, sub-recipients and other housing professionals. THDA staff members, particularly those leading non-discrimination activities for the agency, attend or present material at fair housing or non-discrimination training events hosted by external partners or vendors throughout the year. THDA includes a session dedicated to fair housing topics each year at the Tennessee Housing Conference, attended by many THDA employees, affordable housing professionals, and local government officials from across the state. THDA also includes a session dedicated to fair housing topics in the annual Housing Education symposium attended by housing counselors from across the state, including sub-recipients of THDA's federally funded Housing Counseling grant program. The July 2024 symposium included a session on Fair Housing Initiative Programs (FHIPs), Fair Housing Assistance Programs (FHAPs) and Fair Housing referrals featuring speakers from State FHIP and FHAP agencies and THDA. Additionally, Fair Housing curriculum is included as a component of THDA's Certified Property Management certification. THDA requires LIHTC developers/property managers to complete the certification.

B. Training Data

Table 8 includes Title VI/Non-discrimination training presented by THDA for staff and sub-recipient/grantee administrators. **Table 9** includes events with non-discrimination topics, including Title VI and Fair Housing Act, presented or attended by THDA staff.

Table 8- Non-Discrimination/Fair Housing Training, FY2023-2024

Training Description/Host/Date	THDA Attendance		Sub-recipient Attendance	
	#	%	#	%
New Employee Non-Discrimination Training (virtual training video & quiz), THDA, completed at own pace during probationary period	44	100%		
All Employee Annual Non-Discrimination Training update (virtual training video), THDA, completed at own pace by June 15, 2024	297	99.7%		
Subrecipient Annual Title VI/non-discrimination Training (virtual training video), THDA, completed at own pace by June 15, 2024			303*	65%

*303 individuals representing 138 sub-recipient organizations completed training.

Table 9-Other Conferences/Non-Discrimination Topics, FY2023-2024

Training Description/Host-Sponsor/Date	THDA Attendees
Tennessee Housing Conference (in person), <i>Fair Housing Forum</i> , THDA, February 29, 2024	25
<i>West Tennessee Fair Housing Summit</i> , West TN Legal Services, TN Human Rights Commission, April 29, 2024	4
THDA Homebuyer Education Symposium, <i>FHIPS, FHAPs & Fair Housing Referrals</i> , July 22, 2024	5

C. Future Training

All new employees will continue to complete Title VI/non-discrimination training during their initial probationary period in FY2024-2025, and THDA will require annual Title VI/non-discrimination training for all employees in the fourth quarter of 2025. THDA will require completion of an online THDA Title VI/non-discrimination training by the Title VI/non-discrimination coordinator or responsible official for all sub-recipient and grantee administrator agencies in the third or fourth quarter of 2025.

SECTION XIII:
SUB-RECIPIENT MONITORING

XIII. SUB-RECIPIENT MONITORING

THDA monitors sub-recipients of THDA's federally funded programs in a manner consistent with the federal guidance from the oversight agency for each individual program, or in the case of the HUD PBCA Program, the language in the Annual Contributions Contract (ACC). THDA's Program Compliance division monitors a percentage of each federal program's sub-recipients annually, typically monitoring all sub-recipients over a three-year contract award period (post-award). THDA also collects information annually on sub-recipient activities and compliance with Title VI and other non-discrimination assurances through THDA's Non-discrimination in Services Self Survey (post-award). The surveys are reviewed by the Civil Rights Compliance Advisor. A copy of the survey form is in **Appendix K**.

A. Pre-Award Procedures

1. *Pre-Assessment or Self-Survey.* THDA does not require a pre-assessment or self-survey, or other field or on-site compliance prior to the award of funding because the Federal requirements and guidance in the programs where THDA is a primary recipient do not require a pre-assessment prior to the award of funding.
2. *Other Pre-Award Procedures.* THDA conducts a limited pre-award review of the applicant/sub-recipient agency for all applications of Federal funding prior to approval. The review ensures that THDA does not provide funding to applicants with unresolved findings of non-compliance under Title VI (or Fair Housing where applicable) or other federally obligations, or that appropriate conditions are included prior to approval to ensure compliance.
3. THDA's standard contract with sub-recipients includes a clause or *assurance of non-discrimination* on the basis of race, color, national origin, handicap or disability, age, religion, sex, or any other classification protected by federal, Tennessee state constitutional, or statutory law in the administration of the grant or contract and in employment practices. **Appendix L** contains a list of subrecipients, vendors and contractors, including those who have signed a contract with the non-discrimination clause/statement of assurance.
4. *Training.* THDA includes a summary of Title VI and Fair Housing compliance requirements in Grantee Application workshops for HUD formula grant programs. This training includes information on THDA's non-discrimination requirements for sub-recipients, including Title VI compliance requirements. THDA provides online non-discrimination training programs that grant applicants or sub-recipients may view or use for staff training at: <https://thda.org/about-thda/fair-housing-know-your-rights>. Compliance monitoring for Title VI/non-discrimination training occurs post-award.

B. Post-Award Procedures

1. *Post-award compliance monitoring.* THDA does not maintain a single annual compliance report; rather THDA's Program Compliance division, in cooperation with the appropriate program department, assesses compliance for sub-recipients of HUD formula grant programs, LIHEAP and WAP. THDA's Compliance division determines the frequency and number of compliance reviews conducted annually in accordance with federal regulations and agency policy and maintains a log of individual monitoring reports. The content of monitoring reviews varies based upon federal guidance for each program and is described briefly below:

- HOME Investment Partnership. THDA's HOME Operations Manual (<https://thda.org/pdf/HOME-operating-Manual.pdf>) covers record keeping and reporting requirements (most established by HUD guidance) when conducting post-award compliance reviews. A desk review occurs of rent rolls, financials, tenant files, including income determination and fair housing, Title VI, LEP, VAWA requirements, owner obligations and conflict of interests. An on-site review is conducted of housing quality standards.
- National Housing Trust Fund. THDA follows HUD monitoring guidance and requirements.
- Emergency Solutions Grant (ESG). THDA follows HUD monitoring guidance and the THDA ESG Monitoring Manual when conducting compliance reviews. The ESG monitoring review includes a desk review for compliance with HUD's requirements for written standards, policies and procedures and client eligibility. The review ensures that applicant files are accurate and complete, and all applicants are being notified of fair housing (including posted notices), other non-discrimination and grievance and appeals policy. A physical inspection is conducted to ensure all locations are Section 504 compliant and meet HUD habitability standards.
- LIHEAP and Weatherization Programs. THDA monitors LIHEAP agencies based on DHHS and DOE requirements. The review includes non-discrimination policies in relation to both employment practices and beneficiaries, along with LEP practices.
- THDA has limited oversight of Project Based Section 8 properties (low-rent apartments) through a performance-based contract with HUD. The MOR review covers at a minimum files and records examination, a review of potential beneficiaries and denied applicants, public notices, complaints, equal access of physical facilities and service provision, and other federal subsidies, but does not currently include Civil Rights Front End Limited Monitoring. THDA sub-contracts monitoring activities to CGI, Inc. who carries out the HUD required activities.

- THDA’s Civil Rights Compliance Advisor supports each division with training and compliance activities related to non-discrimination. The Civil Rights Compliance Advisor annually reviews Non-discrimination in Services Self Surveys for sub-recipient Title VI compliance and reports concerns or non-compliance to the appropriate program division and compliance director.
2. **Table 10** details *compliance monitoring reviews* completed in the past fiscal year by Federal program or activity.
 3. **Appendix M** includes a copy of all *monitoring forms* by program.

Table 10- Compliance Monitoring Reviews, Federal Programs, FY2023-2024

Federal Program	Sub-recipient Monitoring Reviews			HUD MORs*
	Desk/File	Site	Annual Summary/ Asset Mgmt.	
HOME Program- Rehabilitation	74	-	-	
HOME Program- Long Term Rental	39	39	87	
Emergency Solutions Grant	681	9	-	
National Housing Trust Fund	-	-	12	
Low Income Home Energy Assistance	19	-	-	
Weatherization Programs	75	-	-	
HUD Section 8 Management Occupancy Reviews (MORs)				188
Total	888	48	99	188

* All of the MORs for the HUD PBCA program were on-site reviews.

C. Sub-recipient Title VI Training

1. THDA offers updated non-discrimination training annually to sub-recipient agencies, grant administrators and contractors through an online training platform. THDA occasionally offers additional in-person training on non-discrimination topics at workshops or conferences. THDA’s non-discrimination training program for sub-recipients and contractors includes Title VI and Section 504 requirements. An additional training module is included for housing providers that covers fair housing (laws and requirements) and affirmative activities to further fair housing.

THDA requires that a responsible official and/or the individual responsible for Title VI and non-discrimination coordination from each sub-recipient agency or grantee administrator complete Title VI and Fair Housing training annually. THDA requires sub-recipient agencies to offer Title VI and other non-discrimination training to new employees and recommends all staff attend annual training. THDA collects information from sub-recipients on their training programs in the annual non-discrimination in services self survey.

THDA maintains training videos and content on its' website and a dedicated training platform that may be accessed by sub-recipient agencies. A copy of the THDA annual sub-recipient training agenda/materials presented in FY2023-2024 is in **Appendix N**. 303 individual representatives from 138 sub-recipient agencies completed THDA's virtual non-discrimination training in FYE2024, which represented 65 percent of sub-recipients.

D. Procedures for Non-Compliance

THDA's Program Compliance division monitors for sub-recipient compliance using procedures that are specific to each federal program's monitoring requirements. The Civil Rights Compliance office assists with collecting information on sub-recipient activities for Title VI and other non-discrimination requirements. Typically, when a concern or finding is noted in a monitoring review, THDA notifies the sub-recipient in writing no later than 60 days after the end of the monitoring review of the concern or finding.

1. *LIHEAP*. Subrecipients are required to respond to findings (within 30 days of receiving the monitoring letter), by submitting a Corrective Action Plan. Subrecipients have the option to respond to concerns or observations (pages 50&51 of the LIHEAP 2024 Policy Manual).
2. *WAP*. Subrecipients are required to respond to findings and concerns (within 30 days of receiving the monitoring letter), by submitting a Corrective Action Plan (page 90, Section 15.6 of the WAP Manual).
3. *HOME & NHTF*. Subrecipients are required to respond to findings (within 30 days of receiving the monitoring letter), by submitting a Corrective Action Plan and the Compliance Team has the option to require subrecipients to respond to Concerns (section I of the HOME Monitoring Guide). Findings must be remedied or brought into compliance within 30 days of the notice.
4. *ESG*. Subrecipients are required to respond to findings (within 30 days of receiving the monitoring letter), by submitting a Corrective Action Plan. They are not required to respond to concerns or observations (page 8; Section 2-8; (B) of HUD's CPD Management of Monitoring Activities Chapter 2).

No sub-recipients, vendors or contractors were found to be noncompliant with Title VI through Compliance Division reviews in the past fiscal year.

E. Identify Sub-recipients, Contractors & Vendors

1. All THDA programs funded through Federal financial assistance and administered by sub-recipients are listed and described in **Table 2**. The following programs administered by THDA distribute Federal financial assistance to sub-recipients: HOME, HOME-ARP, ESG, NHTF, HCP, WAP, LIHEAP and LIHWAP. THDA contracted/granted Federal financial

assistance to 138 sub-recipient agencies during FY2023-2024. A sub-recipient may manage more than one THDA grant or program activity; may have multiple active contracts during a fiscal year and a grant award may be expended across multiple fiscal years.

2. **Appendix L** provides a detailed list of the sub-recipients receiving grants funded through both THDA's Federal financial assistance and THDA or state funding in FY 2023-2024, along with the begin/end date of the contract, funding award, location, type of funding and funding agency, description of services, whether the contract was competitive and where a statement of assurance is included in the contract.
3. THDA executed 141 contracts with 120 vendors or contractors in FYE2024. **Table 11** details Minority/Women's Business Enterprise (M/WBE) statistics for businesses registered with the State of Tennessee as minority and/or women business enterprises.

Table 11- Minority/Women's Business Enterprise (M/WBE)

Total Number of Vendors/Contractors	120
Number of M/WBE Vendors	1
% M/WBE Vendors	<1%
Total Contract Expenditures Awarded to M/WBE Vendors	\$780,000
% of All Contract Expenditures Awarded to M/WBE Vendors	1.2%

THDA sub-recipients are encouraged (or required in the HUD formula grant programs) to include women and minority owned businesses in their bid process and are given instructions on accessing the statewide Diversity Business Enterprise Directory. The link is also posted on THDA's website on the program information page. Sub-recipients of THDA's HUD HOME and NHTF grants must complete the federal monitoring report, HUD Form-2516, Contractor/Subcontractor Activity, annually, which ensures that women and minority owned businesses are afforded opportunities to bid on service, material, and construction contracts and identifies such contracts with businesses identified as M/WBE. 11 percent of vendors reported by sub-recipients of the HOME and NHTF programs were designated as having M/WBE status in the most recently submitted Federal fiscal year report.

4. THDA signed *new contracts* with 61 sub-recipients and 38 vendors/contractors in FY2023-2024. New contracts are noted in **Appendix L**.
5. *Federal Financial Assistance Program Monitoring Reports*. A federal monitoring review for THDA's HOME Program (PY2021 Homeowner Rehabilitation) was completed by HUD April 15 to May 2, 2024 with a monitoring report provided to THDA on June 24, 2024. The monitoring review identifies two findings and two concerns in the areas reviewed. None of the deficiencies related to Title VI or non-discrimination requirements.

The DOE conducted programmatic and technical monitoring of the Weatherization Assistance Program October 23 to October 26, 2023 with a monitoring report provided to THDA on October 26, 2023. The report included several program and technical findings and required corrective actions. None of the deficiencies related to Title VI or non-discrimination requirements.

No other divisions reported federal program monitoring during the past fiscal year.

SECTION XIV:
PUBLIC NOTICE
& OUTREACH

XIV. PUBLIC NOTICE & OUTREACH

A. Information Dissemination to the Public

1. *Non-discrimination Policy.* THDA's non-discrimination policy and complaint form is located on the THDA website at: <https://thda.org/about-thda/fair-housing-know-your-rights/housing-discrimination-complaints-assistance>

THDA's website disseminates detailed information on THDA's non-discrimination statement and grievance policy, the Fair Housing Act, Title VI, Section 504 and other non-discrimination laws and regulations, including examples of discrimination. In addition, a copy of the Title VI Implementation Plan is posted on the website and is accessible to the public. The Fair Housing and Title VI webpages may be accessed at <https://thda.org/about-thda/fair-housing-know-your-rights>.

Sub-recipients of THDA's HUD grant funding are required to post HUD's Fair Housing poster in a visible location, display the Equal Housing Opportunity logo on all program materials and disseminate HUD Fair Housing brochures to all applicants and participants. (https://www.hud.gov/sites/documents/FHEO_BOOKLET_ENG.PDF or https://www.hud.gov/sites/documents/DOC_12150.PDF).

2. *Program Information.* THDA currently informs the public about its programs and services through the following means:
 - THDA website (www.thda.org)
 - Social media (Facebook & Twitter)
 - Paid Advertisements- online and print
 - Email blast (Constant Contact) lists
 - TNHousingSearch.org
 - News releases
 - Industry meetings
 - Public meetings
 - Radio and television interviews about THDA programs
 - Public service announcements
 - Public speaking engagements
 - Workshops/Conferences (sub-recipients; housing industry, other state agencies and special interest groups)

3. *Complaint Procedures.* THDA's Complaint Procedures are available on the website at <https://thda.org/about-thda/fair-housing-know-your-rights/housing-discrimination-complaints-assistance> and are disseminated to program participants.
4. Planning and advisory board outreach is described below in the Boards and Advisory Boards section.

B. Minority Media Utilization

THDA utilizes minority media outlets (where available) to advertise the availability of program assistance in directly administered FFA programs and for THDA's loan programs. THDA places paid advertisements periodically for the HCV and the Great Choice mortgage programs in the Tennessee Tribune, El Crucero de Tennessee, La Campana and La Prensa Latina or when waiting lists are opened (HCV programs). Advertisements and public notices placed in Spanish language publications are translated into the Spanish language. The percentage of information disseminated in minority media was not tracked. Examples of advertisements and videos translated for outreach are in **Appendix O** and/or on THDA's website. The HCV Eligibility Briefing video transcript in Spanish is here: <https://thda.org/help-for-renters-section-8/housing-choice-voucher-program/eligibility-briefing>.

A continuing goal of THDA's purchased media plan with vendor (Bohan) for the Great Choice loan program is to expand outreach and drive statewide awareness of the loan programs among minority populations using niche publications and select radio stations. During FY 2023-2023, a quarter-page ad unit designed to resonate with Black/African American consumers was purchased in the Chattanooga News Chronicle, and 300x250 digital units were purchased for publication to the Tennessee Tribune (Nashville) and Tri-State defender (Memphis area) websites. To increase reach in the Hispanic community, placements with select publications and radio stations were purchased, including thirty second ad units on regional Spanish language radio stations: Chattanooga: WOCE/WQMT, Knoxville: WKZK, Nashville: WNVL/WMBD, Memphis: WGSF/WGUE. Radio ads were complemented by quarter-page ad units designed to resonate with the Hispanic population in La Campana Nashville and La Prensa Latina Memphis weekly newspapers.

C. Outreach to Minority Organizations or Communities

THDA's Communication division leads general outreach efforts across the state, including outreach to minority organizations. THDA's Single Family Customer Account team leads outreach efforts for THDA loan programs, which includes Customer Account Managers (CAMs) and Real Estate Industry Advisors (REIAs). CAMs and REIAs work to encourage homeownership opportunities for Tennesseans, including developing strategies to minimize the challenges surrounding minority homeownership. The THDA IGA outreach and Single Family CAM teams have relationships or hold memberships in women and minority-

centered organizations and regularly attend functions and activities of the associations to share information on THDA's programs, particularly homeownership programs. The organizations include:

- Tennessee chapters of the National Association of Real Estate Brokers/Realists (NAREB), an organization with the goal of bringing together the nation's minority professionals in the real estate industry;
- National Association of Hispanic Real Estate Professionals (NAHREP);
- Tennessee chapters of the Women's Council of Realtors;
- Tennessee chapters of the Black Chamber of Commerce;
- National Association of Asian American Professionals;
- Tennessee Latin American Chamber of Commerce;
- National Association of Minority Mortgage Bankers of America (NAMMBA)

Additional outreach targeted to minority organizations or communities in FY2023-2024 included:

- THDA's Civil Rights Compliance Advisor routinely updates the agency's contact list of minority service and other diverse organizations and ensures the list is available for program outreach and public comment opportunities.
- THDA's Civil Rights Compliance Advisor is a member of the Middle Tennessee NAACP housing committee and participates in monthly meetings to share information on THDA's programs and activities.
- THDA continued to support outreach associated with the CONVERGENCE program, which is an initiative to increase homeownership among Black/African American households focused in the Memphis area that is led by United Housing, Inc.

D. Boards & Advisory boards

1. *THDA Board of Directors.* A fifteen-member board of directors governs THDA. The Governor appoints six board members, who are citizens of the state; do not hold public office, and may represent the following groups: homebuilding (may represent retail building/material supply/manufactured housing), mortgage banking, licensed real estate brokers, local public housing authorities, local government and qualifying non-profits. The Governor also appoints one Board member from the public at large who is knowledgeable about the problems of inadequate housing conditions in Tennessee, and one participant in the Section 8 Housing Choice Voucher Program (to serve on the Rental Assistance committee). The Speaker of the State Senate and the Speaker of the State House of Representatives each appoint one Board member, each of whom must be a citizen of the state, not hold public office and be knowledgeable about the problems of inadequate housing conditions in Tennessee. The Comptroller of the Treasury, the

Secretary of State, the State Treasurer, the Commissioner of the Department of Finance and Administration, and a Staff Assistant to the Governor serve ex officio as members of the Board. Detailed information on the members of THDA's Board of Directors, their representation, their committee assignments and their race and gender are in **Appendix P**.

As of June 30, 2024, twelve of the fifteen positions on the THDA Board of Directors were appointed (and filled). The board included four minority members (37 percent) and three female members (20 percent). More information is available on THDA's website: <https://thda.org/about-thda/board-of-directors/board-members>.

2. *Industry Advisory Boards*. THDA currently has two industry advisory boards (see **Table 12**). Advisory board members are not appointed, but rather, THDA staff and leadership in the relevant program areas invite individuals to serve on each advisory board. Staff seek to invite persons to serve on advisory boards who work directly with THDA's programs and represent a range of specialties within the housing industry, geographies (across the state and well as urban/rural) and demographics. While THDA's advisory boards do not directly influence agency policy, the boards strengthen THDA's partnerships and assist with the utilization and effectiveness of current programs, as well as make suggestions for the creation and implementation of new initiatives.

The *Energy Efficiency and Weatherization Advisory Board* advises THDA on how to improve policies, procedures, public awareness, and financial assistance allocations related to energy efficiency and weatherization programs. Members represent a broad range of organizations and agencies with expertise to advise THDA on how best to enhance the quality and resilience of housing and utility efficiency for low-to moderate-income Tennesseans.

The *Housing Industry Advisory Board* collaborates on key issues surrounding homeownership programs, challenges, and opportunities in the housing market; as well as providing expert guidance around building strong, equitable communities through housing and financial education. Members are selected based on their experience and history in mortgage lending and housing/homebuyer education. Each member is either employed by a THDA approved lender or bank, or is a housing and financial educator in THDA's affiliate network or is a realtor. Member selection is based on the realtors' level of involvement in their respective Realtor Associations and/or National Association of Realtors, activity in community projects, leadership in other realtor-related organizations and their advocacy for affordable housing for first-time homebuyers and minority or underserved populations in their respective geographical areas.

Table 12- THDA Advisory Boards

Advisory Board	Published List of Members	Link to Published List of Board Members	% Minority	% Female	Total
Energy Efficiency & Weatherization Advisory Board	Yes	https://thda.org/about-thda/advisory-boards/energy-efficiency-and-weatherization	7% 1-Af. Am	29%	14
Housing Industry Advisory Board	Yes	https://thda.org/about-thda/advisory-boards/housing-industry	33% 7-Af. Am 1-Hispanic	75%	24

E. Minority Input

1. THDA seeks minority input through a variety of formal and informal activities described below.
 - Public notices for funding availability and public comment are placed in major publications throughout the state and in targeted minority newspapers where available, including Spanish language newspapers. Examples of Spanish public notices are in **Appendix E**. Public notices and documents soliciting public comment are provided in English and Spanish versions on THDA’s website and may be translated into other more common languages, such as Arabic, Chinese, Korean, Kurdish, Laotian, Somali and Vietnamese.
 - The State of Tennessee Citizen Participation Plan is THDA’s primary strategy for public participation that incorporates citizen input into the planning, implementation, coordination, and assessment of Tennessee’s projects and activities under the Consolidated Plan. In accordance with the Citizen Participation Plan, THDA solicits citizen participation regarding Consolidated Planning programs using email invitations, newsletters, flyers, and postings to state websites, development district websites, and social media (Facebook and Twitter). Comments solicited through the Citizen Participation Planning process are maintained for review (including public review).
 - THDA maintains a minority-serving, diversity organization contact listing (includes minority and other protected class advocacy organizations, Hispanic/Latino serving and disability organizations) to ensure public notices and program notices are distributed to diverse organizations, particularly those notices that are managed through the Citizen Participation Process.
2. Notification of Grant Funding or Request for Bids (Contracts)
 - a. THDA’s Community Programs division, with THDA Board approval, determines the application and selection process, as well as the public notification process,

for competitive grants or sub awards of Federal funding allocations for the HUD formula grant programs and the TN Housing Trust Fund. HUD or THDA's Board of Directors may set priority in awards based on certain factors or for certain entities. The grant application and workshop dates, along with any allocation plan is posted to THDA's website each year with the deadline for applications. In those cases, an email announcing the application and grantee workshop dates and allocation plan information is sent to entities on THDA's constant contact lists, including those entities in a priority category, current or prior funding recipients. The Single Family Loan Operations division (Housing Education department) determines the application and selection process, as well as the public notification process, with THDA Board approval, for the Housing Counseling Programs.

- b. Procurement of Contracts. THDA's Purchasing Policy (**Appendix Q**) is followed when procuring goods and services, including public notice procedures. For all areas not covered by this purchasing policy, THDA follows the State of Tennessee, Department of General Services, procurement policy. In general, procurement and purchasing is guided by THDA Operations Division who works with leadership in THDA's program divisions to identify the need for a service or good; identify potential vendors, solicit bids through a request for proposals and execute contracts with vendors. Initially, a THDA program division identifies the need for a particular good or service and provides a list of known vendors to THDA's Operations Division. THDA's Operations division then sends a solicitation directly to the identified vendors and publishes a request for proposals on the THDA website. THDA utilizes the State's Diversity Business Certified Directory to assist in the search for qualified minority and women owned businesses. THDA also includes the following standard non-discrimination language in its Request for Proposals and Invitation to Bid.

THDA Invitation to Bid: *No person on the grounds of handicap or disability, age, race, color, religion, sex, national origin, or any other classification protected by Federal and/or Tennessee State constitutional and/or statutory law shall be excluded from participation in, or denied benefits of, or be otherwise subjected to discrimination in the performance of the Contract or in the employment practices of the Contractor. The Contractor shall, upon request, show proof of such non-discrimination, and shall post in conspicuous places, available to employees and applicants, notices of non-discrimination.*

THDA Request for Proposals: *THDA encourages the participation of women, persons of color, persons with disabilities, ethnic minorities and members of other federally and State-protected classes. Describe your firm’s affirmative action program and activities. Include the number and percentage of members of federally and State-protected classes who are either partners or associates in your firm, the number and percentage of members of federally and State-protected classes in your firm who will work on matters referenced in this RFP.*

THDA requires sub-recipient agencies to develop written procurement policies that are compliant with State and THDA guidance when contracting for goods or services. Sub-recipients of Federal financial assistance must comply with 2 CFR 200 (Federal Award Financial Requirements). Agencies administering grants funded by HUD must follow 24 CFR 85.36 (Procurement Policies), which includes affirmative steps to contract with small and minority firms, women's business enterprise and labor surplus area firms. THDA reviews sub-recipient compliance with procurement requirements during monitoring.

SECTION XV:
COMPLIANCE REPORTING

XV. COMPLIANCE REPORTING

A. Title VI Compliance Reports

THDA does not submit Title VI Compliance reports to any federal or state agency, other than the Tennessee Human Rights Commission.

B. Federal Reporting Requirements

1. *HUD programs.* HUD has oversight for the following programs: HOME Investment Partnership (24 CFR Part 92), HOME-ARP, National Housing Trust Fund (24 CFR Part 93), Emergency Solutions Grant (24 CFR Part 576), Housing Counseling Program (24 CFR Part 214), Section 8 Housing Choice Voucher (24 CFR Part 982) and Section 8 Project Based Rental Assistance (24 CFR Part 983).⁶
 - a. 24 CFR Part 91 requires consolidated State planning, application, and reporting processes across the community development and planning programs, which includes the *HUD formula grant programs* administered by THDA (HOME, ESG, NHTF). The latest Consolidated Plan covers 2020-2024, and is posted here: https://thda.org/pdf/RP_2020-ConPlan_Final_Updated.pdf. As part of the Consolidated Planning process, THDA develops a Fair Housing Action Plan, which is a strategy proposed to address or minimize barriers to fair housing choice in the service area (state of Tennessee). The Fair Housing Action Plan is Appendix C in the Consolidated Plan. The Consolidated Plan is carried out through Annual Action Plans, which provide a summary of the actions, activities (including fair housing activities) and the specific federal and non-federal resources that will be used each year to address the priority needs and goals identified by the Consolidated Plan. The most recent approved Annual Action Plan is on the THDA website: <https://thda.org/pdf/2022-2023-Annual-Action-Plan-with-Full-Appendix.pdf>.

HUD requires formula grant program recipients to submit a Consolidated Annual Performance and Evaluation Report (form HUD-40110-D) within 90 days of the end the recipient's program year to report performance outcome measures. THDA's most recent CAPER report for the HOME, ESG and NHTF programs is published on THDA's website: <https://thda.org/pdf/2019-20-CAPER-Final.pdf>

⁶ THDA's responsibilities are limited to monitoring activities in the performance based contract with HUD.

- b. For the *Housing Choice Voucher Program* (HCV), HUD requires monthly electronic financial reporting of form HUD-52681-B through the Voucher Management System (VMS). PIH Notice 2011-65 requires timely electronic reporting through the Public and Indian Housing Information system of the form HUD-50058, which provides information to HUD on the people who participate in the program (including demographic and income information).

24 CFR Part 903 requires PHAs who administer the HCV program to submit an Annual and Five Year Plan in the HUD prescribed format (form HUD-50075). The Plans are a comprehensive report on program policies, operations, and strategies for meeting local housing needs and goals, and include assurances for meeting civil rights objectives. THDA's Annual and Five Year Plans may be found on the THDA website at <https://thda.org/help-for-renters-section-8/housing-choice-voucher-program/hcv-administrative-plans-policy-and-rules>.

24 CFR 985 requires a PHA administering the HCV program to conduct an annual Section 8 Management Assessment Program audit and submit a Certification (Form HUD-52648) electronically within 60 days of the end of its fiscal year. As part of the annual planning and Section 8 assessment program, THDA creates maps showing Re/cap areas, or racially concentrated areas of high poverty concentration where Section 8 voucher holders reside (<https://thda.org/research-reports/thda-program-data/single-family-reports/housing-choice-voucher-county-maps>).

- c. For the *Housing Counseling Program*, HUD requires reporting through HUD form-9902, also considered the Housing Counseling Activity Report. This reporting form captures all of a HUD-approved HCA's client-specific education and counseling activities within HUD's fiscal year. The HUD-9902 includes race, ethnicity and income levels of all clients provided counseling services (except where the client chooses not to report their race/ethnicity).

2. Other Federal programs

- a. DHHS has oversight for the *Low Income Home Energy Assistance Program* (LIHEAP) under 45 CFR 96. DHHS also oversees the *Low Income Home Water Assistance Program* (LIHWAP) program under both the Consolidated Appropriations Act, 2021 (Public Law No: 116-260) and the American Rescue Plan Act of 2021. Uniform Administrative Guidance for both programs is located at 45 CFR Part 75. Under 45 CFR Part 96.82, each grantee is required to submit a report on households receiving LIHEAP assistance during the 12-month period

corresponding to the Federal fiscal year (October 1-September 30) preceding the fiscal year for which funds are requested requires.

- b. DOE has oversight for the *Weatherization Assistance Program* under 10 CFR Part 440 and requires limited reporting under 10 CFR 440.25.
- c. The *Department of Treasury* has oversight for the temporary Covid-19 relief programs: Emergency Rental Assistance (ERA-1 & ERA-2) and Homeownership Assistance Fund (HAF) created under the American Rescue Plan Act of 2021. The ERA-1 program is closed; ERA-2 and the Homeowner Assistance Fund are established by section 3201 and 3206 respectively of the ARPA of 2021, Pub. L. No. 117-2 (March 11, 2021). Emergency Rental Assistance (ERA1 and ERA2) recipients follow reporting guidance found on Treasury.gov (<https://home.treasury.gov/system/files/136/ERA-Reporting-Guidance-v2.pdf>.) Treasury requires HAF administrators to follow reporting guidance dated August 8, 2022 found here: (<https://home.treasury.gov/system/files/136/HAF-Guidance.pdf>). This guidance requires the submission of quarterly reports to Treasury that include financial data, targeting data (including by income or participant definition of “socially disadvantaged”), and other information.

Treasury also provides oversight for the Low-Income Housing Tax Credit program (Section 42 of the Internal Revenue Code of 1986, as amended and related Treasury Regulations, found primarily at 26 C.F.R. Section 1.42 et seq.). Treasury does not designate LIHTC as Federal financial assistance, and required federal reporting is limited. The 2008 Housing and Economic Recovery Act (HERA) requires each housing finance agency (HFA) that administers LIHTC to submit certain demographic and economic information on tenants in LIHTC units to HUD. HERA specifically requires HFAs to submit information concerning race, ethnicity, family composition, age, income, use of rental assistance, disability status, and monthly rental payments of households residing in LIHTC properties. THDA submits this information to HUD as per the HERA statute and reports the same information in THDA’s Title VI Plan (Section VIII. Data Collection & Analysis).

C. Title VI Audits

THDA did not have any Title VI or related non-discrimination audits for FY 2023-2024.

SECTION XVI:
EVALUATION PROCEDURES

XVI. EVALUATION PROCEDURES

- A. THDA evaluates beneficiary access to its program and activities through program level evaluations and reports described herein, including the annual Title VI review of racial and ethnic characteristics of THDA's beneficiaries compared with the eligible population described in *Section IX. Data Collection & Analysis*. THDA also evaluates statewide housing needs and access to appropriate affordable housing opportunities by diverse populations through Consolidated Planning activities, which occur on a five-year cycle.

Through the Consolidated Planning process (required by HUD for formula grant recipients), THDA evaluates housing needs, impediments and actions to affirmatively further fair housing throughout the state. THDA completes this planning with input from the state Consolidated Planning partners (THDA, Department of Economic and Community Development (ECD), Department of Health (DOH)). To support the 2025-2029 Consolidated Plan, during FYE2024, THDA's Research division completed a statewide housing needs analysis and developed a public survey tool to collect information on housing needs. A statewide Analysis of Impediments to Fair Housing Choice and Fair Housing Action Plan based upon conclusions drawn from the 2025-2029 housing needs research is also underway and will be adopted as a component of THDA's 2025-2029 Consolidated Plan. Progress towards Fair Housing Action Plan goals is reported in the annual Consolidated Annual Performance and Evaluation (CAPER) report submitted to HUD annually. The current Consolidated Plan, Annual Action Plan and the CAPER are published to THDA's website: <https://thda.org/research-reports/consolidated-planning>.

THDA's Research division is currently testing a program evaluation framework, which includes fair housing (and Title VI) metrics. If adopted, the framework will gradually become an evaluation tool for all programs.

- B. THDA compares the quality of services and identifies underserved populations through the processes described in *Section IX. Data Collection & Analysis* of this Plan, along with the evaluation procedures outlined in paragraph A of this section.
- C. Where a Title VI or fair housing deficiency (usually an impediment to fair housing choice) is found that is within THDA's scope of services, THDA funded programs or activities are identified that may be targeted to reduce the impact of the impediment or deficiency. Then, goals are set (usually through the Fair Housing Action Plan) with the input of THDA leadership and Board to target identified resources as determined appropriate.
- D. The State's 2025-2029 Consolidated Plan will be published in October 2025.

Appendices A-Q

(located in separate folder on drive)