



2016

TITLE VI IMPLEMENTATION PLAN

FOR

TENNESSEE HOUSING DEVELOPMENT AGENCY

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TABLE OF CONTENTS

1. OVERVIEW 3

2. RESPONSIBLE OFFICIALS 4

3. DEFINITIONS 5

4. NON-DISCRIMINATION POLICY 8

5. ORGANIZATION OF THE CIVIL RIGHTS OFFICE/CIVIL RIGHTS COORDINATOR..... 9

6. DISCRIMINATORY PRACTICES 10

7. FEDERAL PROGRAMS OR ACTIVITIES 11

8. DATA COLLECTION AND ANALYSIS 15

 A. DESCRIPTION OF DATA COLLECTION..... 15

 B. MINORITY REPRESENTATION OF BENEFICIARIES 15

 C. MINORITY REPRESENTATION OF THDA STAFF 16

9. LIMITED ENGLISH PROFICIENCY 18

 A. LEP POLICY..... 18

 B. TRANSLATOR/INTERPRETER SERVICES/TRANSLATED DOCUMENTS 18

 C. LANGUAGE ENCOUNTERS 19

 D. EFFORTS TO BREAK DOWN BARRIERS 19

10. COMPLAINT PROCEDURES 20

 A. COMPLAINTS PROCEDURE/FORM 20

 B. COMPLAINTS & LAWSUITS..... 22

11. TITLE VI TRAINING 23

12. SUB-RECIPIENT MONITORING 25

 A. PRE-AWARD PROCEDURES (INC. TRAINING) 25

 B. POST-AWARD PROCEDURES (INC. TRAINING) 25

 C. PROCEDURES FOR NONCOMPLIANCE 26

 D. SUBRECIPIENTS & VENDORS..... 26

13. PUBLIC NOTICE AND OUTREACH 35

 A. PROGRAM INFORMATION DISSEMINATION 35

 B. SUB-RECIPIENT INFORMATION DISSEMINATION 35

 C. MINORITY REPRESENTATION, PLANNING AND ADVISORY BOARDS 36

 D. MINORITY INPUT..... 37

14. COMPLIANCE REPORTING 39

15. EVALUATION PROCEDURES..... 40

 A. COMPLIANCE MONITORING 40

 B. ANALYSIS OF IMPEDIMENTS & FAIR HOUSING PLAN 40

 C. HOME BENEFICIARY REPORT 41

 D. HOUSING CHOICE VOUCHER ANNUAL & FIVE YEAR PLANS..... 41

 E. ADDITIONAL ACTIVITIES/DEFICIENCIES 41

16. RESPONSIBLE OFFICIALS 42

APPENDICES

I. OVERVIEW

THDA's Mission is "Leading Tennessee home by creating safe, sound affordable housing opportunities."

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, responsible for selling tax exempt mortgage revenue bonds to offer affordable mortgage funds to homebuyers of low- and moderate-incomes through local lenders, and to administer various housing programs targeted to households of very low-, low- and moderate-incomes. In addition to its homeownership programs, THDA administers a number of ongoing federally funded or enabled housing and housing-related programs: Low Income Housing Tax Credit, Multifamily Tax Exempt Bond, Section 8 Tenant Based-Housing Choice Voucher, Section 8 Project Based Rental Assistance, HOME Investment Partnership, Emergency Shelter Grant, Weatherization Assistance Program, Homebuyer Education, National Foreclosure Mitigation Counseling, and Low Income Home Energy Assistance Program (LIHEAP). THDA also administers the Keep My Tennessee Home program, funded from the Hardest Hit Fund, a part of the Troubled Asset Relief Program (TARP). A brief description of each program is contained in Table 2, in Section III, Federal Programs or Activities. Program descriptions of each and detailed policy information is available on THDA's website at www.thda.org.

THDA is governed by a 16-member board of directors. The governor appoints six board members, who are citizens of the state, who do not hold public office and who represent the following groups: Retail building material supply, manufactured housing, home building, mortgage banking, licensed real estate brokers, local public housing authorities, local government and qualifying non-profits. The governor also appoints two board members from the public at large who are knowledgeable about the problems of inadequate housing conditions in Tennessee. A Section 8 Voucher Program resident is also a member of the board. 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. The members of THDA's Board of Directors, their representation, their committee assignments and their race and gender are reported in Appendix A.

II. RESPONSIBLE OFFICIALS

An organizational chart of THDA is provided in Appendix B. The Executive Team is comprised of the Executive Director, Ralph Perrey, and four Executive Officers. More information regarding THDA, its Board of Directors, program operating policies and organizational structure may be found on THDA's website at www.thda.org. The signature page for the responsible officials involved with developing the Title VI Plan is contained at the end of the Plan.

III. DEFINITIONS

The below tables defines common abbreviations and terms used in this report and in programs administered by THDA. The purpose of presenting these definitions is to ensure agency staff, recipients and beneficiaries have access to consistent and applicable definitions.

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 median divides the income distribution into two equal parts: one-half of the cases falling below the median income and one-half above the median. [Census 2000 Summary File 3 Technical Documentation. Prepared by the U.S. Census Bureau, 2002.] HUD uses the median income for families in metropolitan and non-metropolitan areas to calculate income limits for eligibility in a variety of housing programs. The area median income is also utilized when determining allowable rents in the Low Income Housing Tax Credit Program.
ARRA	Commonly referred to as the Stimulus or The Recovery Act, was an economic stimulus package enacted by the 111th United States Congress in February 2009 and signed into law on February 17, 2009. To respond to the Great Recession, the primary objective for ARRA was to save or quickly create jobs. Secondary objectives were to provide temporary relief programs for those most impacted by the recession and invest in infrastructure, education, health, and renewable energy.
AVAZA	AVAZA Language Services has served the language needs of all industries and levels of government for ten years. The company is headquartered in Nashville, TN and is focused on delivering meaningful language assistance by providing quality, skilled and trained interpreters and translators with a strong commitment to customer service, while leveraging the latest technology.
CAPER	Consolidated Annual Performance Evaluation Report – The CAPER is an evaluation and performance report required by the Department of Housing and Urban Development (HUD).
CDBG	Community Development Block Grant – A flexible program that provides communities with resources to address a wide range of unique community development needs. The CDBG program provides annual grants on a formula basis to 1,209 general units of local government and States.
CHAS	Comprehensive Housing Affordability Strategy – Data that demonstrate the extent of housing problems and housing needs, particularly for low income households.
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.
CITC	Community Investment Tax Credits – A state program in which 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 amount of the credit shall be applied one time and will be based on the

total amount of the loan, investment, grant, or contribution; or the credit may be applied annually for qualified loans and qualified low rate loans and will be based on the unpaid principal balance of the loan.

- CoC** **Continuum of Care** – The CoC is designed to promote community-wide commitment to the goal of ending homelessness; provide funding for efforts by nonprofit providers, and State and local governments to quickly rehouse homeless individuals and families while minimizing the trauma and dislocation caused to homeless individuals, families, and communities by homelessness; promote access to and effect utilization of mainstream programs by homeless individuals and families; and optimize self-sufficiency among individuals and families experiencing homelessness.
- CP** **Community Programs** – A THDA division that administers a variety of housing programs supported through federal, state and THDA funding. The Division awards grants to local governments and non-profit agencies to meet the housing needs of low income Tennesseans.
- FHA** **Federal Housing Administration** – FHA provides mortgage insurance on loans made by FHA-approved lenders throughout the United States and its territories. FHA insures mortgages on single family and multifamily homes including manufactured homes and hospitals. It is the largest insurer of mortgages in the world, insuring over 34 million properties since its inception in 1934.
- FHFA** **Federal Housing Finance Agency** –The regulator and conservator of Fannie Mae and Freddie Mac and the regulator of the 12 Federal Home Loan Banks.
- FSS** **Family Self-Sufficiency Program** - The FSS program facilitates access to the supportive services that families need to become free of public assistance in a five-year time period. All participating Housing Choice Voucher (HCV) families have the opportunity to participate in the FSS program if they desire.
- DOE** **US Department of Energy**- A cabinet department in the Executive branch of the U.S. federal government policies regarding energy and safety in handling nuclear material.
- HAP** **Housing Assistance Payment** – Section 8 tenant-based assistance under the housing choice voucher program (voucher program) of the U.S. Department of Housing and Urban Development (HUD).
- HBEI** **Homebuyer Education Initiative** – THDA’s initiative to create first-time homebuyers who are better prepared for the responsibilities of homeownership.
- HCV** **Housing Choice Voucher Program** – The HCV program is 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 market. Since housing assistance is provided on behalf of the family or individual, participants are able to find their own housing, including single-family homes, townhouses and apartments.
- HERA** **Housing and Economic Recovery Act of 2008** – Designed primarily to address the subprime mortgage crisis. It authorized the Federal Housing Administration to guarantee up to \$300 billion in new 30-year fixed rate mortgages for subprime borrowers if lenders write-down principal loan balances to 90 percent of current appraisal value. It was intended to restore confidence in Fannie Mae and Freddie Mac by strengthening regulations and injecting capital into the two large U.S. suppliers of mortgage funding. States are authorized to refinance subprime loans using mortgage revenue bonds.

- HFA** **Housing Finance Agency** – State Housing Finance Agencies are state-chartered authorities established to help meet the affordable housing needs of their states’ residents. Through partnerships with the private and public sector, the agencies provide housing for people of low or moderate means. THDA is Tennessee’s state housing finance agency.
- HF** **Hardest Hit Fund** – The Keep My Tennessee Home program was funded, in part, by the federal Hardest Hit Fund. The program provides forgivable loans to unemployed or substantially underemployed homeowners who are financially unable to make their mortgage payments and are in danger of losing their homes to foreclosure or to homeowners who have experienced divorce or the death of a spouse.
- 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.
- HTF** **Housing Trust Fund** – The National Housing Trust Fund (HTF) is an affordable housing production program that will complement existing Federal, state and local efforts to increase and preserve the supply of decent, safe, and sanitary affordable housing for extremely low- and very low-income households, including homeless families.
- HUD** **US Department of Housing and Urban Development** – A cabinet department in the Executive branch of the United States federal government. HUD’s mission is to create strong, sustainable, inclusive communities and quality affordable homes for all. HUD helps people by administering a variety of programs that develop and support affordable housing, 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 IRS is the U.S. government agency responsible for tax collection and tax law enforcement.
- LIHTC** **Low Income Housing Tax Credits** – The LIHTC program offers owners and investors of affordable rental housing a reduction in federal income tax liability over a period of 10 years. The Internal Revenue Service allocates tax credit authority to states on a calendar year basis. The State of 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 to developers who in turn build affordable rental units.
- PHA** **Public Housing Agency** – Organization created by local or state governments to administer HUD's Low-Income Public Housing, Section 8 Housing Choice Voucher and other HUD programs.
- RP** **Research and Planning** – THDA’s Research and Planning division.
- S8CA** **Section 8 Contract Administration** – A THDA division that administers the Section 8 Project Based Rental Assistance program.
- S8RA** **Section 8 Rental Assistance** – A THDA division that administers the Section 8 Housing Choice Voucher program.

IV. NON-DISCRIMINATION POLICY

THDA adopted the “Tennessee Housing Development Agency (THDA) Non-Discrimination in Provision of Services Policy,” which is included as Appendix C of this document. While THDA’s various programs contain non-discrimination statements and guidelines in their documents and contracts, the agency developed this agency-wide policy that includes all program divisions and partners of the agency in providing services to the public. The policy states: “No staff person or partner of THDA shall engage in discriminatory practices” and the intent of the policy is to provide guidance to THDA staff in preventing discrimination on the basis of race, color, religion, national origin, sex, familial status, disability and “any other class protected under state or federal law in providing services to the public.”

The policy also provides guidance in regards to contracts between THDA and its partners receiving funds to provide services for THDA. It states that “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. 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. Any partner who fails to comply with contractual obligations to not discriminate may face loss of funding or other consequences as outlined in its contract with THDA.

The authority for THDA to conduct compliance reviews is derived from Title VI of the Civil Rights Act of 1964 and its implementing regulations. Additionally, Public Chapter 502 of the Public Acts of 1993 requires state agencies to develop an implementation plan for the enforcement of Title VI. THDA, along with its sub-recipients and contractors, shall make available any compliance report to be reviewed by THRC upon request.

V. ORGANIZATION OF THE CIVIL RIGHTS OFFICE

Two THDA staff members are responsible for the oversight of Title VI compliance, and one staff member is assigned to assist with the research and compilation of the Title VI Implementation Plan annually. Each of these three staff members and their duties, as they relate to THDA and Title VI compliance, are described below.

Donna Duarte, the Director of Civil Rights Compliance, is the Title VI Coordinator for THDA. Ms. Duarte is responsible for providing agency leadership to meet our civil rights obligations in relation to The Fair Housing Act, Title VI of the U.S. Civil Rights Act, and Section 504 of the Rehabilitation Act. In addition to her Title VI duties, which include oversight of THDA's Title VI compliance procedures and plan, her primary duties include the following:

- Review and approve Section 504 housing accommodation requests, review fair housing and civil rights related activities conducted by the staff for compliance and report to program divisions and THDA's Executive team for further implementation of changes in processes and policies.
- Relationship-building initiatives with for-profit and non-profit affordable developers.
- Cultivate relationships with existing partners through participation in fair housing organizations, THDA advisory boards and the Tennessee Affordable Housing Coalition.
- Coordinate internal and external efforts to support and grow the utilization of TN Housing Search.org especially with agencies and non-profits who serve special needs populations.
- Together with the Directors of Multifamily Development and Program Compliance, contribute to LIHTC program policies and development and provide housing credit program expertise to THDA staff and program partners.

Bruce Balcom, Assistant Chief Legal Counsel for THDA, is responsible for Title VI legal services. In addition to his Title VI duties, Mr. Balcom is responsible for providing a full range of legal services for the organization. Under the supervision of THDA's Chief Legal Counsel, he serves as the primary legal counsel for the Human Resources division of THDA. He handles all litigation on behalf of the organization, not handled by the Attorney General's office. Bruce supervises legal services provided to the Section 8 Rental Assistance and Section 8 Contract Administration divisions by the Assistant Legal Counsel. His primary duties that may involve Title VI or Fair Housing compliance include:

- Interpreting federal and state legislation and regulations relating to the organization.
- Aid in the preparation of handbooks and instructional memoranda for program operations to meet federal and state requirements.
- Counseling the organization regarding legal rights and responsibilities.
- 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.

Laura Swanson, Research Coordinator with the Research and Planning Division, is responsible for working with THDA divisions to gather information, researching statistical information, compilation and submission of the Title VI Implementation Plan.

The organizational chart in Appendix D shows the position of each staff person associated with Title VI Compliance, as it relates to this report, at THDA.

VI. DISCRIMINATORY PRACTICES

THDA has jurisdiction to investigate Title VI claims. THDA is the lead author of the State of Tennessee's Consolidated Plan and promotes fair housing education throughout the state. The Fair Housing Act makes it illegal to discriminate in the buying, selling or renting of a home because of a person's race, color, national origin, religion, sex, familial status and disability. Because THDA is an affordable housing finance agency, compliance with both Title VI and the Fair Housing Act is integral to the programs and activities carried out by the organization.

The following possible discriminatory practices are examples specific to the programs and activities conducted by THDA. Possible discriminatory practices, based on a Title VI protected class include:

- Refusing to sell, rent or lease housing to an interested tenant or buyer
- Applying different sale, rental or occupancy terms for different people
- Lying about or misrepresenting the availability of housing
- Providing inferior conditions, terms, facilities or privileges in connection with housing
- "Blockbusting" or encouraging people to leave an area based on their protected class
- Steering clients to a certain neighborhood, refusal to serve certain clients
- Redlining or limiting lending in a particular area because of the demographics of that area or imposing different conditions on a loan
- Harassing tenants and homeowners in connection with housing accommodations
- Zoning laws that have an unfair effect on protected classes

A specific example of a possible discriminatory practice may be found in the HOME homeowner rehabilitation program. If ten families receive homeownership rehabilitation, and nine of those families are White and one is Black/African American, all should receive the same quality of rehabilitation. If the beneficiary belonging to a protected class receives sub-standard repairs below specifications and the non-minority homeowners all receive standard repairs at specification, discrimination on the basis of Title VI could be alleged.

VII. FEDERAL PROGRAMS OR ACTIVITIES

Table 2 names and describes the THDA federally funded or enabled programs and the funding made available during FY 2015-16. For THDA’s stimulus and temporary federal programs, the total dollar amount allocated for each program is shown. Funding for these programs was awarded prior to FY 2015-16 but the programs were active during the reporting period and remaining funds were allocated during the reporting period.

**Table 2
Program Description & Federal Funding Available**

Federal Program	Program Description	Source	FY 2015-16 Available Funds
<i>Ongoing Federally Funded Programs</i>			
HOME Investment Partnership	The HOME Program provides funds to carry out multi-year housing strategies that expand the supply of decent, safe, sanitary and affordable housing for low and very low income households. Local governments, public agencies and non-profits are eligible applicants. THDA administers the HOME Program in those jurisdictions not designated by HUD as a local Participating Jurisdiction.	Department of Housing & Urban Development (HUD)	\$6,293,647* *Dollar amount represents the portion of a multi-year grant withdrawn during the fiscal year.
Emergency Solutions Grant (ESG)	ESG provides funding to local governments and non-profit service providers to assist individuals and families regain stability in permanent housing after experiencing a housing crisis or homelessness.	HUD	\$3,941,440* *Dollar amount represents the portion of a multi-year grant withdrawn during the fiscal year.

Low Income Home Energy Assistance Program (LIHEAP)	LIHEAP is a grant program that aims to assist low income households, primarily those who pay a high proportion of their income on home energy, with meeting their immediate energy needs. LIHEAP is administered through a network of 19 local agencies that reach all 95 counties.	Department of Health & Human Services (HHS)	\$43,676,128
Weatherization Assistance Program (WAP)	The WAP Program is designed to assist low-income households reduce their fuel costs while contributing to energy conservation through increased energy efficiency and consumer education. Households with young children, elderly or disabled members are given priority.	Department of Energy (DOE)	\$2,197,271
National Foreclosure Mitigation Counseling Program	NFMC was launched in December 2007 by Congress to address the nationwide foreclosure crisis by increasing housing counseling availability for at risk families. NeighborWorks America distributes funds to competitively selected grantees, which in turn, provide the counseling services, directly or through sub-grantees. THDA utilizes a network of foreclosure prevention counseling agencies to provide the free counseling.	Neighborworks	\$26,952
Section 8 Tenant Based Housing Choice Voucher	The Housing Choice Voucher or "Voucher" program is a rental assistance program where very low-income families, the elderly and the disabled receive assistance to afford decent, safe and sanitary housing in the private market. The family pays up to 40% of their monthly adjusted income for rent and utilities, and THDA pays the remainder directly to the landlord. If a family qualifies for utility assistance, a utility assistance payment is paid to the family.	Department of Housing & Urban Development (HUD)	\$35,390,106
Section 8 Project Based Rental Assistance	On behalf of HUD, THDA administers the Section 8 Project Based contracts and is responsible for the monthly Housing Assistance Payments (HAP) to Section 8 properties throughout the state.	Department of Housing & Urban Development (HUD)	\$168,504,697
<i>Subtotal of Ongoing Federal Program</i>			<i>\$260,029,881</i>

<i>Stimulus/Temporary Federal Programs</i>			
Keep My TN Home - Tennessee's Hardest Hit Fund	The Keep My Tennessee Home program provides forgivable loans to unemployed or substantially underemployed homeowners who are financially unable to make their mortgage payments and are in danger of losing their homes to foreclosure or to homeowners who have experienced divorce or the death of a spouse.	Department of Treasury, Internal Revenue Service (IRS)	\$20,528,194 <i>*No new recipients were approved during this fiscal year but we continued making payments for recipients approved in prior years.</i>
<i>Subtotal of Stimulus/Temporary Federal Programs</i>			\$20,528,194
<i>Federally Enabled Programs</i>			
Low Income Housing Tax Credit (LIHTC) <i>-Competitive & non-competitive awards</i>	The LIHTC program is authorized under Section 42 of the Internal Revenue code. The program offers owners and investors of affordable rental housing a reduction in federal income tax liability over a period of 10 years. The Internal Revenue Service allocates tax credit authority to states on a calendar year basis. The State of Tennessee does not receive actual dollars, but instead receives tax credit authority that is allocated in both competitive (9 percent credit) and non-competitive (4 percent) awards.	Department of Treasury, Internal Revenue Service (IRS)	\$132,764,240 <i>*Note: The amount is the annual allocation of credit authority for properties receiving allocations over the past ten years because credit authority is issued over a ten year period.</i>
Multifamily Bond Authority	THDA authorizes allocations of tax-exempt bond authority to local issuers for permanent financing of affordable multifamily housing units in the state. The authority can be used to provide permanent financing for new construction of affordable rental housing units, conversion of existing properties through adaptive reuse or acquisition and rehabilitation of rental units. The Non-Competitive (4 percent) Housing Tax Credit program is coupled with the Multifamily Bond Program.	Department of Treasury, Internal Revenue Service (IRS)	\$31,213,100

THDA Homeownership Programs (Single Family Bond Authority)	THDA's Great Choice and New Start homeownership programs provide opportunities for low and moderate income persons to purchase their first home. THDA's Great Choice Loan Program offers 30-year, fixed rate mortgages to eligible first-time, repeat and military home buyers. Great Choice Plus is a 15 year 0% interest, deferred, second mortgage to provide homebuyers with downpayment assistance for those buyers with a Great Choice Loan who also need downpayment assistance. In the New Start program, non-profit organizations select the homebuyer, determine eligibility, construct the home, provide homebuyer education, originate and service the loan.	Department of Treasury, Internal Revenue Service (IRS)	\$286,840,401 *Note: Represents the dollar value of all the single family loans funded during the reporting period.
<i>Subtotal Federally Enabled Fund</i>			\$405,817,741
Total of All Funds Available			\$686,375,816

The programs for which dollar amounts may be projected for FY 2016-17 are presented Table 3 below.

**Table 3
Federal Resources Expected, FY 2016-17**

Federal Program	FY 2016-17 Expected Resources
<i>Ongoing Federal Programs</i>	
HOME Investment Partnership	\$8,606,800
Emergency Solutions Grant	\$2,882,200
Low income Home Energy Assistance Program (LIHEAP)	\$46,992,700
Weatherization	\$4,295,400
National Foreclosure Mitigation Program	\$999,000
Section 8 Programs (Tenant and Project Based)	\$164,053,000
Subtotal of Ongoing Federal Programs	\$227,829,100
<i>Stimulus/Temporary Federal Programs</i>	
Tennessee's Hardest Hit Fund (HHF)	\$47,002,000
Subtotal of Stimulus/Temporary Federal Programs	\$47,002,000
Total of All Resources Available	\$274,831,100

As of 6/30/2016, one application for Federal financial assistance from the National Housing Trust Fund was pending. Copies of any and all assurances received by the federal funding source may be found in Appendix E of this document.

VIII. DATA COLLECTION & ANALYSIS

A. Description of Data Collection

THDA maintains databases of beneficiary information that are updated throughout the year at intervals determined by the program requirements or governing agency. Information from these databases is the primary source of information used in the reporting for Title VI and other purposes. Racial and ethnic beneficiary data is not collected for the WAP and LIHEAP programs. The federal requirements and databases accessed to report data for these two programs do not require the collection of this demographic information because the programs are specifically targeted to certain at risk populations including: Elderly (60 or older), households with children under the age of 6, and disabled households. For WAP, limited data collection is required for Native American households. Thus, these programs are not included in the tables or analysis for Title VI reporting.

B. Minority Representation of Beneficiaries of THDA Programs

During the fiscal year, THDA's federally funded programs assisted 116,948 households or individuals in the case of the Emergency Shelter Grant (ESG) program. Table 4 shows the number of households served by THDA programs. Data for the Multifamily Bond Authority and Tax Credit Assistance Program is reflected in the Low Income Housing Tax Credit data. The number of households (units) for the HOME program represents actual units completed during FY 2015-2016 with funds from prior grant years.

Table 4
THDA Beneficiaries by Program

THDA Program	Households
Low Income Housing Tax Credit/Multifamily Bond Authority	58,761
THDA Homeownership Program	4,449*
HOME Investment Partnership	99
Emergency Solutions Grant	17,053**
Section 8 Housing Choice Voucher Program	6,590
Section 8 Project Based Rental Assistance	28,814
National Foreclosure Mitigation	924
Keep my Tennessee Home-- Hardest Hit Fund	0***
Total	116,690

*The households reported include both first and second mortgage loans.

**ESG is an emergency shelter program, and thus, reports each sheltered individual separately, including children. The information is not currently compiled into "households" but rather is reported by occupied beds.

*** No new households were approved for the Hardest Hit Fund program in FY 2015-2016. Funds expended related to prior year approval. A portion of the Keep My Tennessee Home funds derive from the state-federal mortgage servicing settlement with the nation's five largest servicers received through the Tennessee Attorney General's office.

Each of the programs that THDA administers has eligibility requirements for participation. While specific eligibility requirements vary by program, the majority of beneficiaries must be low income, meaning that they earn 80 percent or less of the area median income (AMI). The table below uses Comprehensive Housing Affordability Strategy (CHAS) data provided by the U.S. Department of Housing and Urban Development (HUD) to show the number of Tennesseans who are at or below 80 percent of the AMI. CHAS data are custom tabulations based on the U.S. Census Bureau's 2009-2013 American Community Survey (ACS) and demonstrate housing problems and housing needs for low income

households. Housing problems are defined as spending more than 30 percent of household income on housing, lacking complete kitchen/plumbing facilities, or overcrowding.

When comparing the CHAS household data with THDA beneficiary data, funds are being used fairly equitably, based on race and ethnicity, to serve low income households with housing problems in Tennessee. Hispanic households are underserved in the project based rental assistance and HOME programs, and thus, overall underserved. White, low income households are underserved in all of the rental programs and the NFMC program, and are also underserved overall. The annual reporting form for the ESG program for this reporting period did not include a field for those of Hispanic origin. Therefore, the number of Hispanic beneficiaries is likely underreported here. To remedy this issue, THDA created a new annual reporting form for the ESG program to better document beneficiaries of Hispanic origin which went into effect during the FY 2016-2017 reporting period.

**Table 5
Demographics of THDA Beneficiaries**

	Race			Ethnicity
	White	African American	Other/Not Available	Hispanic
2009-2013 CHAS Data				
<i>TN Households earning <30% AMI</i>	68.8%	29.9%	0.3%	1.4%
<i>TN Households earning 31% to 50% AMI</i>	76.5%	21.8%	0.5%	1.2%
<i>TN Households earning 51% to 80% AMI</i>	79.3%	18.8%	0.6%	1.6%
THDA Programs, FY2015-2016				
Low Income Housing Tax Credit*	38.8%	46.8%	14.4%	1.4%
THDA Homeownership Programs	75.7%	22.9%	1.4%	3.9%
HOME Investment Partnership**	65.0%	27.0%	8.0%	0.0%
Emergency Solutions Grant**	71.8%	20.8%	7.4%	not collected
Section 8 Housing Choice Voucher Program**	35.0%	64.6%	.4%	1.8%
Section 8 Project Based Rental Assistance	50.9%	48.2%	.9%	.1%
National Foreclosure Mitigation Program	43.3%	52.6%	4.1%	5.2%
Keep my Tennessee Home-- Hardest Hit Fund***				

*Beneficiary demographics for the Multifamily Bond Authority are represented in the LIHTC data. Additionally, Section 8 voucher recipients may be included as a LIHTC tenant as individuals may take advantage of both programs. Section 8 Project Based Rental Assistance program tenants may also be included as a LIHTC tenant as some LIHTC projects qualify are also Section 8 Project Based.

**THDA's HOME, ESG and HCV Programs largely operate outside of the large metro areas/cities, which have different demographics than those reported in the statewide averages.

***In FY2015-2016, no new households/borrowers were approved to receive assistance. Funds expended were approvals in prior fiscal years.

C. Minority Representation of THDA Staff

At the time of this report, 219 individuals were employed by THDA. All staff are classified executive service. Of this total, 35 percent are minority staff members. In addition, 72 percent of the total staff are female and 28 percent are male. The breakdown of THDA staff by race, ethnicity and gender is provided below.

**Table 6
Demographics of THDA Staff**

Demographics	Number of Staff	Percent of Total Staff
Race		
White	142	64.8%
Black/African American	70	32.0%
Asian/Pacific Islander	1	0.5%
Other	2	0.9%
Ethnicity		
Hispanic	4	1.8%
Gender		
Female	157	71.7%
Male	62	28.3%

*Note: The table above is based upon THDA's Affirmative Action Plan. The Plan includes only the racial reporting categories of White, Black/African American, Asian/Pacific Islander, and Other. Employees who identify as Hispanic are not also assigned a race.

IX. Limited English Proficiency (LEP)

A. LEP Policy

THDA adopted a formal Limited English Proficiency (LEP) Policy, which can be found in Appendix F of this document. The policy requires all THDA employees to ensure reasonable steps are taken so that persons with LEP may have meaningful access and opportunity to participate in the services, activities and programs offered by THDA. The policy is accompanied by procedures for THDA employees when LEP encounters occur, which include identifying persons with LEP and their language, obtaining a qualified interpreter and tracking encounters. The policy also indicates that written translations and notices should be provided to persons with LEP and that THDA will continue to monitor the language needs of its clients.

B. Translator/Interpreter Services & Document Translation

THDA offers language line assistance provided by Avaza Language Services. THDA trained relevant staff members and implemented the language line in October, 2011. THDA conducts internal LEP procedural training on an as needed basis. Avaza provided THDA with “I Speak Card” which are maintained at the entry location to each of THDA’s offices. Avaza Language Services can be contacted at:

Avaza Language Services
5209 Linbar Drive, Suite 603
Nashville, TN 37211
(615) 534-3404

For federal programs, THDA utilizes resources and materials made available through HUD, which can be accessed at:

http://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp/promotingfh/whatislep. The website provides a range of brochures, booklets, fact sheets, forms, “I Speak Card” language identification cards, posters and public service announcements in a number of languages. THDA translates public notices and documents for public comment to Arabic, Spanish Behdini (Kurdish), Sorani (Kurdish), Somali and Bosnian and is working to increase the availability of non-federal program documents in Spanish. THDA publishes its Spanish translated public notices in three Spanish newspapers (one in each Grand Division of Tennessee) to promote public participation among Spanish speaking persons.

THDA’s website is convertible to over 30 languages using Google Translator technology. Persons seeking information about THDA may click on the “Español” button to translate the majority of the website’s content to the language of their choice.

THDA contracts with the Tennessee Foreign Language Institute to do translations of public notices and summaries to improve the effectiveness of our citizen participation requests. This also allows us to purchase public notices in Spanish papers. An example of one of our public notices in seven languages is found in Appendix G.

C. Language Encounters

THDA employees follow the procedures outlined in the LEP Policy (Appendix F) when clients are in need of translation. THDA employees also have the option of utilizing resources through Avaza Language Services. All THDA employees are required to document an LEP encounter through an online fillable report which details via telephonic, on-site or written communications. The fillable report requests the date of the encounter, the type of communication, the language spoken, information regarding the referral (AVAZA, staff member, etc.) and any additional information or notes regarding the encounter. During FY 2015-16 Spanish was the predominant foreign language encountered by the agency as a result of on-site and telephonic encounters from the public. THDA reported approximately 75 encounters throughout the year.

**Table 7
AVAZA LEP Encounters
FY 2015-16**

Month	Spanish	Arabic	Kurdish	Total
7/2015	2			2
8/2015	9			9
9/2015	5			5
10/2015				
11/2015	5			5
12/2015	3			3
01/2016	2			2
02/2016	7			7
03/2016	19	2		21
04/2016	6			6
05/2016	9			9
06/2016	6			6
Total	73	2		75

D. Efforts to Break Down Barriers with LEP Population

THDA continued to improve outreach efforts to reach all citizens, including protected classes, for public comments during appropriate time periods. THDA’s outreach efforts resulted in increased participation during the Consolidated Planning process in FY2014-2015 where almost 700 responses to the Housing and Community Development Needs Survey were received. THDA experienced continued increased participation as a result of outreach efforts to receive comments on housing needs when the National Housing Trust Fund affordable housing grant was added as a substantial amendment to the FY 2016-2017 Annual Action Plan. 479 comments were received in response to the housing needs survey. The survey and results may be found in Appendix H.

THDA is also in the process of developing an affirmatively furthering fair housing guidebook for local jurisdictions. The guidebook will include information on serving the LEP population. The outline for the document is completed, along with a timeline for distribution. The guidebook is expected to be complete by the end of calendar year 2016. Fair housing trainings to support the guidebook are planned over the next two years in collaboration with the Tennessee Fair Housing Council.

X. COMPLAINT PROCEDURES

A. Complaint Procedures & Form

Tennessee Housing Development Agency (THDA) is committed to the eradication of discrimination on the basis of race, color, religion, national origin, sex, familial status, disability, creed and any other class protected under state and federal law in providing benefits to the public.

Any person alleging discrimination based on race, color or national origin has the right to file a complaint no later than 180 days after the alleged discrimination, unless the time for filing is extended by the responsible department official or his/her designee. Complaints filed with THDA more than 89 days after the alleged discrimination may not allow for time to file with the federal, state, or local agency or the Tennessee Human Rights Commission (THRC) if the complaint takes a full 90 days to review. At the complainant's discretion, the complaint can be filed with the federal department, the state recipient or the agency providing the service. Additionally, complaints can also be filed with the THRC. It is not necessary to know the identity of the complainant, so long as the information is sufficient to determine the identity of the recipient and to indicate the possibility of a violation.

All complaints, written or verbal, will be accepted. In the event a complainant sets forth the allegations verbally and refuses to reduce such allegations to writing, the person to whom the complaint is made should reduce the elements of the complaint to writing. THDA has developed a discrimination complaint form to be used by the complainant which can be found on THDA's website. In the event that the complaint is oral or in a format other than the discrimination complaint form, the complaint should contain the following information:

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

In handling Title VI complaints, THDA uses the following process:

1. Complaints should be handled within 90 days of their receipt. THDA shall to the fullest extent practicable seek the cooperation of recipients in obtaining compliance and shall provide assistance and guidance to recipients to help them comply voluntarily.
2. Upon receipt, an entry will be entered into the Title VI Complaint Log. The Title VI Complaint Log will be updated at various points noting the progress of the complaint through transfer or resolution.
3. A letter will be sent to the complainant within 15 days acknowledging receipt of the complaint.
4. Complainants are not parties to a Title VI investigation and do not enjoy a status different from other persons interviewed.

5. A preliminary review will be conducted on all complaints based on the information provided in the complaint by the Title VI Coordinator to substantiate or refute the allegation within 10 days of receipt of the complaint. If the preliminary inquiry indicates Title VI discrimination, then a complaint investigation will be initiated. THDA will contact THRC's Director of Title VI Compliance with questions or concerns about the complaint. Jurisdictional and Fair Housing Complaints will be immediately transferred to the responsible agency with a copy to the complainant and to the THRC. Program Division complaints will be transferred to the Program Division for review with weekly follow up by the Title VI Coordinator. At the conclusion of the Program Division's review a letter will be issued to the complainant with follow up instructions.
6. If the preliminary inquiry indicates Title VI discrimination, then a complaint investigation will be initiated. THDA will send a completed Title VI Notification Form and a copy of the complaint to the THRC within 10 days of receipt of the complaint. Information transmitted on the form includes but is not limited to:
 - a. The date the complaint was received by THDA,
 - b. The name and contact information of the complainant/charging party,
 - c. The date(s) of the alleged violation(s),
 - d. The basis of the alleged discrimination (race, color or national origin),
 - e. A summary of the allegations, and
 - f. Name of the THDA investigator assigned.
7. THDA's Internal Audit will investigate the complaint and issue a report of findings to THDA's Executive Director, THDA's Title VI Coordinator and the THRC for review.
8. If the allegations are not substantiated, a letter will be sent to the complainant that contains a description of the allegations investigated, the scope of the investigation, the facts learned and a closing statement summarizing the basis on which the determination was made. A copy of the letter will be forwarded to the THRC.
9. If the allegations are substantiated, THDA's Title VI Coordinator will make recommendations on appropriate remedial actions based on the report of findings to THDA's Executive Director, THDA's Assistant General Counsel and the THRC. A letter will be issued to the complainant documenting THDA's actions going forward with a copy sent to the THRC.
10. Complaints may file an appeal with THDA's Executive Director. THDA's Executive Director will assign a review of the complaint, investigation, remedial actions and the appeal to THDA's Assistant General Counsel for their consideration and consultation. THDA will notify the THRC within 10 days of the appeal using the Title VI Complaint Notification Form. THDA's Executive Director will make a determination within 30 days of the appeal and share the information with the THRC and that decision will be final within THDA.
11. A complaint log will be maintained for records and submission to the proper state and federal authorities. Updated information on all discrimination complaints will be sent to the THRC.

B. Complaints & Lawsuits

During FY 2015-16, THDA received no complaints submitted through the Title VI complaint process (see Complaint Log, Appendix J for details), and no lawsuits alleging discrimination on the basis of race, color or national origin were filed against the agency.

C. Table 8

D. Title VI Complaints & Lawsuits

Total Number of Title VI Complaints	Total Number of Title VI Lawsuits
0	0

XI. Title VI Training

THDA staff members involved in Title VI compliance receive annual training necessary to ensure effective identification of Title VI violations. THDA conducted in-person Title VI and Limited English Proficiency (LEP) awareness training during May and June 2016. The training included a PowerPoint presentation. All THDA employees were offered training however 22 employees were unable to participate. Copies of the presentation were provided to employees unable to attend the training. The presentation is included in Appendix K of this document.

Additionally, many THDA staff members attend fair housing or other forms of nondiscrimination training throughout the year. Resources to attend this training come from THDA's training budget. Nondiscrimination training is provided by a variety of organizations including: HUD, West Tennessee Legal Services, the Tennessee Fair Housing Council, Tennessee Human Rights Commission, Tennessee Association of Housing and Redevelopment Agencies, National Council on State Housing Agencies (NCSHA). THDA also includes at least one session on fair housing issues at the annual Governor's Housing Conference (GHC) attended by both THDA staff, sub-recipients and other persons interested in or working to provide affordable housing in Tennessee. During 2015-16, the GHC was held October 7-8, 2015, and one fair housing session was included (see Section IX, Compliance Reviews, Section D for additional information on this training). Examples of training and events attended by staff members of THDA during FY 2015-16 are described in Table 11.

Table 11
FY 2015 - 16 Nondiscrimination Training

Event/Host, Location and Date	Number of THDA Participants	
THDA's HBEI Peer Session "Fair Housing Training", Nashville, TN, July 17, 2015	Not collected	Not collected
Governor's Housing Summit (organized by THDA), Nashville, TN, "Disparate Impact and AFFH", October 7, 2015	Not collected	Not collected
"Fair Housing in Affordable Housing", 2015 TAAH Annual Meeting, Franklin, TN, November 12, 2015	2	<1%
"Fair Housing Interview", Open Line-NewsChannel 5, Nashville, TN, March 29, 2016	1	<1%
2016 ECHO Spring Fair Housing Conference, Knoxville, TN, April 1, 2016	1	<1%
2016 Tennessee Fair Housing Matters Conference, Nashville, TN, April 7, 2016	17	8%
2016 West TN Fair Housing CELEBRATION, Memphis, TN, April 15, 2016	3	<1%
"Fair Housing for People with Disabilities and Group Homes" SWTDD, Jackson, TN, April 28, 2016	1	<1%

THDA also helps to sponsor Fair Housing events/training across the state either through in kind donations of gifts and supplies or cash donations to help fund the event/training. The sponsorships for events occurring in fiscal year are summarized in Table 12 below.

Table 12
THDA Fair Housing/Non-Discrimination Event Hosting

Event/Host, Location and Date	Cost of Sponsorship
“Fair Housing – Fair Lending Seminar, Nashville, TN, October 9, 2015	\$100
HEAT Registration/Partnership, January 2016	\$100
2016 ECHO Spring Fair Housing Conference, Knoxville, TN, April 1, 2016	\$700
2016 Tennessee Fair Housing Matters Conference, Nashville, TN , April 7, 2016	\$1500 (gifts/materials)
2016 West TN Fair Housing CELEBRATION, Memphis, TN, April 15, 2016	\$1500 (gifts/materials)
“Fair Housing for People with Disabilities and Group Homes” SWTDD, Jackson, TN, April 28, 2016	\$7,500
Total	\$10,500

*THDA contributes \$5,000 annually in sponsorship funds to Housing Coalition efforts, including providing administrative support.

XII. Sub-recipient Monitoring

The following programs administered by THDA distribute federal financial assistance to sub-recipients: HOME Investment Partnership, Emergency Shelter Grant, Weatherization Assistance Program, Low Income Housing Energy Assistance Program (LIHEAP), and National Foreclosure Mitigation Counseling Program. All are described under Table 2 above.

The Low Income Housing Tax Credit (LIHTC) is an indirect federal subsidy. With the exception of LIHTC awarded through the American Reinvestment and Recovery Act (ARRA) of 2009, the LIHTC is not a direct grant to a sub-recipient or contract for funds, but rather is a dollar-for-dollar reduction in federal tax liability (e.g. the tax credit allocation) awarded to developers or investors in exchange for them providing financing to develop affordable rental housing. LIHTCs are administered by the Internal Revenue Service (IRS) because they are tax credits, not direct funding, for affordable rental housing development. Thus, while THDA conducts certain non-discrimination activities, in particular fair housing training, with LIHTC owners, and monitors LIHTC awardees, they are not included in THDA's sub-recipient, contractor or vendor reporting for Title VI. However, THDA does include information on the fair housing and non-discrimination training and monitoring activities of the LIHTC program in this Plan where available.

A. Pre-Award Procedures

At this time, THDA does not require pre-assessments or self-surveys from sub-recipients or contractors. All funding applications from sub-recipients or grantees are reviewed by THDA prior to approval. The reviews ensure that applicants or recipients with outstanding findings of non-compliance with Title VI are not funded or that appropriate conditions are included in the approval to ensure funds are not drawn down until appropriate action is taken by the sub-recipient to ensure compliance.

Field or on-site compliance reviews are not conducted with sub-recipients during pre-award because federal requirements for the programs THDA administers do not require pre-assessment reviews. Each sub-recipient of federal funds is required to sign an "Assurance of Compliance under Title VI of the Civil Rights Act of 1964," and all sub-recipients are included in Appendix L. Contractors who have signed a "statement of assurance" may also be found within Appendix L. Additionally, THDA policy requires that grant sub-recipients make applications for assistance available in locations that are accessible.

Training

The type, timing (pre or post award) and frequency of training for sub-recipients is dependent on the program. In the HOME program, nondiscrimination modules are conducted during the annual HOME Grantee Workshop, which may occur during the pre-award stage. Post award training is discussed below.

B. Post-Award Procedures

Training

Training of THDA personnel responsible for nondiscrimination training of grants (HOME & ESG) sub-recipients and compliance monitoring is provided by the following:

- HUD, Region IV, Office of Fair Housing and Equal Opportunity
- Southeastern Affordable Housing Management Association (SAHMA)
- Tennessee Association of Housing and Redevelopment Authorities (TAHRA)
- Tennessee Fair Housing Council

The type, timing (pre or post award) and frequency of training for grants (HOME & ESG) sub-recipients is dependent on the program. Non-discrimination modules are conducted during the annual HOME Grantee Workshop typically held annually at the end of January. Training for HOME grantees includes fair housing basics, fair housing law, how to identify fair housing issues and ways to make the public and clients aware of fair housing and ways to affirmatively further fair housing. The training is attended by HOME administrators located throughout the state. THDA's Civil Rights Director spoke about Title VI obligations, fair housing and affirmative marketing plans to sub-recipients at the HOME Workshop conducted in June 2016. Supplemental fair housing information is provided in the HOME Operations Manual, which is available to the public on THDA's website.

All Title VI related training in the Low Income Housing Tax Credit program is post-award through Developer Workshops. THDA's Civil Rights Director spoke about fair housing and affirmative marketing plans to developers, consultants and management companies at the 2016 QAP Developers Workshop. Fair Housing training was provided at the 2015 Peer Session held on July 17, 2015, which included sub-recipients who conduct homebuyer education for THDA mortgage programs.

Other THDA programs also engage in fair housing activities similar to those of the ESG and HOME Program. Each year, THDA hosts the annual "Peer Session" for education providers of THDA's Homebuyer Education Initiative (HBEI). HBEI agencies providing education to potential homebuyers use the *Realizing the American Dream* manual and deliver training on the Fair Housing Act through multiple curriculum components. The manual used by HBEI agencies covers the rights of potential borrowers or homeowners and helps them identify fair housing issues through examples. Information is provided regarding the Equal Credit Opportunity Act, Truth in Lending Act, Fair Credit Billing Act, Fair Credit Reporting and the Fair Debt Collection Practices Act. Homebuyer education is required for THDA loan programs that provide down payment assistance (Great Choice Plus and New Start) and is voluntary for the Great Choice Program.

Review of Final Payment Prior to Allocation for Grants Programs

Prior to the final allocation of funds, THDA has procedures detailing inspection, close-out and final payment associated with a completed project or grant. Before allocation award or final payment is made, work must be completed in accordance with the contract, which includes requirements established by Title VI. All HUD funded applications for sub-recipients include an "Assurance of Compliance under Title VI of the Civil Rights Act of 1964" by the applicants or recipients to be considered for approval. A copy of the form is found under Appendix M.

Prior to beginning a HOME project, grant recipients must adopt affirmative marketing procedures and requirements for all HOME funded home buyer projects with five or more units. Affirmative marketing steps consist of actions to provide information and otherwise attract eligible persons in the housing market area to the available housing without regard to race, color, national origin, sex, religion, familial status or disability. These must be approved by THDA prior to any HOME funds being committed to a project. Requirements and procedures must include:

1. Methods for informing the public, owners and potential tenants about fair housing laws and the local program's policies;
2. A description of what owners and/or the program administrator will do to affirmatively market housing assisted with HOME funds;
3. A description of what owners and/or the program administrator will do to inform persons not likely to apply for housing without special outreach;
4. Maintenance of records to document actions taken to affirmatively market HOME-assisted units and to assess marketing effectiveness; and
5. Description of how efforts will be assessed and what corrective actions will be taken where requirements are not met.

THDA encourages its grantees to identify those populations who are least likely to apply for assistance and to make outreach to those populations. To accomplish, THDA recommends that the Grantee advertise for assistance availability churches, convenience stores, libraries, senior centers, and local offices of the TN Department of Human Services. Additionally, THDA requires that each Grantee have policies and procedures to assist non-English speaking applicants. Each Grantee must also have a process that notifies LEP persons of language assistance available (i.e. notices, signs) and that is accessible to individuals seeking assistance. Grantee staff should be knowledgeable of all procedures and processes.

THDA also requires all grantees to use the Fair Housing logo on all program materials.

Compliance Reviews for Grants & the LIHTC Programs

After the allocation of funds or post-award, THDA conducts compliance reviews with sub-recipients in the grants programs and property managers in the LIHTC program. Compliance reviews cover at a minimum:

1. Files and records examination.
2. Grantee interviews with beneficiaries, potential beneficiaries and denied applicants.
3. Determine if public notification efforts are adequate in increasing program participation.
4. Determine if complaints are handled in a proper manner.
5. Determine the level of minority concentration and compare it to the number of potentially eligible participants by racial and ethnic category.
6. Determine if equal access of physical facilities is maintained.
7. Determine if location of service delivery point unnecessarily denies access to any person.
8. Determine if there are any lawsuits alleging discrimination on the basis of race, color or national origin filed against the recipient.
9. Determine if the recipient is receiving assistance from other federal agencies.
10. Determine whether any civil rights compliance reviews had been conducted in the last two years.

The frequency and number of compliance reviews is determined by the program director in accordance with federal regulations and program guidance. The Program Compliance and Community Programs Divisions of THDA conduct field and on-site reviews to ensure compliance. The total number of field reviews for FY 2015-16 was 279. The number of field reviews and their corresponding programs include:

- HOME Investment Partnership – 81 reviews
- Low Income Housing Tax Credit Program – 198 reviews

Grants Programs Compliance Reviews

THDA Community Programs staff complete a post-award compliance review for HOME awards. A routine compliance review is possible once the grant completion timeframe is over a year in duration. In addition to meeting all requirements of the HOME Program Description and HOME Operations Manual, grantees have certain responsibilities to ensure protected persons or groups are not denied benefits. Responsibilities of grantees, which are undertaken throughout the progress of the projects, are outlined in Chapter 6, Section 3 of the HOME Operations Manual. In addition, the HOME Operations Manual requires certain activities of grantees and includes: a minimum of one fair housing activity, which includes distribution of the *Fair Housing Equal Opportunity for All* pamphlet to each program applicant, Section 3 activities and documentation, creation and distribution of a policy of nondiscrimination, Equal Opportunity requirements in construction-generated employment, minority and female solicitation, Section 504 requirements, site and neighborhood standards and consideration of fair housing and local zoning ordinances.

Grantees are required to maintain records of their actions for FHEO monitoring purposes, including advertisements for employment and documentation of subsequent applications and individuals hired. An extensive list of recordkeeping requirements are found in Chapter 6, Section 5 of the HOME Operations Manual. Grantees are monitored during the duration of a project and an Equal Opportunity/Fair Housing/Title VI checklist is used by program monitors to determine compliance with requirements, responsibilities, activities and recordkeeping. This checklist also contains questions regarding complaints filed and any indications of Equal Opportunity and Fair Housing policy violations.

As part of sub-recipient reviews in the HOME program, THDA monitors to ensure that grantee has written policies of non-discrimination; provides Title VI training for employees and otherwise complies with Title VI provisions. A copy of the monitoring form for this program is located in Appendix N.

ESG recipients must perform and document action in the area of enforcement and promotion to affirmatively further fair housing. During the grant year, recipients must carry out a minimum of one activity to promote fair housing. Nondiscrimination and equal opportunity laws are also applicable to ESG programs and recipients. The ESG Program Manual requires all grantees to make facilities and services available to all persons and families on a nondiscriminatory basis. Publicity surrounding the availability of shelter facilities should reach all persons regardless of handicap, race, color, religion, sex, age, familial status or national origin. Grantees must also establish additional procedures to disseminate information to those interested in handicap accessible services and facilities. Information regarding fair housing requirements and activities can be found in the ESG Program Guidelines and the ESG Program manual, which is available to the public on THDA's website.

LIHTC Program

The Low-Income Housing Credit program has a post-award compliance review process that occurs after a property is placed in service completed by the Program Compliance division of THDA. THDA Program Compliance monitors conduct Civil Rights Front End Limited Monitoring, which addresses the Affirmative Fair Housing Marketing Plans, Tenant Selection Plans, Recent Advertising, and the posting of

the Fair Housing Logo and Fair Housing Poster for the properties being reviewed. A log is maintained by each program division of each recipient review report by type of review. Included with the log are self-evaluation reports done by THDA. THDA does not maintain an annual compliance report, rather, program directors are responsible for program documents to include assurances of nondiscrimination per Title VI. All records pertaining to Title VI Compliance are maintained by THDA. Annual reports are forwarded to appropriate state and federal agencies.

C. Procedures for Non-Compliance

If THDA determines there may be a Title VI violation, a full complaint investigation will be initiated. A letter will be sent to the complainant explaining that an investigation will be started and their cooperation will be needed in the future. A complaint log is kept for records and submission and all violations are reported to the appropriate state or federal Agency. It should be noted that THDA does not have enforcement authority. Once the possible violation has been reported, any enforcement and/or punitive decisions are made by the appropriate agency. For more information regarding THDA's procedures for handling Title VI compliance, please refer to "Section VIII Complaint Procedures."

During this past fiscal year, no sub-recipients, vendors or contractors were found to be noncompliant with Title VI.

D. Sub-recipients & Vendors

1. Sub-recipients

The HOME and Emergency Shelter Grant Programs both distribute financial assistance to sub-recipients. Both programs are described above under Table 2. Policies and procedures are detailed within the grants program documents that grantees receive regarding the affirmative steps that must be taken to ensure that women and minority businesses are afforded opportunities to bid on service, material, and construction contracts. Grantees also receive a statewide Diversity Business Enterprise Directory to help connect grantees to women and minority owned business options in the state. They are also given the Disadvantaged Business Enterprise Directory to help grantees be in compliance with Section 3 and the required HUD forms for both of these areas so that they are even more aware of their obligation to affirmatively market and connect with minority owned businesses and provide economic opportunities for low- and very low-income persons. During the reporting period, THDA subrecipients entered into 204 contracts for grant funded activities. 4 of the contracts were awarded to minority businesses and 3 to women owned businesses.

2. Vendors

THDA also enters into contracts with vendors to support the activities of other federal programs. A complete list of sub-recipients and vendors with a contract is located in Appendix O. Minority/Women's Business Enterprise vendor statistics are shown in Table 9. The total number of contracts with minority and women owned businesses may be underreported. The current procurement process does not include a requirement that businesses self-identify as minority or women owned. A process to request self-identification for all contracts is being incorporated into THDA Operations procedures for the current fiscal year to improve our understanding and reporting of our contracts with minority and women owned businesses as well as to inform our outreach strategies.

Table 9
Minority/Women’s Business Enterprise Vendor Statistics
FY 2015-16

Total Number of Vendors	53
Number of Minority Vendors	7
Percentage Minority Vendors	13.20%
Total Dollar Amount Awarded to Minority Vendors	\$1,018,150
Percentage of Dollar Amount Awarded to Minority Vendors	8.5%

The THDA Operations Division oversees agency contracts with vendors and utilizes the State’s list of approved vendors located at:
<https://tn.diversitysoftware.com/FrontEnd/VendorSearchPublic.asp?XID=5137&TN=tn> to assist in the search for qualified minority vendors. The appropriate methodologies for ensuring that women and minority vendors have an adequate opportunity to participate in the solicitation is an important part of THDA’s procurement strategy.

THDA contracts include the following standard contract language on non-discrimination:

The Contractor hereby agrees, warrants, and assures that no person shall be excluded from participation in, be denied benefits of, or be otherwise subjected to discrimination in the performance of this Contract or in the employment practices of the Contractor on the grounds of disability, age, race, color, religion, sex, national origin, or any other classification protected by Federal, Tennessee State constitutional, or statutory law. The Contractor shall, upon request, show proof of such nondiscrimination and shall post in conspicuous places, available to all employees and applicants, notices of nondiscrimination.

THDA Contracts also include an Equal Opportunity clause where the contractor agrees as follows:

The Contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, sexual orientation, gender identity, or national origin. The Contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, sexual orientation, gender identity, or national origin. Such action shall include, but not be limited to the following:

- (1) Employment, upgrading, demotion, or transfer, recruitment or recruitment advertising;
- (2) Layoff or termination;
- (3) Rates of pay or other forms of compensation; and
- (4) Selection for training, including apprenticeship.

The Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of this nondiscrimination clause:

The Contractor will, in all solicitations or advertisements for employees placed by or on behalf of the Contractor, state that all qualified applicants will receive considerations for employment without regard to race, color, religion, sex, sexual orientation, gender identity, or national origin.

THDA Request for Proposals include this standard language (response required):

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.

Various THDA programs have different contractual provisions for sub-recipients to meet federal requirements. Examples of contractual provisions prohibiting discrimination and that are agreed to by sub-recipients of THDA programs include the following:

- *“The (Name of Organization) does not discriminate on the basis of race, color, religion, national origin, sex, age, or handicapped status in the admission or access to, or treatment or employment in, its federally assisted programs or activities.”*
- *“Under Title VI of the Civil Rights Act of 1964, no person shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.”*
- *“The Grantee hereby agrees, warrants, and assures that no person shall be excluded from participation in, be denied benefits of, or be otherwise subjected to discrimination in the performance of this Grant Contract or in the employment practices of the Grantee on the grounds of disability, age, race, color, religion, sex, national origin, or any other classification protected by Federal, Tennessee State constitutional, or statutory law. The Grantee shall, upon request, show proof of such nondiscrimination and shall post in conspicuous places, available to all employees and applicants, notices of nondiscrimination.”*
- *“NeighborWorks will not permit discrimination by Grantees against clients on the basis of their gender, race, color, religion, national origin, ancestry, creed, pregnancy, marital or parental status, familial status, sexual orientation, or physical, mental, emotional or learning disability. “*
- *“Provider hereby agrees that counseling offices and services will be accessible to persons with disabilities, as well as to homeowners needing translation services. Provider will not discriminate against clients on the basis of their gender, race, color, religion, national origin, ancestry, creed, pregnancy, marital or parental status, familial status, sexual orientation, or physical, mental, emotional or learning disability.”*

An excerpted list of new sub-recipients, contractors and vendors can be found in Table 10, and is also included as part of Appendix O.

**Table 10
New Sub-recipients, Contractors, Vendors
FY 2015-16**

Program	Subrecipient, Contractor, Vendor	Begin/End Dates	Contract Amt.	M/WBE	Desc of Services	Address	Funding	Type of Contract	Comp/NonComp
Contracts	Issue Media Group LLC	1/15/16-4/15/16	\$5,000	N/A	PA-Story Development	Saginaw, MI	THDA	Vendor	Non- Comp
Contracts	Mortgage Bankers Association	1/16/16-1/15/17	\$8,000	N/A	Servicing Training	Washington, DC	THDA	Vendor	Non- Comp
Contracts	Tennessee Performing Arts Center	1/6/16-1/7/16	\$1,200	N/A	Meeting Space	Nashville, TN	THDA	Vendor	Non- Comp
Contracts	MTSU	10/1/15-8/31/16	\$10,500	N/A	Housing Market Reports	Murfreesboro, TN	THDA	Vendor	Non- Comp
Contracts	CGI Federal	10/1/15-9/30/2018	\$4,100	N/A	Agency-wide notification system	Cleveland, OH	THDA	Vendor	Non- Comp
Contracts	The Inspection Group, Inc.	10/12/15-4/11/16	\$20,000	N/A	HOME Program Consultant	Westerville, OH	THDA	Vendor	Non- Comp
Contracts	McCarter Home Inspections LLC	10/27/15-7/26/16	\$20,000	N/A	HOME Program Consultant	Knoxville, TN	THDA	Vendor	Non- Comp
Contracts	Convention Center Authority	10/7/15-10/8/15	\$10,249	N/A	GHC Venue	Nashville, TN	THDA	Vendor	Non- Comp
Contracts	LMG Technical Services	10/7/15-10/8/15	\$9,000	N/A	GHC AV Labor	Orlando, FL	THDA	Vendor	Non- Comp
Contracts	LMG LLC	10/7/15-10/8/15	\$18,000	N/A	GHC AV Rental	Orlando, FL	THDA	Vendor	Non- Comp
Contracts	Nashville Convention and Visitors Corp	10/7/16-10/8/16	\$2,000	N/A	GHC Temp Venue Labor	Nashville, TN	THDA	Vendor	Non- Comp
Contracts	Centerplate	10/7/2015-10/8/15	\$75,000	N/A	GHC Caterer at Music City Center	Nashville, TN	THDA	Vendor	Non- Comp
Contracts	HomeSource	11/1/15-10/31/16	\$7,200	N/A	S8RA Meeting Space	Knoxville, TN	Fed	Vendor	Non- Comp
Contracts	The Inspection Group, Inc.	11/15/15-11/14/18	\$637,500	N/A	HOME Inspection Services	Westerville, OH	Fed	Vendor	Non- Comp
Contracts	Realtor.com	2/1/16-7/31/16	\$25,000	N/A	Great Choice Ad Campaign- New Media	Scottsdale, AZ	THDA	Vendor	Non- Comp
Contracts	Tennessee Association of Broadcasters	2/1/16-7/31/16	\$50,000	N/A	Great Choice Radio Spots Placement	Nashville, TN	THDA	Vendor	Non- Comp
Contracts	Zillow Group, Inc.	2/1/16-7/31/16	\$21,500	N/A	Great Choice Ad Campaign- New Media	Seattle, WA	THDA	Vendor	Non- Comp
Contracts	Haile Coaching & Leadership LLC	2/15/16-12/31/17	\$8,000	N/A	Leadership Training	Nashville, TN	THDA	Vendor	Non- Comp
Contracts	Xmi Human Resource	2/15/16-12/31/17	\$9,500	N/A	Leadership Training	Nashville, TN	THDA	Vendor	Non- Comp

Program	Subrecipient, Contractor, Vendor	Begin/End Dates	Contract Amt.	M/WBE	Desc of Services	Address	Funding	Type of Contract	Comp/NonComp
Contracts	RSM (formerly McGladery)	2/16/15-10/31/16	\$300,000	N/A	IT Consulting for LIHTC/Authority DMS System	Minneapolis, MN	THDA	Vendor	Non- Comp
Contracts	Xmi Human Resource	2/19/15-12/31/15	\$5,500	N/A	Leadership Training	Nashville, TN	THDA	Vendor	Non- Comp
Contracts	the FLO (code) LLC	3/1/16-2/28/18	\$325,000	N/A	LOS Consulting	Nashville, TN	THDA	Vendor	Non- Comp
Contracts	Haile Coaching & Leadership LLC	3/14/16-12/31/16	\$6,000	N/A	S8RA Madison Training	Nashville, TN	THDA	Vendor	Non- Comp
Contracts	NeighborWorks America	3/14/16-3/18/16	\$25,400	N/A	HBEI Training Services	Washington, DC	THDA	Vendor	Non- Comp
Contracts	Saturday Mfg Inc	3/23/16-4/30/16	\$3,800	N/A	Great Choice Video Productions	Des Moines, IA	THDA	Vendor	Non- Comp
Contracts	Mitigate, Inc.	4/1/16-10/31/16	\$25,000	N/A	NFMC Round 8 Monitoring	Liberty, TN	THDA	Vendor	Non- Comp
Contracts	Firefly Logic	4/15/15-4/14/16	\$200,000	N/A	LOS Consulting	Nashville, TN	THDA	Vendor	Non- Comp
Contracts	DLS Servicing Consultants, LLC	4/15/16-4/14/17	\$9,500	WBE	Loan Servicing Compliance	Grand Rapids, MI	THDA	Vendor	Non- Comp
Contracts	FoxFuel Creative LLC	5/15/16-8/15/16	\$8,500	N/A	Great Choice Video Productions	Nashville, TN	THDA	Vendor	Non- Comp
Contracts	Bliss Communications	6/1/15-7/1/16	\$16,200	WBE	Leadership Training	Nashville, TN	THDA	Vendor	Non- Comp
Contracts	Christopher Bauer	6/1/15-7/31/15	\$3,500	N/A	Leadership Training	Nashville, TN	THDA	Vendor	Non- Comp
Contracts	FICS	6/1/16-5/30/21	\$555,000	N/A	Loan Servicing Software	Addison, TX	THDA	Vendor	Non- Comp
Contracts	Jan Wilson	6/20/16/12/31/17	\$1,500	WBE	Leadership Training	Franklin, TN	THDA	Vendor	Non- Comp
Contracts	Way Solutions	6/23/16-6/24/16	\$3,000	WBE	Leadership Training	Nashville, TN	THDA	Vendor	Non- Comp
Contracts	Tennessee Performing Arts Center	6/8/15-6/9/15	\$1,200	N/A	Meeting Space	Nashville, TN	THDA	Vendor	Non- Comp
Contracts	Charles Palmgren	6/8/2015-7/1/2015	\$1,500	N/A	Leadership Training	Franklin, TN	THDA	Vendor	Non- Comp
Contracts	Memphis Business Journal	7/1/15-6/30/16	\$4,290	N/A	CONNECT Team Advertising	Memphis, TN	THDA	Vendor	Non- Comp
Contracts	NeighborWorks America	7/20/15-7/21/15	\$25,400	N/A	HBEI Training Services	Washington, DC	THDA	Vendor	Non- Comp
Contracts	Omni Hotels & Resort Nashville	9/26/15-9/27/16	\$10,000	N/A	NCHS 2015 Reception	Nashville, TN	THDA	Vendor	Non- Comp
Contracts	Mia Senior Living Solutions	9/4/15-10/8/15	\$450	WBE	GHC Speaker	Miami Beach, FL	THDA	Vendor	Non- Comp
Contracts	Ronald Roberts	9/4/15-10/8/15	\$750	N/A	GHC Speaker	Murfreesboro, TN	THDA	Vendor	Non- Comp

Program	Subrecipient, Contractor, Vendor	Begin/End Dates	Contract Amt.	M/WBE	Desc of Services	Address	Funding	Type of Contract	Comp/NonComp
HM-14	Cedar Hill	7/1/15 - 6/30/18	\$240,855	N/A	Homeowner Rehabilitation	Robertson	Fed	Subrecipient	Comp
HM-14	Dandridge	7/1/15 - 6/30/18	\$500,000	N/A	Homeowner Rehabilitation	Jefferson	Fed	Subrecipient	Comp
HM-14	Ethridge	7/1/15 - 6/30/18	\$240,855	N/A	Homeowner Rehabilitation	Lawrence	Fed	Subrecipient	Comp
HM-14	Loretto	7/1/15 - 6/30/18	\$240,855	N/A	Homeowner Rehabilitation	Lawrence	Fed	Subrecipient	Comp
HM-14	Manchester	7/1/15 - 6/30/18	\$500,000	N/A	Homeowner Rehabilitation	Coffee	Fed	Subrecipient	Comp
HM-14	McNairy County	7/1/15 - 6/30/18	\$375,000	N/A	Homeowner Rehabilitation	McNairy	Fed	Subrecipient	Comp
HM-14	Morristown	7/1/15 - 6/30/18	\$375,000	N/A	Homeowner Rehabilitation	Hamblen	Fed	Subrecipient	Comp
HM-14	Selmer	7/1/15 - 6/30/18	\$375,000	N/A	Homeowner Rehabilitation	McNairy	Fed	Subrecipient	Comp
HM-14-CH	United Housing Inc.	7/1/15 - 6/30/18	\$500,000	N/A	Housing Development	Memphis	Fed	Subrecipient	Comp
HM-14-NP	Putnam County Habitat for Humanity, Inc.	7/1/15 - 6/30/18	\$236,000	N/A	Down Payment Assistance	Putnam	Fed	Subrecipient	Comp
ESG - 15	Crossville Housing Dev. Corp	1/1/15-6/30/16	\$172,000	NA	Homeless Services	Crossville, TN	Fed	Subrecipient	Comp
ESG - 15	Doors of Hope	1/1/15-6/30/16	\$73,500	NA	Homeless Services	Murfreesboro, TN	Fed	Subrecipient	Comp
ESG - 15	Monroe Harding	1/1/15-12/31/15	\$36,615	NA	Homeless Services	Nashville, TN	Fed	Subrecipient	Comp
ESG - 15	Oasis Center	1/1/15-12/31/15	\$63,385	NA	Homeless Services	Nashville, TN	Fed	Subrecipient	Comp
ESG - 15	Benton County Ministerial Association	7/1/15-6/30/16	\$10,000	NA	Homeless Services	Paris, TN	Fed	Subrecipient	Comp
ESG - 15	CEASE Dom. Violence Ctr	7/1/15-6/30/16	\$80,000	NA	Homeless Services/Prevention	Morristown, TN	Fed	Subrecipient	Comp

XIII. Public Notice and Outreach

A. Program Information Dissemination

THDA currently informs the public about its programs and services through the following means:

- THDA website & newsletters
- Advertisements- online and print
- News releases
- Industry meetings
- Public meetings
- Workshops- application & grantee; housing industry and special interest groups
- Direct mail
- Email blast list
- Public notification through newspapers
- Social media
- Special needs directories
- Radio and television interviews about THDA programs
- Workshops for consumers about Title VI and Fair Housing
- Public service announcements
- Public speaking engagements

THDA presents civil rights, nondiscrimination and fair housing information through the following means:

- Workshops and training for staff, grantees and program participants
- THDA's Title VI and Fair Housing webpages of the THDA website (<http://thda.org/about-thda/fair-housing-title-vi-compliance>)
- Display of nondiscrimination posters in THDA offices (English and Spanish)
- HUD Title VI, fair housing and LEP resources and materials
- Fair Housing Booklet from HUD, *Fair Housing & Equal Opportunity for All*, is distributed to all Section 8 beneficiaries (English & Spanish versions).
- The "Renters" section of the THDA website includes a section on Fair Housing with links to important guidance and information (<http://thda.org/renters/renters>).
- HOME & ESG grant policies regarding nondiscrimination and Title VI
- Contract Language

B. Sub-recipient Information Dissemination

In the HOME program, sub-recipients are required to adopt marketing procedures and requirements that affirmatively further fair housing. The materials must be approved by THDA prior to any HOME funds being committed to a rental or homebuyer project of five or more units. One requirement of affirmative marketing is detailing the methods for informing the public, owners and potential tenants about fair housing laws and the local program's policies. All ESG Grantees must perform and document action in the area of enforcement and/or promotion to affirmatively further fair housing. During the grant year Grantees must carry out a minimum of one activity to promote fair housing.

HOME subrecipients are required to disseminate to all applicants the brochure found at the following link: http://portal.hud.gov/hudportal/documents/huddoc?id=FHEO_Booklet_Eng.pdf. We recommend our ESG grantees provide the Fair Housing – It’s Your Right! Pamphlet to all beneficiaries: <https://www.amazon.com/Fair-housing-Your-Right-HUD-1686-FHEO/dp/B000114W1Q>. THDA encourages its grantees to identify those populations who are least likely to apply for assistance and to make outreach to those populations. To accomplish, THDA recommends that the Grantee advertise for assistance availability churches, convenience stores, libraries, senior centers, and local offices of the TN Department of Human Services. Additionally, THDA requires that each Grantee have policies and procedures to assist non-English speaking applicants. Each Grantee must also have a process that notifies LEP persons of language assistance available (i.e. notices, signs) and that is accessible to individuals seeking assistance. Grantee staff should be knowledgeable of all procedures and processes. THDA also requires all grantees to use the Fair Housing logo on all program materials.

Outreach

THDA’s CONNECT team continued their outreach efforts across the state in 2015-16. The team of four, one director and one staffer for each grand division, is charged with sharing information with local stakeholders and officials about THDA programs, grants and services that are coming to their community or for which their community could apply. Outreach team staff are members of the National Association of Real Estate Brokers (Realists), an organization with the goal of bringing together the nation’s minority professionals in the real estate industry to promote the meaningful exchange of ideas, and regularly attend functions and activities of the association to communicate information on THDA’s programs.

The THDA Outreach team also have relationships or hold memberships in women and minority centered organizations including, Pathway Women’s Business Center, which concentrates on the growth of women entrepreneurs across Tennessee and the Nashville Black Chamber. The Nashville Black Chamber periodically holds joint meetings with the Hispanic and Latino Chambers when discussing common community issues, such as housing or voting rights. THDA also hold membership in the Interdenominational Ministerial Fellowship to stay apprised of faith based issues in the community.

C. Minority Representation – Planning/Advisory Boards

THDA currently has three advisory boards: The Housing Industry Advisory Board (Lenders & Realtors), the Housing Education Advisory Board, and the Weatherization Advisory Board. Industry specific advisory boards seek to strengthen THDA’s partnerships and assist with the utilization and effectiveness of current programs, as well as the creation and implementation of new initiatives.

Two former advisory boards, Lender Advisory and Realtor Advisory, were merged to create the Housing Industry Advisory Board, which has 21 members. Members are selected based on their experience and history in the lending industry (all are employed by THDA approved lenders or banks and have held or currently hold upper management positions within their organizations) or are realtors selected from each of Tennessee’s three Grand Divisions. 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 underserved populations in their respective geographical areas.

The Homebuyer Education Advisory Board consists of a total of 12 members who are housing and financial educators that serve to advise THDA in promoting sustainable housing choices and building strong communities

The Energy Efficiency and Weatherization Advisory Board consists of 14 members who provide a broad representation of organizations and agencies with expertise to advise THDA on improving policies, procedures, public awareness, and financial assistance allocations to enhance the quality of life to all Tennesseans, with a focus on low-moderate income persons.

Information regarding advisory board members and a link to the published list of members are provided in the following table.

**Table 13
THDA Advisory Boards**

Advisory Board	Published List of Members (Yes/No)	Link to Published List of Board Members	# Minority	% Minority Members	% Female Members	Total Members
Energy Efficiency & Weatherization Advisory Board	Yes	http://thda.org/about-thda/energy-efficiency-and-weatherization	1-Af. Am	7%	29%	14
Homebuyer Education Advisory Board	Yes	http://thda.org/about-thda/housing-education	4-Af. Am	33%	58%	12
Housing Industry Advisory Board	Yes	http://thda.org/about-thda/housing-industry	3-Af. Am	14%	38%	21

D. Minority Input

THDA allows opportunities for public comment throughout the year on various programs and reporting requirements. Public notices are placed in major publications throughout the state and comments are accepted in person, through the mail or electronically. All grant and contract notices are also placed in major newspapers across the state and on THDA’s website. Public notices and documents provided to the public for comment are provided in English and Spanish versions on THDA’s website. Public notices informing the public of a public comment period or a public meeting are also published in English and Spanish and may be translated into Arabic, Bosnian, Somali, Behdini, and Sorani on the THDA website.

THDA makes every effort to publish those notices in English and Spanish newspapers and online using various social media. Additionally, THDA has an email blast list process for public notice/comments that sends emails when public review/comment is required for program changes. The list was created to ensure organizations that serve a protected class are specifically notified on public comment periods.

THDA’s website contains information on Fair Housing and Title VI. The webpages include information on the Fair Housing Act and Title VI, other nondiscrimination laws and regulations, examples of

discrimination, nondiscrimination resources and the methods for filing either a fair housing or Title VI complaint. In addition, a copy of the Title VI Implementation Plan is posted on the website and is accessible to the public. Hard copies of this Title VI Implementation Plan are also available to the public upon request. The fair housing and Title VI webpages may be accessed at: <http://thda.org/about-thda/fair-housing-title-vi-compliance>

The agency continues to seek out minority media outlets and opportunities to expand our outreach through minority media. To this end, THDA periodically places advertisements in minority media publications. During the most recent fiscal year, THDA placed a full page ad with the Tennessee Minority Pages to highlight and promote minority businesses and those that support minority businesses. THDA continued to purchase media this year in the Nashville Pride and the Tennessee Tribune, and both publications routinely cover THDA events in the community and other stories related to affordable housing. This past year, THDA placed an advertisement in the annual Minority Enterprise Development Week (MEDWeek) celebration brochure. MEDWeek is an annual national celebration in recognition of the contributions made by minority businesses to the national economy. MEDWeek is a joint collaboration of the U.S. Department of Commerce's Minority Business Development Agency (MBDA), Nashville Minority Business Center along with 2014 Chair Atty. Nancy Vincent representing Baker, Donelson, Bearman, Caldwell & Berkowitz, PC. The Nashville Minority Business Center is funded in part by the State of Tennessee and operated by the Community Resource and Development Center. The center is charged with providing management and technical assistance and market development services to minority entrepreneurs.

XIV. COMPLIANCE REPORTING

The U. S. Department of Housing and Urban Development (HUD) has oversight for the following programs: HOME Investment Partnership, Emergency Solutions Grant, Neighborhood Stabilization Program, Section 8 Housing Choice Voucher Program and Section 8 Project Based Rental Assistance. The Department of Health and Human Services has oversight for the Low Income Housing Energy Assistance Program. The U.S. Department of Energy has oversight for the Weatherization Assistance Program.

The governing legislation for each program is as follows:

- HOME: The HOME program is governed by 24 CFR 92.
- ESG: The ESG program is governed by 24 CFR 576.
- NSP: The NSP program is governed by 24 CFR 1.
- Section 8 Rental Assistance: The S8RA program is governed by 24 CFR 982.54 (d)(6).
- Section 8 Contract Administration: The S8CA program is governed by 24 CFR 983.
- LIHEAP: LIHEAP is governed by Title 45 (Public Welfare) of the Code of Federal Regulations, Part 96 (Block Grants), Subpart H (LIHEAP), cited as 45 C.F.R. 96
- WAP: The WAP Program is governed by 10 CFR Part 440.

The U.S. Department of Treasury, Internal Revenue Service (IRS) has oversight for the Low-Income Housing Tax Credit Program under 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. The IRS also has oversight over the Homeownership Programs under Section 143 of the Code pursuant to which tax exempt bond issues are made for the mortgage program, and volume cap under Section 146 of the Code allocated to THDA and made available to local issuers to permit issuance of tax-exempt bonds for multifamily housing. The Treasury Department also has oversight for the Hardest Hit Fund, authorized by Section 109 of the Emergency Economic Stabilization Act (ESSA), Division A of Pub.L. 110-343, 112 Stat. 3774 (2008).

With the exception of the Tennessee Human Rights Commission, THDA does not submit Title VI reports to any federal or state agency.

THDA did not have any Title VI or related discrimination audits for FY 2015-2016.

XV. EVALUATION PROCEDURES

The evaluation or manner in which THDA maximizes the number of sub-recipients and contracts in compliance with civil rights requirements varies by program and activity. It is through compliance monitoring that THDA makes a comparison of the quality of services for programs where this monitoring is required. For other programs, additional activities are completed for the purposes of evaluation to determine quality and outcome of services. The primary evaluation activities for fiscal year 2015-16 are described in the sections below.

A. Compliance Monitoring as Evaluation

THDA ensures compliance with Title VI through its contracts with sub-recipients and contractors, sub-recipient training, pre- and post-award procedures and through monitoring of THDA programs. More information on the monitoring of sub-recipients may be found in Section IX “Compliance Reviews” and Section X “Compliance/Noncompliance Reporting”. THDA evaluates the performance of sub-recipients through the compliance monitoring process annually.

For the temporary programs related to the foreclosure crisis and specifically the Hardest Hit Fund, The U.S. Treasury has required extensive quarterly reporting that includes beneficiary demographics. These reports may be found online at: <http://www.treasury.gov/initiatives/financial-stability/TARP-Programs/housing/Pages/Program-Documents.aspx#TN>. THDA reviews beneficiary reports regularly to ensure programs are serving all intended beneficiaries without gaps in service and where gaps are found plans outreach efforts based on the reporting.

B. Analysis of Impediments & the Fair Housing Plan as Evaluation

As a requirement of receiving funds under the CDBG, HOME, ESG, and the Housing Opportunities for Persons with Aids (HOPWA) programs, entitlement jurisdictions must submit certification of affirmatively furthering fair housing to the U.S. Department of Housing and Urban Development (HUD) Office of Community Planning and Development (CPD). The Consolidated Partners use the AI for five years to serve as a priority list for addressing impediments to Fair Housing. In January 2013, the State of Tennessee entered into a contract with Western Economic Services (WES) to complete a state-wide Analysis of Impediments to Fair Housing Choice (AI). The Department of Economic and Community Development (ECD) led the project and collaborated with THDA and Department of Health (DOH). The full report may be found on the THDA website at: <http://thda.org/about-thda/fair-housing-title-vi-compliance>.

The State has developed activities to address the findings contained in the AI and has developed a comprehensive Fair Housing Plan to overcome the impediments. The AI categorizes the impediments as either private sector or public sector impediments and the Fair Housing Plan organizes them in a similar manner. The State intends to take a comprehensive approach in addressing both private and public sector impediments by conducting, encouraging and/or facilitating the actions identified in the AI. The findings, actions and objectives recommended in the report, and the activities and objectives developed by the Consolidated Partners, as well as the estimated cost and timeframe to complete the activity in order to address the impediments, are found in the Fair Housing Plan.

The Fair Housing Plan is continually evolving and updated at least annually. Each activity in the plan addresses one or more of the impediments identified in the AI. Many of the activities that address the

impediments are reoccurring activities, such as educating staff, sub-recipients and partners, and participating in fair housing conferences across the state. The State's activities to affirmatively further fair housing during FY 2015-16 can be found in the most recent update of the Fair Housing Plan. The Plan along with the most recent update to the activities may be found on the THDA website at: <https://thda.org/research-planning/consolidated-planning>.

The state's Analysis of Impediments is only required to include survey data from the non-entitlement jurisdictions eligible to receive HUD funds from THDA and ECD. In FY 2015-2016, research and planning staff reviewed survey data from both entitlement and non-entitlement jurisdictions to gain a broader perspective on fair housing needs across the state. The survey responses from both jurisdictions were linked with activities in the current Action Plan and discussed at the West Tennessee Fair Housing Conference in reference to fair housing planning.

C. HOME Beneficiary Report

THDA completes an annual report on HOME allocations received by the State of Tennessee, the households served by the HOME Program, and the activities completed during the most recent fiscal year. The most recent report for fiscal year 2014-2015 may be found on the THDA website at: <https://s3.amazonaws.com/thda.org/Documents/Research-Planning/2015-HOME-Beneficiary-Report.pdf>. The report serves as one evaluation tool for the grant program. The report shows that the allocation of HOME funds are fairly proportional, based on race and ethnicity, to the low-income households with housing problems in Tennessee, although white and Hispanic households are slightly underserved compared to CHAS data.

D. Housing Choice Voucher Program Annual & Five Year Plans

In accordance with HUD regulations, THDA submits an annual PHA Plan and a 5-Year Plan once every fifth fiscal year. The Plans are a comprehensive guide to program policies, operations, and strategies for meeting local housing needs and goals, including the assurance that civil rights objectives are met and protected classes equitably served. As part of the annual planning and Section 8 assessment program, THDA creates maps showing the areas of high poverty and minority concentration where Section 8 voucher holders reside. THDA's plans may be found on the THDA website at: <https://thda.org/renters/hcv-administrative-plans>.

E. Additional Activities/Deficiencies

THDA has no additional activities or deficiencies to report for FY2015-2016.