Tennessee Housing Development Agency

Language Access Plan

2020-2025

I. Introduction

Executive Order 13166, (August 11, 2000), "Improving Access to Services for Persons with Limited English Proficiency," requires Federal agencies to examine the services they provide, identify any need for services to those with Limited English Proficiency (LEP), and develop and implement a system to provide those services so LEP persons can have meaningful access to them. In response to the Executive Order, the Department of Justice (DOJ) issued guidance to recipients of Federal financial assistance on June 18, 2002 and established the compliance standards that recipients must follow to ensure that their programs and activities are accessible to LEP persons; and thus, do not discriminate on the basis of national origin.

On September 15, 2016, the Office of General Counsel (OGC) issued Guidance on Fair Housing Act Protections for Persons with Limited English Proficiency. In that Guidance, the OGC states that the Fair Housing Act prohibits housing providers from using LEP selectively based on a protected class or as a pretext for discrimination because of a protected class. The Act also prohibits housing providers from using LEP in a way that causes an unjustified discriminatory effect.

The Tennessee Housing Development Agency (THDA) is a recipient of Federal financial assistance and operates a variety of housing programs. THDA has prepared this Language Access Plan (LAP) to outline the actions necessary to ensure meaningful access to THDA's programs and to eliminate or reduce LEP as a barrier to receipt of services offered by THDA, in particular those programs and activities funded with Federal financial assistance, while not imposing an undue cost burden on the agency.

II. Policy

Access to THDA's programs and services should not be hindered by an individual's inability to speak, read, write or understand English. THDA will follow federal guidance and take reasonable, timely steps to provide LEP persons meaningful access to its programs and activities. The DOJ and subsequent Department of Housing and Urban Development (HUD) guidance recommend completing a four-factor self-assessment based on the factors below to determine the extent of an agency's obligations to provide LEP services and to determine the reasonable steps for providing meaningful access.

1. Number or proportion of LEP persons served or encountered in the eligible service population (served or encountered includes those persons who would be served by the recipient if the person received education/outreach and the recipient provided sufficient language services).
2. The frequency with which the LEP persons come into contact with the program;
3. The nature or importance of the specific activity, program, or service provided by the program;
4. Determining the resources available to execute the program(s), and the cost of providing the needed services, such as translated documents.

This Plan is based upon the most recent four-factor analysis completed by THDA. THDA will review and update its LEP four-factor analysis and LAP Plan at least every five years.

III. THDA's Programs & Funding Sources

Table 1 through Table 4 describe THDA's programs and divisions, identify when THDA direct administers a program (with or without direct public contact), grants funds to a sub-recipient or works in some capacity with a partner agency to carry out a program, and lists the funding source for each program and oversight agency (where applicable).

Table 1: Federally Funded Programs by Division

Division	Programs	Direct Public Contact	Sub Recipient/ Partner	Agency
Rental Assistance	-Housing Choice Voucher -Family Self Sufficiency	Yes Yes	No[1] No	U.S. Dept. of Housing & Urban Development (HUD)
Contract Administration	Section 8 Project Based Rental Assistance	Yes[2]	No	HUD
Community Programs	-Weatherization Assistance -Emergency Solutions Grant -HOME -National Housing Trust Fund - Low Income Home Energy Assistance -Hardest Hit Fund Blight Elimination	No No No No No No	Yes Yes Yes Yes Yes Yes	-U.S. Dept. of Energy -HUD -HUD -HUD -US Dept. Health & Human Services (HHS) -U.S. Dept. of Treasury

[1]Housing Quality Standards inspections are conducted through a contract agency whose staff may have direct contact with participating landlords and tenants.
[2]Direct public contact for the Section 8 PBRA program is limited under THDA's contract with HUD to the intake of complaints and questions through a toll- free telephone helpline.

Table 2: Federally Enabled Programs by Division

Division	Programs	Direct Public Contact	Sub Recipient/ Partner	Agency
Multifamily Programs	Low Income Housing Tax Credit	No	No	Treasury/IRS
	Multifamily Tax Exempt Bond Authority	No	No	State of TN, Tax-Exempt Bond Authority
Single Family Loan Operations	-Great Choice Mortgage -Great Choice Plus Mortgage -Homeownership for the Brave -New Start	No No No No	No No No Yes	State of TN, Tax-Exempt Bond Authority
	-Homebuyer Education -Foreclosure Prevention	Yes Yes	Yes Yes	HUD, Treasury

Table 3: THDA Funded Programs by Division

Division	Programs	Direct Public Contact	Sub Recipient/ Partner
Community Programs	-Tennessee Housing Trust Fund -Capacity Building Gap -Appalachian Renovation Loan[1] -Tennessee Repair Loan -Appraisal Gap	No No No No No	Yes Yes Yes Yes Yes

[1]Partnership with Appalachian Regional Commission (ARC)

Table 4: Other Programs/Activities by Division

Division	Programs	Direct Public Contact	Sub Recipient/ Partner
Community Programs	Community Investment Tax Credit	No	Yes
Volunteer Mortgage Loan Servicing (VMLS)	Loan Servicing	Yes	No

IV. Applicable Regulations

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000(d))
- Title VIII of the Civil Rights Act of 1968, the "Fair Housing Act," (42 U.S.C. §§ 3601-19)
- Tennessee Human Rights Act (Tenn. Code § 4-21-401)
- Executive Order 13166, (August 11, 2000), "Improving Access to Services for Persons with Limited English Proficiency"
- Department of Justice (DOJ), 67 FR 41455, (June 18, 2002), "Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons"

Department level *enabling regulations* that apply to Federal programs administered by THDA:

- Department of Energy (DOE), 69 CFR 157, (August 16, 2004), "Nondiscrimination in Federally Assisted Programs Enforcement of Title VI of the Civil Rights Act of 1964--Prohibition Against National Origin Discrimination affecting Persons With Limited English Proficiency (LEP); Policy Guidance."
- Department of Health and Human Services, 67 FR 4968, (February 1, 2002), ""Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons ("Revised HHS LEP Guidance")"
- Department of Housing and Urban Development, 72 FR 2732, (January 22, 2007), "Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition against National Origin Discrimination Affecting Limited English Proficient (LEP) Persons"
- Department of Housing and Urban Development, Office of General Counsel, (September 15, 2016), "Guidance on Fair Housing Act Protections for Persons with Limited English Proficiency"
- Department of Treasury, 70 FR 6067, (February 4, 2005), "Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition against National Origin Discrimination Affecting Limited English Proficient Persons"

V. Definitions

Bi- or Multilingual employee	A staff person or employee who has demonstrated fluency in English and competency in reading, writing, speaking, or understanding at least one other language.
Limited English Proficient (LEP)	Persons who do not speak English as their primary language and who have a limited ability to read, write, speak, or understand English.
National origin	The country or region in which a person was born or from which his or her ancestors came. National origin discrimination is different treatment because of a person's ancestry, ethnicity, birthplace, culture or language.
Beneficiary	The ultimate consumer of federally funded programs who receives benefits from a federally funded recipient or sub-recipient.
Bilingual	A person who is bilingual is fluent in two languages and is able to conduct the business of the workplace in either of those languages. This is to be distinguished from proficiency in more than one language. Interpretation and translation require the interpreter or translator to be fluently bilingual and require additional specific skills for interpretation and translation.
Fluent	A person who is able to express oneself easily and articulately in conversations and public speaking.
Interpretation	The act of listening to something in one language (source language) and orally translating it into another (target language).
Interpreter	A person who translates spoken language orally with the proficiency in and ability to communicate information accurately in both English and in the other language, or in the case of a deaf or hard of hearing person, translates spoken language into visual gestures and signs.
Language Assistance Services	Oral and written language services needed to assist LEP individuals to communicate effectively with staff, and to provide LEP individuals with meaningful access to, and an equal opportunity to participate fully in, the services, activities, or other programs administered by THDA.
Meaningful Access	LEP individuals' accurate, timely, and effective participation in, or benefit from, federally funded programs that is meaningfully equivalent to that of non-LEP individuals, at no cost to the LEP individual.
Proficient	The ability of a person to speak, read, write, and understand a language.
Qualified Translator or Interpreter	An in-house or contracted translator or interpreter who has demonstrated his or her competence to interpret or translate
Sub-recipient	Any public or private agency, institution, organization, or other entity to whom federal financial assistance is granted, by THDA, for any program or activity, or who otherwise participates in carrying out such program or activity.
Translation	The replacement of written text from one language (source language) into an equivalent written text in another language (target language).
Vital Document	A vital document is any document that is critical for ensuring meaningful access to the recipients' major activities and programs by beneficiaries generally and LEP persons specifically. Any document for which either the following statements are true: 1) Without this document, an individual could not access the program; 2) This document allows access to a major activity within the program.

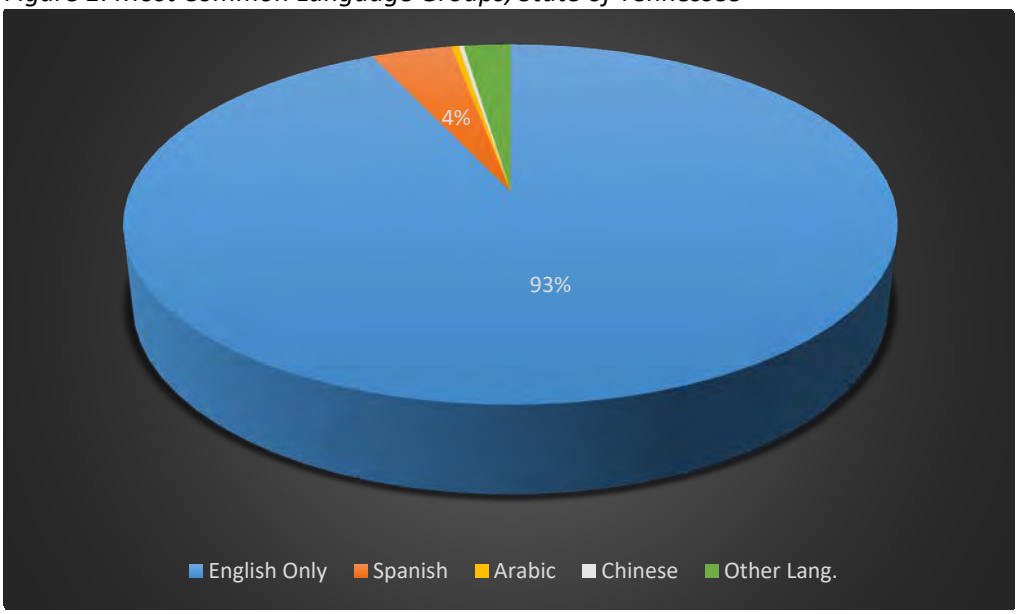
VI. Four Factor Assessment

HUD and DOJ guidance provide recipients of federal funds substantial flexibility in determining what language assistance is appropriate based on a local jurisdictional assessment of the four factors listed above in Section II. The following is an assessment of need in the State of Tennessee in relation to the four factors and the affordable housing programs administered by THDA. In general, the focus of THDA's four- factor analysis is on the needs of persons who are not proficient in English and not on persons who speak another language and speak English very well.

Factor 1: Number or Proportion of LEP persons, Tennessee

Using the U.S. Census, American Community Survey (5 year estimate, 2013-2017), at the state level, 93 percent of Tennesseans speak English. Four percent of Tennesseans speak Spanish. Arabic and Chinese are the third and fourth most common languages spoken (see Figure 1 below).

Figure 1: Most Common Language Groups, State of Tennessee



Source: U.S. Census, American Community Survey, B16001, 2013-2017

Table 5: Languages Most Commonly Spoken Statewide Other than English

Language	Total Population	Speak English Very Well	Speak English Less than Very Well	% Speak English Less than Very Well
Spanish	248,552	136,130	112,422	45.2%
Arabic	23,463	12,505	10,958	46.7%
Chinese	14,774	8,019	6,755	45.7%
German	12,233	10,732	1,501	12.3%
French	10,931	9,023	1,908	17.5%
Vietnamese	9,718	3,574	6,144	63.2%
Korean	8,417	4,404	4,013	47.7%
Other Indo European	8,323	5,558	2,765	33.2%
Tagalong	7,298	5,320	1,978	27.1%
Thai, Lao, or other Tai-Kadai	6,920	3,848	3,072	44.4%
Amharic, Somali, or other Afro-Asiatic	6,039	2848	3191	47.2%

Source: U.S. Census, American Community Survey, B16001, 2015, 5-year estimate
Note: ACS data on the Limited English Proficient (LEP) population rely on self-reporting of English proficiency, with LEP individuals counted as those who speak English less than "very well."

While THDA is a state agency, most of its federally funded programs are administered on a county or local level, directly or through grants or contracts with sub-recipient agencies. Thus, a county level analysis of LEP is appropriate to determine where LEP is most prevalent among THDA's service populations and to determine the most common language groups relevant to THDA's jurisdiction.

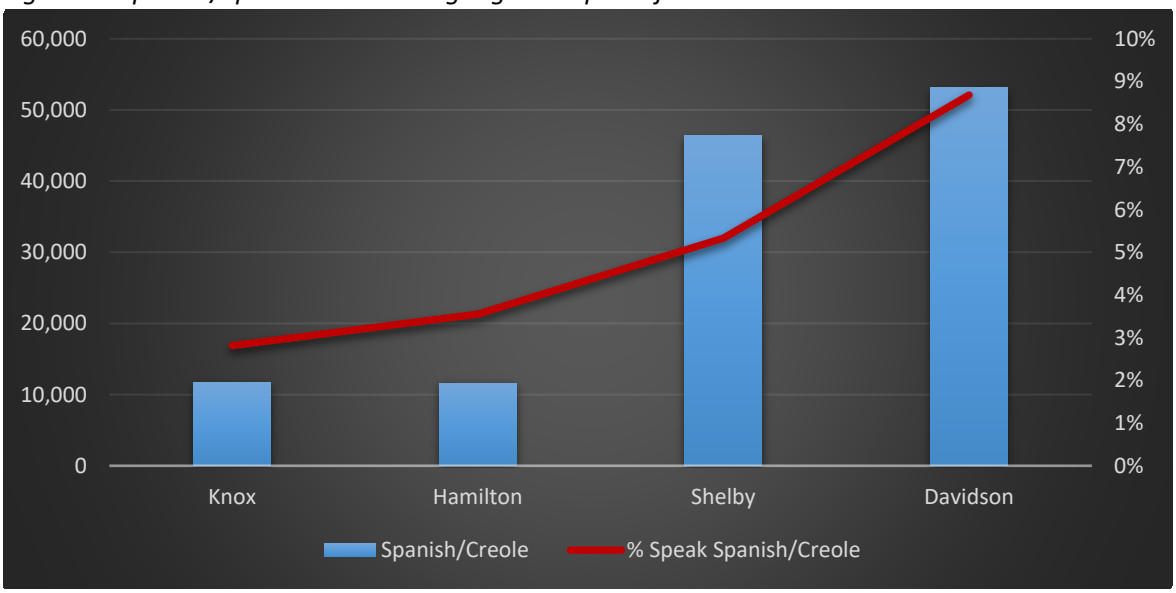
At the county level, other than English, Spanish is the most common language group in Tennessee. Thirty-four counties report more than 1,000 Spanish speakers (five years and older), with 20 counties reporting 1,000 or more Spanish speakers who speak English less than very well. Spanish is spoken by more than 5 percent of the population over age five in 11 counties. Davidson County has the largest number of Spanish speakers (53,165), and more than half speak English less than very well. Bedford County has the highest percentage of Spanish speakers per capita (10%), with more than half speaking English less than very well.

Table 6: Tennessee Counties with 1,000 or more Speaking Spanish or Spanish Creole

County	Total Population	Spanish or Spanish Creole	% Spanish or Spanish Creole	% Spanish or Spanish Creole who speak English less than "very well"
Anderson	71,453	1,432	2.0%	44%
Bedford	42,841	4,338	10.1%	58%
Blount	118,632	2,707	2.3%	40%
Bradley	96,273	4,123	4.3%	57%
Coffee	50,217	1,649	3.3%	48%
Crockett	13,745	1,109	8.1%	42%
Cumberland	54,661	1,147	2.1%	41%
Davidson	612,326	53,165	8.7%	53%
DeKalb	18,082	1,112	6.1%	47%
Greene	65,272	1,189	1.8%	48%
Hamblen	59,118	5,045	8.5%	53%
Hamilton	327,282	11,617	3.5%	53%
Jefferson	49,779	1,235	2.5%	49%
Knox	418,303	11,772	2.8%	45%
Loudon	47,705	3,162	6.6%	60%
McMinn	49,578	1,330	2.7%	44%
Madison	91,730	2,838	3.1%	30%
Maury	78,362	3,246	4.1%	41%
Monroe	42,661	1,345	3.2%	38%
Montgomery	169,994	9,136	5.4%	31%
Obion	29,382	1,015	3.5%	52%
Putnam	69,523	2,540	3.7%	62%
Rhea	30,690	1,057	3.4%	38%
Robertson	62,964	2,949	4.7%	55%
Rutherford	263,414	16,460	6.2%	36%
Sevier	88,418	3,755	4.2%	58%
Shelby	869,933	46,364	5.3%	46%
Sullivan	148,864	2,300	1.5%	30%
Sumner	159,247	5,896	3.7%	32%
Tipton	57,762	1,096	1.9%	51%
Warren	37,549	2,301	6.1%	58%
Washington	118,769	2,899	2.4%	27%
Williamson	187,400	6,007	3.2%	23%
Wilson	115,198	2,912	2.5%	40%

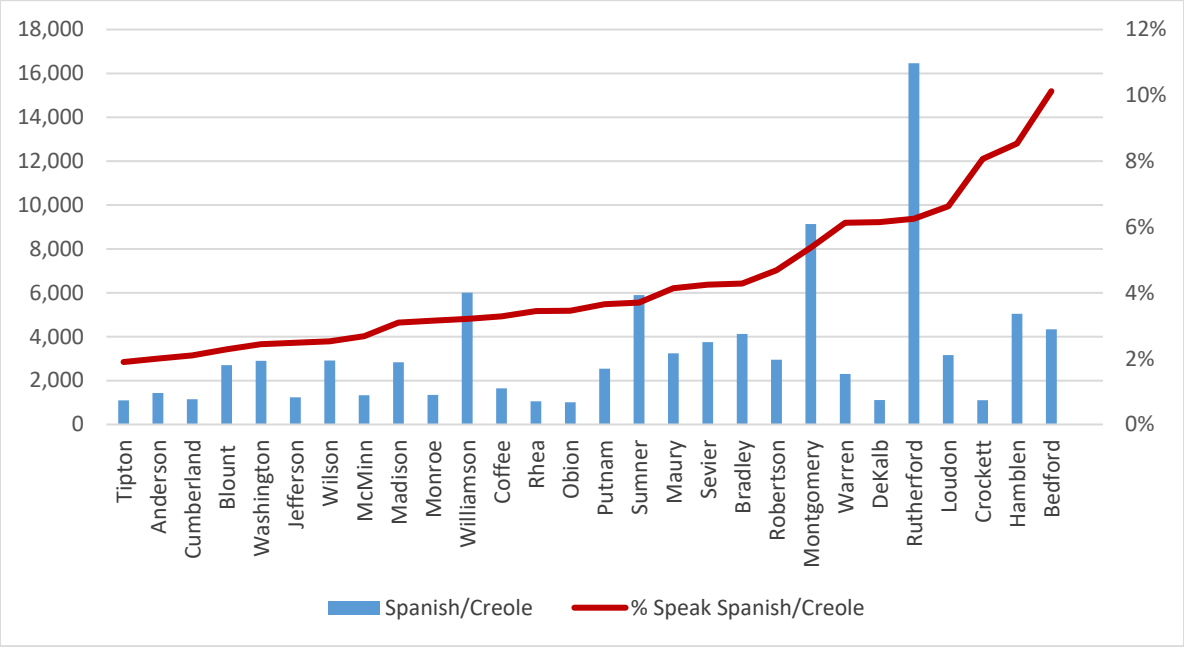
Source: U.S. Census, American Community Survey, B16001, 2015, 5 year estimate

Figure 3: Spanish/Spanish Creole Language Group- Major Metro Counties



American Community Survey, B16001, 2016, 5-year estimate

Figure 4: Spanish/Spanish Creole Language Group Greater than 1,000 persons and/or 5% of Population



American Community Survey, B16001, 2016, 5-year estimate

The counties in Tennessee with language groups, other than English or Spanish that exceed 1,000 persons, are primarily in a metropolitan statistical area (Davidson, Hamilton, Knox, Montgomery, Rutherford, Shelby and Williamson Counties). Davidson, Knox and Shelby Counties have the largest number of language groups other than English as shown in Table 4. In addition to the counties in Table 4, Hamilton and Montgomery have German language populations of more than 1,000, but English proficiency levels are high among this language group. Rutherford County has more than 3,000 Laotian speakers (about a third do not speak English very well) and more than 1,000 Arabic speakers (about half

do not speak English very well). Williamson County has more than 1,000 Chinese speakers (about a third do not speak English very well).

Table 7: Major Metro County Common Language Groups, other than Spanish

Language Group	Davidson	Hamilton	Knox	Shelby
Arabic	10828	n/a	n/a	3587
% Arabic	1.8%	n/a	n/a	0.4%
% LEP Arabic	54.5%	n/a	n/a	30.5%
Chinese	2030	919	2016	3374
% Chinese	0.3%	0.3%	0.5%	0.4%
% LEP Chinese	36.7%	46.2%	44.0%	47.9%
Korean	1345	n/a	n/a	1695
% Korean	0.2%	n/a	n/a	0.2%
% LEP Korean	58.5%	n/a	n/a	50.6%
Laotian	1714	n/a	n/a	n/a
% Laotian	0.3%	n/a	n/a	n/a
% LEP Laotian	49.8%	n/a	n/a	n/a
Vietnamese	2962	n/a	1401	4150
% Vietnamese	0.5%	n/a	0.3%	0.5%
% LEP Vietnamese	62.1%	n/a	77.8%	58.3%
African Languages, inc. Somali	5520	n/a	n/a	4577
% African	0.9%	n/a	n/a	0.5%
% LEP African Languages	34.6%	n/a	n/a	37.0%
French (incl. Patois, Cajun)	1758	n/a	1160	2846
% French (inc. Patios, Cajun)	0.3%	n/a	0.3%	0.3%
% LEP French (inc. Patios, Cajun)	19.9%	n/a	9.1%	24.4%
German	1096	1030	n/a	1452
% German	0.2%	0.3%	n/a	0.2%
% LEP German	14.8%	25.7%	n/a	7.4%
Persian	1541	n/a	n/a	n/a
% Persian	0.3%	n/a	n/a	n/a
% LEP Persian	48.2%	n/a	n/a	n/a
Hindi	1301	n/a	n/a	1308
% Hindi	0.2%	n/a	n/a	0.2%
% LEP Hindi	35.8%	n/a	n/a	12.6%
Tagalog	n/a	n/a	n/a	1588
% Tagalong	n/a	n/a	n/a	0.2%
% LEP Tagalong	n/a	n/a	n/a	28.3%

Source: U.S. Census, American Community Survey, B16001, 2015, 5-year estimate

According to the Metro Language Access report for Nashville/Davidson County, the most common non-English languages reported by Metro Nashville departments and extensions are (in order by most common to least): Spanish, Arabic, Kurdish, Somali, Burmese, and Vietnamese. Respondents to a community survey conducted as part of the report showed the most common languages spoken in Davidson County are Spanish, Arabic, Burmese, Kurdish, Nepali, and Somali.[1] The Memphis Metropolitan Planning Commission 2018 Limited English Proficiency Plan identified Spanish as the primary language group, other than English, in the Memphis metropolitan planning area, with 18,202 speaking Spanish who speak English less than very well.[2]

To further support the four-factor analysis, information from the Migration Policy Institute, which conducts evaluations of English Learners, was reviewed. According to their research, as of 2015-2016, 76 percent of English Learners (EL) in Tennessee spoke Spanish as their home language (based upon U.S. Department of Education reports). Arabic, Vietnamese, Somali, and Kurdish complete the top five home languages spoken by English Learners in Tennessee[3]. Further, the Tennessee Administrative Office of the Courts Court Interpreter Program, which tracks court interpreter usage, found the most widely used languages for interpreters in Tennessee courts in 2017 were (in descending order of usage): Spanish, Arabic, Other.[4]

Maps illustrating relevant trends within the different language groups in Tennessee are located in the Appendix at the end of this report.

Factor 2: THDA LEP Encounters

The more frequent the contact with a particular language group, the more likely that enhanced language services in that language are needed. An analysis of the most recent three years of oral interpretation requests for THDA's programs through our contracted telephonic interpretation service is displayed in Table 5.

Table 8: THDA All Divisions/Programs Language Line Requests, FYE 2017-2019

Spanish	Arabic	Haitian-Creole	Burmese/ Zomi	Somali	Vietnamese	Cantonese	Total
720	29	2	3	6	1	1	762

[1] Metro Language Access Report, February 2017. Metro Human Relations Commission. https://www.nashville.gov/Portals/0/SiteContent/Human%20Realations%20Commission/docs/publications/MetroLanguageAccessStudy.pdf

[2] Limited English Proficiency Plan, 2018. Memphis Planning Organization. https://memphismpo.org/sites/default/files/public/documents/title-vi/2018%20LEP%20Plan.pdf

[3] Julie Sugarman & Courtney Geary, August 2018, English Learners in Tennessee (Fact Sheet). Migration Policy Institute (National Center on Immigrant Integration Policy).

[4] http://www.tncourts.gov/sites/default/files/docs/final_template_local_lap_july_2018.pdf

Factor 3- Importance of THDA Programs to Eligible LEP Population

The most likely points of contact between THDA and the LEP population are:

(1) Persons seeking rental assistance, home repair or energy assistance through any of THDA's funded programs (direct or through sub-recipients) or assistance with loan servicing through THDA's Volunteer Mortgage Loan Servicing (VMLS);
(2) Persons who reside in THDA funded affordable housing who have a question or problem with property ownership or management;
(3) Persons seeking information on THDA's homeownership programs; homebuyer education or relief from foreclosure proceedings;
(4) Citizens wishing to participate in the public comment or planning process for any of THDA's programs (particularly Con Plan and Housing Choice Voucher programs).

Many of THDA's programs require understanding detailed program procedures for successful access to and ongoing assistance. Reading documents, or having those documents read by a qualified interpreter, in a person's language of origin, especially when a person does not speak English very well, could make a positive difference in an LEP person's ability to access and succeed in a THDA program.

Factor 4 – THDA Resources

THDA will take all reasonable steps to ensure meaningful access for LEP persons to THDA programs and activities. The availability of resources; however, may limit the provision of language services in some instances. "Reasonable steps" may cease to be reasonable when the costs imposed substantially exceed the benefits. At this time, each THDA Division will independently fund language access services from its own allocated funding and will make and document decisions on the type of language assistance offered based upon departmental budgets and the cost of the language service.

When determining the most appropriate method of communicating program information, THDA divisions may consider jurisdictional, programmatic and financial circumstances. While THDA is a statewide agency, not all programs are administered in every county. Some THDA divisions administer or fund programs in an individual county where the number of LEP persons within a language group is significant, but the presence of that same language group may be insignificant in other counties where THDA programs operate. For example, there are a significant number of persons speaking Kurdish and Somali languages in Davidson County, but not in other parts of the state. Similarly, the Laotian language group is significant in Rutherford County, but not in other counties.

Four Factor Summary

Spanish is clearly the largest language group, other than English in Tennessee, with almost 250,000 persons speaking Spanish. Of that number, almost half speak English less than very well. Spanish, Arabic, Chinese, Vietnamese, Korean Thai/Lao and Somali are language groups with statewide populations exceeding 5,000 and with more than 40% of the population within those language groups speaking English less than very well (Table 3)[5]. Kurdish languages (Behdini and Sorani) and Somali are included as common language groups in the Metro Davidson County Language Access and the Migration Policy Institute reports. THDA has received the most interpretation requests for Spanish, Arabic, and Somali languages over the past three years. Therefore, it is determined that Spanish is the most commonly

[5] U.S. Census reports

spoken language, other than English and is prevalent in counties throughout the state. Arabic, Chinese, Vietnamese, Korean, Laotian, Kurdish languages (Behdini & Sorani) and Somali are the most common language groups in Tennessee, other than English and Spanish. However, these language groups are primarily concentrated in specific major metro areas or counties.

The goal of THDA's LAP is to balance the needs of the statewide LEP community, who are eligible for and interested in participating in THDA's programs, with the funding and administrative resources available. To that end, THDA divisions will engage in a blend of methods to communicate with LEP persons to include:

(1) Oral interpretation services will be provided for all languages spoken other than English.
(2) A Spanish language tagline informing Spanish LEP persons of free language assistance will be included on all important documents and notices written in English.
(3) Where determined administratively necessary or reasonable[6] (by division), a tagline informing LEP persons of free language assistance will be included on important documents and notices written in English in Spanish and the other commonly spoken languages statewide (Arabic, Chinese, Vietnamese, Korean, Laotian, Kurdish languages (Behdini & Sorani) and Somali).
(4) Public notices requesting public comment for federal programs will be translated into the most commonly spoken languages statewide (Spanish, Arabic, Chinese, Vietnamese, Korean, Laotian, Kurdish languages (Behdini & Sorani) and Somali).
(4) Translation of vital documents into Spanish as determined necessary by Division.
(5) Translation or oral interpretation of vital documents in other languages as needed based upon individual requests and program level reviews.

Priority for written translation services is given to programs with Federal funding where THDA has direct contact with the public.

VII. Language Assistance Services

A. Oral Language Services (Interpretation)

Interpretation services are offered free of charge to all LEP persons who seek information or assistance from THDA, regardless of the program or activity for which they seek information or assistance. Public-facing THDA employees have a Language Identification Guide ("I Speak" card) to assist with determining the language group for which interpretation is required. The "I Speak" card is also available on the THDA Intranet. The instructions for using oral interpretation services are maintained on the THDA employee Intranet. Public-facing employees receive periodic training on language access services.

1. *Telephonic Interpretation*
   THDA offers telephonic interpretation through qualified language service providers contracted with the State of Tennessee for all LEP persons who need language assistance. It is the preferred method of providing interpretation services.
2. *Bilingual and Multilingual staff*

[6] THDA divisions may take individual programmatic differences into consideration, such as if the service area for a particular program includes a county with more diverse language needs or if resources are limited, when determining whether to include the more comprehensive tagline.

THDA employees may be available to provide limited oral interpretation to determine the initial needs of a member of the public or beneficiary with LEP or to answer basic or standard questions. THDA employees do not provide formal interpretation unless their skill of interpreting in the language group of the LEP person is documented or certified.

3. *Use of Family Members or Friends as Interpreters*
   THDA will not require but will permit beneficiaries to use an interpreter of their choice (whether a professional interpreter, family member, friend), at their own expense, in place of, or as a supplement to the free language services offered by THDA, with the exception of minor children. If a member of the public or beneficiary chooses to use their own interpreter, it will be documented through the THDA LEP Encounter Survey. For beneficiaries, the choice will be documented in their beneficiary file.

B. Written Notice of Language Assistance Services

1. Language Identification Guides, notifying the public of free language services in at least 25 of the most common languages spoken in the United States, are posted in visible locations in THDA reception areas that are open to the public.
2. A notice of free language assistance services translated into Spanish, Arabic, Chinese, Vietnamese, Korean, Laotian, Kurdish (Behdini and Sorani) and Somali languages will be added to THDA's website when feasible.[7]
3. A tagline notice informing LEP persons of the availability of free language assistance services translated into Spanish will be added to vital program documents and notices. The notice will include a phone number that is answered by a staff person (during business hours) trained in accessing oral language services. [8]
4. Where determined appropriate at the division level, a tagline notice in Spanish, Arabic, Chinese, Vietnamese, Korean, Laotian, Kurdish (Behdini and Sorani) and Somali will be added to vital program documents and notices. The notice will include a phone number that is answered by a staff person (during business hours) trained in accessing oral language services.

C. Translation of Written Materials

Translation of a vital document may be in written form or may be provided orally with an interpreter reading the document to the LEP person. Classification of a document as "vital" depends upon the importance of the program, information, encounter, or service involved, and the consequence to the LEP person if the information in question is not provided accurately or in a timely manner. Individual divisions and programs at THDA determine what documents are "vital" in accordance with the definition contained in this Plan.

The below safe harbors (provided in Federal LEP guidance) guide decisions on when a language group is a large enough percentage of the eligible population to require consideration for translating vital documents.

[7] THDA's current website platform does not allow for the inclusion of this type of notice. When THDA transitions to a new website platform, the notice will be added.
[8] THDA will begin adding this notice to vital program documents during calendar year 2020 as determined administratively feasible.

Table 9: Federal Safe Harbors for Vital Document Translation[9]

Size of Language Group	Recommended Provision of Written Language Assistance
1,000 or more in the eligible population in the market area or among current beneficiaries	Translated vital documents
More than 5% of the eligible population or beneficiaries *and* more than 50 in number	Translated vital documents
More than 5% of the eligible population or beneficiaries *and* 50 or less in number	Translated written notice of right to receive free oral interpretation of documents.

The Spanish speaking population exceeds the Federal safe harbor of more than 1,000 and/or 5 percent in more than 34 Tennessee counties. Statewide, among Spanish speakers, 45 percent speak English less than very well. Given the size of the Spanish language group in Tennessee and the percentage of LEP Spanish speakers, THDA will translate vital program documents into the Spanish language where a document is not available through other sources (i.e. a federal agency) and where translation is determined feasible and not administratively burdensome[10]. The other languages spoken most commonly by LEP persons in Tennessee, other than Spanish, represent a much smaller presence in the communities THDA's programs are administered and are encountered much less frequently by THDA staff.

Divisions and programs have identified the documents in Table 6 as vital documents that will be made available in the Spanish language (or are available in the Spanish language through a federal agency).[11] If a letter or document contains vital program information but includes a substantive amount of information that may vary by individual circumstances or case, a tagline notice of free language assistance will be included in the body of the document rather than full Spanish language translation. If language assistance is requested, oral interpretation of the letter or document will be provided.

[9] Reference HUD guidance

[10] One example of where translating a vital document may not be feasible is when a letter or document contains non-standard language, such as denial or termination notices, which have client specific information that may vary based upon circumstances.

[11] Where a document identified as vital is not already translated into Spanish, the agency will undertake efforts to translate the document(s) by the end of calendar year 2020 or end of fiscal year 2021 at the latest. Priority will be given to programs with Federal financial assistance.

Table 10: Vital Documents by Divisions/Programs

Division	Program & Funding Source	Vital Documents	Source of Translation
Rental Assistance	Housing Choice Voucher (federal)	• Pre Application • Personal Declaration • Authorization for the Release of Information/Privacy Act Notice • Voucher • Request for Tenancy Approval • Housing Assistance Payment Contract • Tenancy Addendum • "Protect Your Family from Lead in Your Home" • "A Good Place to Live" booklet • "Fair Housing for All" booklet • "Are you a Victim of Housing Discrimination?" booklet • Certification of Domestic Violence, Dating Violence or Stalking • Repayment Agreement • Debts Owed to PHAs • Denial and Termination of Assistance*	THDA THDA HUD HUD HUD HUD HUD HUD HUD HUD HUD HUD THDA HUD THDA
Rental Assistance	Family Self Sufficiency (FSS) (federal)	• Contract of Participation • Escrow Account Credit Worksheet	HUD HUD
Rental Assistance	Homeownership Voucher (federal)	• Statement of Homeowner Obligations	HUD
Community Programs	Low Income Energy Assistance Program (federal)	• Application • Landlord Form • Zero Income Self Declaration	THDA THDA THDA
Community Programs	Emergency Solutions Grant (federal)	• "Fair Housing for All" booklet	HUD
Community Programs	Repair Programs (federal & state)	• Application • Disclosure	THDA THDA
Community Programs	Weatherization (federal)	• Application	THDA
Community Programs	Tennessee & Appalachian Renovation Loan Programs (state & federal)	• Combined Application • TRLP Note, Deed of Trust & Right of Recession • Applicant & Income Affidavit	THDA THDA THDA THDA THDA

Table 10, Vital Program Documents by Divisions/Programs, cont.

Division	***Program & Funding Source***	***Vital Documents***	***Source of Translation***
Single Family Loan Operations	Great Choice Programs (state)	• Loan Subordinate Deed of Trust • Second Note- 30 Year • Disclosure of Loan Terms-30 Year • Application Affidavit • Seller Affidavit • Notice to Applicants-Federal Recapture • THDA Rider • GC-97 Mortgage Note	THDA THDA THDA THDA THDA THDA THDA THDA
Volunteer Mortgage Loan Servicing	Direct Loan Servicing (state)	• Notice of Default* • 30 day Notice* • 60 day Notice*	THDA THDA THDA
Agency wide	Various	• Discrimination Complaint Form	THDA

*This document contains a substantive component that is non-standard language and that will vary based upon individual client circumstances. Therefore, a tagline notice of free language assistance will be included with the option for oral interpretation of the document.

If a vital document is not translated due to lack of resources, other administrative burden or another reason, the THDA program responsible for the document will keep a record of the justification and another type of language assistance, such as oral translation of the document, will be offered as needed.

D. Public Notices

Public notices requesting citizen input for programs with federal financial assistance will be posted to THDA's webpage and will be translated into Spanish, Arabic, Chinese, Vietnamese, Korean, Laotian Kurdish (Behdini and Sorani) and Somali. Summaries of Consolidated Planning documents, which primarily involve activities for our HUD formula grant programs will be provided in English and Spanish.

THDA will publish public notices on programs with Federal financial assistance in Spanish language newspapers, where available, and distribute to organizations who are known to serve the Spanish speaking population, to promote public participation among Spanish speaking persons.

Public notices published on THDA's website or on the THDA-sponsored site, TNHousingSearch.org, may be translated by the user through Google Translate technology. Therefore, the notice of free language assistance may not be included within the body of documents or notices published to these sites.

E. Deaf and Hard of Hearing Interpretation Services

THDA utilizes the Federal Communications Commission 711 for Telecommunications Relay Service, and posts that information on the THDA website and other public notices. TRS (711) is a free service that permits persons with a hearing or speech disability to use the telephone system via a text telephone (TTY) or other device to call any person or number.

THDA offers in person or video remote interpretation services for all persons who are deaf or hard of hearing and in need of interpretation services to allow full participation in an activity or program administered by the agency.

F. THDA Websites & TNHousingSearch.org

THDA maintains two websites located at https://www.thda.org and https://volservicing.com . Both sites are equipped with Google Translate to allow for a basic translation of the information presented in more than 100 languages.

TNHousingSearch.org is a THDA-sponsored web-based, housing database that provides detailed information about available rental properties statewide. Public notices and housing related program information are also available on the site. The service can be accessed online at no cost 24 hours a day or through a toll-free, bilingual call center at 1-877-428-8844, available M-F, 9:00 am - 8:00 pm EDT. The information contained on the site is available in more than 100 languages, including those referenced in this plan. The current database is available through http://www.tnhousingsearch.org.

VIII. Training

THDA will train all staff on the requirement to provide meaningful access and will train staff who engage in direct contact with the public on the proper procedures for specific language assistance services. THDA will also train sub-recipient administrators on the requirement to provide meaningful access to LEP persons and will monitor and evaluate sub-recipient compliance with Title VI and Fair Housing regulations (including meaningful access for LEP persons). THDA maintains online training and information for sub-recipients, other partners and members of the public on non-discrimination and the obligation to ensure meaningful access for LEP persons.

IX. Complaints and Appeals

Any person who believes they have been denied the benefits of this LAP or that THDA has not complied with Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000(d) and Executive Order 13166 regulations may file a discrimination complaint as per THDA's discrimination complaint process. THDA maintains information about filing a complaint with THDA, including a link to the discrimination complaint form and contact information on the Title VI and Fair Housing pages of the website. Information about filing a complaint with HUD and THRC is also maintained on the same pages of the THDA website. Complaints may be submitted to:
THDA (www.thda.org/about-thda/file-a-complaint)
Andrew Jackson Building | Third Floor | 502 Deaderick St., Nashville, TN 37243

Or

Tennessee Human Rights Commission (www.tn.gov/humanrights/file-a-discrimination-complaint.html)
312 Rosa L Parks Avenue | 23rd floor Nashville, Tennessee 37243
Toll Free: (800)251-3589 | Phone: (615)741-5825

X. Sub-recipient Activities

Sub-recipients of THDA's federal funding are required to comply with Title VI, the Fair Housing Act and enabling regulations and to make reasonable efforts to provide timely, meaningful access for LEP persons to programs and activities. To ensure meaningful access, sub-recipients should first conduct a four-factor analysis an assessment to determine the need for language assistance within their service area. After completion of the Four-Factor Analysis, the sub-recipient will understand the languages spoken by LEP persons in their service area. Based upon the findings of a Four-Factor Analysis, and

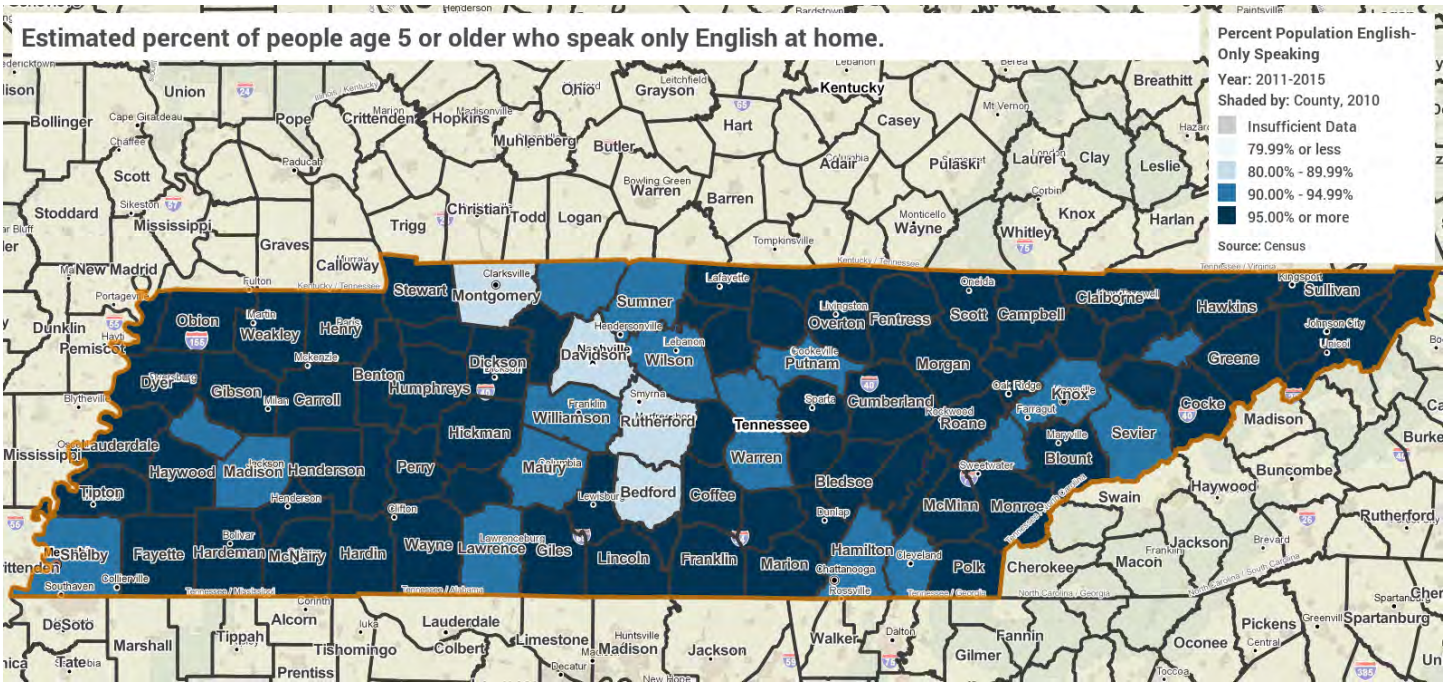
when deemed necessary, sub-recipients should prepare an LAP addressing the sub-recipient's plan for ensuring Meaningful Access to programs and activities for LEP persons.

The LAP plan should provide a reasonable balance between the scope and needs of the LEP population in the sub-recipient's service area, the cost of providing language services and the resources available to the agency. Ideally, the LAP Plan will include:

1. The title and/or name of the individual responsible for coordination of LEP compliance;
2. The language groups spoken by LEP persons served or encountered in the eligible service population identified from the Four Factor Analysis;
3. A plan for language services (oral interpretation and/or written translation) based on language assistance needs identified in the Four Factor Analysis;
4. A training plan on LEP requirements for all staff (and/or volunteers) involved in programs and activities funded by the federal government and awarded by THDA;
5. A schedule for translating and disseminating vital documents where applicable; and
6. A policy for updating the Four Factor Analysis and LAP.

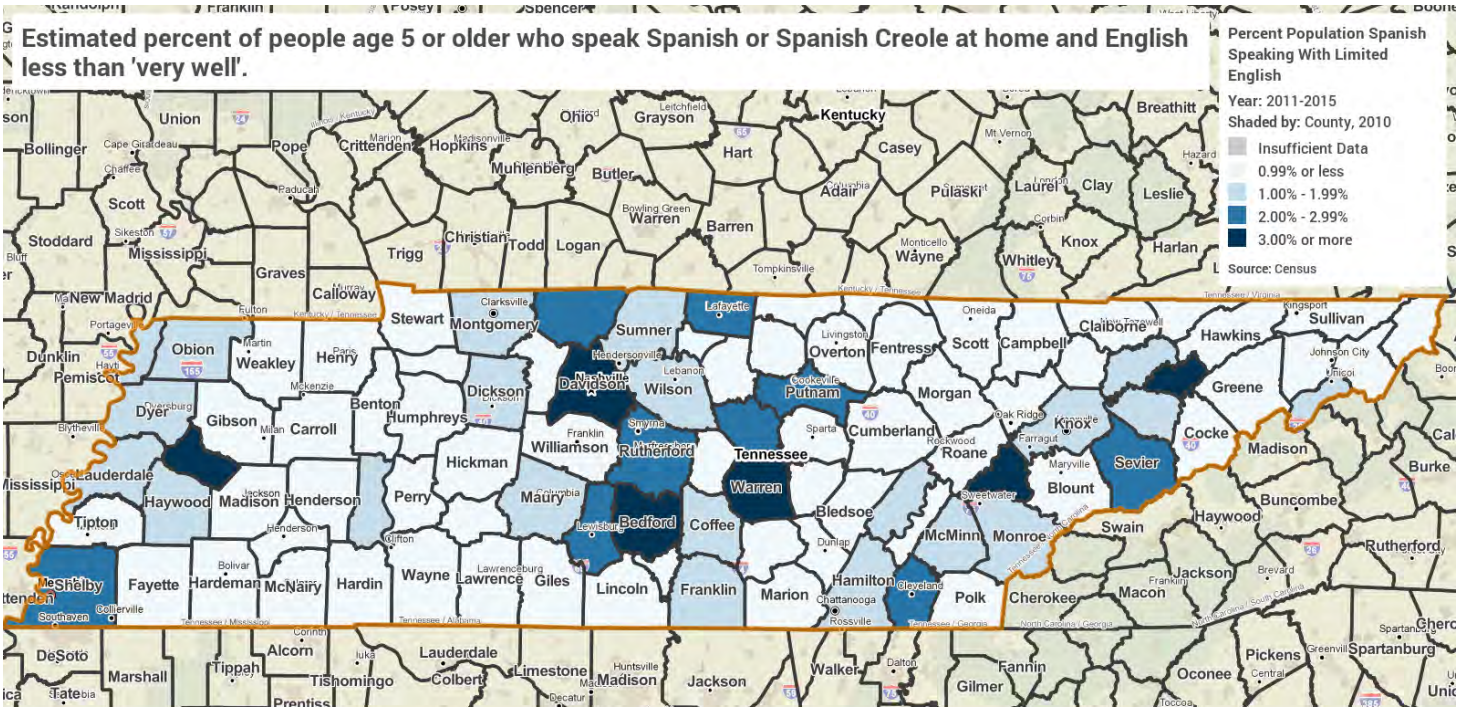
Sub-recipients also should maintain documents regarding efforts to comply with LEP requirements. Documentation should include: Notices to LEP persons of free language services, LEP services provided to eligible persons, evidence of compliance with their LAP, Four Factor Analysis at least every five years, and resolving any findings related to its LEP obligations by taking corrective action. THDA will monitor all sub-recipients to ensure LEP individuals receive meaningful access to federally funded programs in accordance with the appropriate federal guidance.

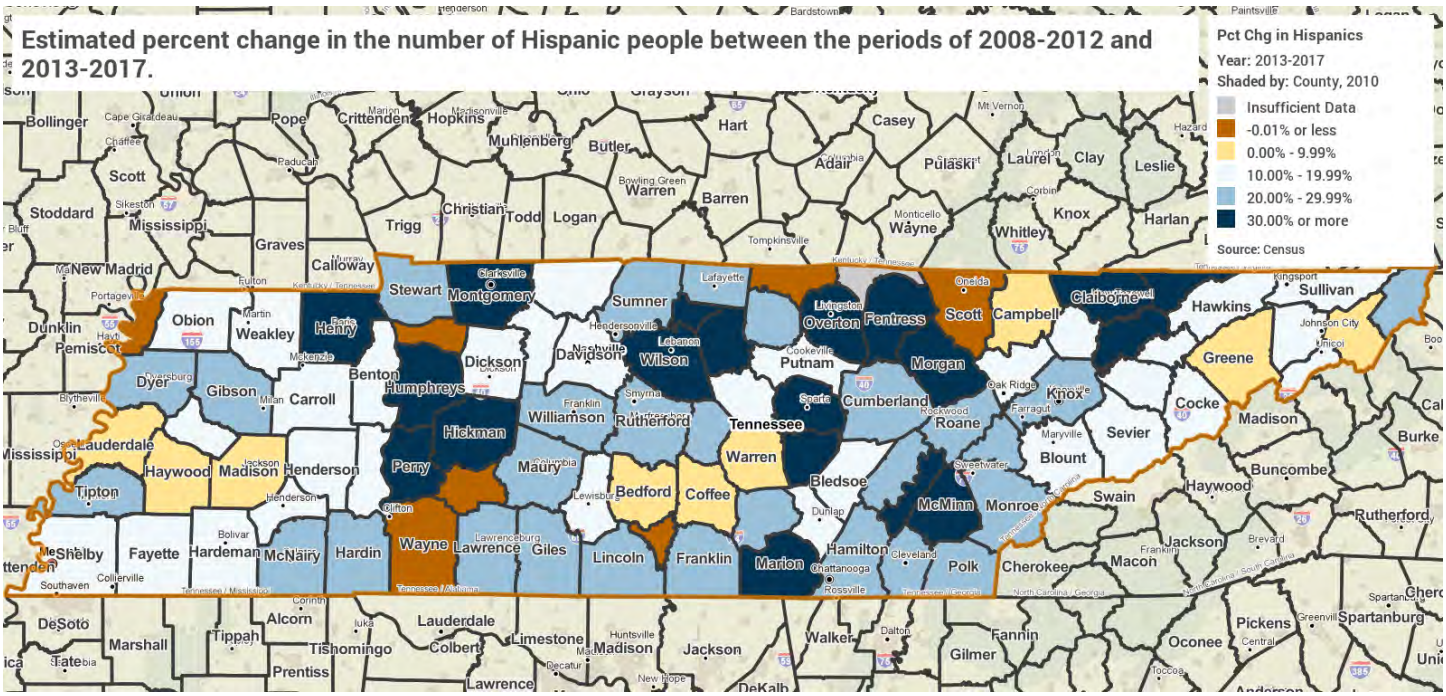
Appendix 1



Source: PolicyMap, American Community Survey, 5-year estimate (2011-2015)

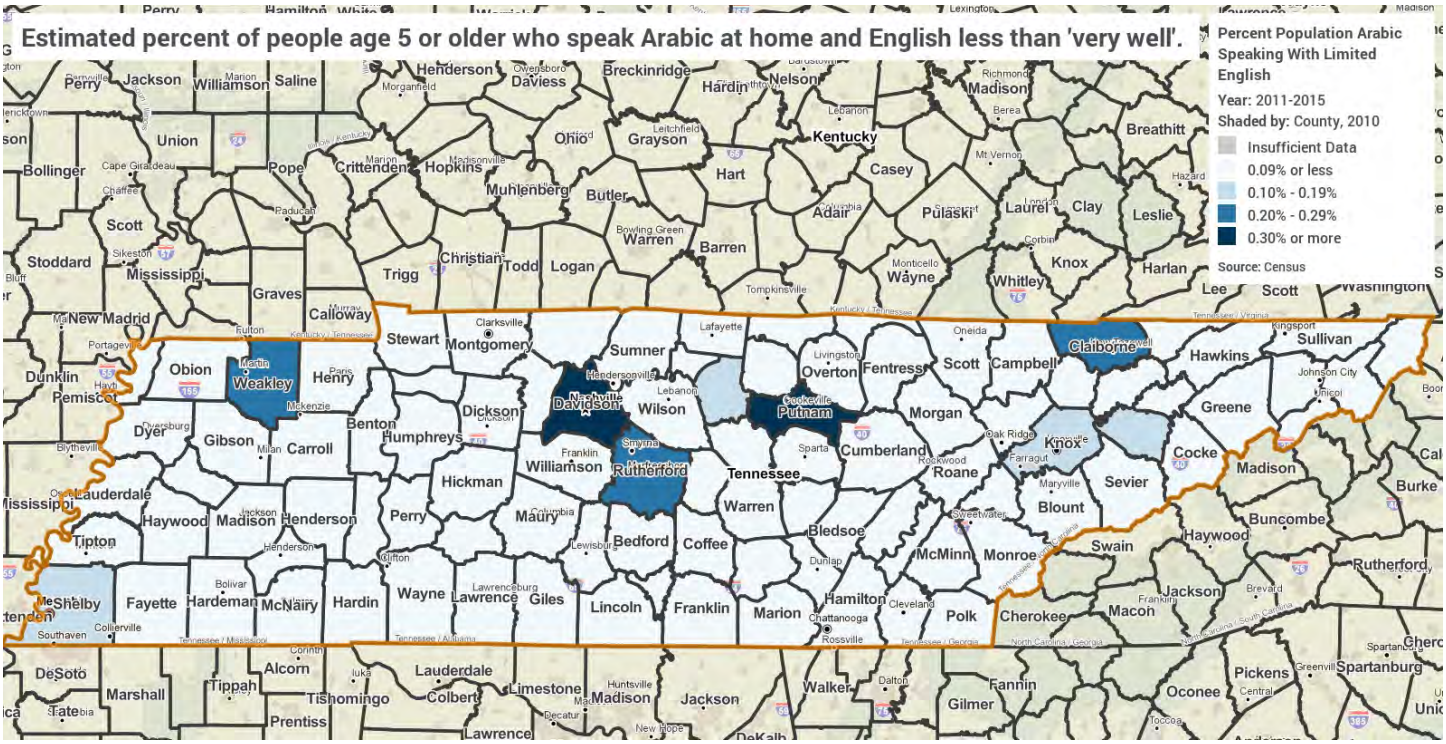
Appendix 2





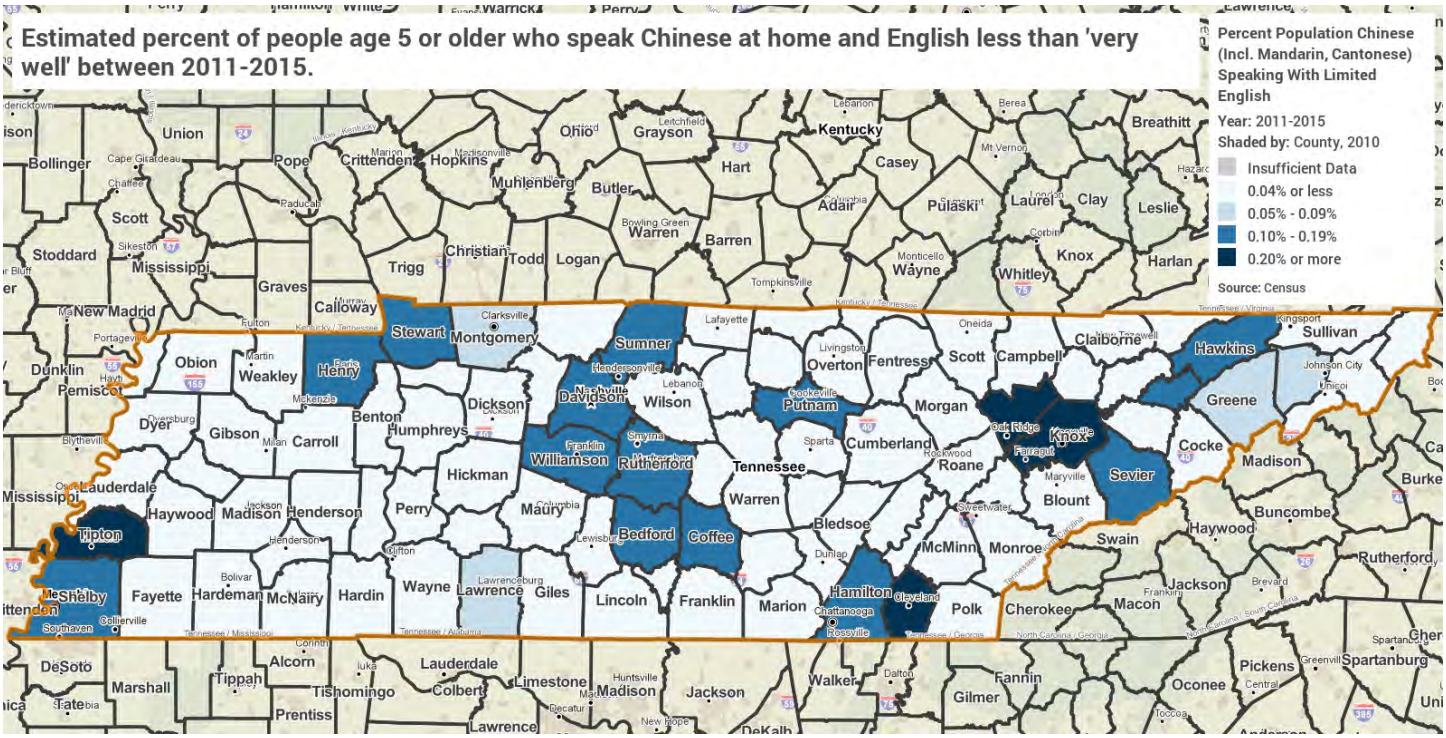
Source: PolicyMap, American Community Survey, 5-year estimates (2008-2012, 2011-2015, 2013-2017)

Appendix 3



Source: PolicyMap, American Community Survey, 5-year estimate (2011-2015)

Appendix 4



Source: PolicyMap, American Community Survey, 5-year estimate (2011-2015)