Tennessee Housing Development Agency

Civil Rights & Housing Activities

ANNUAL REFRESHER TRAINING

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Purpose of Training

To ensure all THDA employees are aware of the provisions of each non-discrimination law applicable to THDA activities & familiar with agency non-discrimination policies & procedures.

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What is Title VI?

Title VI of the Civil Rights Act of 1964 (43 U.S.C. 2000D) mandates that no person in the United States shall, on the grounds of race, national origin or color be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

Title VI applies to Federally funded programs & activities.

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Discrimination under Title VI

Title VI prohibits…

- Denying a person any program services, financial aid or benefits
- Providing a different service, financial aid or benefit or providing them in a different manner than they are provided to others
- Segregating or treating an individual separately in any matter related to receiving a service, aid or benefit

…on the basis of race, color or national origin.

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Fair Housing & Discrimination

Title VIII of the Civil Rights Act of 1968, known as the Fair Housing Act prohibits discrimination in the sale or rental of housing on the basis of race, color, national origin, religion, sex/gender, disability & familial status.*

**presence of children under age 18 or pregnancy*

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Housing Discrimination

Is a pervasive problem nationwide but is severely under-reported

HUD estimates that more than 2 million instances of housing discrimination occur each year, but less than 1% are reported.

Knowledge is key for housing professionals to help combat discrimination.

In recent years in Tennessee, the most common discrimination complaints are related to disability & race.

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What Housing is Covered under FHA?

The Fair Housing Act applies to both public & private housing activities by property owners/landlords, agents, brokers, Realtors, and home sellers.

Exemptions: Single-family homes rented or sold without the use of a broker/real estate agent or advertising are exempt as long as the private landlord/owner does not own more than three homes. Owner-occupied rentals with less than four units. Members-only private organizations and clubs.

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Tennessee Non-Discrimination Law

Tennessee's state law, theTennessee Human Rights Act prohibits discrimination in housing based on race, color, creed,* religion, sex, handicap/disability, familial status or national origin.

**Creed is a set of religious beliefs.*

The Tennessee Human Rights Commission is responsible for oversight.

EQUAL HOUSING OPPORTUNITY

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Discriminatory Practices under Fair Housing

In the Sale and Rental of Housing, the following actions are prohibited based on race, color, national origin, religion, creed, sex/gender, familial status or disability:

- Refuse to rent or sell housing
- Refuse to negotiate for housing
- Make housing unavailable
- Deny a dwelling
- Set different terms, conditions or privileges for sale or rental of a dwelling
- Provide different housing services or facilities
- Falsely deny that housing is available for inspection, sale, or rental
- For profit, persuade owners to sell or rent (blockbusting) or
- Deny anyone access to or membership in a facility or service (such as a multiple listing service) related to the sale or rental of housing.

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Discriminatory Practices under Fair Housing

In Mortgage Lending, the following actions are prohibited based on race, color, national origin, religion, creed, sex/gender, familial status or disability:

- Refuse to make a mortgage loan
- Refuse to provide information regarding loans
- Impose different terms or conditions on a loan, such as different interest rates, points, or fees
- Discriminate in appraising property
- Refuse to purchase a loan or
- Set different terms or conditions for purchasing a loan.

EQUAL HOUSING LENDER

EQUAL HOUSING OPPORTUNITY

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Discriminatory Practices under Fair Housing

In general it is illegal for anyone to:

- Threaten, coerce, intimidate or interfere with anyone exercising a fair housing right or assisting others who exercise that right
- Advertise or make any statement that indicates a limitation or preference based on race, color, national origin, religion, sex/gender, familial status, or disability. This prohibition against discriminatory advertising applies to single-family and owner-occupied housing that is otherwise exempt from the Fair Housing Act.

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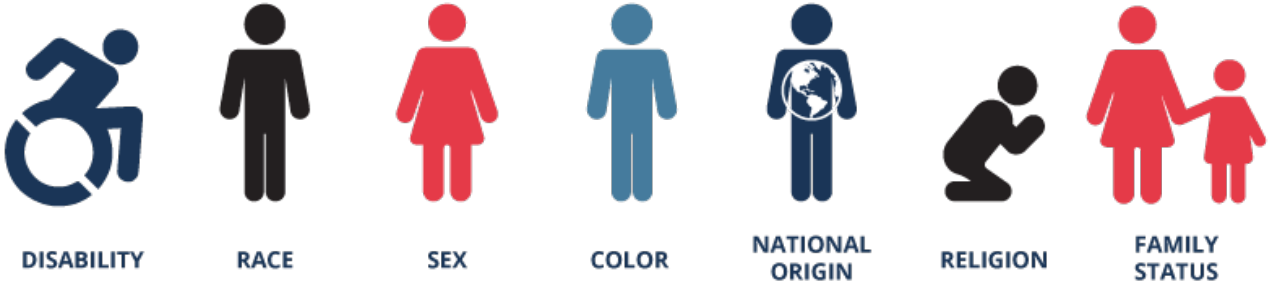
THDA Non-Discrimination Policy

"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."*



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THDA Non-Discrimination Policy

THDA's Non-Discrimination in the Provisions of Services policy was updated recently and is located on the Intranet under *Policies/ Procedures/Legal*.

All staff should read & comply with the policy.

Any questions on the policy may be emailed to Laura Swanson, lswanson@thda.org.

National Origin Discrimination

Title VI & the Fair Housing Act prohibit discrimination on the basis of national origin.

- Almost 250,000 Tennesseans (4% of population) speak Spanish (the most commonly spoken language other than English) & almost half speak English less than very well.

Failure to ensure that persons with limited English proficiency (LEP) can effectively participate in THDA's programs & activities may violate regulations against national origin discrimination.

Limited English Proficiency

When individuals have a limited ability to read, write, speak, or understand English, they are limited English proficient, or "LEP."

- Language for LEP individuals can be a barrier to accessing important benefits or services, understanding and exercising important rights, complying with applicable responsibilities, or understanding other information.

Language Access Plan

THDA's recently published Language Access Plan identifies the reasonable steps THDA will take to provide LEP individuals meaningful access to programs & services.

The Plan may be found on the THDA Intranet (for employees) & the THDA Internet (for employees & the public).

All THDA staff should read & comply with THDA's Language Access Plan.

Oral Interpretation

THDA provides **oral interpretation** free of charge through Avaza Language Services to all LEP persons. Procedures are located on the Intranet under *Policies/Procedures (Department EX)*.

- ✓ Avaza supports 120 languages and dialects. Call (615) 534-3400 or (800) 482-8292 to access an interpreter.
- ✓ Language Identification Guides ("I Speak" cards) are available in all THDA offices for persons who come to the office and need assistance.

Notice of Free Language Services

A Spanish language tagline informing LEP persons of free language assistance will be added to vital program documents & notices during 2020 where administratively feasible.

- The notice will include a phone number that is answered by a staff person (during business hours) trained in accessing oral language services.
- A tagline in Spanish, Arabic, Chinese, Vietnamese, Korean, Laotian, Kurdish and Somali (the most commonly spoken languages other than English in TN) is available to be added to vital program documents & notices where a Division determines it appropriate based upon larger LEP populations in service area.

Written Translation-Vital Documents

Program documents deemed “vital” by divisions are currently being translated into Spanish. Some program documents are already available in Spanish.

- Translation or oral interpretation of vital documents into languages other than Spanish is completed on a case-by-case basis as needed to allow an LEP individual to equally access THDA’s programs.
- Contact Laura Swanson if you need information on translation.

Language Access Survey

Each time a LEP person requests assistance (oral or written translation), a THDA staff member MUST complete the *LEP Encounters Survey* on the Intranet: https://homestead/Lists/LEP%20Encounter/overview.aspx.

The survey information allows us to complete required state and Federal reporting annually.

Fair Housing & Disability

The Fair Housing Act requires housing providers to make reasonable accommodations in rules, policies, practices or services if necessary for a disabled person to enjoy and/or fully use services offered to other residents and/or the individual dwelling unit.

Who Must Consider Accommodation Requests?

A reasonable accommodation request may be submitted to any person or entity necessary to afford a person with a disability an equal opportunity to use and enjoy a dwelling.

This may include but is not limited to landlords or property owners/managers, public agencies & entities (including individuals) involved in the provision of housing and residential lending.

Reasonable Accommodation

Each reasonable accommodation request must be considered on a case-by-case basis (no blanket policies) to determine whether the granting of the request is necessary to afford the person with a disability an equal opportunity to use and enjoy their dwelling.

THDA's Section 504 Coordinator (THDA Assistant Legal Counsel) manages all reasonable accommodation requests for the agency.

Reasonable Accommodation Examples

- ✓ Reserved parking space near the dwelling unit for a tenant with a mobility impairment who requires parking.
- ✓ Allow rental payment on a day that corresponds with a disability check
- ✓ In rental assistance programs, an allowance for an extra bedroom for a caregiver or equipment.
- ✓ Allow an assistance animal with no “pet deposit”

Note: An assistance animal is an animal that works, provides assistance, or performs tasks for the benefit of a person with a disability, or that provides emotional support that alleviates one or more identified effects of a person’s disability. An assistance animal is not a pet.

Reasonable Modifications

FHA also makes it unlawful to refuse to allow a person with a disability to make reasonable modifications of existing premises if such modifications may be necessary to afford them the full enjoyment of the premises.

Note: Modifications are to be completed at the expense of the person with a disability who made the request, unless the housing is a federally-subsidized, project-based property, in which case the property owner must pay for the modification (this does not include housing that is subsidized by a housing choice voucher).

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Discrimination Complaints

The TN Human Rights Commission investigates complaints of discrimination under Title VI & the TN Human Rights Act.

- The statute of limitations for filing a complaint with the THRC is 180 days.
- Complaints may be filed online at: https://www.tn.gov/humanrights/file-a-discrimination-complaint.html or persons may call 1-800-251-3589.

HUD is the federal agency responsible for enforcing the Fair Housing Act.

- The federal statute of limitations for filing a complaint is 365 days.
- Complaints may be filed online (English or Spanish) at: https://www.hud.gov/program_offices/fair_housing_equal_opp/online-complaint

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THDA Discrimination Complaint Process

Participants in THDA's programs may file a complaint directly with THDA. A Discrimination Complaint form and explanation is posted on the THDA website: https://thda.org/about-thda/title-vi-compliance.

A participant in any of THDA's funded programs who asks to file a discrimination complaint should be given the website address for the form; mailed a hard copy &/or referred to Laura Swanson, Civil Rights Compliance Advisor.

- When THDA receives a complaint, it is initially investigated to verify the circumstances. If the complaint alleges discrimination based upon any of the protected classes under Title VI, VIII or the TN HRA, THRC is notified.
- If THDA receives a complaint that is not related to THDA's programs, it is forwarded to THRC &/or HUD for investigation.

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Questions

Laura Swanson, THDA
Housing Strategy & Civil Rights Compliance Advisor

lswanson@thda.org
615-815-2127

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Interested in Learning More

…about the the Civil Rights Act & the quest for equality?

Watch this half hour CBS interview with Martin Luther King from 1967 on the new struggles for equality after the passage of the Civil Rights Act. https://youtu.be/2xsbt3a7K-8

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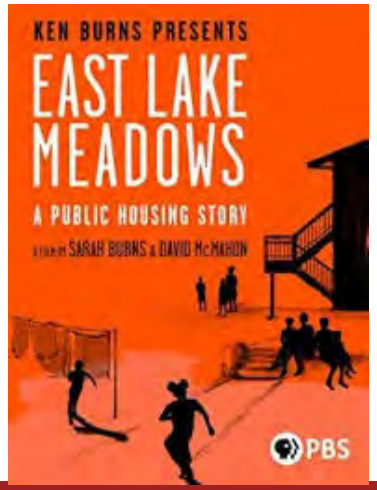
Interested in Learning More

Find a program on housing issues & equity to stream online, such as:

Owned: A Tale of Two Americas (streaming on Amazon Prime)- documentary on the history of American housing policy & shifting perceptions of "home."



East Lake Meadows, a new documentary by Ken Burns (PBS)- explores the history of a former public housing community in Atlanta & raises critical questions about race, poverty & public assistance. https://www.pbs.org/kenburns/east-lake-meadows/