Tennessee Housing Development Agency (THDA)

Providing Meaningful Access to Persons with Limited English Proficiency Policy

Purpose: To ensure THDA's compliance with Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968 (the "Fair Housing Act") and Executive Order 13166 by providing meaningful access to THDA's programs, services and activities to persons with limited English proficiency.

Effective Date: November 11, 2019

Application: This policy applies to all programs, services or activities administered by THDA.

Policy Statement: THDA is committed to providing timely, meaningful access to persons with Limited English Proficiency (LEP) to programs, services, and activities administered by THDA. THDA complies with all applicable Federal and state laws and enabling regulations to ensure meaningful access for LEP persons.

Responsibility: Each THDA employee is responsible for providing timely, meaningful access to LEP persons.

Recipients (and sub-recipients) of Federal funding must appoint a Title VI Coordinator. The Civil Rights Compliance Advisor serves as THDA's Title VI Coordinator and oversees language access activities, complaints, and the Language Access Plan (LAP).

Guidance: To ensure meaningful access to THDA's programs, services and activities for LEP persons, THDA will complete a Language Access Plan (LAP) at least every five years that includes a "four-factor analysis," as recommended by federal guidance. The Plan outlines recommended language assistance services based upon the results of the four-factor analysis. The LAP is posted to the THDA website on the Fair Housing pages.

Public Notice: THDA will display a Language Identification Guide in a visible area of office locations that are open to the public. The Guide notifies the public of the availability of free language assistance translated into the 25 languages where interpretation is most commonly requested in the United States. THDA will also include a notice of free language assistance on vital program documents in the Spanish language, which was identified through THDA's Four Factor Analysis as the most frequently spoken language by LEP persons in Tennessee.

Employee Language Access 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.

Discrimination Complaints (National Origin and Language Access): Any applicant to, or beneficiary of, a THDA funded program who alleges discrimination based upon race, color, religion, creed, national origin (including language access), sex, familial status, age, disability or any other protected class has the right to file a complaint no later than 180 days after the alleged discrimination. The complaint procedures may be found in *THDA's Grievance Procedures for Complaints of Discrimination by Applicants or Beneficiaries of THDA's Programs*. The procedures to file a complaint and a Discrimination Complaint form are made publicly available on THDA's website.

The Civil Rights Compliance Advisor tracks and coordinates discrimination complaints, including those related to limited English proficiency and meaningful access (national origin discrimination). The Division of Internal Audit conducts internal investigations into allegations of discrimination under this policy. In some cases, a complaint of discrimination may be investigated by the Tennessee Human Rights Commission (THRC). In those cases, the Civil Rights Compliance Advisor will coordinate internal actions with the THRC, THDA Internal Audit Division and the Office of Legal Counsel.

The Executive Director oversees any actions related to THDA employee conduct under this policy except those related to either himself/herself or to the Director of Internal Audit. If a complaint is lodged against the Executive Director or the Director of Internal Audit, then the THDA Board's Audit and Budget Committee is responsible for follow-up.

Sub-Recipients of THDA Federal Funds, National Origin Discrimination & Language Access: Sub-recipients of THDA's federal funding must comply with all federal and state laws in the same manner as THDA (the primary recipient). THDA will 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, Fair Housing and other Federal and state regulations (including meaningful access for LEP persons).

Federal Non-Discrimination References:

1. *Title VI of the Civil Rights Act of 1964 (42 U.S. Code § 2000d)* prohibits discrimination on the basis of race, color, or national origin in any program or activity that receives Federal financial assistance.

2. *Title VIII of the Civil Rights Act of 1968, "The Fair Housing Act", (42 U.S. Code §§ 3601-19)* as amended in 1988, prohibits discrimination in the sale, rental, and financing of dwellings, and in other housing-related transactions, on the basis of race, color, national origin, religion, sex, familial status or disability. The Fair Housing Act applies to all housing activities and dwellings, except as exempted (*42 U.S. Code 3603 § 803 §§ b & c; 42 USC 3607 § 807 §§ a & b*).

3. *Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, (65 Fed. Reg. 50121)*, issued on August 11, 2000, requires each federal agency

to take steps to ensure that eligible persons with limited English proficiency are provided meaningful access to all federally-assisted and federally-conducted programs and activities.

Enabling Regulations:

- Department of Justice (June 18, 2002), 67 FR 41455- Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons
- Department of Energy Department of Energy (DOE), (August 16, 2004), 69 CFR 157, "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."
- HUD (January 22, 2007), 72 FR 2732- Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient (LEP) Persons
- DHHS (August 30, 2000), 65 FR 52762- Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons

State Non-Discrimination References: *Tennessee Human Rights & Disability Act (§ Tennessee Code Annotated, Title 4, Chapter 21)* prohibits discrimination related to employment, housing, and public accommodations on the basis of race, creed, color, religion, national origin, sex, age or disability. The THRA applies to all housing activities and dwellings, except as exempted (TCA-4-21-602).

The Tennessee Human Rights Commission (THRC) is charged with the responsibility of verifying that all state governmental entities that are recipients of Federal financial assistance comply with its requirements.

Other THDA Policies & References:

- THDA Language Access Plan
- THDA Procedures for Providing Oral Interpretation Services to Persons with Limited English Proficiency (LEP)
- Division Policy and Procedure Manuals

Other Laws and Policies: Should this policy conflict with any state or federal law, this policy shall be superseded to the extent necessary to comply with the law.

THDA Employee Consequences: Any employee who fails to comply with this policy or who encourages such conduct by others may be subject to corrective action in accordance with THDA's Discipline Policy up to and including termination of employment.

Contractor/Sub-Recipient Consequences: Any sub-recipient/grantee who fails to comply with the obligation to provide meaningful access to LEP persons shall face loss of funding or other consequences as determined by the contract with THDA.

Policy Changes: This policy is subject to modification, amendment or revocation by the Executive Director at any time and for any reason.

Approved by:

Ralph M. Perrey, Executive Director

11/1/19
Date