



TITLE VI COMPLIANCE REPORT & IMPLEMENTATION PLAN

FISCAL YEAR 2021-2022

TENNESSEE HOUSING DEVELOPMENT
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II. OVERVIEW

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

Appendix A contains an organizational chart of all positions within the agency, including the Executive Team and the reporting structure. Each THDA administered program is described in detail in the sections below. **Appendix B** provides detailed information on THDA's Board of Directors.

A. Homeownership/Housing Counseling

THDA is authorized to issue tax-exempt Mortgage Revenue Bonds (MRBs) to support financing opportunities for qualified first-time homebuyers, repeat buyers and military veterans through its *Great Choice Loan Programs*, which are administered by THDA's *Single Family Loan Operations (SFLO)* division. Great Choice loans are designed to help low to moderate income Tennesseans purchase modest homes; thus, income and purchase price limits apply to the program. Great Choice loans have competitive interest rates; many are insured by FHA or USDA-RD and require only a 3.5 percent downpayment. Active and retired members of the military receive a half-percent reduction on the interest rate when securing a loan through the Homeownership for the Brave program. THDA also offers downpayment assistance (DPA) where borrowers may receive up to \$6,000 dollars to help fund a downpayment.

THDA is not a direct lender to borrowers but works with approved mortgage lenders ("originating agents"- "OAs") from across Tennessee to originate its loans. THDA underwrites loan applications submitted by OAs, and then commits to purchase pre-approved loans after closing. The servicing department within THDA, known as *Volunteer Mortgage Loan Servicing (VMLS)*, services all THDA loans.

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

Additionally, to promote successful and stable homeownership, THDA provides capacity for non-profit organizations to provide housing counseling and education through THDA's *Housing Counseling Programs*. Great Choice Plus and Homeownership for the Brave homebuyers must participate in a THDA-approved homebuyer education course. Proceeds from THDA's MRB program and a U.S. Department of Housing and Urban Development (HUD) Housing Counseling Program grant allow THDA to fund and support homeownership counseling activities across the state through a statewide network of non-profit housing counseling affiliates.

THDA also funds the *Tennessee Housing Trust Fund (THTF)* through mortgage loan proceeds. THTF, in turn, funds various programs that benefit low- and very low-income elderly and special needs Tennesseans. THDA's *Community Programs* division administers the THTF through grants to cities, counties, development districts, and public housing authorities (PHAs) for approved housing activities. The THTF has provided an annual allocation to Habitat for Humanity of Tennessee since July 2014 to provide funding to statewide Habitat affiliates for the construction of new single-family homes affordable at lower income levels (*New Start Program*).

THDA utilizes funding from the *HOME Investment Partnership* program, a HUD formula grant program administered by THDA's *Community Programs* division, for the production, preservation and rehabilitation of single-family housing for low-income households. HOME funds are awarded through a competitive application process to cities, counties and non-profit organizations outside local participating jurisdictions or those local governments in Tennessee that receive HOME funds directly from HUD².

In FYE 2022, THDA began administering the U.S. Treasury *Housing Assistance Fund (HAF)* program funded through the State's portion of the American Rescue Plan Act of 2021. THDA's SFLO division administers the HAF Program, which helps homeowners experiencing financial hardship due to Covid-19 with mortgage delinquencies and defaults, foreclosures, loss of utilities or home energy services and displacement. For the administration of HAF, THDA sub-contracts with ProLink Solutions, who developed and manages the program software, and conducts the initial intake of applications, eligibility determinations and underwriting for the program on behalf of THDA.

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

B. Affordable Rental Housing Development or Preservation

Through several different programs, which fall under the direction of the Chief of Programs, THDA works with for-profit and non-profit developers who build or rehabilitate housing affordable to households at various lower income levels. As the state's administrator for the U.S. Treasury *Low Income Housing Tax Credit (LIHTC) program*, THDA competitively awards tax credits to project sponsors/developers who raise capital to build affordable rental housing projects affordable to low-income households by selling the credits to investors. Through the *Multifamily Tax Exempt Bond Authority (MTBA) program*, THDA allocates authority for local entities to issue tax-exempt multifamily bonds to provide financing for affordable multifamily rental developments. The MTBA and LIHTC programs are administered by THDA's Multifamily Division.

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

The *National Housing Trust Fund (NHTF)* is a HUD funded formula grant program established by the Housing and Economic Recovery Act of 2008 to provide grants to States to increase and preserve the supply of rental housing and to increase homeownership for extremely low-income and very low-income families, including homeless families. THDA competitively grants NHTF to non-profit organizations and PHAs for the production, preservation, rehabilitation, and operation of affordable rental housing for extremely low-income households (those earning 30 percent or less AMI).

THDA funds several rental development programs through the THDA funded *Tennessee Housing Trust Fund (THTF)*. The *Competitive Grants* program awards funding to local communities, non-profits, PHAs and development districts through a competitive process. The grants help fund the development and/or preservation of affordable rental housing for the elderly and those with special needs, including persons with mental, physical, or developmental disabilities, individuals recovering from substance addiction, victims of domestic violence, veterans with multiple needs, youth aging out of foster care and ex-offenders re-entering society. THDA partners with the Department of Mental Health and Substance Abuse Services to expand permanent recovery housing options for individuals recovering from an Opioid Use Disorder (OUD) through the *Creating Homes Initiative (CHI) 2 program*. THDA's Community Programs division oversees both the National and the Tennessee Housing Trust Fund programs.

C. Rental Assistance

In addition to rental development programs, THDA administers programs or activities that help extremely-, very- and low-income households afford rent payments in both privately owned rental housing and housing complexes with a HUD project based rental assistance contract. Through its Rental Assistance division, THDA directly administers the HUD-funded *Housing Choice Voucher (HCV) Program*, which provides rental and utility assistance payments for low-income households across the state. HUD requires agencies to target 75 percent of HCV subsidies to extremely low-income households. In the HCV program, the participant pays up to 30 percent of their monthly-adjusted income for rent and utilities in a privately owned property. THDA pays the remainder directly to the property owner, with qualifying participants also receiving a utility assistance payment. THDA manages two separate targeted allocations of vouchers for individuals with a disability (*Mainstream & Non-elderly Disabled (NED)* programs), along with a temporary allocation of *Emergency Housing Vouchers* funded through ARP. Additionally, Participants of the HCV program may also elect to participate in the *Family Self Sufficiency Program*, which connects individuals to resources to help them become self-sufficient of government assistance programs, such as education and housing or financial counseling. Eligible FSS participants may also choose to convert their voucher from *rental to homeownership* once they complete required education and secure loan approval.

THDA administers the *Emergency Rental Assistance (ERA)* program, or the Covid-19 Rent Relief Program, through an interagency agreement with the State of Tennessee Division of Finance and Administration (F&A), who is the State's primary recipient for Covid-19 Federal relief funding associated with the CARES Act of 2020 and the American Rescue Plan Act of 2021. The Covid Rent Relief Program provides funding to support renters who are struggling to pay rent, utilities, or other home energy costs due to loss of wages/income as a result of the pandemic. Funding is available for payment of delinquent (past due) expenses, and certain households may be eligible for assistance with future rent. THDA receives funds from F&A to administer and monitor the State's sub-contract with Horne, LLC for activities specific to the ERA program. Initially, THDA provided emergency rental assistance to eligible applicants across Tennessee with the exception of several local areas that received direct grants from the U.S. Treasury³. Beginning in July 2022, the State opened the application for the remaining ERA funds to applicants across the state of Tennessee.

Finally, THDA monitors *HUD project based Section 8 apartments* across the state for compliance with federal regulations and guidance and makes qualifying housing and utility assistance payments to the properties through a performance based Annual Contributions Contract (ACC)

³ The local government official in Davidson County, Knox County, Memphis/Shelby County, and Rutherford County initially received individual Emergency Rental Assistance grants to assist families in those counties.

with HUD. In FYE2022, THDA sub-contracted the responsibilities under the HUD ACC for this program to CGI.

D. Homelessness Prevention & Solutions

The *Emergency Solutions Grant (ESG)* program is a federally funded (HUD) formula grant program designed to identify sheltered and unsheltered homeless persons, as well as those at risk of homelessness, and provide the services necessary to help those persons to regain stability quickly in permanent housing after experiencing a housing crisis and/or homelessness. THDA, through its Community Programs division, is the state administrator for ESG and competitively awards ESG funds across the state to local governments and non-profit organizations outside of “entitlement communities” that receive their own ESG funding directly from HUD⁴. THDA also administers supplemental allocations of ESG CARES Act funding (ESG-CV) to prevent, prepare for, and respond to Covid-19 among individuals and families who are homeless or receiving homeless assistance through the same process as the regular ESG fund.⁵

E. Rehabilitation, Repair & Weatherization Assistance

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

THDA’s HUD-funded *HOME* program enables the preservation and rehabilitation of single-family housing for low-income households through grants to cities, counties and non-profit organizations, who directly administer the funds at the local level. THDA’s HOME program operates in areas outside of local participating jurisdictions, which receive direct HUD funding.

The *Weatherization Assistance Program (WAP)* is funded through the Department of Energy (DOE) and assists low-income households by improving the thermal efficiency of housing units through activities such as weather stripping, caulking, and adding of insulation to attics, walls and floors, which leads to reduced fuel costs. Households with young children, elderly or disabled members are prioritized in the WAP. With DHHS approval, THDA allocates ten percent of the state’s LIHEAP allocation to *LIHEAP Weatherization (LIHEAP Wx)* activities. THDA

⁴ Entitlement communities that receive their own allocation of regular ESG funds are Chattanooga, Memphis, and Nashville-Davidson County

⁵ Entitlement communities that receive their own allocation of ESG-CARES Act funds are Knoxville, Memphis, and Nashville-Davidson County.

operates the LIHEAP Wx program in concurrence with its DOE Weatherization Assistance Program (WAP).

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

F. Home Utility Assistance

THDA's Community Programs division also administers two programs that assist low-income households with home utility bills. The *Low Income Home Energy Assistance (LIHEAP)* Program is funded through the Department of Health and Human Services (DHHS) and provides one time and crisis assistance with home energy bills (for renters and homeowners). LIHEAP also includes a weatherization component (*LIHEAP Wx*) for activities that increase the energy efficiency, health, and safety of eligible low-income individual's dwellings. The *Low Income Home Water Program (LIHWAP)* is an emergency program funded by DHHS to respond to the Covid-19 pandemic that assists low-income households with water and wastewater bills.

In both programs, funds are granted to sub-recipient agencies for program administration, typically local or county government entities, such as Community Action Agencies, Economic Development Councils or Human Resource Agencies, who work directly with eligible households.

G. Other Housing Related Initiatives

THDA's THTF supports special initiatives designed to ensure long-term stability of local affordable housing efforts through capacity building or leveraging of funds. The *Challenge Grant* program provides initial seed funding to support the fundraising efforts of nonprofit organizations related to housing activities that represent unique milestones, are part of a broad community initiative, or are part of a significant expansion of work outside the normal day-to-day activities of the organization. The *Capacity Building* grant program supports the development and strengthening of the operations, processes and resources that nonprofit organizations need to effectively ensure affordable housing in Tennessee.

A HUD Housing Counseling Program grant and a Housing Stability Counseling grant from Neighborworks®, allow THDA's Housing Education division to fund and support statewide consumer housing counseling on seeking, financing, maintaining, renting, or owning a home through a statewide network of non-profit housing counseling affiliates.

III. RESPONSIBLE OFFICIALS

The Executive Team is comprised of the Executive Director (Department Head), Ralph Perrey, and five Executive Officers. THDA’s Executive Director, Assistant Chief Legal Counsel, and Civil Rights Compliance Advisor are the responsible officials for the Plan. More information regarding THDA, its Board of Directors, program operating policies and organizational structure are located on THDA’s website at www.thda.org.

Signatures of Responsible Officials:



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IV. DEFINITIONS

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

Table 1- Acronyms and Definitions

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

CoC	Continuum of Care - A regional or local planning body that coordinates housing and services funding for homeless families and individuals.
COVID-19	Covid-19 – A disease caused by a new strain of coronavirus disease that emerged in 2019 and resulted in an ongoing global pandemic.
CP	Community Programs – A THDA division that administers a variety of housing programs supported through state and THDA funding. The Division awards grants to local governments and non-profit agencies to meet the housing needs of low income Tennesseans.
DOE	US Department of Energy - A cabinet department in the Executive branch of the U.S. federal government that sets policies regarding energy and safety in handling nuclear material and funds the Weatherization program.
ERA	Emergency Rental Assistance Program (Covid 19 Rent Relief) - A U.S. Treasury rent relief program funded through the CARES Act and/or the Consolidated Appropriations Act (December 27,2020) that temporarily provides Federal funding to assist households that are unable to pay rent or utilities due to a Covid-19 related impact.
ESG	Emergency Shelter Grant - A HUD formula grant program that provides funds to engage homeless individuals and families living on the street; improve the number and quality of emergency shelters for the homeless; provide essential services to shelter residents and rapidly re-house homeless individuals and families.
FSS	The Family Self-Sufficiency Program - A HUD funded program that facilitates access to the supportive services families need to become free of public assistance. The program is offered to recipients of the Housing Choice Voucher (HCV) program.
Great Choice	The Great Choice Mortgage Loan Program offers 30-year, fixed rate mortgages to qualified first-time, repeat and military veteran homebuyers in Tennessee funded through the sale of Mortgage Revenue Bonds (MRB).
HAF	Housing Assistance Fund Program - A U.S. Treasury program established under Section 3206 of The American Rescue Plan Act of 2021 to prevent mortgage delinquencies and defaults, foreclosures, loss of utilities or home energy services, and displacement of homeowners experiencing financial hardship after January 21, 2020 as a result of Covid-19 impacts.
HAP	Housing Assistance Payment – A HUD funded payment to assist with rent or utility payments and paid on the behalf of eligible households participating in the HUD-funded Housing Choice Voucher Program (HCV) or through a project-based contract through the Section 8 Project Based Rental Assistance program.
HBEI	Homebuyer Education Initiative – THDA’s initiative to create better-prepared first-time homebuyers primarily funded through proceeds from THDA’s mortgage program and partially funded through a HUD Homebuyer Counseling grant.

HCV	Housing Choice Voucher Program – The federal government's major program for assisting very low-income families, the elderly, and the disabled to afford decent, safe, and sanitary housing in the private rental market.
HFA	Housing Finance Agency – A state-chartered authority established to help meet the affordable housing needs of the states' residents. Through partnerships with the private and public sector, HFAs provide housing for people of low or moderate income.
HHS	US Department of Health & Human Services – A cabinet department in the Executive branch of the United States federal government with the goal of protecting the health of all Americans and providing essential human services.
HRA	Human Resource Agency – Agencies that provide services for improving the health, well-being, and economic opportunities of people needing critical support or of those who may have an immediate need.
TN HTF	Tennessee's Housing Trust Fund Program (HTF) is financed by revenue from the mortgage loan proceeds and funds housing-related activities for persons of low and very low income through a number of initiatives.
HUD	US Department of Housing and Urban Development – A cabinet department in the Executive branch of the United States federal government. HUD funds programs that that develop and support affordable housing opportunities, including public housing programs and homeownership programs. HUD also seeks to protect consumers through education, Fair Housing Laws, and housing rehabilitation initiatives.
IRS	Internal Revenue Service – The U.S. government agency responsible for tax collection and tax law enforcement, including allocation and oversight of the LIHC program.
LIHC	The Low Income Housing Tax Credit Program offers owners and investors of affordable rental housing a reduction in federal income tax liability over a period of 10 years. The IRS allocates tax credit authority to states on a calendar year basis. Tennessee does not receive actual dollars, but instead receives tax credit authority that is allocated in both competitive (9% credit) and non-competitive (4%) awards.
LIHEAP	Low Income Home Energy Assistance Program provides one time and crisis assistance with home energy bills (for low-income renters and homeowners) through federal funding from the DHHS. A portion of the LIHEAP grant is set aside for weatherization purposes (LIHEAP Wx).
LIHWAP	Low Income Home Water Assistance Program provides low-income households with water and wastewater bills through federal funding from the DHHS.
MRB	THDA sells tax-exempt mortgage revenue bonds in the private market to raise capital to finance the mortgage loan program, which in turn allows low- and moderate-income households to purchase their first home with below-market interest rates making the homeowners' monthly payments more affordable.

MFTBA	THDA authorizes the allocation of Multifamily Tax-Exempt Bond Authority to local issuers for multifamily developments. A local board or other issuing entity with jurisdiction in the area of the proposed development must issue bonds.
NHTF	The National Housing Trust Fund is a HUD formula grant program that provides funding for the rehabilitation and new construction of rental housing for extremely low income households.
PHA	Public Housing Agency – Any state, county, municipality or other governmental entity or public body, or agency or instrumentality of these entities authorized to engage or assist in the development or operation of low-income housing under the U.S. Housing Act of 1937. PHAs may own and manage public housing properties, administer other HUD programs, such as the HCV program, and own other types of affordable housing.
RP	THDA’s Research and Planning division.
S8CA	Section 8 Contract Administration – A THDA division that monitors compliance with federal regulations through a performance based contract with HUD for properties with a Section 8 Project Based Rental Assistance contract.
S8RA	Section 8 Rental Assistance – A THDA division that administers the Section 8 Housing Choice Voucher, Homeownership Voucher and Family Self Sufficiency programs.
Treasury	U.S. Treasury Department - A cabinet department in the Executive branch of the United States federal government. The agency responsible for promoting economic prosperity and ensuring the financial security of the United States.
WAP	The Weatherization Assistance Program (WAP) reduces energy costs for low-income households by increasing the energy efficiency of their homes, while ensuring their health and safety.

V. NON-DISCRIMINATION POLICY

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

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

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

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

VI. ORGANIZATION OF THE CIVIL RIGHTS OFFICE

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

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

- Interpreting federal and state legislation and regulations relating to the organization.

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

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

VII. DISCRIMINATORY PRACTICES

Compliance with non-discrimination laws is integral to the housing activities carried out by THDA as an affordable housing finance agency. While only those programs funded through Federal financial assistance are subject to enforcement under Title VI of the Civil Rights Act of 1964, most of THDA's programs and activities are subject to Title VIII of the Civil Rights Act of 1968, also known as the Fair Housing Act.

Examples of possible discriminatory practices relating to THDA's programs and activities are listed below.

- 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

Examples of potential discriminatory practices by a THDA employee or sub-recipient include:

Example 1: Housing Choice Voucher Program, THDA direct program administrator

A person with a disability participating in the HCV program may request a reasonable accommodation necessary to allow that person reasonable and equal opportunity to use and enjoy an assisted dwelling unit. If a request for an accommodation were denied without appropriate review or cause, it would represent a possible discriminatory practice.

Example 2: HOME Program (homeowner rehabilitation), THDA grants federal funds to sub-recipient grantee

If several families receive homeownership rehabilitation services from a THDA grantee, all should receive the same quality of rehabilitation regardless of race/ethnicity. If a 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.

VIII. FEDERAL PROGRAMS & ACTIVITIES

- A. During FY2021-2022, THDA received \$488,103,593 in Federal financial assistance (FFA) as a primary recipient or sub-recipient of another eligible State entity. As of this report, no applications for new allocations of FFA are pending. Applications for renewing grant allocations in the ESG, HOME and the Housing Trust Fund were pending HUD approval as of 6/30/2022.

Table 2 details each program and/or activity, purpose or description of the activities supported by the funding, the source of funding, and the dollar amount received (for program and administrative purposes). **Table 3** lists the projected FFA for THDA in FY 2022-2023. A spreadsheet compiling THDA’s Federal Financial Assistance is in **Appendix D**.

Table 2- THDA Federally Funded Program Description & Federal Financial Assistance, FY 2021-2022

Program	Purpose/Description	Funding Source	Program Revenue	Admin Revenue
<i>Federally Funded Programs, THDA Primary Recipient & Direct Administrator</i>				
Section 8 Housing Choice Voucher (HCV), includes Mainstream & 811 Non-elderly Disabled	Provides rental assistance for eligible extremely to low-income households in privately owned housing units that meet quality standards. Some households also receive utility assistance. Eligible households may also use their HCV for homeownership rather than rental.	HUD	\$ 40,432,732	\$ 5,232,024
Family Self Sufficiency (FSS)	Facilitates access to supportive services for participating HCV participants to work toward becoming free of public assistance. Funding is received for administrative costs only.	HUD	-	\$ 263,292
Homeowners Assistance Fund (HAF)	Provides mortgage assistance to eligible households experiencing a Covid-19 financial hardship to prevent mortgage delinquencies and defaults, foreclosures and displacement of homeowners.	Treasury	\$6,009,569	\$7,698,738

Table 2- THDA Federally Funded Program Description & Federal Financial Assistance, FY 2021-2022

Program	Description	Funding Source	Program Revenue	Admin Revenue
<i>Federally Funded Programs, THDA Sub-Recipient</i>				
Emergency Rental Assistance (ERA-1 & ERA-2 tranches)	Provides rental and utility assistance payments to eligible households experiencing financial impacts related to the Covid-19 pandemic to prevent eviction and displacement. THDA has oversight for the administration of the program through a cooperative agreement with TN Dept. of Finance & Administration (primary recipient).	TN Dept. F&A (original source: Treasury)*	\$ 78,309,680	\$17,119,550
Housing Stability Counseling Program (HCSP)	THDA administers the HCSP through a sub-contract with Neighborworks® (primary recipient) by serving as an intermediary to facilitate housing counseling through competitively awarded contracts with HUD-certified housing counseling affiliates.	HUD	\$159,432	\$47,830
<i>Federally Funded Programs, THDA Primary Recipient, Contracts with Sub-recipient Administrators</i>				
HOME Investment Partnership**	Provides funding for the production and rehabilitation of single-family housing for low- income households. Funding is competitively awarded annually to cities, counties and non-profit organizations.	HUD	\$ 10,658,960	\$ 589,685
National Housing Trust Fund (NHTF)**	Provides funding to develop and preserve quality affordable housing for extremely low- income households. Funding is competitively awarded annually to local Public Housing Authorities, non-profit and for-profit housing entities.	HUD	\$2,699,381	\$255,949
Emergency Solutions Grant (ESG), regular, Cares Act**	Provides funding for housing stability by supporting homelessness prevention, emergency shelters and related services. Funding is competitively awarded annually to local governments and non-profit organizations in consultation with Continuum of Care (COC) agencies.	HUD	\$ 23,221,186	\$ 322,521.32
Housing Counseling Program	Provides funding for housing counseling to facilitate housing counseling through competitively awarded contracts with housing counseling affiliates.	HUD	\$ 76,543	\$81,671

Table 2- THDA Federally Funded Program Description & Federal Financial Assistance, FY 2021-2022

Program	Description	Funding Agency	Program Revenue	Admin Revenue
<i>Federally Funded Programs, THDA Primary Recipient, Contracts with Sub-recipient Administrators</i>				
Weatherization Assistance (WAP)**	Provides funding for energy efficiency, weatherization repairs and consumer education for low-income households. Funding is awarded non-competitively to	DOE	\$ 1,476,375	\$ 24,002
Low Income Home Energy Assistance (LIHEAP & LIHEAP Wx)**	Provides funding for energy assistance to low income households and energy efficiency and weatherization repairs of low-income household dwellings. Funding is sub-awarded non-competitively to local human resource and community action agencies.	HHS	\$ 67,611,668	\$ 1,077,477
Low Income HH Water Assistance (LIHWAP)***	Provides funds to assist low- income households with water/wastewater bills.	HHS	-	-
Neighborhood Stabilization Program (INACTIVE)****	NSP was established to provide emergency assistance to stabilize communities with high rates of abandoned and foreclosed homes.	HUD	-	\$62,032
Program	Description	Funding Agency	Program Revenue	Admin Revenue
<i>Federally Funded Programs, THDA, Contract Administrator</i>				
Section 8 Contract Administration	THDA is contracted with HUD to conduct limited monitoring, calculate and make rental and utility assistance payments for properties with a HUD Housing Assistance Payment Contract.	HUD	\$ 220,152,231	\$ 5,481,715
Total Federal Financial Assistance			\$449,962,904	\$38,140,690

*The division of Finance and Accounts is the primary recipient of ERA1 and ERA2 funding and maintains the funds in a deferred revenue account that THDA periodically bills through an inter-unit journal. THDA is responsible for the financial and administrative requirements for ERA-1 and ERA-2, including reporting the federal revenue on the annual Schedule of Expenditures of Federal Awards (SEFA). ERA funds may be expended across multiple fiscal years. Program revenue represents expenditures in FYE2022 from a multi-year allocation.

**These programs receive annual funding awards designated to be allocated and spent over a multi-year period (typically 3 years). Program and Admin revenue represents grant draws for program and administrative expenses in FYE2022 from allocation(s) received in the current or a prior fiscal year.

***The LIHWAP Program grant was effective in FYE2021 with start-up funding only. The program will begin providing assistance for eligible beneficiaries in FYE2023; and additional Federal financial assistance is expected in FYE2023.

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

Table 3- Estimated Federal Financial Assistance, FY 2022-23

Federal Program Name	Agency	FY 2022-2023 Expected Revenue*
Emergency Solutions Grant (ESG)	HUD	\$37,068,000
HOME Investment Partnership	HUD	\$ 10,541,600
National Housing Trust Fund	HUD	3,206,200
Housing Counseling Program	HUD	\$ 250,000
Housing Choice/Mainstream/Section 811- NED/Emergency Housing Vouchers/FSS	HUD	\$ 40,436,400
Section 8 Contract Administration	HUD	\$ 234,797,800
Low income Home Energy Assistance (LIHEAP)	HHS	\$ 59,030,500
Low Income Household Water Program (LIHWAP)	HHS	\$ 54,087,500
Weatherization Assistance (WAP)	DOE	\$ 2,776,600
Emergency Rental Assistance (Covid-19 relief program)	Treasury	\$ 582,171,100
Homeowner Assistance Fund (Covid-19 relief program)	Treasury	\$ 168,239,100
Total Anticipated Federal Financial Assistance		\$ 969,203,400

*Expected revenue includes both program funding and administrative funding.

- B. Other than administrative fees/revenue (included in Table 2), THDA received no additional federal grants, loans or subsidies to fund programs or activities. Federal administrative revenue represents \$38,140,690 of the total FFA received in FY2021-2022 and funds expenses associated with the program/activity, such as salaries, leases, equipment, technology and training.

- C. THDA received no Federal financial assistance related to land, loans, or federal personnel in FY2021-2022.

IX. DATA COLLECTION & ANALYSIS

A. Race & Ethnicity Characteristics of THDA's Beneficiaries

- a. THDA collects beneficiary demographic data, including racial and ethnic composition, through applications and recertification forms completed by applicants and participants of THDA's programs and activities. The information is initially collected and/or updated at intervals determined by the program requirements or governing agency (for Federal programs). Beneficiary information includes beneficiaries of grant programs, tenants in the Section 8 HCV/PBCA and LIHTC/MTBA programs, and potential homebuyers and homeowners in the HCP and Homeownership programs.
 - Information is retrieved from a proprietary database with information submitted or entered by a sub-recipient, sub-contract agency or originating agent for the following programs: ESG, HOME, NHTF, LIHEAP, WAP/LIHEAPx, TN HTF, SFLO, HCP.
 - Information is retrieved from a proprietary database with information submitted or entered by THDA staff for the following programs: HCV program.
 - Information is retrieved annually from a proprietary database with information submitted or entered by on-site property managers in the LIHTC/MTBA and from the HUD TRACS system for Section 8 Contract Administration Programs.

- b. When determining racial and ethnic representation in THDA's programs, the race/ethnicity of beneficiaries or participants of THDA programs⁶ is compared with income eligible Tennessee households by race and ethnicity derived from the following resources:
 - Race and ethnicity demographic profiles at the state level geography from the U.S. Census, American Community Survey (ACS), DP05: Demographic and Housing Estimates, 5-Year Estimate (2020)
 - HUD Comprehensive Housing Affordability Strategy (CHAS) dataset (Table 1). CHAS data is a custom tabulation of U.S. Census data for HUD and includes race and ethnicity by HUD's Area Median Income (AMI) definitions. Most of the programs that THDA administers include income eligibility based on HUD's AMI or Median Family Income definitions. CHAS data also delineate housing problems and housing needs for low-income households.

⁶ The disclosure of race and ethnicity information for most programs administered by THDA is voluntary, and thus, underreporting may occur.

- c. While income eligibility varies by program, the majority of THDA’s beneficiaries must have income that falls between HUD-determined extremely low and low income area median income (AMI) at admission. Rental assistance and homelessness programs target a large share of funding to extremely low income households (below 30% AMI). The LIHEAP and LIHWAP programs base eligibility on poverty thresholds, which are typically below HUD’s very low income limit (50% AMI). THDA Great Choice and Housing Counseling programs typically assist households above the lower income thresholds (greater than 80% AMI).

A comparison of THDA’s beneficiary data with U.S. Census data for the eligible population show most rental programs administered or monitored by THDA equitably serve Black or African American households, and in some cases; Black households are substantially overrepresented compared with the eligible population. The large representation of Black households in low-income rental programs may reflect the widespread income disparities between Black households and other race groups in Tennessee and the relatively larger share of Black households who rent when compared with other race or ethnic groups, particularly White households.⁷ Not enough data was collected or available to determine if the ERA (*Covid Rent Relief*) program beneficiaries are racially or ethnically representative of the eligible service population.

Black or African American households appear slightly underserved in the ESG program, which typically serves extremely low income individuals, but the analysis uses the state geography. THDA does not administer ESG or other formula grant programs in major metropolitan areas; thus, the analysis may overstate the eligible Black population within the actual service area. Black households are equitably served in the LIHEAP energy assistance program, but underserved in the LIHWAP program, a new program in FYE2022. While the number of Black households closing a THDA loan has decreased slightly in the past few years, the share of Black households receiving a THDA Great Choice loan or housing counseling is still representative compared with the eligible population.

Hispanic households are under-represented compared with the eligible population in most of THDA’s rental, repair and energy assistance programs, particularly those that assist very low income populations. An equitable share of income eligible Hispanic households are participating in THDA’s homeownership and housing counseling programs, but Hispanic households are underrepresented in THDA’s Homeowner

⁷ See THDA research brief, Fair Housing Perspectives, https://thda.org/pdf/RP_Fair-Housing-Perspectives-Final-1-7-2021.pdf

Assistance Fund program. THDA engaged in targeted marketing or advertising in the Spanish language in the Great Choice, ERA, HCV and HAF programs during FY2021-2022 to try and better reach Hispanic households with information on THDA's programs.

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

*Other Races includes Asian, Am. Indian/Alaskan Native, Native Hawaiian/Pacific Islander, Other and two or more races. The most common category reported in the U.S. Census within the two or more race area is White and Black or African American.

Data Source	Race			Ethnicity
	White, Non-Hispanic	Black, Non-Hispanic	Other, non-Hispanic*	Hispanic/Latino
U.S. Census, ACS DP05, 2020 (5 Year Estimate)	76.7%	16.7%	6.6%	5.6%
CHAS Estimates by Area Median Income, 2015-2019. *Totals will not equal 100%. The "Other (including multiple races, non-Hispanic)" race/ethnicity category is now suppressed comply with U.S. Census enhanced disclosure avoidance protections.				
<i>Extremely Low Income Owner Households</i>	79.3%	14.9%	1.4%	2.8%
<i>Extremely Low Income Renter Households</i>	55.5%	35.1%	1.6%	5.6%
<i>Total Extremely Low Income Households (<30% AMI)</i>	64.4%	27.6%	1.5%	4.6%
<i>Very Low Income Owner Households</i>	81.1%	13.3%	1.2%	3.2%
<i>Very Low Income Renter Households</i>	58.8%	29.2%	1.5%	8.6%
<i>Total Very Low Income Households (30-50% AMI)</i>	70.3%	21.0%	1.4%	5.8%
<i>Low Income Owner Households</i>	82.7%	12.1%	1.3%	2.8%
<i>Low Income Renter Households</i>	62.7%	26.8%	1.6%	6.9%
<i>Total Low Income Renter Households (50-80% AMI)</i>	74.5%	18.1%	1.4%	4.5%
<i>Owner Households earning 80-100% AMI</i>	83.6%	11.8%	1.2%	2.4%
<i>Renter Households earning 80-100% AMI</i>	66.4%	24.0%	1.9%	6.0%
<i>Total Households earning 80-100% AMI</i>	77.7%	16.0%	1.4%	3.7%

Table 5- THDA Beneficiaries by Race/Ethnicity

*Other/Multi Racial includes Asian, Am. Indian/Alaskan Native, Native Hawaiian/Pacific Islander, Other and two or more races.

Federal Programs	Total Beneficiaries	White, non-Hispanic	Black, non-Hispanic	Other/Multi-Racial¹	Hispanic Latino	Did not Answer	Not Collected
HOME Investment Partnership	100	72.0%	26.0%	1.0%	2.0%	1.0%	-
National Housing Trust Fund	163	52.8%	42.9%	4.3%	3.0%	-	-
Emergency Solutions Grant ²	20,540	65.7%	27.8%	5.0%	2.2%	5.8%	-
Low Income Energy Assistance ³	112,682	55.9%	41.4%	2.6%	1.7%	<1%	-
Low Income Water Assistance	1,002	85.7%	12.7%	1.6%	1.1%	<1	-
Weatherization	557	63.2%	24.8%	4.1%	2.5%	5.4%	-
Section 8 Tenant Based Rental (HCV)	6,567	28.7%	70.1%	<1%	2.0%	-	-
Section 8 Project Based Rental Apts.	28,783	52.7%	41.5%	1.5%	2.4%	2.6%	-
Homeowner Assistance Fund	384	45.8%	44.5%	4.2%	2.6%	5.5%	-
Emergency Rental Assistance	9,366	26.5%	22.3%	<1%	1.8%	1.6%	46.3%
Housing Counseling ⁴	440	43.0%	46.8%	3.6%	5.9%	6.6%	-

Table 5, cont.- Beneficiaries by Race/Ethnicity

Other THDA Programs	Total Beneficiaries	White	Black	Other/ Multi Race²	Hispanic Latino	Elected not to Report	Not Collected
LIHC/MTFBA (multifamily rental) ⁵	65,699	38.8%	50.0%	2.8%	2.3%	8.3%	-
Great Choice Homeownership	1,923	77.8%	18.2%	<1%	5.9%	1.7%	-
TN Housing Trust Fund ⁶	301	69.8%	29.9%	0.0%	<1%	n/a	-
TN Renovation Loan	15	26.7%	73.7%	0.0%	<1%	n/a	-

¹Other includes the following categories: Asian, Am. Indian/Alaskan Native, Native Hawaiian/Pacific Islander, Other and Multiple Races.

²Beneficiary reporting for ESG is for each sheltered individual, including children, rather than by household.

³Beneficiary reporting for LIHEAP includes each individual within an assisted household, not just the head of household.

⁴Beneficiaries of only the HUD funded counseling activities are included in the table.

⁵Household data for the LIHC/MTBA programs is reported to HUD on a calendar year basis (2021).

⁶The THTF beneficiary information is limited to the Emergency Repair, Home Modification & Ramps and Habitat programs.

B. Minority Representation of THDA Staff

THDA employed 261 individuals as of June 30, 2022. All staff are classified executive service. Table 6 shows the breakdown of THDA staff by race, ethnicity and gender.

Table 6- Demographic Characteristics of THDA Staff

Characteristic	Number of Staff	Percent of Total Staff
Race (Non-Hispanic or Latino)		
White	147	56.3%
Black/African American	100	38.3%
Asian	2	1.1%
American Indian	1	0.4%
Other (not specified or two or more)	2	0.8%
Ethnicity		
Hispanic/Latino	8	3.1%
Gender		
Female	195	74.7%
Male	66	25.3%

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

X. LIMITED ENGLISH PROFICIENCY (LEP)

A. THDA Policy for Providing Meaningful Access

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

B. Breaking Down Barriers with LEP Population

THDA's LEP policy requires all THDA employees to ensure that LEP persons have meaningful access to apply and if otherwise eligible, participate in the services, activities and programs offered by THDA. Procedures for THDA employees when an LEP encounter occurs include the use of a Language Identification Guide to determine the language spoken, obtaining a qualified interpreter for oral interpretation through AVAZA Language Services, use of written translations of vital documents (when available) and tracking LEP encounters. THDA's annual training includes summary information and information on where to find detailed information on LEP procedures. THDA conducts detailed LEP procedural training on an as needed basis, in particular with public facing employees.

Avaza Language Identification Guides ("I Speak Cards") are posted in the lobby or reception area of each of THDA's offices. THDA staff, who are proficient in a language other than English, may assist LEP persons with limited interpretation activities, such as determining the program/issue for which the LEP person needs assistance or updating phone messages before connecting with AVAZA. Staff document LEP encounters through requests for interpretation and an online fillable survey that details telephone, on-site or written communications. The survey requests the date of the encounter, the type of communication (in person or by phone), the language spoken, referral information (AVAZA, staff member, etc.) and any additional information or notes regarding the encounter.

THDA's main phone message is available in both English and Spanish languages, and the website includes a notice of free language assistance in the languages most commonly spoken in Tennessee other than English on the front screen. THDA's website is convertible to over 90 languages using Google Translator technology. Persons seeking information about THDA may click on the "Powered by Google Translate" drop down button to translate the majority of the website's content to the language of their choice. THDA also maintains a notice of free language assistance in the languages other than English spoken most commonly in Tennessee (Spanish, Arabic, Chinese, Korean, Kurdish, Laotian, Somali and Vietnamese) on the website banner visible on each search page.

THDA conducts outreach efforts to reach all citizens, including those in a protected class, for public comments on programs with Federal financial assistance during appropriate periods. THDA translates most public notices into Spanish and some notices into multiple languages commonly spoken in Tennessee other than English to improve the effectiveness of citizen participation requests in the planning process.

Announcements or advertisements for the availability of assistance were translated into the Spanish language in the ERA, HCV and HAF programs during the past fiscal year (**Appendix G & Q**). THDA also periodically advertises availability of assistance for the Rental Assistance, ERA and HAF programs in three Spanish language newspapers, available in West and Middle Tennessee. THDA publishes Housing Choice Voucher (HCV) waiting list openings on the website and on TNHousingSearch.org, a free online housing locator funded by THDA. TNHousingSearch.org website content is convertible to over 100 languages using Google Translator technology. TNHousingSearch.org serves as the THDA HCV landlord listing to assist voucher holders with finding an available unit. It is also available to the public for rental housing searches. TNHousingSearch.org is also supported by a toll free bi-lingual (English/Spanish) call center that is available to the public from 8 am to 7 pm central time, Monday to Friday.

In FYE2022, THDA also offered reimbursement (up to \$400) to Housing Counseling Program network partners who provide up to four hours of one-on-one interpretation of housing counseling materials.

C. List of Translators or Interpreters

THDA employees are required to connect all LEP persons with a qualified interpreter from AVAZA Language Services Corporation (under state contract), Nashville, TN, phone: (615) 534-3400. Bi-lingual THDA employees may provide introductory interpretation to determine how to assist a visitor or caller, but must connect with an AVAZA interpreter for all formal interactions. A list of bi-lingual THDA employees by language spoken is in **Appendix H**.

For written translation of vital documents not available through another reliable source, such as federal agencies, and for public notices and summaries, THDA contracts with ASTA-USA, Dallas, Texas, phone: (817) 717-1493 or accesses services through the State of Tennessee contract with the Tennessee Language Center (University of Tennessee).

D. Translated Vital Documents

Through its Language Access Plan, THDA completed a four-factor analysis that supports Spanish as the most common language spoken, other than English, in THDA's service areas. THDA

contracts with the translation agencies identified above to translate vital program documents into the Spanish language where translations are not available through another source, such as the federal funding agency. A notice of free language assistance in Spanish, Arabic, Kurdish, Chinese, Korean, Laotian, Somali and Vietnamese is attached to vital documents not translated into Spanish. THDA’s notice of free language assistance is in **Appendix I**.

A list of translated documents for use in THDA’s federal and non-federal programs is in **Appendix J**. For federal programs, THDA also utilizes translated written resources and materials made available through federal oversight agencies. HUD provides funding for many of THDA’s federally funded programs and has the largest array of translated program documents, which may be accessed at: [hud.gov/program_offices/fair_housing_equal_opp/17lep](https://www.hud.gov/program_offices/fair_housing_equal_opp/17lep). The HUD website provides a range of vital documents in a number of languages such as, brochures, booklets, fact sheets, forms, posters and public service announcements. THDA’s contract agency for the Emergency Rental Assistance Program, Horne LLP, provides information and required documents through an online software system that converts or translates documents and information on demand into Chinese, Korean, Kurdish, Laotian, Somali, Spanish and Vietnamese.

E. Language Encounters

During FY 2021-22, Spanish was the predominant language group, other than English, encountered by THDA staff, sub-recipient and contract agencies. THDA or its sub-contractors provided language assistance to 879 LEP individuals during the fiscal year with 818 (93 percent) involving Spanish language speakers. Individuals speaking Arabic represent the second largest language group encountered. **Table 7** displays the language assistance provided by language and month during FY2021-2022 and includes language assistance provided through THDA staff encounters, along with encounters by contract agencies managing the call center and application processing for THDA’s Emergency Rental Assistance and Homeowner Assistance Fund.

Table 7- Language Assistance by Month, FY 2021-22

Language	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June
Spanish	62	125	59	51	69	39	47	69	71	75	79	72
Arabic	3	2	0	1	2	9	4	4	0	3	3	1
Armenian	0	1	0	0	0	0	0	1	0	0	0	0
Burmese	0	0	0	0	0	0	1	0	0	0	0	0
Cantonese	0	1	1	0	0	0	0	0	0	0	0	0
Ethiopia (Amharic)	0	0	0	2	0	0	0	0	0	0	0	0
Ethiopia (Tigrinya)	0	0	0	0	0	0	0	0	0	0	0	2
Farsi	0	1	2	0	0	2	0	0	0	0	1	0
Filipino	0	1	0	0	0	0	0	0	0	0	0	0

Finnish	0	0	0	1	0	0	0	0	0	0	0	0
Karaboro (Burkina Faso)	0	1	1	0	0	0	0	0	0	0	0	0
Korean	0	2	1	0	0	0	0	0	0	0	0	0
Mandarin	0	3	0	0	0	0	0	0	0	0	0	0
Mayan (Akateko)	0	0	0	0	0	0	0	0	1	0	0	0
Nepali	0	1	0	0	0	0	0	0	0	0	0	0
Russian	0	0	1	0	0	0	0	0	0	0	0	0
Vietnamese	0	0	0	0	0	0	0	0	1	0	0	0
Total	65	138	65	55	71	50	52	74	73	78	83	75

Source: Avaza Language Line, Horne LLP (ERA contract agency) & ProLink NexRep (HAF contract agency)

Sub-recipients of THDA's federal funding provide information on LEP encounters through the Non-Discrimination in Services Self-Survey. Spanish is the language most frequently encountered, other than English, by THDA sub-recipients in FYE2022.

XI. COMPLAINT PROCEDURES

A. Complaint Filing Procedures

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

- i. Name, address and telephone number of the complainant.
- ii. The location and name of the entity delivering the service (e.g. THDA employee, landlord/ property manager or loan officer).
- iii. The date or dates on which the alleged discriminatory event or events occurred.
- iv. The nature of the incident that led the complainant to feel discrimination was a factor.
- v. The basis of the complaint, e.g., race, national origin, disability.
- vi. Names, addresses and phone numbers of people who may have knowledge of the event.

B. Total Number of Complaints

During FY2021-22, THDA received one complaint alleging discrimination covered under Title VI from a resident of a HUD Section 8 apartment. The complaint alleged discrimination based on race. The complaint was directly referred to the HUD Fair Housing Enforcement Office (FHEO), Division IV for investigation as required by THDA's contract with HUD for Section 8 contract administration. THDA has not received notification from HUD-FHEO on a resolution to the complaint as of the date of this report.

THDA received multiple complaints during FY 2021- 2022 covered under Title VIII (Fair Housing Act). The majority of these complaints related to alleged discrimination based on disability. Each complaint was either investigated internally to resolution or referred to the appropriate jurisdictional agency.

C. Total Number of Substantiated Complaints

During FY 2021-2022, THDA had no substantiated complaints of discrimination covered under Title VI (based on race, color or national origin).

D. Complaint Log

THDA maintains records for both Title VI and Title VIII (Fair Housing Act) complaints, investigations and resolution. The log includes at a minimum the name of the complainant, contact information, date of the alleged discrimination, whether the complaint was filed verbally or written, nature of the alleged discrimination, case notes. THDA's Title VI complaint log is included with this report as a *non-public appendix* to protect personally identifiable information.

E. Complaints Form

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

F. Title VI Complaint Investigation Procedures

All complaints (verbal and written) that allege discrimination covered by THDA's non-discrimination policy are forwarded to the Civil Rights Compliance Advisor upon receipt for preliminary review and action regardless of who receives the complaint, both when a complaint is received by a THDA employee or agent (contractor). Upon receipt of a complaint that alleges discrimination, the Civil Rights Compliance Advisor conducts a preliminary review within ten (10) business days, which may involve collecting information from the complainant and THDA program staff. The preliminary review includes a legal review to determine if the alleged actions are covered under THDA's non-discrimination policy (which includes Title VI covered activities and protected classes).

If it is determined in the preliminary review that a written complaint involves alleged actions by a THDA employee, sub-recipient or contract agency that may violate Title VI:

- 1) An acknowledgement of receipt is sent to the charging party by the same method the complaint was filed (U.S. postal service, email) within ten (10) business days of receiving the complaint. The acknowledgement explains the process and timeline for the investigation.
- 2) A complaint notification is emailed to THRC within ten (10) business days of the receipt of the complaint. The complaint notification includes a brief summary of the complaint.

- 3) THDA's Internal Audit Director is sent (typically via email) a notification of the complaint; summary and all relevant information collected in the preliminary review, within ten (10) business days of the receipt of the written complaint.
- 4) THDA Internal Audit (IA) will initiate the investigation within thirty (30) days and issue an initial report of findings or determination within sixty (60) days of the receipt date of the written complaint. The initial report of findings or determination is sent to the Civil Rights Compliance Advisor.
- 5) If the complaint of discrimination is substantiated by IA's investigation, the Civil Rights Compliance Advisor will work with the Assistant Chief Legal Counsel to make recommendations on appropriate remedial actions and develop an investigative summary that includes the determination and any planned remedial actions.
- 6) The investigative summary is forwarded to THRC before informing the charging party of the determination.
- 7) For both substantiated and unsubstantiated (dismissed) complaints, a determination notice is sent to the complainant that summarizes the basis for the determination and explains any remedial actions (where the complaint is found to be substantiated). The notice will include information on how to file an appeal of the determination with THDA or THRC, and the deadline to file an appeal. The determination notice will be sent within ninety (90) days of the original complaint date.
- 8) The investigative summary and any required remedial actions is copied to the appropriate THDA program director and compliance director (where applicable).
- 9) If the THRC notifies THDA that further action is warranted, the Civil Rights Compliance Advisor will coordinate the actions.
- 10) Appeals filed with THDA are managed by the Executive Director. The Executive Director may choose to assign the appeal to THDA's Chief Legal Counsel.

If it is determined in the preliminary review that the complaint involves alleged actions by a THDA employee that do not violate THDA's non-discrimination policy, the Civil Rights Compliance Advisor (or designee) will take the following actions:

- 1) Enter a record into the Discrimination Complaint log.
- 2) For complaints that are covered under Title VI (alleged discrimination based on race, color or national origin), the Civil Rights Compliance Advisor will email a complaint notification to the THRC within ten (10) business days of the receipt of the complaint with an explanation of the findings of the preliminary review and a determination of dismissal of the discrimination allegations.
- 3) An acknowledgement of receipt will be sent to the complainant within ten (10) business days of the receipt of the complaint (but after the THRC notification) explaining that it has been determined that the activities reported do not violate THDA's non-discrimination policy, and the complaint has been forwarded to the

program division for further investigation and response. The acknowledgement will include the process for filing an appeal of the determination with THDA or THRC, and the appeal deadline.

- 4) The complaint will be forwarded to the appropriate THDA program division for response.

If it is determined in the preliminary review that the complaint involves alleged discrimination or activities associated with a THDA program but where a THDA employee, sub-recipient or contract agency is not named (i.e. a private property owner or manager is named).

- 1) An acknowledgement of receipt is sent to the complainant explaining that THDA does not have jurisdictional authority to intake or investigate the complaint. The notification will include the process for filing a discrimination complaint with the appropriate state or federal jurisdictional agency, including contact information.
- 2) The complaint is copied to the appropriate program division for their records.

Complaints alleging discrimination by residents in Section 8 project based (“low rent”) apartments covered under THDA’s contract with HUD for Project Based Contract Administration are directly referred to HUD FHEO as per THDA’s contract with HUD. For complaints that are covered under Title VI, the Civil Rights Compliance Advisor sends a notification of receipt to THRC within ten (10) business days of the receipt of the complaint. The notification will advise THRC that the complainant has been referred to HUD FHEO as per THDA’s Contract with HUD with no further investigation by THDA.

G. Federal Complaints

THDA was notified by HUD FHEO of one finding of cause (THRC# 18-056; HUD# 04-18-2706-8) where a final order was issued against a THDA awardee in the Low Income Housing Tax Credit program in June 2022 for a complaint alleging disability discrimination covered under Title VIII (Fair Housing Act) and the Tennessee Human Rights Act.

H. Lawsuits or Litigation

THDA was not a party to any Title VI lawsuits or litigation related to program administration during FY2021-2022. THDA had one complaint and lawsuit alleging discrimination in employment covered under Title VI during FY2021-2022. The complaint was filed with the EEOC in November 2021 and charged dismissed on September 8, 2022, and filed in Davidson County Chancery Court July 1, 2022 (pending resolution).

XII. TITLE VI/NON-DISCRIMINATION TRAINING

A. Training Program Description

- 1) THDA Employee Training. THDA requires all new employees to complete a comprehensive online Title VI, Fair Housing and Section 504 training and quiz within the first six months of employment. THDA requires all employees to complete annual non-discrimination training to review important Title VI and other non-discrimination requirements and agency policy and procedures. A copy of THDA training materials presented in FY2021-2022 and the new employee quiz is located in **Appendix L**.

In addition to internal training, THDA staff members, particularly those leading non-discrimination activities for the agency, attend or present material at numerous fair housing or non-discrimination training events hosted by external partners or vendors throughout the year. THDA regularly helps organize and provides financial or in-kind sponsorship for Fair Housing events/training across the state to ensure training is available to THDA staff, sub-recipients and other housing professionals. THDA was a sponsor for the Middle Tennessee Annual Fair Housing Conference in July 2022 held in Nashville. THDA also participated in the organizing committee for the April 2022 Memphis Fair Housing Conference.

- 2) Sub-recipient & Sub-Contractor Training. THDA offers annual non-discrimination training, including Title VI requirements, to sub-recipient agencies or grant administrators through online training modules or webinars and occasionally through workshops or conferences. THDA's non-discrimination training program for sub-recipients includes Title VI and Section 504 basic requirements. An additional module is included for housing providers that covers fair housing (laws and requirement) and affirmative activities to further fair housing. A copy of the THDA sub-recipient training materials presented in FY2021-2022 is located in **Appendix M**. THDA tracks attendance at THDA hosted training, and also requires sub-recipient agencies to report on the number of employees attending non-discrimination training annually in a Non-discrimination in Services Self Survey. 238 individuals from 122 sub-recipient agencies and 8 development districts or grant administrators completed THDA's virtual non-discrimination training program in FYE2022.

THDA provides non-discrimination training programs, similar to that provided to THDA employees, to contract staff working in THDA programs funded through

Federal financial assistance. Supervisory contract staff oversee the attendance at training and report to THDA. During FYE2022, 67 staff managing the call center and application processing for the Emergency Rental Assistance (Covid-19 Rent Relief) program from the contract agency (Horne LLP) completed THDA’s non-discrimination training. A copy of the training materials provided to the contract staff is located in **Appendix M**.

- 3) Other Non-Discrimination Training. THDA periodically includes Fair Housing information in developer workshops for LIHC and MTBA program developers and on-site managers. THDA requires Fair Housing curriculum as a component of the Certified Property Management certification and tracks completion. THDA presents an annual Housing Education symposium attended by housing counselors from across the state, including sub-recipients of THDA’s federally funded Housing Counseling grants. During the July 2022 symposium, HUD FHEO Principal Deputy Assistant Secretary for Fair Housing and Equal Opportunity (FHEO) spoke on HUD’s renewed focus on equity in lending and credit. THDA also presented a session on impediments to fair housing choice in credit and lending and THDA’s housing data dashboard and how it may be used to further fair housing.

B. Training Data

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

Table 8- Non-Discrimination/Fair Housing Training, FY2021-2022

Training Description/Host/Date	THDA Attendance		Sub-recipient Attendance	
	#	%	#	%
New Employee Non-Discrimination Training (virtual), THDA, probationary period (various)	50	100%		
All Employee Annual Non-Discrimination Training update (virtual), THDA, May 2022	261	100%		
Sub-recipient Title VI/Non-discrimination Training, THDA (virtual), 3/31, 4/21, 5/4/2022	6	2%	122	70%
Contractor Title VI/Non-Discrimination Training, Horne (using THDA provided materials), 6/22, 7/25, 7/26, 8/3			67	100%*

*Employees assigned to THDA’s contract.

Table 9-Fair Housing Conferences, FY2021-2022

Training Description/Date/Host	THDA Attendees
W. TN Fair Housing Summit, (virtual & in person), THRC & W. TN Legal Services, April 14, 2022	6
Middle TN Fair Housing Summit, (virtual & in person), Tennessee Fair Housing Council and the Housing Equality Alliance of Tennessee, June 28, 2022	4
Fair Housing Trends Conference, (virtual & in person), Tennessee Fair Housing Council and the Housing Equality Alliance of Tennessee, May 19, 2022	4
THDA Homebuyer Education Symposium, July 13-14, 2022	17

C. Future Training

All new employees will continue to complete Title VI/non-discrimination training during their initial probationary period in FY2022-2023, and THDA will require annual Title VI/non-discrimination training for all employees in the fourth quarter of 2023. THDA will offer similar virtual Title VI/non-discrimination training to all sub-recipient and grantee administrator agencies in April or May 2023.

XIII. SUB-RECIPIENT MONITORING

THDA monitors sub-recipients of THDA's federally funded programs for compliance with Title VI and all other program requirements in a manner consistent with the federal guidance from the funding agency for each individual program, or in the case of the HUD Project Based Contract Administration Program, the language in the Annual Contributions Contract (ACC). THDA monitors a percentage of each federal program's sub-recipients annually, typically monitoring all sub-recipients, over a three year contract award period (post-award). THDA also collects information annually on sub-recipient activities and compliance with Title VI and other non-discrimination assurances through THDA's Non-discrimination in Services Self Survey (post-award). A copy of the survey form is located in **Appendix N**.

A. Pre-Award Procedures

- 1) Pre-Assessment or Self-Survey. THDA does not require a pre-assessment or self-survey prior to the award of funding.
- 2) Field/On-Site Compliance Reviews. THDA conducted no field or on-site compliance reviews of sub-recipients or contractors pre-award because the Federal requirements and guidance in the programs where THDA is a primary recipient do not require a field review or assessment prior to the award of funding.
- 3) Other Pre-Award Procedures. THDA conducts a limited pre-award review of the applicant/sub-recipient agency for all applications of Federal funding prior to approval. The review ensures that applicants or recipients with outstanding findings of non-compliance under Title VI (or Fair Housing where applicable) are not funded or that appropriate conditions are included in the approval to ensure funds are not drawn down or paid until appropriate action is taken by the sub-recipient to ensure compliance. As part of the award process (but prior to a sub-recipient accessing grant funding), THDA also requires sub-recipients of Federal funding to sign an "Assurance of Compliance under Title VI of the Civil Rights Act of 1964." THDA's contracts with sub-recipients also include a statement of non-discrimination that ensures compliance with non-discrimination under Title VI in the administration of programs and employment.
- 4) Sub-recipients who have signed a non-discrimination "statement of assurance" are listed in **Appendix P**, including new sub-recipient agencies.

- 5) Training. THDA does not have a requirement that sub-recipients complete non-discrimination training pre-award for any of its programs or activities. THDA includes basic Title VI and Fair Housing information in Grantee Application workshops held annually before applications are submitted or awards approved. This training includes information on THDA's non-discrimination requirements for sub-recipients, including Title VI compliance requirements. THDA provides online non-discrimination training modules that sub-recipients are encouraged to view at: <https://thda.org/about-thda/fair-housing-know-your-rights>. Compliance monitoring for Title VI/non-discrimination training occurs post-award.

B. Post-Award Procedures

After the allocation of funds (post-award), THDA monitors sub-recipients of HUD formula grant programs, LIHEAP and WAP for compliance with federal requirements, including non-discrimination and equal access under Title VI and the Fair Housing Act. THDA does not maintain a single annual compliance report; rather, program directors are responsible for ensuring each sub-recipient agency complies with the federal regulations and guidance that governs each program, along with ensuring that each sub-recipient agency has signed a statement of assurance of nondiscrimination and complies with the assurance. THDA's Civil Rights Compliance Advisor supports each division with training and compliance activities related to non-discrimination. The Civil Rights Compliance Advisor reviews Non-discrimination in Services Self Survey forms for sub-recipient agencies and reports any concerns annually, including a failure to submit a timely survey, to the program division director.

The timing and content of post-award compliance reviews varies based upon federal guidance for each program. Each program director determines the frequency and number of compliance reviews conducted annually in accordance with federal regulations and agency policy and maintains a log of individual monitoring reports.

- 1) THDA conducted a total of 53 sub-recipient monitoring reviews in the grant programs and 125 Section 8 apartment management occupancy reviews (on behalf of HUD). **Table 10** shows a breakdown of reviews by program or activity.

Table 10- Compliance Monitoring Reviews, Federal Programs, FY2021-2022

Program	# Sub-recipient Monitoring Reviews	# HUD Monitoring Reviews
HOME Investment Partnership	39	n/a
Emergency Solutions Grant	5	n/a
National Housing Trust Fund*	0	n/a
Low Income Home Energy Assistance Program	9	n/a
Weatherization Program (WAP)/LIHEAP Wx	0	n/a
Section 8 Management Occupancy Reviews	n/a	125
Total	53	125

*By grant standards and project completions, monitoring was not warranted.

The content of monitoring reviews varies based upon federal guidance for each program and is described briefly below:

- HOME Investment Partnership. THDA’s HOME Operations Manual (<https://thda.org/pdf/HOME-operating-Manual.pdf>) covers record keeping and reporting requirements (most established by HUD guidance) when conducting post-award compliance reviews. A desk review occurs of rent rolls, financials, tenant files, including income determination and receipt of the *Fair Housing Equal Opportunity for All* HUD pamphlet, Affirmative marketing plans, Title VI, LEP, VAWA requirements and owner obligations and conflict of interests. An on-site review is conducted of housing quality standards.
- National Housing Trust Fund. THDA follows HUD monitoring guidance and requirements.
- Emergency Solutions Grant (ESG). THDA follows HUD monitoring guidance and the THDA ESG Monitoring Manual when conducting compliance reviews. The ESG monitoring review includes a desk review to determine compliance with HUD’s requirements for written standards, policies and procedures, client eligibility and to ensure that applicant files are accurate and complete and all applicants are being notified of Fair Housing, Non-Discrimination, Lead Based Paint Disclosure and Grievance and Appeals Policy. A physical inspection is conducted to ensure all locations are Section 504 compliant, meet all habitability standards in accordance with HUD regulations, all Personal Identifying Information is safe and secure and all required posted notices are visible to all participants (including the HUD Fair Housing poster). If a physical inspection is not possible, agencies send pictures of the property and required posted notices.
- LIHEAP and Weatherization Programs. THDA monitors LIHEAP agencies based on DHHS and DOE requirements. The review includes non-discrimination policies in relation to both employment practices and beneficiaries, along with LEP practices.

- THDA has limited oversight of Project Based Section 8 properties (low-rent apartments) through a performance based contract with HUD. The MOR review covers at a minimum files and records examination, a review of potential beneficiaries and denied applicants, public notices, complaints, equal access of physical facilities and service provision, and other federal subsidies, but does not currently include Civil Rights Front End Limited Monitoring.
- 2) A copy of the monitoring forms, including Equal Opportunity/Fair Housing/Title VI checklists (where applicable) are located in **Appendix O**. A copy of the Non-discrimination in Self Services form is located in **Appendix N**.
 - 3) During FYE2022, the majority of monitoring reviews conducted were desk reviews and not field reviews. Physical inspection monitoring (field reviews) were conducted in the HOME program for 39 properties.

C. Sub-recipient Title VI Training

THDA hosts annual virtual non-discrimination training, which includes Title VI, Section 504 and Fair Housing requirements. THDA notifies all current sub-recipient agencies and grant administrators of the training dates, as well as agencies on THDA's constant contact list. THDA requests that the individual responsible for Title VI and non-discrimination coordination from each sub-recipient agency or grantee administrator THDA training annually. **Table 8** lists the number of the sub-recipient and contract agencies attending THDA training programs, descriptions and dates of training during FYE2022. The agenda and training materials are available in **Appendix M**.

Each THDA sub-recipient of federal funding is required to provide Title VI and Fair Housing training to its employees. THDA's online training modules covering Title VI and Fair Housing activities are available on the website for sub-recipients and other partner agencies to use as a training resource (pre- or post-award) (<https://thda.org/about-thda/fair-housing-know-your-rights>). THDA collects documentation of the number of staff attending training along with the content of non-discrimination training through the Non-Discrimination in Services Self- Assessment/Survey required from each sub-recipient agency annually by July 31.

D. Procedures for Non-Compliance

- 1) The procedures for sub-recipient non-compliance are specific to each federal program's monitoring requirements. Typically, when a concern or finding is

noted in a monitoring review, including a Title VI or Fair Housing compliance issue, THDA notifies the sub-recipient in writing no later than 30 days after the end of the monitoring review of the concern or finding. For the HOME and NHTF programs, findings must be remedied or brought into compliance within 30 days of the notice. In the ESG program, THDA requires the sub-recipient to submit a corrective action plan to THDA within 15 days of receiving the letter. THDA follows up with the ESG sub-recipient to ensure the corrective action plan is followed and provides resolution to the concern or finding.

The procedures for contractor or vendor non-compliance are covered under the “termination for cause” section of the contract which states: *If the Contractor fails to properly perform its obligations under this Contract, or if the Contractor materially violates any terms of this Contract (“Breach Condition”), the State shall provide written notice to Contractor specifying the Breach Condition. If within thirty (30) days of notice, the Contractor has not cured the Breach Condition, the State may terminate the Contract and withhold payments in excess of compensation for completed services or provided goods.*

- 2) THDA sends non-compliance letters to sub-recipient agencies not submitting a Non-discrimination in Services Self Survey (by no later than August 31 each year). Agencies may cure the finding of non-compliance by submitting the fully completed form within 30 days of the date of the non-compliance letter. If a sub-recipient or contractor fails to cure a non-discrimination or other compliance finding or concern within the required timeframe, the agency may face loss of funding or be restricted from receiving future awards until such concern or finding is resolved to THDA’s satisfaction.
- 3) During the prior fiscal year, no sub-recipients, vendors or contractors were found to be noncompliant with Title VI.

E. Identify Sub-recipients, Contractors & Vendors

- 1) All THDA programs funded through Federal financial assistance and administered by sub-recipients are listed and described in **Table 2**. The following programs administered by THDA distribute Federal financial assistance to sub-recipients: HOME, ESG, NHTF, HCP, WAP, LIHEAP and LIHWAP. THDA contracted/granted Federal financial assistance to 178 sub-recipients during FY2021-2022. A sub-recipient entity may manage more than one THDA grant or program activity, and a grant award may be expended across multiple fiscal years.

- 2) **Appendix P** provides a detailed list of THDA’s FY2021-2022 sub-recipients, along with the begin/end date of the contract, dollar amount of the contract/funding award, location, type of funding, description of services, whether the contract was competitive and where a statement of assurance is on file.

F. Statement of Assurance

Appendix P includes a list of all sub-recipients, contractors and vendors with a signed statement of assurance.

G. Contractors & Vendors

THDA entered into 126 contracts with 114 vendors or contractors in FYE2022. **Table 11** details Minority/Women’s Business Enterprise (M/WBE) statistics for businesses registered with the State of Tennessee as minority and/or women business enterprises.

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

Total Number of Vendors/Contractors	114
Number of M/WBE Vendors	1
% M/WBE Vendors	0.9%
Total Contract Expenditures Awarded to M/WBE Vendors	\$780,000
% of All Contract Expenditures Awarded to M/WBE Vendors	2.4%

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

H. New Sub-recipients, Contractors, Vendors

34 sub-recipient entities and 37 vendors/contractors were new to the THDA grant program or contract activity contracted with THDA in FY2021-2022. New vendors and new awardees of a THDA Grant program are listed in **Appendix P**. *Note:* A sub-recipient or vendor may be listed as new if the organization is new to that particular grant or

contract activity even where the organization has contracted with THDA in the past under another grant program or activity.

I. Standard Contract Language Prohibiting 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 involving federal funding also include the following:

Equal Opportunity. *During the performance of this Contract, the Contractor agrees as follows:*

- a. 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.**
- b. 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.*
- c. If the State approves any subcontract, the subcontract shall include paragraphs (a) and (b) above.*

Various THDA programs have different **contractual provisions for sub-recipients** to meet federal requirements. Examples of contractual provisions prohibiting discrimination that apply to sub-recipients of THDA funding 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.”*
- *“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.”*

J. Pending Applications

As of this report, no applications for new allocations of Federal financial assistance are pending; however, renewal applications for the HOME, ESG and NHTF were pending as of 6/30/2022.

K. Federal Program Monitoring

THDA has limited oversight of Project Based Section 8 properties (low-rent apartments) through a performance based Annual Contributions Contract (ACC) with HUD. THDA’s role is to monitor the properties for compliance with certain HUD requirements (as per the ACC), including conducting periodic Management Occupancy Reviews (MORs) and to make timely HAP

payments for compliant properties. THDA's contract with HUD governs the content of the Section 8 Management Occupancy Review (MOR). The current contract with HUD does not include Civil Rights Front End Limited Monitoring, but does include some limited monitoring relating to Fair Housing and Equal Access. The THDA MOR review covers at a minimum files and records examination, a review of potential beneficiaries and denied applicants, public notices, complaints, equal access of physical facilities and service provision, and other federal subsidies. As part of the MOR process, the THDA Program Compliance division monitors Affirmative Fair Housing Marketing Plans, Tenant Selection Plans, recent advertising, and the posting of the Fair Housing Logo and Fair Housing Poster. Beginning in January 2022, THDA sub-contracted the responsibilities under the HUD ACC to CGI, Inc. CGI Inc. completes regular reporting to THDA, and THDA maintains responsibility for compliance under the HUD contract.

XIV. PUBLIC NOTICE & OUTREACH

A. Information Dissemination to the Public

1) Non-discrimination Policy

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

2) Program Information

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

- THDA website (www.thda.org)
- Social media (Facebook & Twitter)
- Paid Advertisements- online and print
- Email blast (Constant Contact) lists
- TNHousingSearch.org
- News releases
- Industry meetings
- Public meetings
- Radio and television interviews about THDA programs
- Public service announcements
- Public speaking engagements
- Workshops/Conferences (sub-recipients; housing industry, other state agencies and special interest groups)

THDA presents civil rights, non-discrimination and fair housing information through the following means:

- Workshops, training and conferences attended by staff, sub-recipients, partner agencies and program participants
- THDA's Title VI and Fair Housing webpages of the THDA website (<https://thda.org/about-thda/fair-housing-know-your-rights>)
- Display of nondiscrimination posters in THDA offices (English and Spanish)
- Distribution of HUD Title VI, Fair Housing and LEP resources and materials

- Distribution of Fair Housing Booklets from HUD, such as *Fair Housing & Equal Opportunity for All* or *Fair Housing- It's Your Right*, distributed to beneficiaries (English & Spanish)
- Use of the Equal Housing Opportunity logo on THDA's website, advertisements and public notices
- Program policies & manuals
- Contract Language

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

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

Additionally, THDA includes at least one session focused on non-discrimination or affirmative outreach at the annual Tennessee Housing Conference (TNHC) held in March each year. The conference is attended by hundreds of affordable housing professionals from across the state and THDA employees. In the March 2022 TNHC, two sessions focused on equity or fair housing were offered and included speakers from national lending organizations on efforts and actions to improve homeownership rates among minority populations and a speaker from the National Fair Housing Alliance on their efforts and programs to improve equity in both rental and homeownership opportunities nationwide.

3) Complaint Procedures

THDA's Complaint Procedures are available on the website at <https://thda.org/about-thda/fair-housing-know-your-rights/housing-discrimination-complaints-assistance> and are disseminated to program participants.

4) Minority Media Utilization

THDA utilizes minority media outlets (where available) to advertise the availability of program assistance in directly administered FFA programs and for THDA's loan programs. In particular, THDA places paid advertisements for the following programs: ERA, HAF, HCV and the Great Choice mortgage programs in the Tennessee Tribune, El Crucero de Tennessee, La Campana and La Prensa Latina. Advertisements and public notices placed in Spanish language publications are translated into the Spanish language. Advertisements for HCV and HAF and ERA have been placed during FY2021-2022 as funding was available or waiting lists open. For THDA's ERA (Covid-19 rent relief programs), ads were placed weekly in October and November 2021 in all of the listed newspapers. The percentage of information disseminated in minority media was not tracked, except in the HAF program, where nine percent of media expenditures were in minority publications or radio during the first quarter of 2021. Examples of advertisements and videos translated for outreach are in **Appendix Q** and/or on THDA's website. The HCV Eligibility Briefing video transcripts in Spanish are here: <https://thda.org/help-for-renters-section-8/housing-choice-voucher-program/eligibility-briefing> and the HAF Program explanatory video in English and Spanish is here: <https://thda.org/help-for-homeowners/haf/haf-videos> .

One of the goals of THDA's purchased media plan with vendor (Bohan) for the Great Choice loan program in FY2021-2022 was to expand outreach and drive statewide awareness of the loan program among minority populations using niche publications and select radio stations. Quarter-page ad units designed to resonate with Black/African American consumers were purchased in the Chattanooga News Chronicle, Tennessee Tribune (Nashville) and Tri-State defender (Memphis area). To increase reach in the Hispanic community, placements with select publications and radio stations were purchased, including thirty second ad units on regional Spanish language radio stations: Chattanooga: WOCE/WQMT, Knoxville: WKZK, Nashville: WNVL/WMBD, Memphis: WGSF/WGUE. Radio ads were complemented by quarter-page ad units designed to resonate with the Hispanic population in La Campana Nashville and La Prensa Latina Memphis weekly newspapers.

5) Outreach to Minority Organizations or Communities

THDA's Industry and Government Affairs (IGA) team lead outreach efforts across the state, including outreach to minority organizations. The division includes staff who serve as outreach liaisons for THDA's programs in each grand division along with Customer Account Managers (CAMs) and Real Estate Industry Advisors (REIAs). Each outreach liaison shares information with local and regional stakeholders and officials

about THDA programs, grants and services that are available in their community or service area. CAMs and REIAs work to encourage homeownership opportunities for Tennesseans, including developing strategies to minimize the challenges surrounding minority homeownership. The THDA IGA outreach team have relationships or hold memberships in women and minority-centered organizations and regularly attend functions and activities of the associations to share information on THDA's programs, particularly homeownership programs. The organizations include:

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

Additional outreach targeted to minority organizations or communities in FY2021-2022 included:

- THDA's Customer Account Managers developed a one hour continuing education course for inclusion in both realtor workshops and housing counseling programs across Tennessee called "Increasing Minority Homeownership." The course was nominated and selected as a 2022 Fair Housing Award recipient by the Association of Real Estate License Law Officials (ARRELLO).
- THDA's Civil Rights Compliance Advisor is a member of the Middle Tennessee NAACP housing committee and participates in monthly meetings to share information on THDA's programs and activities. These activities are recorded in the monthly meeting minutes.
- THDA continued its partnership with the national Mortgage Bankers Association in supporting the CONVERGENCE Memphis program, which is an initiative to increase homeownership among black households in Memphis. THDA's IGA team participate in regular meetings and events to share information on THDA's homeownership and education programs.
- Recipients of THDA's HUD funds must complete an affirmative marketing plan to identify those populations who are least likely to apply for assistance and make outreach to those populations and document their activities related to the plan. THDA monitors affirmative marketing plans and outreach during monitoring reviews and collects information on affirmative marketing activities through the Non-Discrimination in Services Self Survey.

B. Boards & Advisory boards

- 1) THDA Board of Directors. A fifteen-member board of directors governs THDA. The Governor appoints six board members, who are citizens of the state; do not hold public office, and may represent the following groups: homebuilding (may represent retail building/material supply/manufactured housing), mortgage banking, licensed real estate brokers, local public housing authorities, local government and qualifying non-profits. The Governor also appoints one Board member from the public at large who is knowledgeable about the problems of inadequate housing conditions in Tennessee, and one participant in the Section 8 Housing Choice Voucher Program (to serve on the Rental Assistance committee). The Speaker of the State Senate and the Speaker of the State House of Representatives each appoints 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. Detailed information on the members of THDA's Board of Directors, their representation, their committee assignments and their race and gender is located in the Overview of this Plan and in **Appendix B**.

As of June 30, 2022, 13 of the 15 positions on the THDA Board of Directors were occupied, and the board was composed of one minority member (7 percent) and three female members (20 percent). More information is available on THDA's website: <https://thda.org/about-thda/board-of-directors/board-members> .

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

The Energy Efficiency and Weatherization Advisory Board members represent a broad range of organizations and agencies with expertise to advise THDA on improving policies, procedures, public awareness and financial assistance to

enhance the quality and resilience of housing and utility efficiency for low- to moderate-income Tennesseans.

The Housing Industry Advisory Board members are selected based on their experience and history in the lending industry. All members are employed by THDA approved lenders or banks 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 minority or underserved populations in their respective geographical areas.

The Housing Education Advisory Board consists of members working as housing and financial educators in THDA’s affiliate network that may advise THDA in promoting sustainable housing choices and building strong, equitable communities.

Table 12- THDA Advisory Boards

Advisory Board	Published List of Members	Link to Published List of Board Members	# Minority	% Minority Members	% Female Members	Total Members
Energy Efficiency & Weatherization Advisory Board	Yes	https://thda.org/about-thda/advisory-boards/energy-efficiency-and-weatherization	1-Af. Am	7%	29%	14
Housing Education Advisory Board	Yes	https://thda.org/about-thda/advisory-boards/housing-education	5-Af. Am 1-Hispanic	60%	100%	10
Housing Industry Advisory Board	Yes	https://thda.org/about-thda/advisory-boards/housing-industry	4-Af. Am 1-Hispanic	31%	69%	16

C. Minority Input

- 1) THDA seeks minority input through a variety of formal and informal activities described below.
 - Public notices for funding availability and public comment are placed in major publications throughout the state and in targeted minority newspapers where available, including Spanish language newspapers. Examples of Spanish public notices are in **Appendix R**. Public notices and

documents soliciting public comment are provided in English and Spanish versions on THDA's website and may be translated into other languages most commonly spoken in Tennessee, such as Arabic, Chinese, Korean, Kurdish, Laotian, Somali and Vietnamese.

- The State of Tennessee Citizen Participation Plan is THDA's primary strategy for public participation that incorporates citizen input into the planning, implementation, coordination, and assessment of Tennessee's projects and activities under the Consolidated Plan. In accordance with the Citizen Participation Plan, THDA solicits citizen participation regarding Consolidated Planning programs using email invitations, newsletters, flyers, and postings to state websites, development district websites, and social media (Facebook and Twitter). Comments solicited through the Citizen Participation Planning process are maintained for review (including public review).
- THDA maintains a Constant Contact email group for minority and other protected class advocacy organizations and Hispanic/Latino serving organizations for email blasts about public notices and program notices, particularly those notices that are managed through the Citizen Participation Process.

2) Notification of Grant Funding or Request for Bids (Contracts)

- a. THDA's Community Programs division, with THDA Board approval, determines the application and selection process, as well as the public notification process, for competitive grants or sub awards of Federal funding allocations for the HUD formula grant programs and the TN Housing Trust Fund. HUD or THDA's Board of Directors may set priority in awards based on certain factors or for certain entities. The grant application and workshop dates, along with any allocation plan is posted to THDA's website each year with the deadline for applications. In those cases, an email announcing the application and grantee workshop dates and allocation plan information is sent to entities on THDA's constant contact lists, including those entities in a priority category, current or prior funding recipients and minority and other protected advocacy organizations. This past fiscal year, THDA hosted two application workshops to provide details and assistance for the application process in the HUD formula grant programs and the TN Housing Trust Fund.

The Single Family Loan Operations division (Housing Education department) determines the application and selection process, as well as the public notification process, with THDA Board approval, for the Housing Counseling Programs.

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

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

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

THDA requires sub-recipient agencies to develop written procurement policies that are compliant with State and THDA guidance when contracting for goods or services. Sub-recipients of Federal financial assistance must comply with 2 CFR 200 (Federal Award Financial Requirements). Agencies administering grants funded by HUD must follow 24 CFR 85.36 (Procurement

Policies), which includes affirmative steps to contract with small and minority firms, women's business enterprise and labor surplus area firms. THDA reviews sub-recipient compliance with procurement requirements during monitoring.

XV. COMPLIANCE REPORTING

A. Title VI Compliance Reports

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

B. Federal Reporting Requirements

- 1) HUD programs. HUD has oversight for the following programs: HOME Investment Partnership (24 CFR Part 92), National Housing Trust Fund (24 CFR Part 93), Emergency Solutions Grant (24 CFR Part 576), Housing Counseling Program (24 CFR Part 214), Section 8 Housing Choice Voucher (24 CFR Part 982) and Section 8 Project Based Rental Assistance (24 CFR Part 983).⁸
 - a. 24 CFR Part 91 requires consolidated State planning, application, and reporting processes across the community development and planning programs, which includes the *HUD formula grant programs* administered by THDA (HOME, ESG, NHTF). The latest Consolidated Plan covers 2020-2024, and is posted here: https://thda.org/pdf/RP_2020-ConPlan_Final_Updated.pdf. As part of the Consolidated Planning process, THDA develops a Fair Housing Action Plan, which is a strategy proposed to address or minimize barriers to fair housing choice in the service area (state of Tennessee). The Fair Housing Action Plan is Appendix C in the Consolidated Plan. The Consolidated Plan is carried out through Annual Action Plans, which provide a summary of the actions, activities (including fair housing activities) and the specific federal and non-federal resources that will be used each year to address the priority needs and goals identified by the Consolidated Plan. The most recent Annual Action Plan is on the THDA website: https://thda.org/pdf/RP_2021-22-Annual-Action-Plan_Final-with-appendix.pdf.

HUD requires formula grant program recipients to submit a Consolidated Annual Performance and Evaluation Report (form HUD-40110-D) within 90 days of the end the recipient's program year to report performance outcome measures. THDA's most recent CAPER report for the HOME, ESG

⁸ THDA's responsibilities are limited to monitoring activities in the performance based contract with HUD.

and NHTF programs is published on THDA's website:

<https://thda.org/pdf/2019-20-CAPER-Final.pdf>

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

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

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

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

2) Other Federal programs

- a. DHHS has oversight for the *Low Income Housing Energy Assistance Program* (LIHEAP) under 45 CFR 96. DHHS also oversees the *Low Income Home Water Assistance Program* (LIHWAP) program under both the Consolidated Appropriations Act, 2021 (Public Law No: 116-260) and the American Rescue Plan Act of 2021. Uniform Administrative Guidance for both programs is located at 45 CFR Part 75. Under 45 CFR Part 96.82, each grantee is required to submit a report on households receiving LIHEAP assistance during the 12-month period corresponding to the Federal fiscal year (October 1-September 30) preceding the fiscal year for which funds are requested requires.
- b. DOE has oversight for the *Weatherization Assistance Program* under 10 CFR Part 440 and requires limited reporting under 10 CFR 440.25.
- c. The *Department of Treasury* has oversight for the temporary Covid-19 relief programs: Emergency Rental Assistance (ERA-1 & ERA-2) and Homeownership Assistance Fund (HAF). The ERA-1 program is covered under 86 FR 1585 01 (Dec. 27, 2020); ERA-2 and the Homeowner Assistance Fund are established by section 3201 and 3206 respectively of the American Rescue Plan Act of 2021, Pub. L. No. 117-2 (March 11, 2021). Emergency Rental Assistance (ERA1 and ERA2) recipients to follow reporting guidance found on Treasury.gov (<https://home.treasury.gov/system/files/136/ERA-Reporting-Guidance-v2.pdf>.) Treasury requires HAF administrators to follow reporting guidance dated August 8, 2022 (<https://home.treasury.gov/system/files/136/HAF-Guidance.pdf>). This guidance requires the submission of quarterly reports to Treasury that include financial data, targeting data (including by income or participant definition of “socially disadvantaged”), and other information.

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

C. Title VI Audits

THDA did not have any Title VI or related discrimination audits for FY 2021-2022.

XVI. EVALUATION PROCEDURES

- A. THDA evaluates access to its program and activities by beneficiaries including minorities through program level evaluations and reports described above in *Section XV. Compliance Reporting, paragraph B, Federal Reporting* and the annual Title VI review of the racial and ethnic characteristics of THDA's beneficiaries compared with the eligible population in the service area described in *Section IX. Data Collection & Analysis*. THDA's Research division is also in the process of developing a program evaluation framework, which includes fair housing (and Title VI) metrics, such as disparities in access to a program by race/ethnicity. The evaluation framework will be tested/piloted with THDA's Homeownership Assistance Fund program beginning in FY2022-2023. If the evaluation framework is tested successfully, the plan is to expand the evaluation process to other Federal programs.

In addition to the annual review of beneficiaries served through Title VI planning, every five years, THDA leads the Consolidated Planning partners (THDA, Department of Economic and Community Development (ECD), Department of Health (DOH)) in the completion of an Analysis of Impediments (AI) to Fair Housing Choice, which includes a review of impediments or barriers that may affect fair housing choice (all types of housing programs and activities) by persons in a protected class. It covers public and private policies, practices, and procedures affecting housing choice. Impediments to fair housing choice are defined as any actions, omissions, or decisions that restrict, or have the effect of restricting, the availability of housing choices, based on race, color, religion, sex/gender, disability, familial status, national origin, or creed. The most recently complete analysis in 2019-2020 involved a range of outreach, research and planning activities, including:

- Initial consulting services from Abt. Associates to organize the planning process through a grant from HUD,
- A THDA produced consumer fair housing survey (in English and Spanish),
- Focus group discussions held in all regions of the State to receive feedback about barriers to fair and affordable housing choices from development districts, local governments, the disability community, black and Latino realtors, and other local stakeholders,
- Analysis of racial and/or ethnic segregation in the state and other factors that might affect fair housing choice through U.S. Census data analysis, the PolicyMap tool and other resources,
- Data analysis of THDA's housing program beneficiaries and any disparities in access.

A statewide Fair Housing Action Plan based upon conclusions drawn from the 2019-2020 AI research and planning was finalized in FYE2020 and included as a component of THDA's 2020-2024 Consolidated Plan. The Fair Housing Action Plan includes an annual evaluation

with metrics or outcomes recorded for each goal area over the five year period. THDA released a series of research briefs during 2021 that summarized the AI findings, along with outlining activities contained with the Fair Housing Plan that may work to address the impediments to fair housing choice. The briefs are published on THDA's website:

<https://thda.org/research-reports/issue-briefs>

- B. THDA compares the quality of services and identifies underserved populations through the processes described in *Section IX. Data Collection & Analysis* of this Plan, along with the evaluation procedures outlined in paragraph A of this section.
- C. Where a Title VI or fair housing deficiency is found that is within THDA's scope of services, THDA's primary course of action is to identify the program division(s) responsible for programs or activities that may address the deficiency; notify the division leadership and develop a plan with timeline for remedying the deficiency within the shortest timeframe possible.
- D. Timelines are included in the evaluation narratives above.

XVI. Appendices