Tennessee Housing Development Agency

ANNUAL NON-DISCRIMINATION TRAINING

2022

Tennessee Housing Development Agency

Civil Rights

"The right to receive equal treatment and to be free from unfair treatment or discrimination based on certain legally-protected characteristics."

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Purpose

Civil Rights or non-discrimination laws protect certain classes of people who have historically faced discrimination (i.e. protected classes).

Annual non-discrimination training helps ensure that all THDA employees are:

- Aware of and understand the requirements key civil rights laws, other important federal and state non-discrimination laws & guidance;
- The minimum requirements to be in compliance with them.

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Key Civil Rights Laws

- Civil Rights Act of 1964, **Title VI**, as amended
- Civil Rights Act of 1968, **Title VIII,** as amended- *Fair Housing Act*
- Section 504 of the Rehabilitation Act of 1973 - *Disability*
- *Age* Discrimination Act of 1975
- Civil Rights Restoration Act of 1987
- Executive Order 13166 (2000)- *Limited English Proficiency*
- Executive Order 13988 (2021)- Gender Identity/Sexual Orientation
- Tennessee Human Rights & Disability Acts - *"substantially equivalent" to the Fair Housing Act*

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Title VI- Civil Rights Act of 1964

No person shall… on the basis of race, color or national origin be excluded from participation in, be denied benefits of or be subjected to discrimination under any program or activity receiving Federal financial assistance.

See THDA's Title VI Compliance Plan outlining activities to ensure non-discrimination: https://thda.org/about-thda/fair-housing-know-your-rights/title-vi-compliance

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Double click the screen to the right to watch a short video from MSNBC on the history of the Civil Rights Act of 1964, including Title VI (may take a moment to load & you must press play to start)

Title VIII-
Civil Rights Act of 1968

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Also known as the Fair Housing Act- prohibits discrimination in the sale, rental, and financing of dwellings, and in other housing-related transactions, because of race, color, national origin, religion, disability and sex*.

**EO 13988, issued in 2021, clarifies that sex protections include gender identity and sexual orientation.*

TN Non-Discrimination Law

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The Tennessee Human Rights & Disability Acts- substantially equivalent to the Fair Housing Act & prohibit discrimination in housing, employment & accommodation based on race, color, creed, religion, sex, disability, familial status or national origin.

- Tennessee Human Rights Commission (THRC) ensures compliance with state law & Title VI.
- THRC is certified as a Fair Housing Assistance Program (FHAP) by HUD to provide education & enforce Fair Housing violations (investigate & settle complaints).

THDA Non-Discrimination Policy

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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, familial status, age, sex, disability or any other protected class under state or federal law in admission to its programs, services, or activities; in access to them; in the provision of benefits, or in any aspect of operations.

THDA's Title VI/Non-Discrimination Coordinator is Laura Swanson.

Policy located on the Intranet under Policies>Procedures>Legal. All staff should read & comply with the policy.

THDA Contract Assurance

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No person shall be excluded from participation in, be denied benefits of, or be otherwise subjected to discrimination in the performance of the Contract or in the employment practices of the Contractor on the grounds of race, color, religion, sex, national origin, disability, age, or any other classification protected by Federal, State or statutory law.

Divisions should monitor their sub-recipients & contractors for compliance with non-discrimination assurances as per internal division & Federal requirements.

Disability Protections

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Discrimination is prohibited on the basis of disability:

- In programs and activities receiving Federal funding under Section 504 of the Rehabilitation Act of 1973.
- During housing transactions, both private & public, regardless of funding source (Federal, state, local), under the Fair Housing Act.
- In all programs, services, and activities of public & private entities that own, operate, or lease places of public accommodation under the Americans with Disabilities Act.

THDA has partnered with W. TN Legal Aid to produce a short booklet on Disability Protections. Look for it on THDA's website in the summer or early fall.

Reasonable Accommoda-tion

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A program or activity, when viewed in its entirety, must be readily accessible to and usable by persons with disabilities.

- To ensure equal access, a **reasonable accommodation** may be necessary, which is an adaptation or modification to a policy, program, service, or workplace that allows a person with a disability to use or participate fully in a program.
- THDA's Section 504 Coordinator, Charity Williams (Legal), reviews & makes decisions on THDA program requests for accommodation. **All** requests for accommodation by a program participant should be referred to Ms. Williams.

*Requests for employee accommodations are managed by THDA HR.

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Language Access

Title VI, the Fair Housing Act & Executive Order 13166 require equal access for Limited English Proficient individuals based upon national origin protections.

Spanish, Arabic, Chinese, Vietnamese, Korean, Lao, Kurdish & Somali- most commonly spoken languages in TN other than English. Spanish represents > 90% of THDA's requests for language assistance.

Staff should be familiar with THDA Language Access Policy & Procedures (based on LEP federal guidance): THDA Intranet>Policies & Procedures>Executive

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Language Access

THDA Language Access Resources

1. AVAZA for over the phone interpretation (conference via Cisco phone or Jabber)
   - *Instructions on Intranet>Policy/Procedures>Executive*
2. Spanish translations of all vital documents, public notices & advertisements
   - HUD publishes a number of program documents & notices in various languages
   - Contact Laura Swanson for assistance with translation services
3. Notice of free language assistance in languages most commonly spoken in TN.
   - Attach the Notice of free language assistance to non-translated vital program documents & notices

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Discrimination Complaints

THDA program participants/beneficiaries may file a discrimination complaint directly with THDA, a sub-recipient agency, THRC or a federal jurisdictional agency.

- TN Human Rights Commission (THRC) investigates discrimination complaints in housing, employment & Title VI and may investigate complaints on HUD FHEO's behalf.
- HUD's Office of Fair Housing & Equal Opportunity (FHEO) investigates housing discrimination complaints & ensures non-discrimination in HUD programs.
- U.S. Department of Health & Housing Office of Civil Rights (HHS-OCR) enforces non-discrimination in the administration of the LIHEAP program.
- U.S. Department of Energy-OCR enforces non-discrimination in the administration of the Weatherization Assistance Program (WAP).

Discrimination Complaints

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ALL complaints alleging discrimination (oral or written) must be referred to **Laura Swanson** for initial intake & tracking, regardless of whether the staff member initially receiving the complaint believes discrimination occurred.

- Complaints related to THDA administered programs (S8 HCV, Covid-19 Rent Relief & HAF) may be investigated by THDA &/or referred to THRC for investigation.
- Complaints related to a THDA program administered by another entity (grantee, S8 or LIHC property, etc.) are logged, then referred to the appropriate jurisdictional agency for investigation (state or Federal).

See THDA's Discrimination Complaint/Grievance procedures: *https://thda.org/about-thda/fair-housing-know-your-rights/*

Affirmatively Furthering Fair Housing

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The FHA requires all federally funded housing programs to be administered in a manner that affirmatively furthers fair housing (AFFH).

HUD's 2021 Interim Final Rule (IFR), "Restoring Affirmatively Furthering Fair Housing Definitions & Certifications," requires HUD grantees to take action to AFFH.

HUD grantees must engage in **meaningful, proactive actions** to address disparities in housing access and opportunity so individuals of similar income levels in the same housing market have a like range of housing choices regardless of their race, color, religion, sex, disability, familial status or national origin.

Affirmatively Furthering Fair Housing

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Analysis of Impediments to Fair Housing Choice & Fair Housing Action Plan

AI identifies potential impediments to fair housing choice & informs the development of the 5-Year Fair Housing Action Plan… a series of actions that may help overcome the identified impediments.

AI issue-specific research briefs:
https://thda.org/research-reports/issue-briefs

Fair Housing Plan-Appendix C of the Consolidated Plan:
https://thda.org/research-reports/consolidated-planning

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THDA Web Resources

Fair Housing & other non-discrimination information, including complaint instructions & forms are on THDA's website.

Page to the bottom ribbon and select, "Fair Housing & Non-Discrimination."

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Want to Learn More?

https://youtu.be/8req4uBLw8A

https://www.idahohousing.com/fair-housing/

https://youtu.be/O5FBJvqfoLM

Double click the links (under the images) to learn more about Fair Housing as described below.

HUD's 2022 Fair Housing Month Celebration includes timely information on HUD's Fair Housing efforts, including the recently launched PAVE Action Plan to reduce inequity in the home appraisal process.

Idaho Housing & Finance Agency has created brief topic specific Fair Housing public service videos. Some of the information is Idaho specific, but much of it is relevant to housing activities everywhere.

An oldie but a goodie- NPR created a very engaging 6 minute video a few years ago on the impact of race-based housing segregation that may be of interest to those who have not seen it.

Questions?

Laura Swanson-
lswanson@thda.org; 615-815-2727