Tennessee Housing Development Agency

Non-Discrimination in Services Requirements

THDA HOUSING ASSISTANCE FUND, CONTRACTOR TRAINING

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THDA Non-Discrimination in Services Policy Statement

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, age, sex, disability, familial status 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.

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THDA Non-Discrimination Contract Language

All entities who contract with THDA agree to non-discrimination in the provision of services & benefits:

- ✓ No person on the grounds of race, color, national origin, religion, sex, handicap/disability, age, 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 (sub-recipient) shall, upon request, show proof of such non-discrimination and shall post in conspicuous places, available to all employees and applicants, notices of non-discrimination.

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Purpose of Non-Discrimination Laws & Training

- Non-discrimination laws protect certain classes of people who have historically faced discrimination.
- Training helps ensure that all THDA employees (contractors & sub-recipients) are:
  1. Aware of and understand the requirements of Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968 (Fair Housing Act), other important federal and state non-discrimination laws & guidance;
  2. The minimum requirements to be in compliance with them.

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Key Federal Laws

- ✓ Title VI of the Civil Rights Act of 1964
- ✓ Title VIII of the Civil Rights Act of 1968 (Fair Housing Act)
- ✓ Section 504 of the Rehabilitation Act of 1973- *Disability*
- ✓ Age Discrimination Act of 1975
- ✓ Executive Order 13166- *Limited English Proficiency*
- ✓ Executive Order 13988- *Gender Identity or Sexual Orientation*

There are numerous Federal and state civil rights & non-discrimination laws with considerable overlap. In general, the most rigorous standard should be followed.

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THDA's Housing Assistance Fund

THDA HAF grants financial assistance to eligible homeowners using Federal funding from the U.S. Department of Treasury, and thus, the program and associated activities are subject to all Federal civil rights & non-discrimination laws and regulations.

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Protected Classes

A group of people with a common characteristic who are legally protected from discrimination on the basis of that characteristic.

- *Race, Color, National Origin & Age* are protected classes in programs or activities that receive **Federal financial assistance**
- *Race, Color, National Origin, Religion, Sex/Gender, Disability & Familial Status** are protected classes in **housing programs & activities**.
- Age is a protected class for purposes of THDA's federally funded programs; but not necessarily protected in all housing activities/ transactions.

*National origin includes birthplace (where a person is from), ethnicity, ancestry, culture, and language. Familial status is the presence of children under 18 & pregnancy.

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Title VI of the Civil Rights Act

Prohibits…

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

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

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Fair Housing Act

Prohibits discrimination when renting or buying a home, getting a mortgage, seeking housing assistance, or engaging in other housing-related activities on the basis of race, color, national origin, religion, disability, sex/gender & familial status.

Fair Housing prohibitions applies to ALL housing transactions & housing-related activities, private & public, regardless of funding source (Federal, state or local).

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Fair Housing Act Discriminatory Practices

- Refusing to rent or sell housing
- Refusing to negotiate for housing
- Making housing unavailable or denying a dwelling
- Setting different terms, conditions or privileges for sale or rental of a dwelling
- Providing different housing services or facilities
- Falsely denying that housing is available for inspection, sale, or rental
- Persuading owners to sell or rent (blockbusting)
- Denying anyone access to or membership in a facility or service related to the sale or rental of housing.

On the basis of race, color, national origin, religion, sex/gender, familial status or disability.

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Fair Housing Act Discriminatory Practices

In general it is illegal for anyone to:

- Threaten, coerce, intimidate or interfere with anyone exercising a fair housing right or assisting others who exercise that right
- Advertise or make any statement that indicates a limitation or preference based on membership in a protected class.
- Retaliate against a person who has filed a fair housing complaint or assisted in a fair housing investigation

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Tennessee Non-Discrimination Laws

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

- The Tennessee Human Rights Commission (THRC) ensures compliance with state law & Title VI of the Civil Rights Act of 1964.
- THRC is certified as a Fair Housing Assistance Program by HUD & provides education & may enforce Fair Housing violations (adjudicate complaints).

**Creed is a set of beliefs which guide someone's actions, such as religion.*

Disability & Meaningful Access

Section 504 of the Rehabilitation Act & the Fair Housing Act require programs or activities to be readily accessible to and usable by persons with a disability.

A reasonable accommodation may be necessary to allow a qualified individual with a disability to equally access and/or meaningfully participate in a program.

- A reasonable accommodation is a change or modification to a routine process or to the way things are customarily done.

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Reasonable Accommodation Process

THDA's Section 504/Reasonable Accommodation notice and instructions on how an applicant may request an accommodation with THDA's Section 504 Coordinator is posted on the THDA HAF application portal.

- THDA follows a standard process for verifying disability (when needed) and requesting information to verify the relationship between the individual's disability and requested accommodation.

A disabled individual may not specifically ask for a "reasonable accommodation," but may still communicate that they need a change in process to successfully apply.

- Call center representatives should never ask for specific information about an individual's disability but may listen for key phrases or words that would suggest the individual needs assistance.

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Recognizing a Request for a Reasonable Accommodation

Examples of statements that should trigger a call center agent to send the individual to THDA for application assist or send a referral to RARequest@THDA.org:

"I'm having trouble"… seeing… reading… understanding….what you are telling me…. the application, etc.

"I'm not sure I can provide the required documents by the date you have requested because of medical treatments I'm undergoing next week."

"I need my caregiver or another person to help me with the application or required documents or to be directly contacted on my behalf."

"I am having difficulty completing the application but do not have anyone to assist me at home. I need to meet in person with a representative."

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Reasonable Accommodation Process

- If an individual specifically states they have a disability and requests an accommodation, the call center should let the caller know that they may email the request to THDA's Section 504 Coordinator at RARequest@thda.org or call 1-615-815-2165 to request an accommodation. If the individual requests the call center's help with requesting the accommodation, the representative should send the caller's information to THDA application assist with an explanation that an accommodation was requested (and let caller know they will receive a contact back from THDA within 2 business days).
- If an individual does not specifically state they need an accommodation in the call, but the representative believes from the conversation that the individual may have a disability and a change or modification in the process is needed to help them successfully apply, the call should be referred for application assist with an explanation that the application needs to be reviewed for potential accommodation. Call center staff should let caller know THDA staff will contact the individual back within 2 business days.

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Limited English Proficiency (LEP) & Meaningful Access

Persons with Limited English Proficiency (LEP) must be afforded a meaningful opportunity to participate in Federally funded programs & in housing activities.

- Failure to provide meaningful access violates Executive Order 13166 & may represent national origin discrimination under Title VI & the Fair Housing Act.
- Spanish is the most commonly spoken language in Tennessee other than English and is also the most encountered language in THDA's programs. Arabic is the next most commonly encountered language.

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THDA Language Access Requires

1. Free oral interpretation for LEP persons, regardless of language.
   - Spanish language callers may be assisted by Spanish speaking call center representative. If no bi-lingual call center rep is available, a telephone interpretation service should be used.
   - A telephone interpretation service should be used with all LEP callers who speak languages other than Spanish.
   - Friends & family members should not interpret beyond basic information in most cases.
2. Notice of free language assistance in languages most commonly spoken by LEP Tennesseans is posted on the THDA HAF website

Español • العربية • Badīnī • Soranî • 中文한국어 • TIẾNG VIỆT • ພາສາລາວ • Af-Soomaali

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THDA Language Access Requires

3. Vital program documents readily available/translated into the Spanish language.
4. Oral interpretation by qualified interpreter of vital program documents in languages other than English/Spanish.
   - Dependent upon frequency of requests, in some cases, documents will be translated into other languages.

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Working with LEP Callers

Speak slowly, use simple words and phrases, enunciate words clearly and use a friendly, helpful tone.

We provide free interpretation. What language are you speaking? Please hold, I will connect to interpreter. It may take a moment.

- Instructions will follow for accessing interpreters using a telephone interpretation service through 3-way calling.

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Discrimination Complaint Process

All applicants to and beneficiaries of THDA-funded programs must be notified of the right to apply and participate in THDA's programs free of discrimination & notified of their right to file a complaint should they believe they have experienced discrimination.

- THDA's Non-discrimination Statement & the process to file a discrimination complaint with THDA, the TN Human Rights Commission and Treasury is posted on the THDA HAF application portal.
- Complaints of discrimination should be immediately escalated to application assist and not managed by call center.

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Examples of Discriminatory Acts

In mortgage lending:

- Refusing to consider a mortgage applicant's disability-related income, such as SSI or SSDI.
- Steering a borrower to a loan with less favorable terms because of his or her race, color, religion, sex, familial status, national origin or disability.

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Examples of Discriminatory Acts

Failure to provide a reasonable accommodation is a form of disability discrimination:

Mary has a disability that affects her capacity to manage her own finances. Mary applies for mortgage assistance and tells the case manager that all notices should be sent to her mother. The call center advises Mary that the agency has a policy of only sending notices to the homeowners address, no exceptions. Mary misses a deadline to complete required paperwork and is denied assistance.

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Questions/Help?

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