Tennessee Housing Development Agency

Non-Discrimination in Services Requirements

THDA COVID-19 RENT RELIEF CONTRACT TRAINING

Tennessee Housing Development Agency

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.

Tennessee Housing Development Agency

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.

Tennessee Housing Development Agency

Covid-19 Rent Relief Program

An emergency rental assistance program funded by the U.S. Treasury to assist households that are unable to pay rent and utilities due to the COVID-19 pandemic.

- U.S. Treasury has provided Federal financial assistance to state & local entities, like THDA, to administer the rent relief program.
- THDA has contracted with Horne LLP to administer certain components of the Federally funded rent relief program.

Tennessee Housing Development Agency

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.

Tennessee Housing Development Agency

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 -*New in 2021**

Tennessee Housing Development Agency

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**.

*presence of children under 18 or pregnancy

Tennessee Housing Development Agency

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.

Tennessee Housing Development Agency

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).

EQUAL HOUSING OPPORTUNITY

Tennessee Housing Development Agency

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.

Tennessee Housing Development Agency

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

EQUAL HOUSING OPPORTUNITY

Tennessee Housing Development Agency

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.*

Tennessee Housing Development Agency

Disability & Meaningful Access

Section 504 of the Rehabilitation Act & the Fair Housing Act prohibit discrimination against otherwise qualified individuals on the basis of disability & require meaningful access to programs & activities for persons with a disability.

- Programs or activities must be readily accessible to and usable by persons with a disability.
- To ensure equal or meaningful access, a reasonable accommodation may be necessary.

Tennessee Housing Development Agency

Reasonable Accommodation

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.

- All persons should be notified that disabled individuals may request an accommodation. Never ask about the nature or extent of a disability. Individuals who need an accommodation to participate in THDA's COVID-19 rent relief program must be referred to THDA's Section 504 Coordinator:

Charity Williams, THDA Assistant Chief Legal Counsel, cwilliams@thda.org or 615-815-2029.

Tennessee Housing Development Agency

Limited English Proficiency (LEP) & Meaningful Access

Persons with Limited English Proficiency (LEP) must be afforded a meaningful opportunity to participate in programs that receive federal funds & in housing activities.

- Failure to provide meaningful access violates Executive Order 13166 & may represent national origin discrimination under Title VI & the Fair Housing Act.
- THDA's Language Access Plan identifies the actions needed to ensure meaningful access to its programs & activities by LEP persons. https://thda.org/pdf/Language-Access-Plan-Final.pdf

Tennessee Housing Development Agency

THDA Language Access Plan Requires

1. Free oral interpretation for LEP persons, regardless of language (usually telephonic). *Friends or family may not be required to provide interpretation*.
2. Written vital program documents in English & Spanish.
3. Oral interpretation of vital program documents in languages other than English/Spanish.
4. Tagline notifying LEP persons of free language assistance in most commonly spoken languages in visible location/with documents.

Español ▪ العربية ▪ Badīnīi ▪ Soranî ▪ 中文한국어 ▪ TIẾNG VIỆT ▪ ພາສາລາວ ▪ Af-Soomaali

Tennessee Housing Development Agency

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 housing assistance and tells the case manager that all notices should be sent to her mother. The case manager tells Mary that the agency has a policy of only sending notices to residents at their address, no exceptions. Mary misses a deadline to complete required paperwork and is denied continued assistance.

Tennessee Housing Development Agency

Examples of Discriminatory Acts

Providing different terms and conditions to tenants because of national origin is discrimination:

Carlos is originally from Mexico but has lived in the United States for several years. One day, Carlos greets a new tenant in the apartment next to his. Carlos' neighbor comments on how welcoming everyone in the building seems, especially the building manager who offered to waive her security deposit because she seems like a good person. Carlos is surprised because the building manager was short-tempered with him and said that Carlos' accent made him hard to understand. Carlos later asks around and finds out that the building manager has waived fees and deposits for other tenants he likes, but not for him or other Hispanic/Latino persons.

Tennessee Housing Development Agency

Examples of Discriminatory Acts

Sexual harassment is a form of sex discrimination:

Jane has lost her job as a waitress due to the pandemic and fallen 6 months behind on rent. She applied for Covid-19 rent relief. When Jane tells her landlord about the rent relief, he says he will only fill out all the paperwork if she will go out with him because she "owes" him for all the extra effort. Feeling she has no choice, Jane says yes. Over the next few days, Jane's landlord sends her sexually explicit text messages even though Jane tells him to stop. Jane's landlord tells her that if she does not go out with him again he will stop accepting the rent relief payments and move to evict her & collect back rent as soon as the moratorium is lifted.

Tennessee Housing Development Agency

Discrimination Complaint Process

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

- THDA's discrimination complaint process & form is available on the THDA website: https://thda.org/about-thda/fair-housing-know-your-rights/housing-discrimination-complaints-assistance

Tennessee Housing Development Agency

Discrimination Complaints

Individuals applying for or participating in THDA's Covid-19 rent relief program, who believe they have experienced discrimination, must be provided the THDA website address for information on how to file a complaint: https://thda.org/about-thda/fair-housing-know-your-rights/housing-discrimination-complaints-assistance

AND referred to:

Laura Swanson, THDA Advisor, Civil Rights Compliance, lswanson@thda.org, 615-815-2127

THDA reports complaints alleging discrimination to the TN Human Rights Commission (THRC) who may investigate the allegations.

Tennessee Housing Development Agency

Questions/Help?

Laura Swanson, THDA Advisor, Civil Rights Compliance

615-815-2127 or lswanson@thda.org