

V.E. FAIR HOUSING ENFORCEMENT, OUTREACH CAPACITY, AND RESOURCES ANALYSIS

1. List and summarize any of the following that have not been resolved: a charge or letter of finding from HUD concerning a violation of a civil rights-related law; a cause determination from a substantially equivalent state or local fair housing agency concerning a violation of a state or local fair housing law; any voluntary compliance agreements, conciliation agreements, or settlement agreements entered into with HUD or the Department of Justice; a letter of finding issued by or lawsuit filed or joined by the Department of Justice alleging a pattern or practice or systemic violation of a fair housing or civil rights law; a claim under the False Claims Act related to fair housing or civil rights generally, including an alleged failure to affirmatively further fair housing; or pending administrative complaints or lawsuits against the locality alleging fair housing violations or discrimination.

The Tennessee Human Rights Commission reports the following are open Fair Housing cases (pending investigation) in Davidson County.

- HUD Case Number 04-16-4220-9, filed 1/27/2016: Complainant is a person protected from unlawful discrimination based on her race, African American. Complainant alleges on numerous occasions she complained to the management about children in the neighborhood congregating around her unit, damaging her property, and being a nuisance. She alleges the Respondent failed to provide adequate solution to her request and only advised her to call the police, which she did. Complainant alleges after she called and got the police involved, the Respondent retaliated against her by randomly enforcing the lease violations and denying her a grievance hearing.
- HUD Case Number 04-17-8101-8, filed 5/9/2016: Complainant is protected from unlawful discrimination based on her status as a person with a disability. Complainant alleges that she reported to Respondent that someone was urinating in her air conditioner. Complainant alleges that the police were called and expressed there was a strong unpleasant smell in the Complainant's unit. Complainant alleges that her maintenance requests were ignored due to her disability status.

Counsel for Metro and MDHA, respectively, stated that there are no open Fair Housing actions to which they are a party.

2. Describe any state or local fair housing laws. What characteristics are protected under each law?

Local Fair Housing Laws

- **The Code of the Metropolitan Government of Nashville and Davidson County, Tennessee, Chapter 11.20-Fair Employment and Housing Practices** protects race, color, religion, national origin, disability, or sex in connection with employment.
- **Metro’s Statement of Non-Discrimination:** “The Metropolitan Government of Nashville and Davidson County (Metro Government) is committed to promoting the quality of opportunity for all citizens. Metro Government takes pride in ensuring that people with disabilities are able to take part in, and benefit from, the range of public programs, services, and activities offered by the Government. Metro Government continues to modify its facilities, programs, policies, or practices, as necessary, to ensure access is provided. Metro Government does not discriminate on the basis of race, color, national origin, gender, gender identity, sexual orientation, age, religion, creed or disability in admission to, access to, or operations of its programs, services, or activities. Discrimination against any person in recruitment, examination, appointment, training, promotion, retention, discipline or any other employment practices because of non-merit factors shall be prohibited.

People with disabilities also have the right to be accompanied by service animals in public areas throughout Davidson County under the Americans with Disabilities Act, and interference with or denial of this right may also be a violation of state law. Service animals play an important role in ensuring the independence of people with disabilities, and it is therefore our policy to welcome into our County any animal that is individually trained to assist a person with a disability.”

- **MDHA Statement of Non-Discrimination:** “The Metropolitan Development and Housing Agency (MDHA) does not discriminate on the basis of age, race, sex, sexual orientation, gender identity, genetic information, color, national origin, religion, disability or any other legally protected status in admission to, access to, or operations of its programs, services, or activities. The Metropolitan Development and Housing Agency does not discriminate in its hiring or employment practices.”

State of Tennessee

- **Tennessee Human Rights Act, Tenn. Code Ann. § 4-21-101 et seq.** prohibits discrimination on the basis of
 - Race, creed, color, religion, sex, age, national origin, or disability in connection with employment;
 - Sex, race, creed, color, religion, ancestry, national origin, age, or disability in connection with public accommodations; and

- Race, color, creed, religion, sex, disability, familial status, or national origin in connection with housing.

3. Identify any local and regional agencies and organizations that provide fair housing information, outreach, and enforcement, including their capacity and the resources available to them.

Metro Human Relations Commission (MHRC)

MHRC is empowered under Metro Code 11.20.100 to enforce the provisions of Metro's Fair Employment and Housing Practices. The mission of MHRC is to protect and promote the personal dignity of all people by protecting and promoting their safety, health, security, peace, and general welfare. MHRC carries out this mission both proactively and reactively by:

- Investigating complaints within the general services district regarding perceived discrimination
- Reviewing allegations of discriminatory misconduct by metropolitan government employees, including but not limited to employees of the police department, fire department, health department, department of codes administration, public works, metropolitan beer permit board, metropolitan development and housing agency and department of water and sewerage services, and fostering better relations between employees of metropolitan government and the people they seek to serve
- Lessening and eliminating prejudice and discrimination through educational and awareness enhancing programs designed to promote tolerance, respect, and the value of diversity
- Proposing legislation addressing human relations issues in the general services district and enhancing the enforcement of statutes and ordinances that already exist
- Fostering mutual understanding, tolerance, and respect among all economic, social, religious, ethnic, and other community groups by working with existing educational, religious, governmental, social and community agencies.

MHRC is composed of seventeen volunteer Commissioners, appointed by the Mayor and confirmed by Metro Council. MHRC has a staff of 4 and is funded by Metro Government. The proposed 2017-2018 budget is \$491,900. While MHRC attempts to resolve complaints, it does not have the resources to enforce Fair Housing complaints and refers complainants to the Tennessee Fair Housing Council or the Tennessee Human Rights Commission.

Tennessee Human Rights Commission (THRC)

THRC is an independent state agency created in 1963 to encourage, promote and advise the public of their human rights. In 1978, THRC transformed into an enforcement agency through the passing of the Tennessee Human Rights Act (THRA) and later, the Tennessee Disability Act (TDA), which together prohibit discrimination in housing, employment, and public accommodation on the basis of race, color, creed, national origin, religion, sex, disability, familial status (housing only), and age (over 40 in employment). The Commission also ensures the State of Tennessee's compliance with Title VI of the Civil Rights Act of 1964 which prohibits discrimination based on race, color, and national origin by state agencies receiving federal financial assistance. THRC's mission is to safeguard individuals from discrimination through enforcement and education.

THRC is governed by a nine (9) member board of commissioners serving staggered six year terms appointed by the Governor, the Lt. Governor, and the Speaker of the House, to represent the three Grand Divisions of the state. A 29 member staff of investigators, attorneys, and other professional support personnel carry out the day-to-day duties of conducting thorough investigation and educating the public about their rights and responsibilities. Staff duties include the receipt, investigation, and when necessary, litigation of discrimination complaints. When parties agree, THRC also conducts mediation and conciliation as means to resolve complaints. In addition, THRC provides technical assistance and education about the rights and requirements under the THRA and TDA laws. THRC maintains its central office in Nashville and has regional offices in Knoxville, Chattanooga, and Memphis and is the only designated FHAP (Fair Housing Assistance Program) agency in Tennessee.

Tennessee Fair Housing Council (TFHC)

TFHC is a private, non-profit advocacy organization whose mission is to eliminate housing discrimination throughout Tennessee. Its enforcement program is based in Nashville and concentrates on Davidson, Cheatham, Dickson, Rutherford, Sumner, Williamson and Wilson counties. TFHC carries out its mission in several ways:

- **Education and outreach:** TFHC staff make dozens of appearances and sponsor several events each year to tell the public about fair housing. Outreach to other organizations that serve vulnerable populations is especially effective, and TFHC also trains housing providers.
- **Enforcement:** TFHC takes in dozens of complaints of housing discrimination each year and investigates those complaints, counsels the clients, and, in some cases, represents them in administrative actions or lawsuits. TFHC also assists complainants in filing administrative complaints even where they don't provide representation.

- **Promoting technology in the fair housing field:** TFHC pioneered the use of the Internet in fair housing enforcement. In 1996, it was instrumental in providing equipment and internet access to other fair housing organizations, and, since 1995, TFHC has operated the National Fair Housing Advocate Online, the nation's leading resource on fair housing law. TFHC still provides web site and technology consulting to other fair housing organizations around the country.

TFHC has received funding from HUD under the Fair Housing Initiatives Program (FHIP) and funding from MDHA to conduct fair housing outreach, education, and testing, as described below. With the recent passing of its long-time executive director, as well as the exit of other staff to other organization, TFHC is in the process of rebuilding its capacity.

4. Additional Information

- a. **Provide additional relevant information, if any, about fair housing enforcement, outreach capacity, and resources in the jurisdiction and region.**

During stakeholder consultations, legal representatives commented on the length of time it takes for HUD to investigate and resolve a complaint. One representative said a case has been open for 900 days.

- b. **The program participant may also include information relevant to programs, actions, or activities to promote fair housing outcomes and capacity.**

The lack of fair housing education, testing, and enforcement capacity was identified as a barrier to fair housing choice in the 2013 Analysis of Impediments. Beginning with Program Year 2013, MDHA awarded CDBG public service dollars to the Tennessee Fair Housing Council to perform fair housing counseling, outreach and education and to conduct complaint-based and targeted testing primarily in Tier I target areas.

As a result, **377 clients have been provided services in conjunction with the counseling and outreach component of the program.** Additionally, the program has provided Fair Housing Counseling Clinics, training for mortgage lending professionals, training in design and construction, developer training, real estate and lending testing and training of rental/sales testers for lending testing.

Other fair housing education and outreach efforts undertaken by MDHA include:

- Having a page dedicated to providing information on the Federal Fair Housing laws on the MDHA website – this information can be viewed through the following link: <http://www.nashville-mdha.org/fair-housing/>.
- Sponsoring the annual Tennessee Fair Housing Matters Conference.

- Routinely posting and providing Fair Housing informational materials at all offices and properties.
- Maintaining a dedicated Fair Housing Hotline where the public can call to obtain information on Fair Housing. A recorded message provides information on how to file a complaint and referral information to local fair housing agencies. A staff person checks messages periodically, responds to complaints, and tracks calls received. **The Hotline received 226 calls during the 2013 – 2015 program years.**
- Including the Equal Housing logo and/or anti-discrimination phrase on all informational materials distributed by MDHA.

MDHA supports the continued use of CDBG funds to support fair housing outreach.

5. Fair Housing Enforcement, Outreach Capacity, and Resources Contributing Factors.

Consider the listed factors and any other factors affecting the jurisdiction and region. Identify factors that significantly create, contribute to, perpetuate, or increase the lack of fair housing enforcement, outreach capacity, and resources and the severity of fair housing issues, which are Segregation, R/ECAPs, Disparities in Access to Opportunity, and Disproportionate Housing Needs. For each significant contributing factor, note which fair housing issue(s) the selected contributing factor impacts.

- **Lack of local private fair housing outreach and enforcement**
 - Fair housing outreach and enforcement is needed, with a particular focus on hot markets and areas with large populations of immigrants.
- **Lack of local public fair housing enforcement**
 - Local public agencies do not have the resources to enforce fair housing complaints.
- **Lack of resources for fair housing agencies and organizations**
 - Funding for private, nonprofit fair housing agencies is primarily if not fully through grants.