TENNESSEE HUMAN RIGHTS COMMISSION

ANNUAL REPORT FY 2019

SAFEGUARDING INDIVIDUALS FROM DISCRIMINATION THROUGH EDUCATION AND ENFORCEMENT

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September 23, 2019

Governor Bill Lee
State Capitol, 1st Floor
600 Dr. Martin Luther. King, Jr. Blvd.
Nashville, TN 37243

Members of the General Assembly
Cordell Hull Building
425 5th Ave N
Nashville, TN 37243

To Governor Bill Lee, Members of the 111th General Assembly and Citizens of Tennessee:

On behalf of the Tennessee Human Rights Commission, I am pleased to provide the FY 2018-2019 Annual Report for the Tennessee Human Rights Commission for the period July 1, 2018, through June 30, 2019. This report details the Commission's actions and initiatives to safeguard the public from discrimination through education and enforcement.

We would like to thank our Board Chair and the members of our Board of Commissioners who continue to provide leadership in the quest to meet the Commission's mission and goals.

We look forward to the important work ahead and appreciate your continued support.

Sincerely,

Beverly L. Watts
Executive Director

September 23, 2019

Dear Partners,

The Tennessee Human Rights Commission continues to provide effective education and outreach efforts and enhance its enforcement initiatives to provide quality information and service to the public. It has been my honor to serve as the Chair of the Board of Commissioners from January 2015 to June 2019.

This report provides the details of the activities, efforts and initiatives of our agency. This report is designed to inform elected and appointed government officials, civic organizations and the all Tennesseans about those human rights issues under the Commission's jurisdiction that were addressed during FY 2018-2019.

I want to thank my fellow Commissioners for their support and the staff for their commitment to equity and access through the enhancement of agency operations. I encourage you to read about the Commission's work and accomplishments.

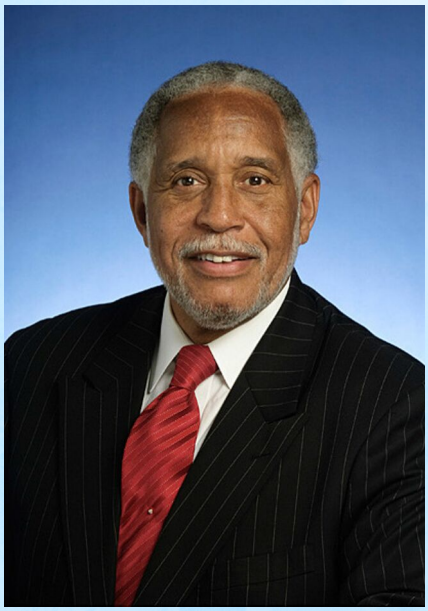
Sincerely,

Annazette Houston, Chair
Board of Commissioners
January 2015-June 2019

BOARD OF COMMISSIONERS

ANNAZETTE HOUSTON
CHAIR

ROBIN DERRYBERRY
VICE CHAIR



BILL MARTIN
SECRETARY

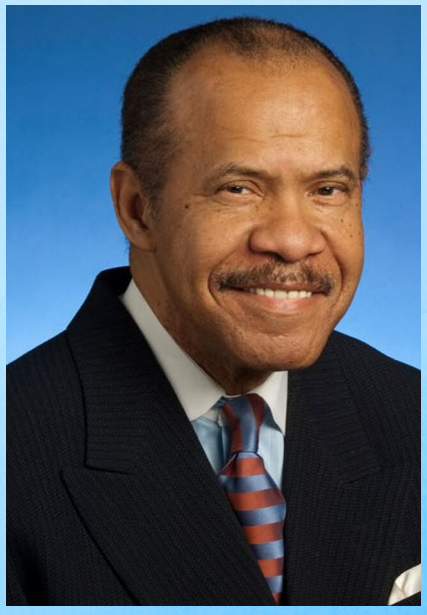
SCOTT ARNWINE

GARY D. BEHLER

ERIC CRAFTON

CHRIS CRIDER

JULIUS SLOSS



*RALPH WHITE

*In Memoriam
Commissioner Ralph White

Rev. Ralph White, Pastor of the Bloomfield Full Gospel Baptist Church in Memphis passed away Saturday, May 25, 2019, he was 71-years-old. Rev. White has served the Tennessee Human Rights Commission since December 6, 2012 as a Commissioner representing West Tennessee.

The Tennessee Human Rights Commission remembers Rev. White for his service to THRC, leadership and commitment to his community.

As the Shepherd of Bloomfield, Pastor White had a passion for "rightly dividing the Word of Truth." He served at Bloomfield for thirty-four years.

Pastor White is the Founder of the GOD SO LOVE Prayer and Outreach Ministry. He is a native Memphian. He attended Memphis City Schools. He furthered his education by attending the University of Arkansas, Memphis State University and Mid-South Bible College. He received an Honorary Doctorate of Divinity from Detroit Bible College, Detroit, MI.

COMMISSION HISTORY

On September 30, 1963, Governor Frank G. Clement signed Executive Order 18 creating the Tennessee Human Relations Commission. The Commission's original purpose was to advise the public of their rights, research and report on human relations and relay these findings to the governor. The commission accomplished this by working alongside other government agencies with similar responsibilities.

In 1967, legislation was passed creating the Tennessee Commission on Human Development, which absorbed rules and regulations to govern its proceedings, and added a prohibition against sex discrimination.

In 1978, the Tennessee Human Rights Act (THRA) became law, transforming the commission from an advisory agency to an enforcement agency. Former Commissioner Jocelyn Wurzburg of Memphis Tennessee was the author of this legislation; her leadership was critical to its passage.

In 1979 and 1980, the law was amended to include disability and age as protected classes.

In 1983, the commission officially became the Tennessee Human Rights Commission (THRC). In 1984, the law was amended to prohibit discrimination in housing. In 1990, the expansion was extended to include familial status and disability as protected classes.

Today, the THRA prohibits discrimination based on race, color, creed, religion, sex, national origin, age (in employment), disability and familial status (in housing). In 2009, the THRA was expanded and THRC was given the authority to verify that state government entities comply with requirements of Title VI of the Civil Rights Act of 1964. Title VI prohibits recipients of federal financial assistance from discriminating on the basis of race, color, and national origin.

In 2014, legislation was passed that amended the THRA (T.C.A. §4-21-201) by reducing the THRC's board from fifteen (15) members to nine (9) members with two (2) members being appointed by leadership from the senate and house, and five (5) appointed by the governor. The new board structure became effective on January 1, 2015.

We have maintained collaborative partnerships with the federal government for almost forty (40) years. In 1979, we partnered with the U.S. Equal Employment Opportunity Commission (EEOC) through an employer monitoring grant, which has since expanded into a work sharing agreement. In 1985, we began our partnership with the U.S. Department of Housing and Urban Development (HUD).

These relationships allow us to investigate complaints involving alleged violations of Title VII of the Civil Rights Act of 1964, the Age discrimination in Employment Act of 1967, the Americans with Disabilities Act of 1990, the Americans with Disabilities Act Amendments Act of 2008 and Title VIII of the Civil Rights Act of 1968 (Fair Housing).

OUR MISSION

Safeguarding Individuals from Discrimination Through Education and Enforcement

ABOUT US

The Tennessee Human Rights Commission (THRC) is an independent state agency responsible for enforcing the Tennessee Human Rights Act (THRA).

The Commission has a 9 member Board of Commissioners and a 29 member staff in 4 offices across the state.

During FY 2019, the Board of Commissioners finalized the strategic planning process.

The Board implemented the following in the strategic planning process:

·Updated the mission statement
·Created an elevator speech
·Revised Commission meeting structure

EXECUTIVE SUMMARY

The Tennessee Human Rights Commission successfully connected with more than 5.5M individuals by participating in 121 education and outreach activities. Through traditional and social media, we reached more than 3.2M individuals. The 2019 Employment Law Seminar, our premier event was a great success with 175 attendees and featured keynote speaker Dr. Trish Holliday from the Department of Human Resources.

The agency received 4,860 calls from the public, sent 1,094 complaint forms and received 1,622 inquiries. There were 748 employment inquiries received, 328 were accepted for investigation. There were 228 employment complaints closed with 21 complaints resolved through settlements in the amount of $170,300 in monetary benefits to the complainants. The mediation program had a resolution rate of 50%; there were a total of 32 mediations conducted, 16 successful mediated agreements of which 12 were successful resulting in $38,977 in monetary benefits to complainants. There were 8 post cause mediations resulting in $64,316 monetary benefits to complainants.

There were 539 housing inquiries received, 123 were accepted for investigation. There were 133 housing complaints closed with 32 complaints resolved through conciliations in the amount of $77,514 in monetary benefits to complainants.

The legal staff conducted 20 reconsiderations for employment and housing cases combined. Our legal staff found reasonable cause in 17 complaints; 4 in employment and 13 in housing.

The Title VI staff reviewed 48 state agency implementation plans and completed 4 compliance reviews to prove compliance with Title VI of the Civil Rights Act of 1964. There were 335 inquiries received, 71 accepted for investigation, of which 57 cases were closed. At the annual Title VI training, 77 individuals were trained in Title VI compliance. Title VI staff responded to 354 requests for technical assistance.

In summary, there were 21 settlements, 32 conciliations, 12 mediations and 8 post-cause mediations which produced $351,107 in monetary benefits to complainants. Non-monetary benefits included revision of policies, translation of policies into Spanish, employment and housing training and permission to keep emotional support animals. An online complaint form was launched the last week of January 2019, resulting in 30% (265) of inquiries received.

EDUCATION & OUTREACH

The Tennessee Human Rights Commission provides education & outreach to bring awareness about our work. The agency partners with state and federal agencies along with employers, housing providers, faith-based and non-profit organizations and others who want training to achieve this goal. Our agency educates the public about the rights enforced by our agency through education and outreach, traditional and social media and we investigate allegations of discrimination. This past year our agency partnered with more than 138 organizations.

We have participated in 121 outreach activities over the past fiscal year. These activities included conducting workshops, giving educational presentations, exhibiting, distributing agency materials at events, attending meetings, and organizing educational seminars. Through these efforts, we have reached more than 5.5 million individuals. In addition to traditional media such as newspaper, radio and television, we use social media as a tool to communicate our message and inform the public.

2019 Education & Outreach By the Numbers

Connected with **5.5M** Individuals

Gave **26** educational presentations

Participated in **121** outreach activities

Conducted **23** Exhibits

Placed ads in **22** event programs

1,172 likes on Facebook

110,151 impressions and **498** followers on Twitter

84,385 website views

657,348 people reached through print media

3.2 million people reached through radio ads on the following stations

WJBE Knoxville
iHeart Media (TN Radio Network)
92Q WQQK Nashville
95.5 Nash WSM Nashville

Chattanooga NPR
Knoxville NPR
Memphis NPR
Nashville NPR

EDUCATION & OUTREACH

COMMUNITY PARTNERS

Our agency has partnered with over 138 different organizations statewide to provide education to the public about their rights. The following are highlights from some of the programs in which we participated.

Executive Director Beverly Watts, Nashville Mayor David Briley, YWCA CEO Sharon Roberson and other community leaders address the crowd at the annual YWCA Stand Against Racism- No Hate No Fear event in Nashville.

TOP: We partnered with Tennessee United for Human Rights and Metro Human Relations Commission for International Human Rights Day 2018 celebration in Nashville. Executive Director Watts pictured with Metro Human Relation Executive Director Mel Fowler and lifetime achievement award recipients Dr. Blondell Strong Kimbrough and King Hollands.

LEFT: Board Chair Annazette Houston presented the Governors proclamation at International Human Rights Day 2018 celebration in Nashville

Commissioner Gary D. Behler and Commissioner Robin Derryberry present the Governor's proclamation at the Chattanooga International Human Rights Day Celebration alongside Chattanooga District 6 Councilwoman Carol Berz and IHRD Chair, Jerry Redmon of Second Life Tennessee.

We partnered with several organizations for the 2019 IMF MLK Day Convocation at Tennessee State University. Governor Bill Lee gave his first public address as Governor at the event.

Our Community Partners

Access to Justice Commission, Metropolitan Nashville Chapter, Inc. – ACLU of Tennessee – American Muslim Advisory Council –Amnesty International – April 4th Foundation, Inc. – Baker,Donelson,PC– Bass,Berry & Sims PLC – Beck Cultural Exchange Center – Belle Meade Plantation –Benjamin L. Hooks Institute for Social Change – Big Brothers Big Sisters – Bone McAllester Norton PLLC – Bridges for the Deaf and Hard of Hearing – CABLE Nashville – Central Labor Council of Nashville Middle TN Centro Hispano de East TN – Chattanooga Commission on Women – Chattanooga Family Justice Center - Chattanooga Mayor's Office – ChiEta Phi Sorority, Inc. – Church of Scientology Nashville – Citizens Commission on Human Rights – City of Chattanooga –City of Chattanooga, Multicultural Affairs – City of Knoxville, Community Development –City of Memphis –City of Murfreesboro – City of Nashville –Collins & Hunter, PLLC – Community Development Center – Community Foundation of Middle TN – Council on Aging of Middle TN – Cracker Barrel – Cumulus Media –CW 58 –Davidson County –Delta Dental of TN –Disability Resource Center – Disability Rights TN – Downtown Rotary Club of Chattanooga – Education Equal Opportunity Group, Inc. – Equality Coalition for Housing Opportunities Equal Employment Opportunity Commission -Faith & Culture Center-Faith & Justice University –First Amendment Center – First Tennessee Bank – Fisk University – Fox 17 News Nashville –Free for Life International – Girl Scouts of Middle Tennessee – Habitat for Humanity of Greater Memphis – HCA/TriStar –Housing Equality Alliance of TN –Ignite Women's Leadership –Interdenominational Ministers Fellowship – Knoxville Area Urban League – Knoxville Community Development Corporation – La Paz Chattanooga – Leadership Conference on Civil and Human Rights – Leadership Nashville – Legal Aid of East TN – Lipscomb University – Meharry Medical College – Memphis Area Legal Services – Memphis Center for Independent Living –Memphis Flyer –Memphis Housing and Community Development – Memphis, Mayor's Office – Metro Human Relations Commission - Metropolitan Development and Housing Agency-Middle TN Association of Realtors – Middle TN Society of Human Resources - Middle TN State University – MLK Knoxville Commemorative Commission –My TV30 –NAACP Bolivar Hardeman County- NAACP Chattanooga/Hamilton County Chapter-NAACP Jackson Chapter – NAACP National Office – NAACP Nashville Chapter –NAACP TN State Conference –Nashville Area Chamber of Commerce-Nashville Area Hispanic Chamber of Commerce – Nashville Ballet – Nashville Mayor's Office – National Civil Rights Museum – National Coalition of 100 Black Women – National Museum of African-American Music – News Channel 5 Nashville –Oasis Center –Ogletree ,Deakins, Nash, Smoak & Stewart, PC–One Voice Nashville –Phillips Chapel CME Church –PRIDE Publishing Group– Princeton Alumni Association of Nashville–Nashville State Community College– New Covenant Christian Church (Disciples of Christ), Commission on Pro Reconciliation/Anti-Racism– Scarritt Bennett Center-Second Life Tennessee – Shelby County – SunTrust Bank – TN Alliance for Legal Services – USA TODAY Network TN – Tennessee State University – Tennessee Tribune– TN AFL-CIO Labor Council –TN Association for Affordable Housing –TN Board of Regents –TN Council on Development Disabilities – TN Department of Economic & Community Development– TN Department of Education – TN Department of Human Resources – TN Department of Labor & Workforce Development –TN Fair Housing Council – TN Housing Conference –TN Housing Development Agency – TN Immigrant & Refugee Rights Coalition – TN Labor Management Foundation – TN Radio Network –TN United for Human Rights – TN Valley Coalition for the Homeless -TN Woman Suffrage Monument, Inc. – Tri-City Apartment Association – UNICEF Nashville – United Nations Association Cordell Hull Chapter – Unity Group of Chattanooga – University of Memphis– University of Tennessee at Chattanooga – Urban League of Greater Chattanooga –Urban League Middle TN –USDA Rural Development – U.S. Dept. of Housing and Urban Development–WeGo Public Transit – West Tennessee Legal Services – Wimberly Lawson Law Firm –Women's March Tennessee –Women's Political Collaborative of Tennessee – Workforce Diversity Nashville –YWCA Nashville & Middle Tennessee

EDUCATION & OUTREACH

FAIR HOUSING MONTH

April 2019 marked the 51st anniversary of Title VIII of the Civil Rights Act of 1968 which was signed into law by President Lyndon B. Johnson on April 11, 1968. The Act prohibits discrimination concerning the sale, rental, and financing of housing based on race, religion, national origin, sex, (and as amended) handicap and family status. Title VIII of the Act is also known as the Fair Housing Act, the Tennessee Human Rights Act is equivalent to the Fair Housing Act. The enactment of the federal Fair Housing Act came only after a long and difficult journey. From 1966 – 1967, congress regularly considered the fair housing bill, but failed to garner a strong enough majority for its passage. However, when the Rev. Dr. Martin Luther King Jr. was assassinated in Memphis on April 4, 1968, President Johnson pressed for the bill's speedy congressional approval. Through his advocacy in the 1966 open housing marches in Chicago, Dr. King's name had been closely associated with the fair housing legislation. President Johnson viewed the Act as a fitting memorial for his life's work, and wished to have the Act passed prior to Dr. King's funeral in Atlanta.

In 2019, we were involved in Fair Housing events throughout Tennessee. We held our annual West TN Fair Housing Celebration in Memphis on April 11, 2019. The annual celebration was held at the National Civil Rights Museum (NCRM) and featured keynote speaker Lisa Rice, President and CEO-National Fair Housing Alliance.

We partnered with the Equality Coalition for Housing Opportunities (ECHO) Fair Housing Conference in Knoxville, Housing Equality Alliance of Tennessee (HEAT) for the Fair Housing Matters Conference in Nashville, and the Fair Housing Workshop in Johnson City. Our efforts reached approximately **500** people through these events with presentations and distribution of materials.

Lisa Rice, President & CEO of National Fair Housing Alliance was the keynote speaker for the 2019 West TN Fair Housing Celebration.

Lisa presented on:
Weaponized Data: How Information & Technology Restrict Housing Access and Harm Communities

Left: Keith Turbett, First TN Bank, Laura Swanson, THDA, Ella Harris, THDA

Right: THRC General Counsel, Dawn Cummings was a panelist at the Fair Housing Matters Conference in Nashville.

Left: THRC Board Chair Annazette Houston and Housing Coordinator, Saadia Williams attend the ECHO Fair Housing Conference in Knoxville.

Right: Carlos Osegueda, HUD, Sabrina Hooper, THRC at memphis event.

Left: NCRM President Terri Freeman gives opening remarks at the West TN Fair Housing Celebration in Memphis.

Right: TN Fair Housing Council Executive Director, Kathy Trawick present Carol Gish with the 2019 Fred Cloud and Tracey M. McCartney Advocacy Award.

Each year, we host our premier Employment Law Seminar in partnership with the Department of Human Resources (DOHR). The seminar is designed to educate human resource professionals, organizations, and employers on their responsibilities under the state and federal anti-discrimination laws. This year's seminar was held on June 12, 2019 at One Century Place Conference Center in Nashville and was attended by 175 professionals with 6 expert presenters. There were six general CLE credits and six general HRCI credits provided to attendees. Several employment law attorneys gave presentations on the following topics: Sexual Harassment & retaliation, equal pay, EEOC updates, conducting internal investigations, and social media.

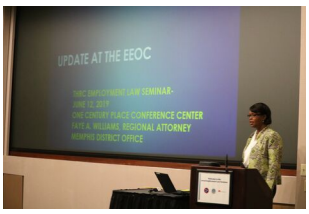
Dr. Trish Holliday, Assistant Commissioner and State Chief Learning Officer for the Department of Human Resources was the keynote speaker for the 2019 Employment Law Seminar.

Dr. Holliday presented on:
A Leader's Call to Action: Knowledge + Behavior = Success

Left: DOHR Commissioner, Juan Williams welcomed attendees.

Right: Chair Annazette Houston gave opening remarks.

ELS PHOTO GALLERY



ENFORCEMENT

ENFORCEMENT OVERVIEW

The Tennessee Human Rights Commission receives complaints of allegations of discrimination in employment, housing, public accommodations and ensures compliance with Title VI for state agencies who receive federal financial assistance.

Complaints are assessed to determine whether the allegations are jurisdictional charges under the Tennessee Human Rights Act, Tennessee Disabilities Act and Title VI of the Civil Rights Act of 1964.

Customer service and intake serve as the initial point of contact and individuals can obtain assistance with filing a discrimination complaint. Our staff provides information on how to file a complaint, sending out complaint forms to requesting parties and also make referrals to other agencies as needed. We received **4,860** phone calls, sent **1,094** complaint forms, received **1,622** inquiries and reviewed **48** state agency implementation plans

RECEIVED
4,860 PHONE CALLS

SENT
1,094 COMPLAINT FORMS

RECEIVED
1,622 INQUIRIES

REVIEWED
48
IMPLEMENTATION PLANS

Distribution of inquiries by county

1.Davidson County
2.Knox County
3. Shelby County
4.Hamilton County
5.Rutherford County

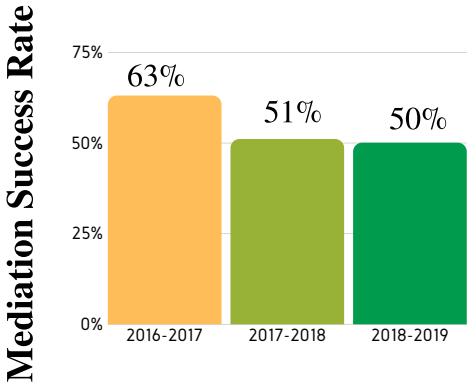
Online Complaint form

We launched our online complaint form January 2019. Since January 27, 2019 through June 30, 2019, a total of 859 inquiries were received, of which 31% (265) were received through the online complaint form.

The purpose of mediation is to facilitate an atmosphere for both parties to discuss their perspectives on the conflict at hand and work toward a potential resolution.

Mediation is provided at no cost to either party and is done in a secure and controlled environment. Mediation is an alternative to undergoing a full investigation or litigation. Complainants and respondents must agree to attempt mediation. If mediation results in terms both parties find acceptable, the case is resolved the same day. If an agreement cannot be reached, the case will return to the investigative process. All mediation are confidential.

MEDIATION BY THE NUMBERS



- **32** mediations conducted
- **16** successful mediated agreements, **12** of which were successful mediations with **$38,977** in monetary benefits to complainants.
- **8** post cause mediations with **$64,316** in monetary benefits to complainants
- Individual monetary benefits ranged from **$200 - $25,000**
- Examples of non-monetary benefits awarded include: training, neutral reference letters, reinstatement, etc.
- **4** Rule 31 trained mediators are on staff

ENFORCEMENT

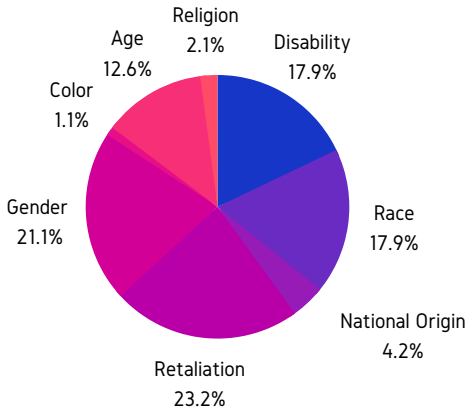
Our agency is responsible for investigating allegations of discrimination in employment and public accommodation with complaints on the basis of race, color, creed, national origin, religion, sex, disability* and age. We have a work share agreement with the U.S. Equal Employment Opportunity Commission (EEOC) to investigate complaints of employment discrimination. This partnership allows federal and state agencies to coordinate investigations and avoid duplication of effort.

*Allegations of disability for public accommodation is referred to the U.S. Department of Justice.

2019 EMPLOYMENT AND HOUSING COMPARISON BY THE NUMBERS

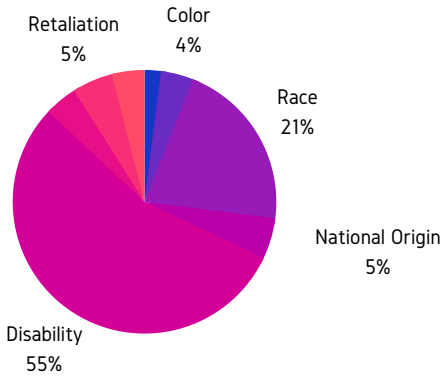
EMPLOYMENT COMPLAINTS BY THE NUMBERS

748 INQUIRIES RECEIVED	328 COMPLAINTS ACCEPTED	228 CLOSED CASES



EMPLOYMENT COMPLAINTS BY BASIS OF ALLEGED DISCRIMINATION

HOUSING COMPLAINTS BY BASIS OF ALLEGED DISCRIMINATION

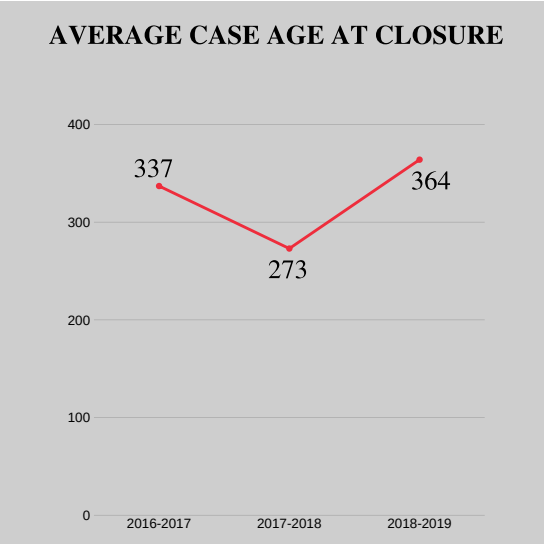


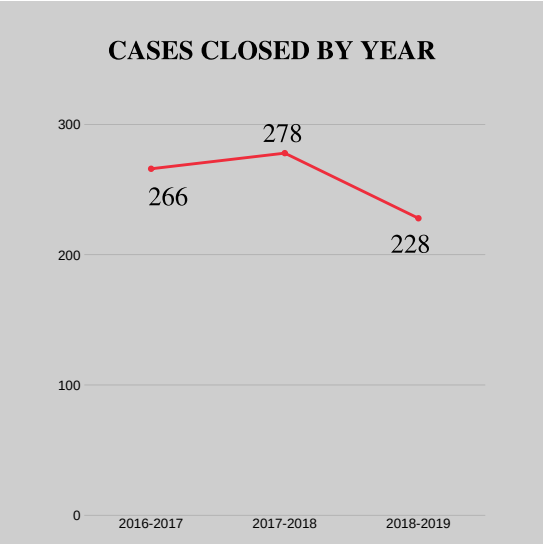
Familial Status 4%
Gender 4%
Religion 2%

HOUSING COMPLAINTS BY THE NUMBERS

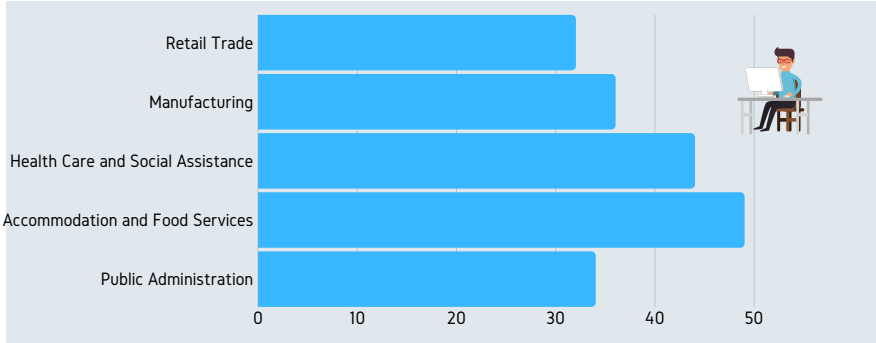
539 INQUIRIES RECEIVED	123 COMPLAINTS ACCEPTED	133 CLOSED CASES

Case closure data over time: Employment investigators have a goal to complete investigations with the average complaint closure of 270 days or less.





NUMBER OF EMPLOYMENT COMPLAINTS FOR TOP 5 INDUSTRIES



Accommodation and Food Services-49
Health Care and Social Assistance-44
Manufacturing-36
Public Administration-34
Retail Trade- 32

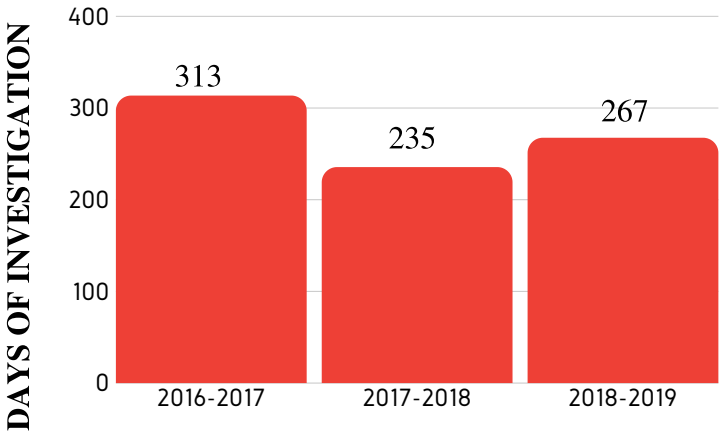
EMPLOYMENT SETTLEMENT BENEFITS

There were **21** cases resolved through settlements of **$170,300** in monetary benefits to complainants. Examples with non-monetary benefits include neutral reference letters, unopposed unemployment benefits, reinstatement, etc.

Our agency is responsible for investigation and resolving housing discrimination complaints related to the sale, lease, advertisement, and/or finance of residential and commercial property on the basis of race, color, creed, national origin, religion, sex, disability, or familial status. We have a memorandum of understanding with the U.S. Department of Housing and Urban Development (HUD) to process complaints of housing discrimination. This partnership allows federal and state agencies to coordinate investigations and avoid duplication of effort.

HUD EFFICIENCY

Housing vacancies have had an impact on case processing and have significantly impacted the HUD's efficiency goal. The goal is to conduct thorough investigations and have fifty (50) percent of the dual-filed fair housing complaints close within 100 days or less. This year staff closed 32 or 25% dual-filed complaints within 100 or less. The total closures of 133, including 127 dual-filed and 6 THRC only. **The chart below reflects the days of investigation.**



HOUSING CONCILIATION BENEFITS

There were 32 complaints that were resolved through conciliation with **$77,514** in monetary benefits to complainants. Non-monetary benefits include reasonable accommodations and modifications, removal of eviction records, fair housing training, policy revision and housing opportunities.

The Title VI compliance program is responsible for verifying that state agencies who receive federal financial assistance are in compliance with the requirements of Title VI of the Civil Rights Act of 1964. Title VI prohibits discrimination on the basis of race, color, and national origin in programs and activities receiving federal financial assistance. Our agency serve as the central coordinating agency for executive branch departments seeking technical assistance, consultation and resource compliance.

2019 Title VI Complaints By the Numbers

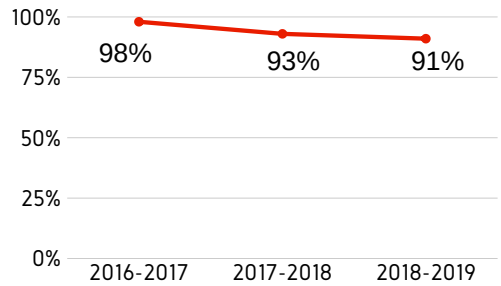
335
INQUIRIES RECEIVED

71
COMPLAINTS FILED

57
CASES CLOSED

IMPLEMENTATION PLANS

A major component of the Title VI Compliance involves the review of state agency Title VI Implementation Plans. In FY 2019, the Title VI compliance staff received and reviewed 48 implementation plans from departments statewide.



Implementation Plan Compliance Over Time

TECHNICAL ASSISTANCE

One of the many important roles of the Title VI team is to provide technical assistance to state departments and agencies on Title VI compliance. Staff responded to 354 requests for technical assistance from state departments and agencies on Title VI compliance.

Topics of concern included complaint investigation, complaint and compliance reporting, limited English proficiency, and training requirements, both for agency staff and sub-recipients.

These requests are typically resolved within 24 hours.

Annual Title VI Training

The annual Title VI Training for state Title VI coordinators was held on August 1, 2018. Information presented during this training included an overview of Title VI fundamentals for new coordinators, an explanation of the implementation plan guidelines for FY 2019 and regulatory authority training instruction. Our executive director gave a presentation on overall Title VI compliance to state agency heads.

Our agency reviews other state agencies to ensure Title VI compliance. During FY 2018-2019, there were five compliance reviews, four of which were completed.

2018-2019 Title VI Compliance Reviews

Tennessee State Government

AGENCY	COMPLETED	FINDINGS
TN Community Service Agency (TCSA)	August 2018	No findings to report- in compliance
TN Dept. of Commerce & Insurance (TDCI)	November 2018	1) Did not monitor Subrecipients for Title VI compliance. --Agreed to a corrective action plan, which is monitored by THRC.
TN Dept. of Veterans Services (TDVS)	February 2019	1) Did not use appropriate interpretation services to LEP individuals. 2) Failed to document LEP encounters outside invoiced by Avaza. --Agreed to a corrective action plan, which is monitored by THRC.
TN Dept. of Safety & Homeland Security (TDSHS)	April 2019	1) Did not provide interpretation services throughout all divisions. 2) Failed to translate vital documents. 3) Fails to assess translating needs. 4) Prohibits language assistance during driver examinations. 5) Failed to notify THRC of race based complaints. 6) Attempt to close complaints before investigation. 7) Failed to notify the public of Title VI protections. --Agreed to a corrective action plan, which is monitored by THRC.

The full Title VI report can be found HERE

Our legal staff provides advice to the staff and Board of Commissioners. The staff also provides counsel on all phases of the investigative process from intake to final resolution. The legal staff is responsible for resolving reasonable cause cases and may conciliate cases through informal negotiations, judicial mediation and when necessary litigates reasonable cause cases through administrative hearings. The legal staff trains and educates staff and commissioners, conducts internal policy reviews, monitors legislation and court cases that impact our agency and conducts educational presentations for stakeholders.

2019 Legal Report By the Numbers

HOUSING CASES

113	9	13	4
CASES CLOSED	RECONSIDERATIONS	CAUSE FINDINGS	CAUSE CONCILIATIONS

EMPLOYMENT CASES

184	11	4	4
CASES CLOSED	RECONSIDERATIONS	CAUSE FINDINGS	CAUSE CONCILIATIONS

ADMINISTRATIVE HEARINGS

a. Hayes v. East Tennessee Periodontics, LLC: Complainant was terminated two days after making sexual harassment allegations against a co-worker. Respondent did not investigate the allegations prior to its decision to discharge Complainant and claimed the allegations were false. There were text messages between CP and her boss linking the filing of the complaint to her discharge. The Commission filed for summary judgement. Summary judgement was granted in Commission's favor on February 13, 2019. Hearing on damages was held on February 28, 2019. The Administrative Law Judge issued a judgement to Complainant for $21,470, the Respondent settled with the Commission for a monetary amount to our agency for education and outreach. This order was confirmed by the Tennessee Human Rights Board of Commissioners at its July 19, 2019 meeting.

b. Echevarria v. JKA, Meli and Emmanuel Gerogianis: Respondent denied Complainant's reasonable accommodation requests for her companion animals, charged her fines and fees for her companion animals, and issued an eviction notice soon after filing a fair housing complaint. Hearing was conducted May 1, 2019. Post hearing briefs submitted by June 21, 2019.

COMMISSION APPROVAL OF ADMINISTRATIVE LAW JUDGE FINAL ORDER

a. Olunkfunke Olise v. Larry and Freddy Mitchell: This case involves allegations that the Respondents treated Complainant different based on her religion, Muslim. Witness testimony established that the Complainant is the only tenant for whom Respondents refused to make repairs after a failed inspection. Furthermore, witness testimony established that Respondents made the repairs after Complainant moved out of the unit and that a non-Muslim tenant moved into the unit previously occupied by Complainant. The contested case hearing was held on June 19, 2018. Decision was issued in Respondents favor on December 18, 2018. The Commission approved the final order on May 17, 2019.

LEGISLATION

Our legal staff monitors state and federal legislation. The 111th General Assembly of the State of Tennessee convened on January 8, 2019, and adjourned on May 2, 2019. Our legal staff monitored several bills that were introduced that could potentially affect the statutes the Commission enforce.

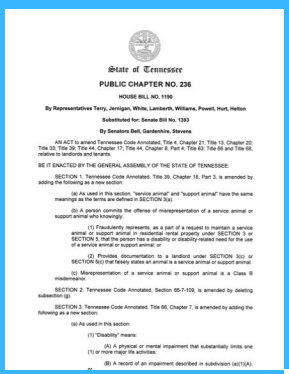
HOUSE BILL 1190

Our agency drafted a proposed amendment to HB1190. This legislation drafted dealt specifically with housing regarding landlord and tenant rights in regards to service animals.

We proposed legislation to do the following:

- **Remove the Class "B" Misdemeanor provision from HB1190;**
- **Ensure that landlords did not have access to any more of the tenant's medical records than the FHA allowed;**
- **Provided an analysis to allow the landlord to determine if the tenant's documentation in support of his or her need for a support animal was reliable;**
- **Allow tenant's to provide medical documentation from providers outside the state of Tennessee.**

The Legislature incorporated some of the suggested language.


State of Tennessee

PUBLIC CHAPTER NO. 236

HOUSE BILL NO. 1190

By Representatives Terry, Jernigan, White, Lamberth, Williams, Powell, Hurt, Helton

Substituted for: Senate Bill No. 1393

By Senators Bell, Gardenhire, Stevens

AN ACT to amend Tennessee Code Annotated, Title 4, Chapter 21; Title 13, Chapter 22; Title 39; Title 39, Title 44, Chapter 17; Title 44, Chapter 8, Part 4; Title 62; Title 66 and Title 68, relative to landlords and tenants.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 16, Part 3, is amended by adding the following as a new section:

(a) As used in this section, "service animal" and "support animal" have the same meanings as the terms are defined in SECTION 3(a).

(b) A person commits the offense of misrepresentation of a service animal or support animal who knowingly:

(1) Fraudulently represents, as a part of a request to maintain a service animal or support animal in residential rental property under SECTION 3 or SECTION 5, that the person has a disability or disability-related need for the use of a service animal or support animal; or

(2) Provides documentation to a landlord under SECTION 3(c) or SECTION 5(c) that falsely states an animal is a service animal or support animal.

(c) Misrepresentation of a service animal or support animal is a Class B misdemeanor.

SECTION 2. Tennessee Code Annotated, Section 66-7-109, is amended by deleting subsection (g).

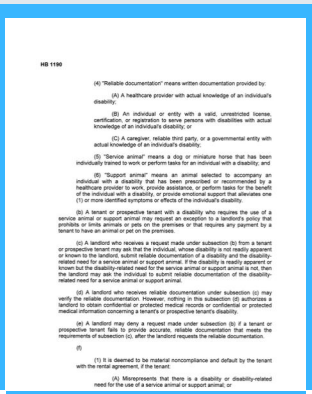
SECTION 3. Tennessee Code Annotated, Title 66, Chapter 7, is amended by adding the following as a new section:

(a) As used in this section:

(1) "Disability" means:

(A) A physical or mental impairment that substantially limits one (1) or more major life activities;

(B) A record of an impairment described in subdivision (a)(1)(A);


HB 1190

(4) "Reliable documentation" means written documentation provided by:

(A) A healthcare provider with actual knowledge of an individual's disability;

(B) An individual or entity with a valid, unrestricted license, certification, or registration to serve persons with disabilities with actual knowledge of an individual's disability; or

(C) A caregiver, reliable third party, or a governmental entity with actual knowledge of an individual's disability;

(5) "Service animal" means a dog or miniature horse that has been individually trained to work or perform tasks for an individual with a disability; and

(6) "Support animal" means an animal selected to accompany an individual with a disability that has been prescribed or recommended by a healthcare provider to work, provide assistance, or perform tasks for the benefit of the individual with a disability, or provide emotional support that alleviates one (1) or more identified symptoms or effects of the individual's disability.

(b) A tenant or prospective tenant with a disability who requires the use of a service animal or support animal may request an exception to a landlord's policy that prohibits or limits animals or pets on the premises or that requires any payment by a tenant to have an animal or pet on the premises.

(c) A landlord who receives a request made under subsection (b) from a tenant or prospective tenant may ask that the individual, whose disability is not readily apparent or known to the landlord, submit reliable documentation of a disability and the disability-related need for a service animal or support animal. If the disability is readily apparent or known but the disability-related need for the service animal or support animal is not, then the landlord may ask the individual to submit reliable documentation of the disability-related need for a service animal or support animal.

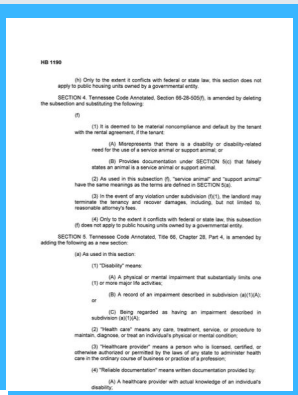
(d) A landlord who receives reliable documentation under subsection (c) may verify the reliable documentation. However, nothing in this subsection (d) authorizes a landlord to obtain confidential or protected medical records or confidential or protected medical information concerning a tenant's or prospective tenant's disability.

(e) A landlord may deny a request made under subsection (b) if a tenant or prospective tenant fails to provide accurate, reliable documentation that meets the requirements of subsection (c), after the landlord requests the reliable documentation.

(f)

(1) It is deemed to be material noncompliance and default by the tenant with the rental agreement, if the tenant:

(A) Misrepresents that there is a disability or disability-related need for the use of a service animal or support animal; or


HB 1190

(h) Only to the extent it conflicts with federal or state law, this section does not apply to public housing units owned by a governmental entity.

SECTION 4. Tennessee Code Annotated, Section 66-28-505(f), is amended by deleting the subsection and substituting the following:

(f)

(1) It is deemed to be material noncompliance and default by the tenant with the rental agreement, if the tenant:

(A) Misrepresents that there is a disability or disability-related need for the use of a service animal or support animal; or

(B) Provides documentation under SECTION 5(c) that falsely states an animal is a service animal or support animal.

(2) As used in this subsection (f), "service animal" and "support animal" have the same meanings as the terms are defined in SECTION 3(a).

(3) In the event of any violation under subdivision (f)(1), the landlord may terminate the tenancy and recover damages, including, but not limited to, reasonable attorney's fees.

(4) Only to the extent it conflicts with federal or state law, this subsection (f) does not apply to public housing units owned by a governmental entity.

SECTION 5. Tennessee Code Annotated, Title 66, Chapter 28, Part 4, is amended by adding the following as a new section:

(a) As used in this section:

(1) "Disability" means:

(A) A physical or mental impairment that substantially limits one (1) or more major life activities;

(B) A record of an impairment described in subdivision (a)(1)(A); or

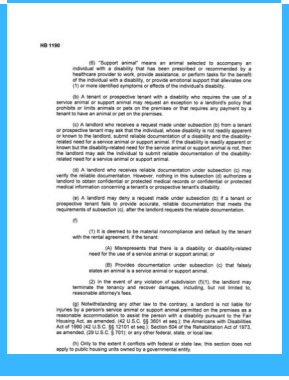
(C) Being regarded as having an impairment described in subdivision (a)(1)(A);

(2) "Health care" means any care, treatment, service, or procedure to maintain, diagnose, or treat an individual's physical or mental condition;

(3) "Healthcare provider" means a person who is licensed, certified, or otherwise authorized or permitted by the laws of any state to administer health care in the ordinary course of business or practice of a profession;

(4) "Reliable documentation" means written documentation provided by:

(A) A healthcare provider with actual knowledge of an individual's disability;


HB 1190

(6) "Support animal" means an animal selected to accompany an individual with a disability that has been prescribed or recommended by a healthcare provider to work, provide assistance, or perform tasks for the benefit of the individual with a disability, or provide emotional support that alleviates one (1) or more identified symptoms or effects of the individual's disability.

(b) A tenant or prospective tenant with a disability who requires the use of a service animal or support animal may request an exception to a landlord's policy that prohibits or limits animals or pets on the premises or that requires any payment by a tenant to have an animal or pet on the premises.

(c) A landlord who receives a request made under subsection (b) from a tenant or prospective tenant may ask that the individual, whose disability is not readily apparent or known to the landlord, submit reliable documentation of a disability and the disability-related need for a service animal or support animal. If the disability is readily apparent or known but the disability-related need for the service animal or support animal is not, then the landlord may ask the individual to submit reliable documentation of the disability-related need for a service animal or support animal.

(d) A landlord who receives reliable documentation under subsection (c) may verify the reliable documentation. However, nothing in this subsection (d) authorizes a landlord to obtain confidential or protected medical records or confidential or protected medical information concerning a tenant's or prospective tenant's disability.

(e) A landlord may deny a request made under subsection (b) if a tenant or prospective tenant fails to provide accurate, reliable documentation that meets the requirements of subsection (c), after the landlord requests the reliable documentation.

(f)

(1) It is deemed to be material noncompliance and default by the tenant with the rental agreement, if the tenant:

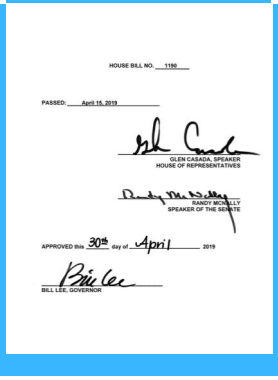
(A) Misrepresents that there is a disability or disability-related need for the use of a service animal or support animal; or

(B) Provides documentation under subsection (c) that falsely states an animal is a service animal or support animal.

(2) In the event of any violation of subdivision (f)(1), the landlord may terminate the tenancy and recover damages, including, but not limited to, reasonable attorney's fees.

(g) Notwithstanding any other law to the contrary, a landlord is not liable for injuries by a person's service animal or support animal permitted on the premises as a reasonable accommodation under the Fair Housing Act, codified at 42 U.S.C. § 3601 et seq. (the Fair Housing Act, as amended, 42 U.S.C. §§ 3601 et seq.), the Americans with Disabilities Act of 1990 (42 U.S.C. §§ 12101 et seq.), Section 504 of the Rehabilitation Act of 1973, as amended, (29 U.S.C. § 701), or any other federal, state, or local law.

(h) Only to the extent it conflicts with federal or state law, this section does not apply to public housing units owned by a governmental entity.


HOUSE BILL NO. 1190

PASSED: April 15, 2019

GLEN CASADA, SPEAKER
HOUSE OF REPRESENTATIVES

RANDY MCNALLY
SPEAKER OF THE SENATE

APPROVED this 30th day of April 2019

BILL LEE, GOVERNOR

STAFF AND OFFICES

Bass, Candice
Bell, Laura
Bentley, Kaleda
Buchanan, Zachary
Cooper, Vee
Cothren, Lynn
Cummings, Dawn
Davidson, Tracy
Gardner, Barbara*
Gentry, William
Guzman, Francisco
Haddock, Billie
Hooper, Sabrina
Lancaster, Lisa
Land, Suzanne
Lyons, Gabrielle*
Ludwig, John
Madsen, Jesse*
McGraw, Veronica
Mikami, Pamela*
Pack, Virginia*
Perry, Robin*
Pete, Sherry
Quay, Lindsay*
Reese, Gretchen
Riddle, Jennell
Smith, Renee
Thompson, Teresa
Ursery, Rodney
Wade, William
Watts, Beverly
Williams, Saadia

*indicates former staff members who served THRC during fiscal year 2018-2019

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www.tn.gov/HumanRights

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ANNUAL REPORT 2019

Tennessee Human Rights Commission

"We want all of our rights, we want them here, and we want them now."

-Dr. Martin Luther King Jr.

"Civil rights are civil rights. There are no persons who are not entitled to their civil rights... We have to recognize that we have a long way to go, but we have to go that way together."

-Dorothy Height

"Surely, in the light of history, it is more intelligent to hope rather than to fear, to try rather than not to try. For one thing we know beyond all doubt: Nothing has ever been achieved by the person who says, 'It can't be done.'"

-Eleanor Roosevelt

Peace cannot exist without justice, justice cannot exist without fairness, fairness cannot exist without development, development cannot exist without democracy, democracy cannot exist without respect for the identity and worth of cultures and peoples.

-Rigoberta Menchu

"The rights of every man are diminished when the rights of one man are threatened."

-John F. Kennedy

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OUR MISSION

Safeguarding Individuals from Discrimination Through Education and Enforcement