



Analysis of Impediments to Fair Housing Update

City of Santa Fe

FINAL REPORT

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EXECUTIVE SUMMARY

City of Santa Fe Analysis of Impediments to Fair Housing Choice

This document is the 2015 Analysis of Impediments to Fair Housing Choice, or AI, for the City of Santa Fe. Although not yet required by HUD, this AI follows the new Assessment of Fair Housing (AFH) format, which is a broader assessment of access to opportunity and housing choice.

Analysis of Impediments Background

The AI is a U.S. Department of Housing and Urban Development (HUD) mandated review of impediments to fair housing choice in the public and private sector. The AI is required for Santa Fe to receive federal housing and community development block grant funding¹.

In general, the AI involves:

- A review of a city's laws, regulations, and administrative policies, procedures and practices;
- An assessment of how those laws, policies and practices affect the location, availability and accessibility of housing; and
- An assessment of public and private sector conditions affecting fair housing choice.

According to HUD, impediments to fair housing choice are:

- Any actions, omissions, or decisions *taken because of* race, color, religion, sex, disability, familial status or national origin that restrict housing choices or the availability of housing choices.
- Any actions, omissions or decisions that *have the effect of* restricting housing choices or the availability of housing choices on the basis of race, color, religion, sex, disability, familial status or national origin.

HUD's recent strategic plan notes that an inclusive community is one in which all people have access to quality housing, education, employment opportunities, health care, and transportation.² HUD seeks, through its strategies to affirmatively further fair housing choice, that jurisdictions ensure open, diverse, and equitable communities as well as expand families' choice of affordable rental homes located in a broad range of communities.

¹ Jurisdictions receiving HUD block grant funds are also required to submit a Consolidated Plan for Housing and Community Development and an annual performance report to receive funding each year.

² http://portal.hud.gov/hudportal/HUD?src=/program_offices/cfo/stratplan

To this end, HUD has recently revised the content and structure of fair housing studies to more directly assess how barriers to housing choice affect access to opportunity for all residents. The new approach is called the Assessment of Fair Housing, or AFH.

The overall goal of the AFH approach is to help communities analyze challenges to fair housing choice and establish their own goals and priorities to address fair housing barriers. A secondary goal is to help communities move toward an “access to opportunity philosophy” when making planning and housing policy decisions.

Fair Housing Law and Enforcement

The Federal Fair Housing Act (FFHA) was part of the federal Civil Rights Act of 1968. The original language in the FFHA prohibited discrimination in the sale, rental and financing of dwellings in housing-related transactions based on race, color, national origin and religion. The FFHA was amended twenty years later, in 1988, to prohibit discrimination on the basis of disability or familial status, and to require accessible units in multifamily developments built after 1991.

Developments exempted from the FFHA include: housing developments for seniors, housing strictly reserved for members of religious organizations or private clubs, and multifamily housing of four units or less with the owner occupying one unit.

The City of Santa Fe has a Fair Housing Ordinance that prohibits discrimination in housing based upon race, color, religion, gender, sexual orientation, national origin, familial status or disability. The city Ordinance essentially mirrors the Federal FHA with the additional protection of sexual orientation.

Santa Fe residents who feel that they might have experienced a fair housing violation have a number of organizations they can contact for assistance. These include:

- HUD: http://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp
- The City of Santa Fe: http://www.santafenm.gov/m/fair_housing#leave-site-alert
- Disability Rights New Mexico: <http://www.drnrm.org/>
- New Mexico Legal Aid: <http://www.nmlegalaid.org/>

Filing complaints with the City of Santa Fe. The city’s Fair Housing Ordinance directs that the following procedures be followed in the event that the city receives a fair housing complaint.

- The city manager or the designated investigator conducts the complaint investigation;
- The city manager or investigator notifies the person against whom the complaint is made and identifies the aggrieved person;

- The city manager or investigator dismisses the complaint if the investigation finds that is has no merit. Alternatively, if the complaint is determined to have merit, an attempt is made to eliminate the alleged discriminatory practice by “conference and conciliation.”
- The city is also required to advise the complainant that they may also file a complaint with HUD and provide information to the complainant on how to do so.

Demographic and Housing Changes since the 2011 AI

The City of Santa Fe last conducted an AI in 2011, when the economy was beginning to recover from the Great Recession. Between 2011 and 2016, Santa Fe’s population increased, but only due to annexation. Except for the city aging, Santa Fe’s demographics were basically unchanged from 2011. The racial and ethnic distribution of residents was similar and the proportion of residents with a disability was the same. Linguistic isolation decreased slightly: in 2010, 7 percent of Santa Fe residents could not speak English very well compared to 5 percent in 2014.

The most significant change since 2011 is in the number of residents living in poverty. In 2014, nearly 12,000 Santa Fe residents (17% of the population) lived below the poverty line. This is up considerably from 2009, when poverty was estimated at 11 percent. Children remain the most likely age group to be living in poverty (30%) and seniors are still the least likely to be living in poverty (6%).

Santa Fe’s housing market was in recovery mode for many years after the housing market downturn. Recent trends show rising rents and home prices. For most residents, these increases have been manageable, as their incomes have also increased and buyers have benefited from historically low interest rates. Yet the rise in poverty-level residents, most of whom are renters, has led to a shortage of affordable rentals: 2,435 units priced below \$625 per month.

Past Impediments and Fair Housing Action Plan—Do they remain?

The 2011 AI identified four fair housing impediments, which are summarized below. Text in *italics* discusses whether or not these impediments remain in 2016.

IMPEDIMENT NO. 1. Fair housing information is difficult to find. Sixty-nine percent of residents responding to the survey conducted for the 2011 AI said they do not know who they would contact if they felt they had faced housing discrimination. This statistic, coupled with very limited fair housing information on government and nonprofit websites, led to the determination that fair housing barriers are created by lack of readily-accessible fair housing information.

In the 2016 AI, a survey asked stakeholders to evaluate potential fair housing barriers, including lack of fair housing information. Lack of fair housing resources and enforcement capacity received a moderate rating. One stakeholder commented that the loss of a free landlord tenant hotline is a major barrier and that Santa Fe should provide free information to residents free about their fair housing and tenant rights. Many residents expressed concern over the length of time it takes for a complaint to be reviewed.

IMPEDIMENT NO. 2. Fair housing violations occur, but are unreported. In the survey conducted for the 2011 AI, 18 percent of residents said they felt they had experienced housing discrimination. Despite this relatively high incidence rate, very few fair housing complaints were filed.

Stakeholders interviewed in the 2011 AI described persistent discrimination against persons with mental health and physical disabilities; lack of reasonable accommodations; and inaccessible public infrastructure. Large families and limited English populations were also thought to be victims of fair housing discrimination.

When asked for the primary reason(s) clients have difficulty finding housing in Santa Fe, 43 percent of stakeholders responded “discrimination.” Among these, discrimination on the basis of disability was named by 36 percent of stakeholders, the second greatest proportion of responses after national origin (64%). Stakeholders also said discrimination against persons with mental illness is a persistent problem.

Affordability concerns in the 2016 AI were also broader in scope and focused on the shortage of affordable rental housing for all low income families. Participants consistently identified a need for affordable housing integrated into all areas of Santa Fe, especially for individuals who need supportive services. In addition to housing, access to transportation was the issue that generated the most comments in the AI public outreach process.

IMPEDIMENT NO. 3. Neighborhood resistance to affordable housing creates fair housing barriers. Neighborhood resistance, or Not-in-My-Backyard Syndrome (NIMBY) and the power of neighborhood organizations were identified as being fair housing barriers by stakeholders participating in the 2011 AI.

Stakeholders continue to view NIMBYism as a barrier to fair housing choice with about one-fourth of respondents to the survey rating NIMBYism as a “very serious” contributing factor.

IMPEDIMENT NO. 4. City development approval practices can create fair housing barriers. Stakeholders also felt that some city processes for approving residential developments can create barriers to housing choice.

In the 2016 survey, stakeholders were most concerned about inadequate public transportation and the impacts on certain protected classes. Land use and zoning regulations were a low to moderate concern.

In addition, as part of this AI, the city’s Land Development Code was reviewed for potential barriers to housing choice. The review appears in Section IV of the AI. The review recommends many language changes to the LDC to better reflect the intent of the Federal Fair Housing Act (FHA). The most significant finding from the LDC review was lack of development opportunity for multifamily housing related to density limitations. The review also found that, depending on the development proposed, group homes may have higher parking standards than similar multifamily developments. Overall, there are several ways in which the LDC may impose stricter development requirements on facilities and housing types that may disproportionately provide housing for protected classes. The actual outcome depends on the specifics of the proposed developments.

City Efforts to Address Barriers

Given the impediments identified in the 2011 AI, the city's efforts to address barriers have focused on improving access to fair housing information, enhancing resident knowledge of fair housing rights and empowering residents to take action when they perceive a fair housing violation. These efforts have included:

- Preparation of outreach materials regarding housing laws including the Federal Fair Housing Act, the New Mexico Uniform Owner Resident Relations Act (UORRA) and the state Mobile Home Act. The outreach materials consist of Fair Housing Frequently Asked Questions brochures in English and Spanish and a tenant rights "Novella," both in Spanish and English with ongoing distribution throughout the year. These are distributed predominantly in Spanish-speaking and lower income neighborhoods as well as through school liaisons with the Santa Fe Public Schools and community facilities throughout the city.
- In March 2016, the city hosted a fair housing consultant funded by the HUD Fair Housing Initiatives Program (FHIP) grant. This training was attended by 19 individuals representing several non-profit housing service providers in Santa Fe. The city also co-sponsored a training with the New Mexico Finance Authority for nonprofit partners; 30 people attended.
- The Office of Affordable Housing has reached out to the Santa Fe Public Schools to establish a distribution plan for fair housing materials. City staff met with the Communities and Schools New Mexico School Outreach Coordinators of 11 schools at their annual retreat to present fair housing activities and distribute literature. The OAH conducted an outreach campaign to educate the public about affordable housing and fair housing issues continues to distribute the Fair Housing Frequently Asked Questions brochure in Spanish along with the "Tino el Inquilino" Novella, a story in Spanish and English about a tenant who shares his own discrimination experiences with a group of acquaintances. Distribution is an ongoing effort to public schools, public libraries, city facilities, private non-profits and bilingual local businesses.
- The City of Santa Fe has committed funding or matched resources (meeting facilities), conditional on finalized budgets, to fair housing consultants to conduct fair housing training for lenders and apartment managers.

Efforts to address NIMBYism and lending disparities include:

- Community campaigns have been launched to support proposed high-density mixed affordable and market rate infill apartment developments.
- The city has site monitored three non-profit partners that provide downpayment assistance and home improvement loans to low-to moderate income households and has verified that lending occurred to LMI recipient households within the program year. The city's sub-

recipient service providers offer varying degrees of credit counseling, homebuyer education classes and training in order for their clients to qualify for and receive loans.

Community Participation Process

The research conducted for the AFH and the development of fair housing impediments and fair housing action plans included significant community input:

- **Stakeholder survey.** By participating in the survey, stakeholders had the opportunity to consider the fair housing landscape in Santa Fe, including the extent to which particular public and private actions create or exacerbate fair housing issues in the city of Santa Fe. A total of 18 stakeholders participated.
- **Focus group with residents with disabilities.** The Life Link, a local nonprofit organization providing addiction and mental health services to Santa Fe's most vulnerable residents hosted a focus group with 13 member clients at the Santa Fe Clubhouse. Participants described their experience seeking housing in Santa Fe and accessing community assets—jobs, education, transportation, public amenities.
- **Community open house.** At the community open house, attendees reviewed and discussed key findings from the demographic and segregation/integration analyses; prioritized housing and community needs; shared their stories of housing in Santa Fe; and identified community needs, potential fair housing issues and aspirational ideas for Santa Fe. All materials were available in English and Spanish and interpretation was available; a total of 20 residents and stakeholders participated.

Findings from this outreach, in addition to the quantitative analysis conducted for the study, were used in the formation of impediments and highest priority fair housing issues.

Summary of AFH Findings

The research in the AFH covered:

- Demographic patterns including racial and ethnic segregation and concentrated areas of poverty,
- Housing patterns, including the provision of publicly assisted housing,
- Land use regulations and zoning ordinances that affect the siting and types of housing,
- Access to housing and community amenities by residents with disabilities,
- Enforcement of fair housing laws and fair housing resources in the region.

Major finding include:

- Lack of affordable, housing located throughout Santa Fe is a major challenge and disproportionately affects some residents, especially individuals who need supportive services (persons with mental illness, persons with disabilities), persons with disabilities

transitioning out of institutions and nursing homes, and other residents with relatively low incomes (new immigrants, refugees).

- The ability to use Section 8 assistance is segregated to specific locations and not utilized in more expensive parts of town.
- Lack of case management or supportive services can create barriers to housing choice because 1) residents needing services paired with housing may not be able to live in all areas of the city, and 2) case managers can be critical in helping residents with special needs assess housing.
- The HUD provided Opportunity Indices show that Hispanic populations experience some of the lowest access to opportunity, particularly in the low poverty, school proficiency and labor market indexes. The indicators in Santa Fe that are of most concern are poverty and school proficiency, both of which show considerably low access to opportunity.
- According to stakeholders and residents, lack of access to opportunity is affected by infrequent public transportation services to higher opportunity neighborhoods and destinations outside of core service areas (e.g., county social services office), limited hours and days of operation of some routes, lack of holiday service, etc.
- Access to opportunity barriers are created by lack of well-paying and stable job opportunities.

Impediments, Contributing Factors and High Priority Fair Housing Goals

The impediments identified through the AI research are presented below. These are organized in a manner consistent with HUD's new Assessment of Fair Housing (AFH) template:

- Impediments and disproportionate impact, where apparent; and
- Contributing factors to impediments.

Impediments to Fair Housing Choice--2016

Impediment No. 1. Lack of affordable housing located throughout Santa Fe is a major challenge to housing choice.

Disproportionate impact: According to stakeholders and residents, those most affected by affordable housing shortages include individuals who need supportive services (persons with mental illness, persons with disabilities), persons with disabilities transitioning out of institutions and nursing homes and other residents with relatively low incomes (new immigrants, refugees). Among the possible fair housing issues and contributing factors considered by stakeholders, the concentration of affordable housing in high-poverty low-opportunity areas is a very serious issue, rating this factor a 7.6 on a 10 point scale (with higher ratings indicating more serious issues).

Contributing factors:

- Landlords that accept Section 8 assistance are largely located in central Santa Fe, often in higher poverty areas, not higher opportunity areas. Survey respondents also identified landlords accepting Section 8 vouchers only in low opportunity areas as an issue (average rating of 7.5).
- NIMBYism exists high opportunity areas.
- Lack of well-paying and stable job opportunities affects the ability to pay for housing.
- Limited densities in certain areas of the city discourages or prevents development of multifamily housing.

Impediment No. 2. Some residents lack equal access to opportunity due to lower performing schools in high-poverty neighborhoods and lack of public transportation.

Disproportionate impact: The HUD provided Opportunity Indices show that Hispanic populations experience some of the lowest access to opportunity, particularly in the low poverty, school proficiency and labor market indexes.

Contributing factors: Lower school proficiency persists in high poverty schools.

According to stakeholders and residents, public transportation challenges include limited hours and days of operation of some routes, lack of holiday service, infrequent public transportation services to higher opportunity neighborhoods, as well as destinations outside of core service areas (e.g., county social services office, suggesting a disproportionate impact on persons with disabilities or mental illness needing services),

Impediment No. 3. Lack of fair housing information and supportive services is a challenge. The city has made great strides toward broadening the dissemination of fair housing information and improving resident awareness of fair housing rights. This AI found additional opportunities to improve due to (***contributing factors***):

- Lack a free landlord/tenant hotline.
- High subprime lending in the city's only Racially / Ethnically Concentrated Area of Poverty (known hereafter as R/ECAP), which disproportionately affects persons of Hispanic descent, Mexican immigrants and LEP residents.
- Lack of case management and supportive services, which affects housing choice because: 1) residents needing services paired with housing may not be able to live in all areas of the city, and 2) case managers can be critical in helping residents with special needs assess housing.

Fair Housing Action Item

We recommend the following action items for consideration:

- Consider adding Source of Income protection to the protected classes covered under the city's fair housing ordinance.
- Prioritize high opportunity areas as locations in which to develop mixed-income and affordable housing. Examine opportunities to leverage city-owned land to make development in these areas feasible.
- Make the recommended changes to the city's Land Development Code (LDC) to clarify definitions and create more opportunities for multifamily development.
- Continue fair housing education and outreach activities, focusing on those neighborhoods that this study has identified are R/ECAPS and lack access to opportunity. Expand these efforts to provide more landlord/tenant resources and housing information assistance through case managers who work with persons with disabilities, persons with mental illness, low income families and refugees/new immigrants.
- Provide fair housing education to internal city staff in other departments, including public transportation providers. Explore how to increase funding to expand public transportation access.
- Transition toward making housing and planning policy decisions through an "access to opportunity" lens.

SECTION II.

Community Participation Process

This section describes the 2016 Santa Fe AI community participation process.

Outreach and Engagement

Santa Fe's public process included a stakeholder survey, a focus group, and a community open house. A total of 51 residents and stakeholders participated.

Outreach efforts. The City of Santa Fe promoted the stakeholder survey to local CDBG recipients and applicants, housing and human service providers and advocates for members of protected classes. Outreach and promotion for the community open house combined social media, traditional news media and stakeholder engagement. The community open house was promoted in English and Spanish and included information to request reasonable accommodations. The Open House was held from 4:00 p.m. to 7:00 p.m. in an accessible community building operated by the housing authority. The location was selected for its accessibility to public transit and proximity to publicly-supported housing. Spanish interpretation was provided.

- The City of Santa Fe and individual City Council members promoted the open house on their respective Facebook pages;
- Media relations included a press release to local media and postings on the city's website; and
- English and Spanish language flyers advertising the open house were distributed to 26 nonprofit organizations.



The flyer features the City of Santa Fe seal at the top, followed by a row of colorful house icons. The main heading in blue and black text reads: "Por favor, únase a nosotros para una conversación importante sobre temas de equidad de vivienda!". Below this, three bullet points in Spanish describe the purpose of the event: to listen to challenges, to have an open discussion, and to discuss housing needs and discrimination. The event details are listed: "Cuándo: Martes, el 2 de Agosto de 2016, 4:00 - 7:00 p.m. (entrar un momento)" and "Dónde: Hopewell Mann Community Center, 1800 Espinacitas St., Santa Fe, NM 87505". A "Por qué:" section explains the city's goal to identify barriers to housing and understand community needs. At the bottom, a note states that an interpreter will be available for Spanish speakers and provides contact information for Mollie Fitzpatrick.

Por favor, únase a nosotros para una conversación importante sobre temas de equidad de vivienda!

- Queremos escuchar acerca de sus desafíos y experiencias durante la búsqueda de una vivienda adecuada.
- Vamos a tener una discusión abierta al público para escuchar su opinión, lo que ayudará a crear la política local de vivienda.
- Nos gustaría escuchar acerca de temas tales como la disponibilidad de vivienda asequible, el acceso a los recursos de la comunidad y la posible discriminación en la vivienda.

Cuándo: Martes, el 2 de Agosto de 2016
4:00 - 7:00 p.m. (entrar un momento)

Dónde: Hopewell Mann Community Center
1800 Espinacitas St.
Santa Fe, NM 87505

Por qué: La Ciudad de Santa Fe está llevando a cabo un estudio para identificar las barreras a la elección de vivienda. La ciudad quiere saber de su experiencia de encontrar un hogar en Santa Fe y su perspectiva sobre las necesidades de vivienda, las tendencias del mercado y amenidades la comunidad.

Un intérprete estará disponible para ayudar a los de habla español. Si necesita hacer arreglos para cumplir con la accesibilidad o alojamiento, por favor, póngase en contacto con Mollie Fitzpatrick a mfitzpatrick@bbcresearch.com.



The Open House format enabled residents to drop in and participate in activities at their convenience. The Open House consisted of a PowerPoint presentation offered in English and Spanish showing R/ECAP maps, segregation maps and housing market data; and three engagement exercises designed to generate conversation about fair housing and access to opportunity in Santa Fe.



Participation opportunities. A stakeholder survey, a focus group with residents with disabilities and an open house comprised the community participation opportunities during the AI development.

- **Stakeholder survey.** By participating in the survey, stakeholders had the opportunity to consider the fair housing landscape in Santa Fe, including the extent to which particular public and private actions create or exacerbate fair housing issues in the city of Santa Fe. A total of 18 stakeholders participated.
- **Focus group with residents with disabilities.** The Life Link, a local nonprofit organization providing addiction and mental health services to Santa Fe's most vulnerable residents hosted a focus group with 13 member clients at the Santa Fe Clubhouse. Participants described their experience seeking housing in Santa Fe and accessing community assets—jobs, education, transportation, public amenities.
- **Community open house.** At the community open house, attendees reviewed and discussed key findings from the demographic and segregation/integration analyses; prioritized housing and community needs; shared their stories of housing in Santa Fe; and identified community needs, potential fair housing issues and aspirational ideas for Santa Fe. All materials were available in English and Spanish and interpretation was available; a total of 20 residents and stakeholders participated.

Organizations consulted. Figure II-1 lists the organizations participating in the stakeholder survey and open house. Note that not all survey respondents indicated the organization represented.

**Figure II-1.
Organizations Participating
in the Community
Engagement Process**

Note:

Not all respondents to the stakeholder survey indicated the organization represented.

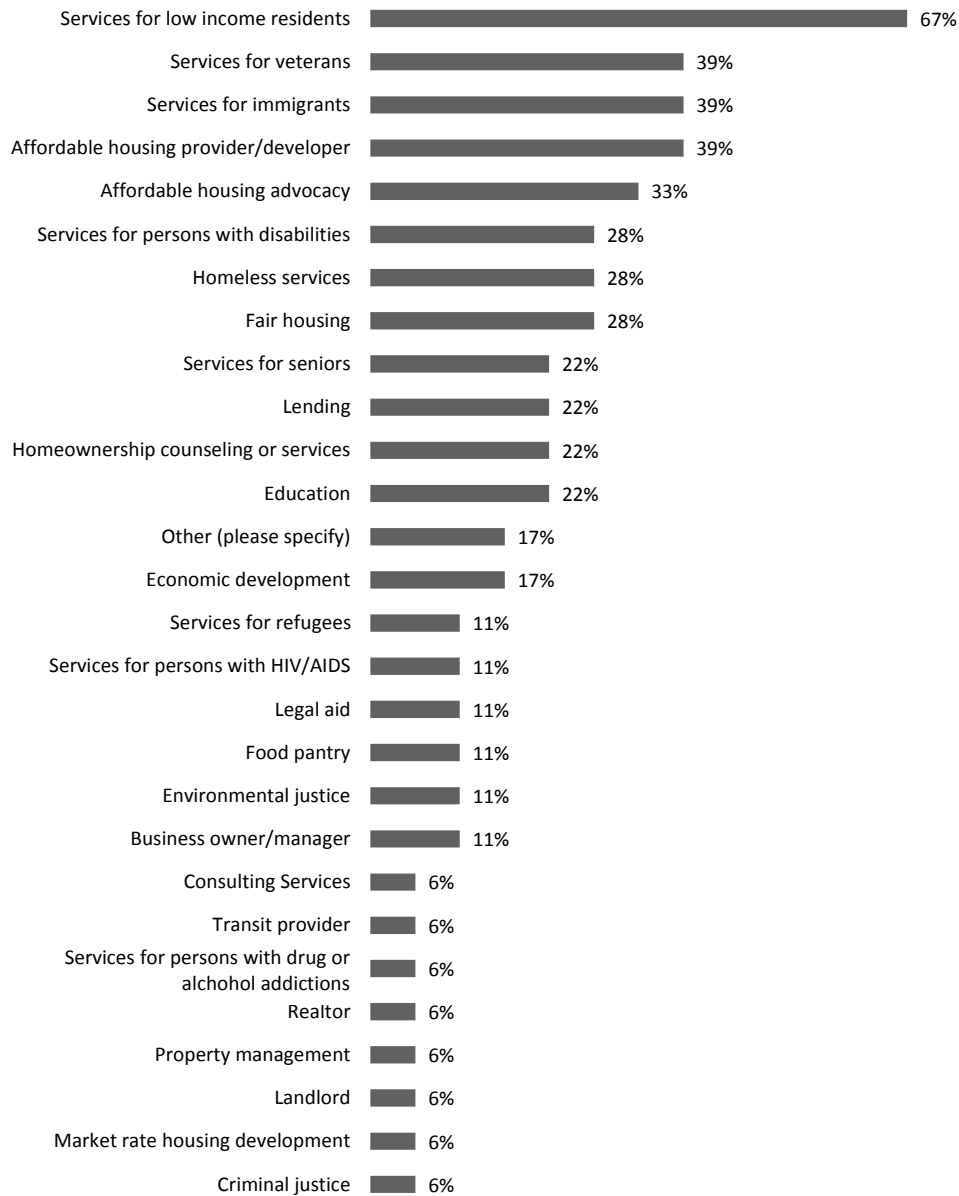
Source:

BBC Research & Consulting from the
2016 Santa Fe AI Stakeholder Survey and
2016 AI Open House.

Participating Organizations
Chainbreaker Collective
Disability Rights New Mexico
New Mexico Legal Aid
Santa Fe Civic Housing Authority
Santa Fe Habitat for Humanity
SFPS Adelante Program
St Elizabeth Shelter
State of New Mexico
The Life Link
Youth Shelters and Family Services

Stakeholders participating in the survey identified their organization type and the populations served. As shown in Figure II-2 on the next page, stakeholders participating in the AI process represented or serve members of protected classes, low income and vulnerable residents.

Figure II-2.
Participating Stakeholder Organization or Industry Type



Note: n=18 stakeholders.

Source: BBC Research & Consulting from the 2016 Santa Fe AI Stakeholder Survey.

Focus Group Findings

Participants in the residents with mental illness focus group discussed their experiences finding housing in Santa Fe, what they like about their current housing and neighborhood and their experience accessing community services and public amenities.

Current housing. Most participants received support from Life Link or other program staff to help them secure their current housing and one was in the midst of transitioning from homelessness into housing. When asked about the qualities of their current housing situation they like best, the most common answers included safety, privacy and quiet. All shared that they were mostly satisfied with their housing situation. Several mentioned that they liked that their home was close to the bus stop and/or to the Life Link Clubhouse.

Criminal history tenant screening policies. The group had a lively discussion about the challenges they or their friends/family with criminal histories experience when trying to obtain housing in Santa Fe. Staff shared the need, based on their experience working with clients, for more advocates for people with mental illness to educate landlords about mental illness and expand the network of landlords willing to rent to residents with mental illness and criminal histories. Some shared that crimes committed when experiencing untreated mental illness should not be given as much weight in housing decisions, particularly when the person applying is not experiencing mental illness symptoms.

Access to opportunity. When discussing access to opportunity, the group stressed the need for more low or no cost recreation or entertainment opportunities for themselves and their families. Examples include bowling, swimming pools, recreation centers and movies. All but one of the participants rely on the bus for transportation and when bus services are not available will walk to their destination.

Transportation. By far, access to transportation was the opportunity issue that generated the most conversation. Participants shared that not having public transit services on holidays is a significant burden to transit dependent populations such residents with disabilities. That some routes do not offer Sunday services or very limited service frequency on weekends and evenings has the effect of limiting the ability of residents with disabilities to fully participate in the Santa Fe community. That Santa Fe Trails does not serve all areas of Santa Fe and that regional connections are few restricts residents with disabilities from living in higher quality affordable housing located in Santa Fe County. One suggested that being selected for a County Section 8 voucher is “a blessing and a curse because you might have to turn it down because of no transportation to housing in the county.”

Veterans in the focus group shared that finding, or affording, transportation to the VA hospital in Albuquerque is a difficult challenge to overcome.

Community Open House Findings

Community Open House attendees had the opportunity to view and discuss the AFFH-T R/ECAP, national origin, disability and access to opportunity maps and to participate in conversation and activities designed to solicit their feedback on community and neighborhood needs and to demonstrate how they would prioritize limited resources to address the housing and community development needs they believe are most urgent in Santa Fe.

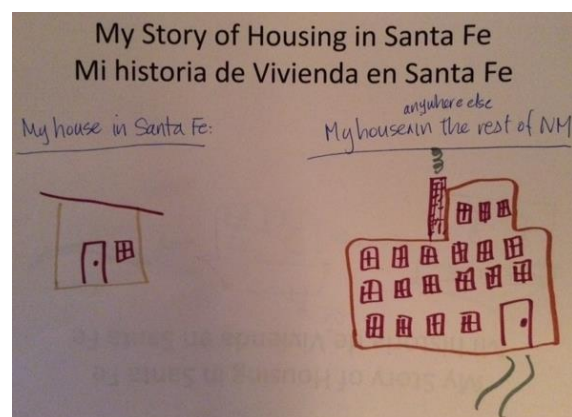
Priorities. Open House attendees had the opportunity to allocate limited resources (10 beans) across a number of housing and community development issues to demonstrate how they would like to see the City of Santa Fe allocate its resources. As shown in Figure II-3, rental housing priced below \$500, expanded transit, and housing to buy priced at or below \$100,000 and housing options for people with severe mental illness received the greatest number of votes (beans).

Figure II-3.
How should Santa Fe prioritize its resources?

Issue for Santa Fe to Prioritize	# of Votes
Rental housing priced below \$500	30
Expanded transit services, hours, routes, service days	20
Housing to buy priced at or below \$100,000	18
Rental housing priced between \$500 and \$750	18
Housing options for people with severe mental illness	16
Housing to buy priced from \$100,001 up to \$200,000	14
Accessible housing for disabled persons/elderly	12
Park improvements in certain neighborhoods	11
Landlords willing to rent to people with bad credit/past convictions/past foreclosures	10
Housing options for previously homeless people	10
Landlords willing to rent to people with criminal records	10
Housing options for people with cognitive disabilities	8
Nothing for housing; Santa Fe has the perfect balance of housing for all residents	3

Source: BBC Research & Consulting from 2016 City of Santa Fe AI Open House.

Affordable housing. Open House attendees shared their stories of housing in Santa Fe by writing or drawing about their experiences. Nearly every story identified affordable housing in Santa Fe as a challenge, especially when compared to other New Mexico communities. Two participants shared how local nonprofit Homewise helped them become homeowners. Two other participants described how they had purchased Airstream trailers in the hopes of living an affordable “tiny home” lifestyle, but have had great difficulty finding safe and legal places to park their homes. These attendees suggested that



the City of Santa Fe should review its zoning code to determine what changes should be made to incentivize creation of affordable “tiny home” communities, including nontraditional “mobile” homes such as those created in Airstream or other trailer/camper arrangements.

While some attendees struggled to find affordable housing anywhere in Santa Fe, others recommended the need for affordable rental and homeownership products in northern Santa Fe in the neighborhoods surrounding the Plaza and downtown.

Renter protections and education. Attendees expressed concerns that renters, particularly recent immigrants, can fall prey to unscrupulous landlords or property managers because these renters do not know their rights and leases are rarely available in Spanish. Some mobile home park operators “fee people to death.” These attendees also expressed concern that mobile home owners can lose their home if their landlord evicts for nonpayment of the land lease.

Access to opportunity. Grocery stores, bike path connections, parks, a youth center and affordable places to shop and recreate are all suggestions Open House attendees had for their neighborhoods. Most of the suggestions for public and private investment were located in southern Santa Fe and included the city’s R/ECAP neighborhood.

Transportation. In the “I wish this was...” mapping exercise, Open House attendees identified the need for bike path connections and extensions; more frequent bus service; and extended hours for bus service to accommodate service industry and other shift schedules.

Stakeholder Survey Findings

The stakeholder survey focused on identifying and examining fair housing issues and potential contributing factors based on the experience of local stakeholders. As shown in Figure II-4, the fair housing issues or contributing factors stakeholders considered to be most serious are:

- Lack of well-paying and stable job opportunities.
- Lack of affordable, housing integrated into the community for individuals who need supportive services.
- Affordable market-rate rental housing only located in high-poverty, low opportunity areas.
- Lack of housing available for persons with disabilities transitioning out of institutions and nursing homes.
- The ability to use Section 8 assistance is segregated to specific locations and not utilized in more expensive parts of town.

Figure II-4.
Fair Housing Issues and Contributing Factor Ratings. Rating Scale from 0 (Not an Issue) to 9 (Very Serious Issue)

Fair housing issue or contributing factor	Average Rating	Fair housing issue or contributing factor	Average Rating
Lack of well-paying and stable job opportunities	7.8	Limited provision of social services to protected classes	6.5
Lack of affordable, housing integrated into the community for individuals who need supportive services	7.8	Complexity/difficulty with filing fair housing complaints	6.4
Affordable market-rate rental housing only located in high-poverty, low opportunity areas	7.6	Lack of funding or assistance for housing accessibility modifications	6.4
Lack of housing available for persons with disabilities transitioning out of institutions and nursing homes	7.6	Lack of affordable in-home or community-based supportive services available to residents	6.4
The ability to use Section 8 assistance is segregated to specific locations and not utilized in more expensive parts of town	7.5	Lack of regional coordination	6.3
Housing that is affordable to the working poor or those on fixed income is not available in the community	7.4	Discrimination despite meeting other qualifications for housing	6.3
Lack of affordable housing near proficient schools	7.4	Affordable housing is in poor condition	6.1
Limited housing options for refugees, immigrants, and/or people with limited English proficiency	7.4	Inadequate public transit reliability (e.g., timeliness)	6.0
NIMBYism/community opposition or resistance to development by neighbors	7.1	Lack of community revitalization strategies	6.0
Lack of assistance for individuals with disabilities moving from institutional settings to independent housing in the community	7.0	Lack of counseling programs to help housing choice voucher holders access low poverty areas	5.9
Lack of landlords willing to rent to individuals with criminal history	7.0	Lack of resources for fair housing agencies and organizations	5.9
Lack of/poor coordination of state/local agencies in addressing fair housing barriers	6.9	Residents are steered to certain neighborhoods based on their protected class	5.8
Lack of practical, effective remedies for fair housing violations	6.9	Neighborhood or community distress or disinvestment	5.8
Landlords not being aware of local, state or federal fair housing laws	6.8	Loss of low-cost or market rate affordable housing due to revitalization, commercialization, urban renewal or rapid economic growth.	5.7
Insufficient availability of public transportation	6.6	Lengthy time of investigating fair housing complaints	5.5
Lack of larger housing units for families	6.6	Concentration of accessible/handicapped housing in parts of the community	5.4
Inequitable public investment (e.g., services, public facilities, infrastructure) in certain areas	6.6	Lack of private investment (e.g., business lending, home or commercial property improvement loans, commercial construction) in certain areas	5.3
Segregation of residents by race or ethnicity in certain areas	6.6	Deteriorated and abandoned vacant properties concentrated in certain areas	4.9
Inequitable provision of services or amenities in certain areas	6.5	Public housing providers' residency preference or other policies regarding voucher portability	4.8
Lack of local public or private fair housing enforcement	6.5	Housing providers refuse to allow assistance/emotional support animals.	3.9
		Housing providers refuse to allow service animals	3.3

Note: Higher rating scores indicate a more serious issue in Santa Fe. N=18 stakeholders.

Source: BBC Research & Consulting from 2016 City of Santa Fe Stakeholder Survey.

SECTION III.

Demographic Summary and Housing Patterns Analysis

The Demographic Summary is the starting point for the fair housing analysis. It provides information on how the drivers of housing choice—income, household characteristics, age and disability status—have changed over time.

The section provides indicators of potential fair housing issues. For example, segregation patterns may suggest that certain residents face housing discrimination and/or cannot find affordable, accessible housing in a neighborhood or community.

This section also examines housing patterns in Santa Fe from a fair housing perspective. Similar to the demographic summary, it is partially modeled after the structure of the new Assessment of Fair Housing (AFH) and includes the following components:

- Housing market summary and gaps analysis;
- Differences in housing challenges associated with cost burden, housing condition and overcrowding;
- Private sector actions, with a focus on mortgage lending; and
- Publicly supported housing analysis.

The stakeholder survey and findings from the public meetings supplement the housing analysis by providing additional data on the housing choices and needs of different protected classes, helping to explain gaps in housing provision where they exist.

Section Content and Organization

This section begins with a community overview summarized from the city's recent Affordable Housing Plan along with demographic information on the presence of protected classes in the City of Santa Fe. The remainder of the section follows the structure suggested in HUD's AFH framework, examining demographic patterns related to:

- Segregation and integration of residents of differing races and ethnicities;
- Concentrated areas of poverty;
- Disparities in access to opportunity; and
- Differences in housing challenges associated with cost burden, housing condition and overcrowding.

Where possible, the section contains an analysis of the factors that contribute to the identified disparities.

Community Overview

Population. The population of Santa Fe increased by 14,166 residents between 2011 and 2014—the vast majority of which was due to an annexation of approximately 12,500 residents. Population growth excluding the annexation was 1,657 residents, or about 0.8 percent per year between 2011 and 2014.

Figure III-1.
Population and Households, City of Santa Fe, 2000 to 2014

Year	Population	Compound Annual Growth Rate	Households	Compound Annual Growth Rate
2000	62,203		27,569	
2005	65,800	1.1%	29,788	1.6%
2007	68,359	1.9%	30,490	1.2%
2010	67,947	-0.2%	31,895	1.5%
2011	68,634	1.0%	30,493	-4.4%
2014 excluding annexation	70,291	0.8%	31,001	0.6%
2014 including annexation	82,800	6.5%	36,518	6.2%

Note: Year 2000 and 2010 population and household estimates are from the US Census, 2005 and 2007 population and household estimates are from the 2005 and 2007 Santa Fe Trends Reports. The 2014 estimate that excludes annexation is from the 2014 ACS; the 2014 estimate including annexation is from the 2014 Santa Fe Trends Report. The annexation was effective January 1, 2014.

Source: 2013 Housing Needs Assessment (HNA), 2014 American Community Survey (ACS) and 2014 Santa Fe Trends report.

Excluding the annexed population, Santa Fe's share of the county population remained relatively stable over the last 15 years (47 percent in 2014 and 2010 and 48 percent in 2000) after falling from 56 percent in 1990. However, with the addition of the 12,500 new residents through annexation, the city's share of the total county population is now back up to 56 percent.

Population growth between 2010 and 2014 (3.4% excluding the annex; 21.9% including the annex) in the city exceeded the rate of growth both in the county (2.8%) and the state (1.3%) overall.

Age distribution. Figure III-2 compares the age distribution of the city's population in 2014 to 2000, 2007 and 2010. Santa Fe's senior population increased from 18 percent of the total population in 2010 to 20 percent in 2014, primarily due to Baby Boomers aging into the 65 and over cohort from the 45 to 64 cohort. The increase in seniors was offset by a drop in the proportion of Baby Boomers. The proportion of all age cohorts under the age of 45 remained steady between 2010 and 2014.

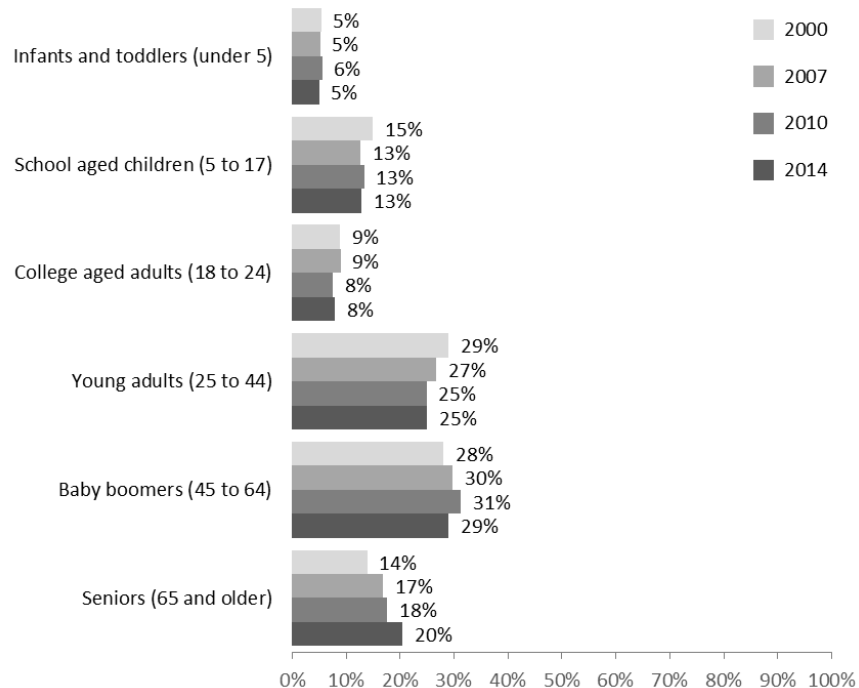
**Figure III-2.
Age Distribution,
City of Santa Fe,
2000, 2007, 2010
and 2014**

Note:

This is an update to Figure I-7 in the 2013 HNA.

Source:

2013 HNA and 2014 ACS.



Race and ethnicity. The racial and ethnic distribution of Santa Fe residents has not changed substantially since 2011. According to 2014 data, nearly half of Santa Fe residents are of Hispanic descent. Forty-five percent are non-Hispanic white, 3 percent are Native American, 2 percent are Asian and 1 percent are African American.

Compared to the state overall, the City of Santa Fe has a higher proportion of residents who are non-Hispanic white and a lower proportion of residents identifying as a racial or ethnic minority.

**Figure III-3.
Race and Ethnicity, City of Santa Fe, 2000 through 2014**

	City of Santa Fe				New Mexico
	2000	2007	2011	2014	2014
Total Population	61,805	63,977	68,634	70,291	2,085,572
Race					
White	77%	73%	84%	84%	73%
Black or African American	1%	1%	1%	1%	2%
American Indian and Alaska Native	2%	2%	1%	3%	10%
Asian	1%	2%	3%	2%	2%
Native Hawaiian and Other Pacific Islander	0%	0%	0%	0%	0%
Some other race	15%	19%	7%	9%	11%
Two or more races	5%	2%	3%	3%	3%
Ethnicity					
Hispanic	48%	47%	47%	49%	48%
Non-Hispanic	52%	53%	53%	51%	52%
Non-Hispanic white	48%	47%	45%	45%	39%

Source: 2000 Census, 2007 ACS, 2011 ACS and 2014 ACS.

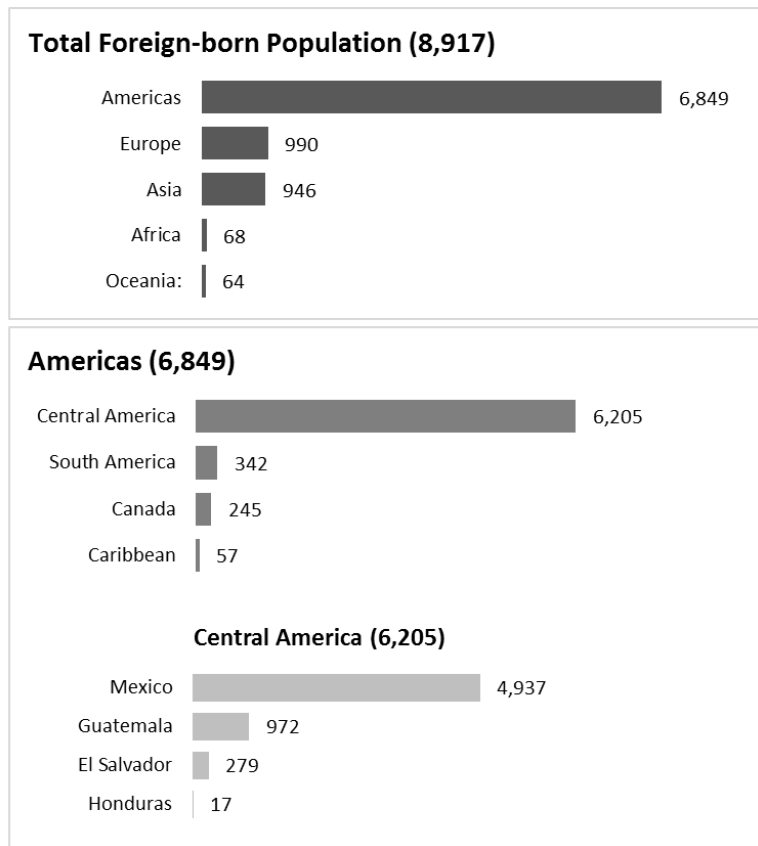
National origin. National origin, a protected class in Federal Fair Housing Law, can be based either on the country of an individual’s birth or where his or her ancestors originated. Census data available to analyze segregation by national origin are more limited in definition, however—they represent the foreign-born population, not ancestry.

In 2014, approximately 8,900 residents of Santa Fe were born in a country outside of the U.S. These residents represented about 13 percent of the city’s total population. Of these residents, about one-quarter were U.S. citizens; three-quarters were not.

Figure III-4 shows the top regions and countries of origin for foreign-born residents living in Santa Fe. As shown by the figure, most foreign-born residents are from Central America, followed distantly by those born in European and Asian countries.

Figure III-4.
Foreign-born
Population, City of
Santa Fe, 2010-2014

Source:
2010-2014 ACS 5-year estimates.



Limited English proficiency residents. In 2014, 5 percent Santa Fe households had no one over the age of 14 who spoke English very well. Residents living in such households are called “Limited English Proficiency” populations, or LEP. Santa Fe’s 2014 LEP proportion is the same as that of the county overall and the State of New Mexico—both 5 percent. Figure III-5 shows the top languages spoken in Santa Fe and by LEP status.

Figure III-5.
Language Spoken at Home, City of Santa Fe, 2014

Language Spoken at Home	Population 5 years and Older			Households	
	Total Number	Percent - Speak English "very" well	Percent - Speak English less than "very well"	Total Households	Percent of Households that are LEP
Total Population/Households	65,594			31,498	5%
Speak only English	43,686			20,348	
Speak a language other than English	21,908	69%	31%	11,150	15%
Spanish or Spanish Creole	19,350	67%	33%	9,601	16%
Other Indo-European languages	1,312	81%	19%	989	10%
Asian and Pacific Island languages	722	68%	32%	321	16%
Other languages	525	92%	9%	239	4%

Source: 2010-2014 ACS 5-year estimates.

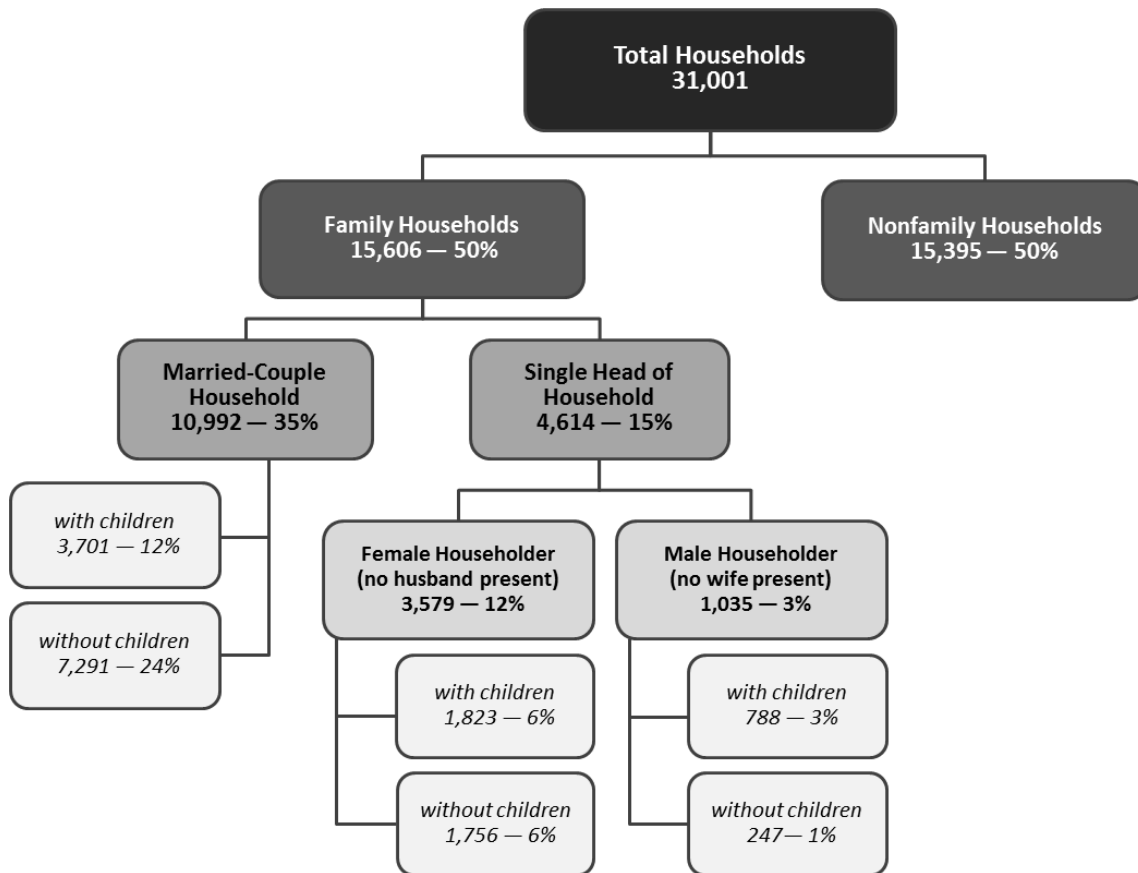
Single parents and large families. Federal familial status protections apply to families with children, a person who is pregnant and anyone in the process of securing legal custody of any individual who has not attained the age of 18 years. Although all families with children are protected under federal law, this section focuses on the two family types that typically face the greatest housing challenges: single parent households and large families.

Single parent households—especially those with single mothers—have some of the highest rates of poverty in most communities. As such, they generally have greater needs for social services (child care, transportation, etc.). Single parent households often have fewer choices in the housing market—and a higher need for affordable housing—because of their lower income levels and need for family-friendly housing (larger units, proximity to schools, near parks/playgrounds). Large households also have difficulty finding homes, especially rentals that meet their affordability and size needs.

Figure III-6 shows the arrangements of households in Santa Fe. Of the approximately 31,000 households in the city, about 15,600, or 50 percent, are comprised of related individuals living together ("family" households). The balance—15,400 "nonfamily" households—includes single people living alone, people living with roommates and unmarried partners.

Single-parent households make up 9 percent of all households. There are more than twice as many single-mother households than single-father households.

Figure III-6.
Household Composition, City of Santa Fe, 2014



Note: Percentages in figure show proportions of total households, not proportions of subtotals.

Source: 2014 ACS 1-year estimates.

In 2014, just 3 percent of Santa Fe’s households were “large”—containing five or more household members. Of these, 44 percent were owners; 56 percent were renters. Overall in the city, 59 percent of households are owners.

Disability. Fifteen percent of persons in Santa Fe have one or more disabilities, similar to the county (13%) and the state (15%) overall.

Persons with disabilities are typically more vulnerable to housing discrimination due to housing providers’ lack of knowledge about reasonable accommodation provisions in fair housing laws. Persons with disabilities also face challenges finding housing that is affordable, accessible and located near transit and supportive services.

Figure III-7 shows the ages of persons living with disabilities in Santa Fe, along with the disability types. Seniors make up 45 percent of the population of persons with disabilities in Santa Fe compared to 20 percent of residents overall.

Of seniors, one-third have some type of disability. The most common types of disabilities are ambulatory and hearing. Thirteen percent of non-senior adult residents have a disability; their

most common types of disabilities are ambulatory and cognitive. Just one percent of children under 18 are disabled, with the most common types of disability hearing and cognitive.

**Figure III-7.
Incidence of Disability by
Age, City of Santa Fe, 2014**

Source:
2014 ACS 1-year estimates.

	Number with a Disability	Percent of Age Cohort with Disability
Total Population with a Disability	10,359	15%
Population Under 18 years	116	1%
Hearing	47	0%
Vision	27	0%
Cognitive	42	0%
Ambulatory	0	0%
Self-care	0	0%
Population 18 to 64 years	5,536	13%
Hearing	1,310	3%
Vision	1,559	4%
Cognitive	2,481	6%
Ambulatory	3,044	7%
Self-care	671	2%
Independent living	1,498	3%
Population 65 years and over	4,707	33%
Hearing	2,388	17%
Vision	1,026	7%
Cognitive	1,199	8%
Ambulatory	2,415	17%
Self-care	621	4%
Independent living	1,126	8%

Income and poverty. The median household income in the City of Santa Fe was \$49,380 in 2014—higher than the state overall (\$44,803) but slightly below Santa Fe County (\$52,809). Figure III-8 displays median household income of both renters and owners in Santa Fe for 1999, 2006, 2010, 2011 and 2014. Overall, median household income increased by 12 percent between 2010 and 2014—from \$44,090 to \$49,380. Renters experienced a 24 percent income increase (from \$28,240 to \$34,945) and owners experienced a 7 percent increase (from \$58,467 to \$62,727).

**Figure III-8.
Median Household Income by
Tenure, City of Santa Fe 1999, 2006,
2010 and 2014**

Source:
2013 HNA and 2014 ACS.

	All Households	Owners	Renters
Median HH Income			
1999	\$40,392	\$52,634	\$28,177
2006	\$50,000	\$60,000	\$36,344
2010	\$44,090	\$58,467	\$28,240
2011	\$46,617	\$64,690	\$29,291
2014	\$49,380	\$62,727	\$34,945
Percent Change in MHI			
1999 to 2006	24%	14%	29%
2006 to 2011	-7%	8%	-19%
1999 to 2011	15%	23%	4%
2011 to 2014	6%	-3%	19%

Nearly 12,000 Santa Fe residents (17% of the population) are living in poverty. Children are the most likely age group to be living in poverty (30%) and seniors are the least likely to be living in poverty (6%). The city has a lower poverty rate than the state (21%) but a higher rate than Santa Fe County (14%). Figure III-9 displays poverty by age for Santa Fe residents in 2014.

**Figure III-9.
Poverty by Age, City of Santa Fe, Santa Fe County and New Mexico, 2014**

	City of Santa Fe		Santa Fe County		New Mexico	
	Number in Poverty	Percent in Poverty	Number in Poverty	Percent in Poverty	Number in Poverty	Percent in Poverty
Total population	11,938	17%	20,673	14%	436,153	21%
Under 18 years	3,700	30%	5,853	21%	145,966	30%
18 to 64 years	7,333	17%	13,003	15%	248,861	20%
65 years and over	905	6%	1,817	6%	41,326	13%

Source: 2014 ACS.

Segregation/Integration

This section discusses racial and ethnic segregation/integration. The first step in segregation analysis is to map concentrations of residents of different races and ethnicities.

Concentrations are identified as:

- Census tracts in which the proportion of a protected class is 20 percentage points higher than that in the county overall, and
- Census tracts that are more than 50 percent minority. Minority residents are defined as those identifying as Hispanic/Latino and/or a non-white race.

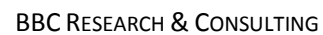
Applying this to Santa Fe, concentrations for Hispanic residents occur when the proportion exceeds 69 percent (20 percentage points above the city proportion of 49%). There are 13 Hispanic-concentrated Census tracts in Santa Fe.

American Indian concentrations occur when the proportion of American Indian residents exceeds 23 percent. There are 2 American Indian concentrated Census tracts in Santa Fe.

African American concentrations exist when the proportion exceeds 22 percent. No African American concentrations exist. Similarly, Asian concentrations exist when the proportion exceeds 22 percent. No Asian concentrations exist.

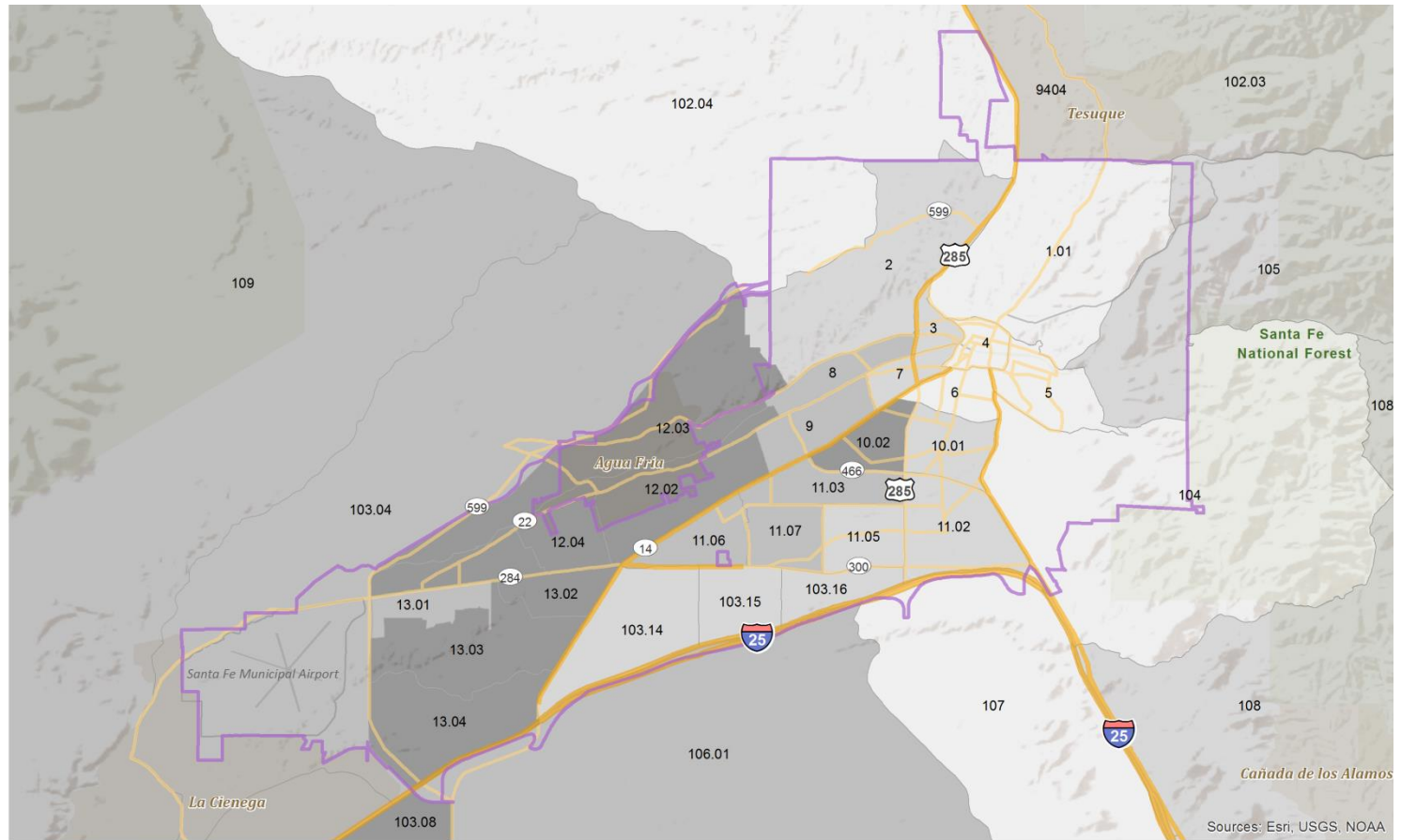
As shown in the following maps, Census tracts with concentrations of racial and ethnic minorities are largely located in clusters in the western part of the city.

Source:
2009-2013 American
Community Survey



**Figure III-11.
Concentrations of
Persons of
Hispanic Descent
by Census Tract**

Source:
2009-2013 American
Community Survey



Percent Hispanic by Census Tract

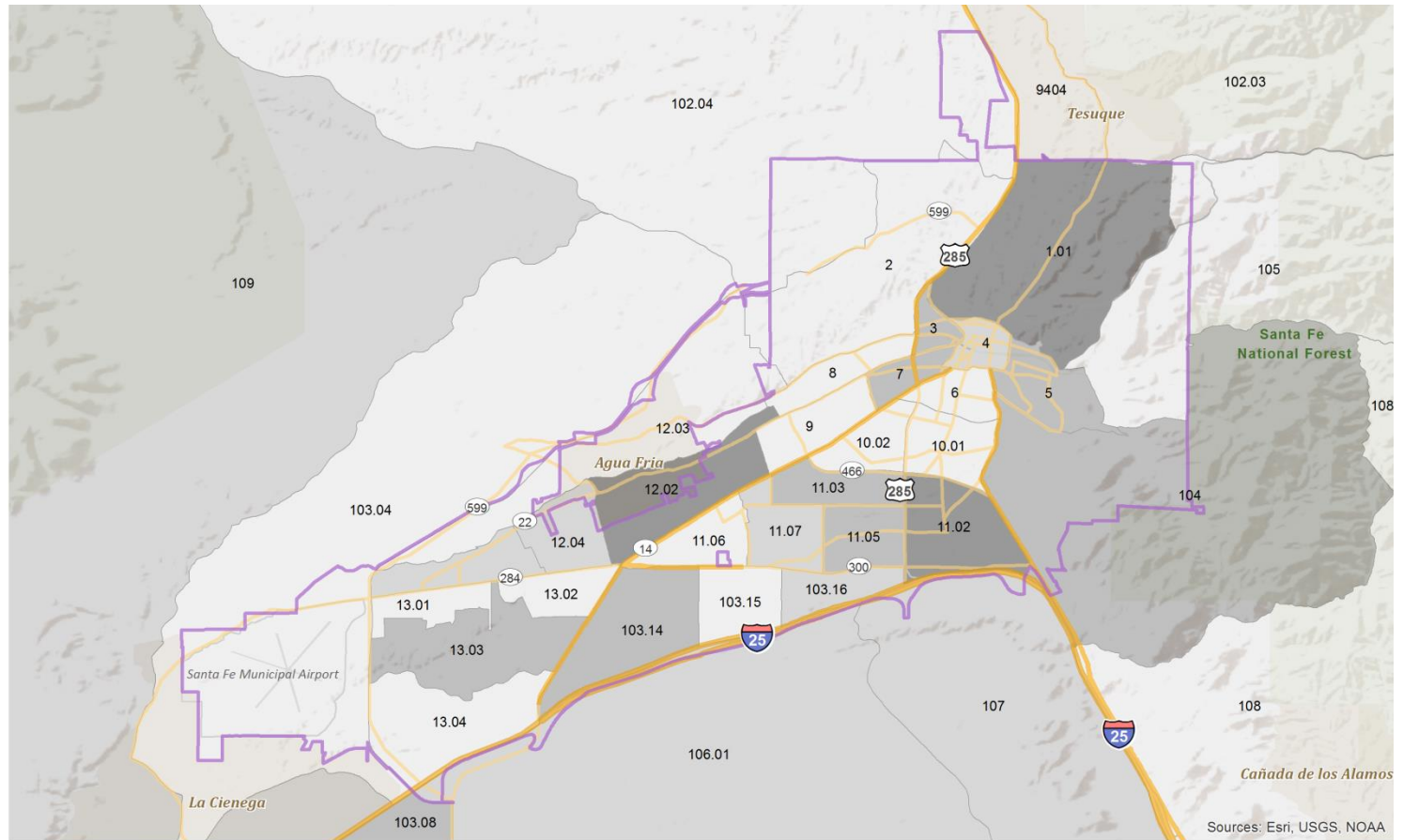


Source:
2009-2013 American
Community Survey

Percent American Indian/Alaska Native by Census Tract

**Figure III-13.
Concentrations of
African American
Residents by
Census Tract**

Source:
2009-2013 American
Community Survey



Percent Black/African American by Census Tract



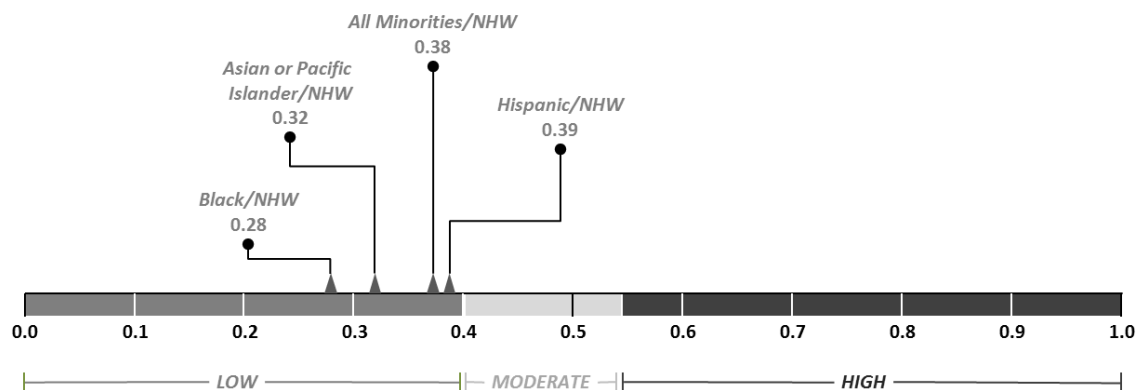
Segregation. According to HUD, “segregation” occurs when concentrations of protected classes *are a result of fair housing barriers or impediments*.

Segregation can also be measured by the dissimilarity index. The dissimilarity index is a mathematical way to measure the evenness of minority resident distribution across geographic units—such as Census tracts—that make up a larger geographic area—such as a county. The index compares the proportion of the total population of a minority group in a Census tract and the proportion of the total number of whites in that same Census tract.

The dissimilarity index is a metric used by researchers to measure racial and ethnic integration. The index is measured between 0 and 1. An index of 0 indicates perfect distribution of racial and ethnic groups across all Census tracts in a region; conversely, an index of 1 indicates complete segregation of racial groups across the region. HUD’s ratings of dissimilarity are determined by the following score ranges: “Low Dissimilarity”—below 0.40; “Moderate”—between 0.40 and 0.55; and “High”—above 0.55. The U.S. cities found to be the most segregated using the dissimilarity index (Milwaukee, New York and Chicago) have indices approaching 0.8.

Figure III-14 shows the dissimilarity index for Santa Fe. Overall, the index is “low” for all minority groups—both collectively and individually. However, the index does indicate near moderate levels of segregation for Hispanic residents.

Figure III-14.
Dissimilarity Index of Segregation, 2014



Note: NHW = Non-Hispanic White residents, which the distribution of minority residents is compared against.

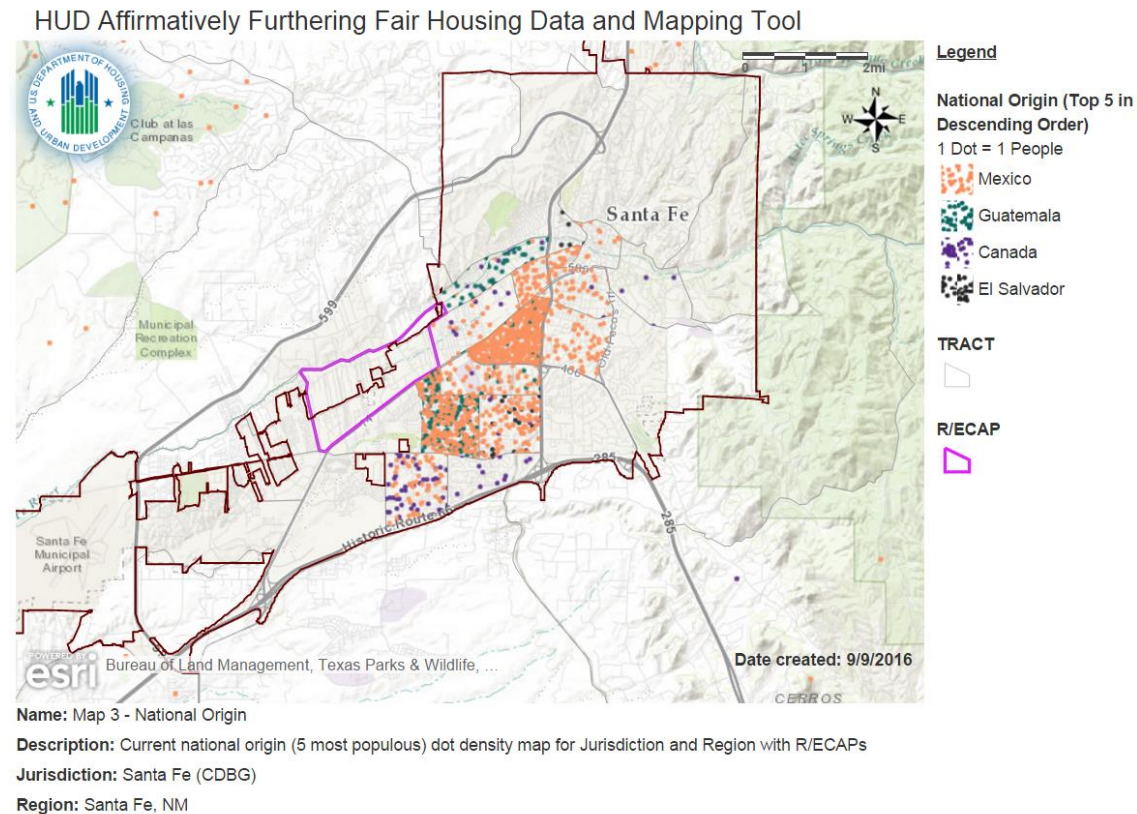
Source: 2009-2013 American Community Survey and BBC Research & Consulting.

While the dissimilarity index may indicate a level of segregation between whites and minority residents, it does not identify the underlying causes for the segregation. It is plausible that some minority residents actively seek housing in neighborhoods (Census tracts) where individuals with similar backgrounds as themselves are living and where familiar cultural amenities can be found (religious centers, specialized supermarkets, etc.). On the other hand, discriminatory practices could be occurring that result in minority residents concentrating in certain neighborhoods regardless of their actual preferences.

Contributing factors of segregation. In a majority Hispanic community, it is appropriate to examine segregation by national origin to determine if discrimination may exist within cultural groupings.

Figure III-15 shows where the cultural groupings exist within the city. Clusters of residents of Mexican and Guatemalan origin are located in central and northwest Santa Fe Census tracts.

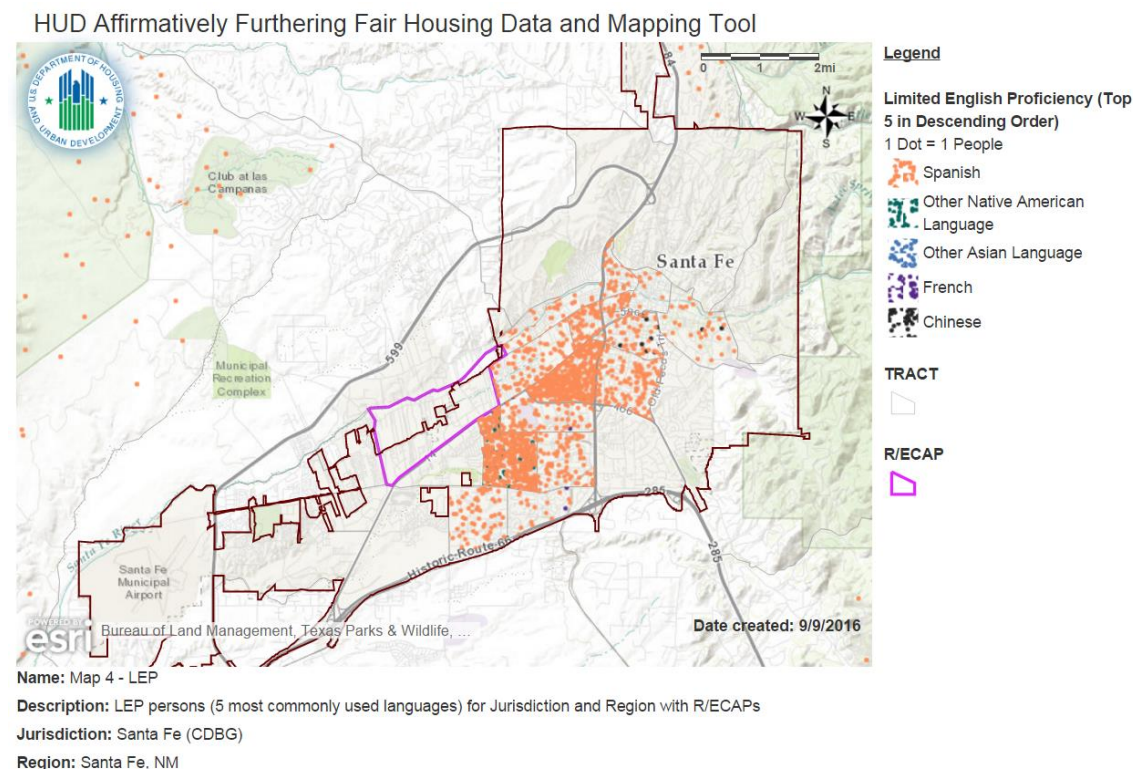
Figure III-15.
HUD AFFH Tool Jurisdiction Map of Santa Fe, Map 3, National Origin, 2010



Source: HUD AFFH Data and Mapping Tool. <https://egis.hud.gov/affht/>.

National origin, particularly those of Mexican and Guatemalan origin, are distinctly located in central parts of the city and not in the northeast and southwest census tracts. This segregation by national origin could be attributed to a number of factors including the desire or need to reside with or in close proximity to family, affordable housing options, access to jobs or access to public transportation. The ability to speak English and the degree to which one can speak may also impact where an individual resides. Figure III-16 shows the distribution of Limited English Proficiency (LEP) by language in Santa Fe.

Figure III-16.
HUD AFFH Tool Jurisdiction Map of Santa Fe, Map 4, LEP, 2010



Source: HUD AFFH Data and Mapping Tool. <https://egis.hud.gov/affht/>.

Spanish speakers are the most prevalent among those with LEP. The clusters of Spanish speakers within the city reflect a similar distribution as national origin, with the largest populations in the central and northwest Census tracts. There are also some individuals who speak a Native American language and an Asian language scattered among these Census tracts, but these individuals with LEP make up a small portion compared to Spanish speakers.

Segregation—stakeholder perspectives. Respondents to the stakeholder survey suggest that segregation in Santa Fe is due to the concentration of affordable housing and the resistance of some neighborhoods to affordable housing developments (i.e., NIMBYism). Among the possible fair housing issues and contributing factors considered by stakeholders, the concentration of affordable housing in high-poverty low-opportunity areas is a very serious issue, rating this factor a 7.6 on a 10 point scale (with higher ratings indicating more serious issues). Survey respondents also identified landlords accepting Section 8 vouchers only in low opportunity areas as an issue (average rating of 7.5).

- *“Working class and poor Latinos, young families of color, immigrants, and people on Section 8 all are pushed into certain poorer, run-down areas of town. Limited access to affordable fresh groceries, transportation and poor police-community relationships are issues too.” (Stakeholder survey respondent)*

- *“The location is dependent on the affordability of the housing in that area. The easiest way to segregate is to have higher rates, and not accept any housing vouchers.” (Stakeholder survey respondent)*
- *“I work with immigrants, which significantly complicates access to affordable housing as the parents often lack a valid social. Because they are low-income they need affordable housing and can often not find it. Often families I work with are doubled up or living in very substandard housing. They remain segregated in a large part in the trailer colonies around Airport Road.” (Stakeholder survey respondent)*

Concentrated Areas of Poverty

Neighborhoods with concentrated poverty (rates exceeding 40 percent) are regarded by social researchers as being areas that are “socially and economically dysfunctional.”¹ High poverty is linked to high crime, high rates of unemployment and low educational attainment, all of which have costs to the public. High poverty also impacts community health and food security, frequently culminating in malnutrition among children.²

A new component of fair housing studies is an analysis of “racially or ethnically concentrated areas of poverty,” also called RCAPs and ECAPs. An RCAP or ECAP exists when a neighborhood has high poverty and is majority-minority.

HUD’s definition of an R/ECAP is:

- A census tract that has a non-white population of 50 percent or more (majority-minority) AND a poverty rate of 40 percent or more or three times the region’s poverty rate; OR
- A census tract that has a non-white population of 50 percent or more (majority-minority) AND the poverty rate is three times the average tract poverty rate for the county, whichever is lower.

Households within R/ECAP Census tracts frequently represent the most disadvantaged households within a community and often face a multitude of housing challenges. By definition, a significant number of R/ECAP households are financially burdened, which severely limits housing choice and mobility. The added possibility of racial or ethnic discrimination creates a situation where R/ECAP households are likely more susceptible to discriminatory practices in the housing market. Additionally, due to financial constraints and/or lack of knowledge (i.e. limited non-English information and materials); R/ECAP households encountering discrimination may believe they have little or no recourse, further exacerbating the situation.

Figure III-17 below uses the HUD AFFH tool to show if poverty and race and ethnicity overlap in Santa Fe, as of 2010. In this map, **low poverty** is indicated by darker grey shading; high poverty, light

¹ The Costs of Concentrated Poverty: Neighborhood Property Markets and the Dynamics of Decline.” In Nicolas P. Retsinas and Eric S. Belsky, eds., *Revisiting Rental Housing: Policies, Programs, and Priorities*. Washington, DC: Brookings Institution, 116–9.

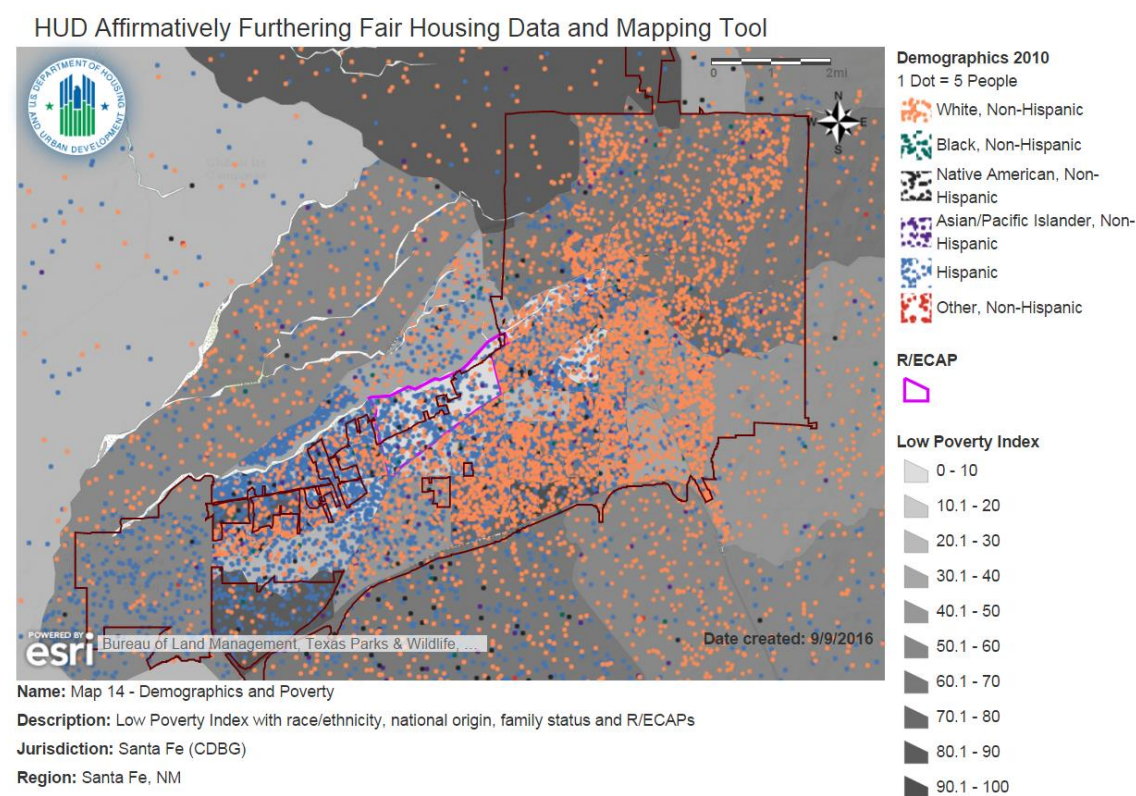
² Understanding the Link between Poverty and Food Insecurity among Children: Does the Definition of Poverty Matter? Vanessa Wright, et. al., *Journal of Children and Poverty*, 1-20. 2014.

shading. Each dot is equivalent to five people. R/ECAPs are indicated by a fuchsia Census tract border.

In general, the maps indicate that high-poverty neighborhoods have slightly more residents who are non-White and Hispanic than in low-poverty neighborhoods.

The City of Santa Fe has a single racially and ethnically concentrated area of poverty, Census tract 12.02 that has ranged in poverty from 38 to 40 percent during the past 15 years. The tract is highly ethnically concentrated; 75% of residents are Hispanic.

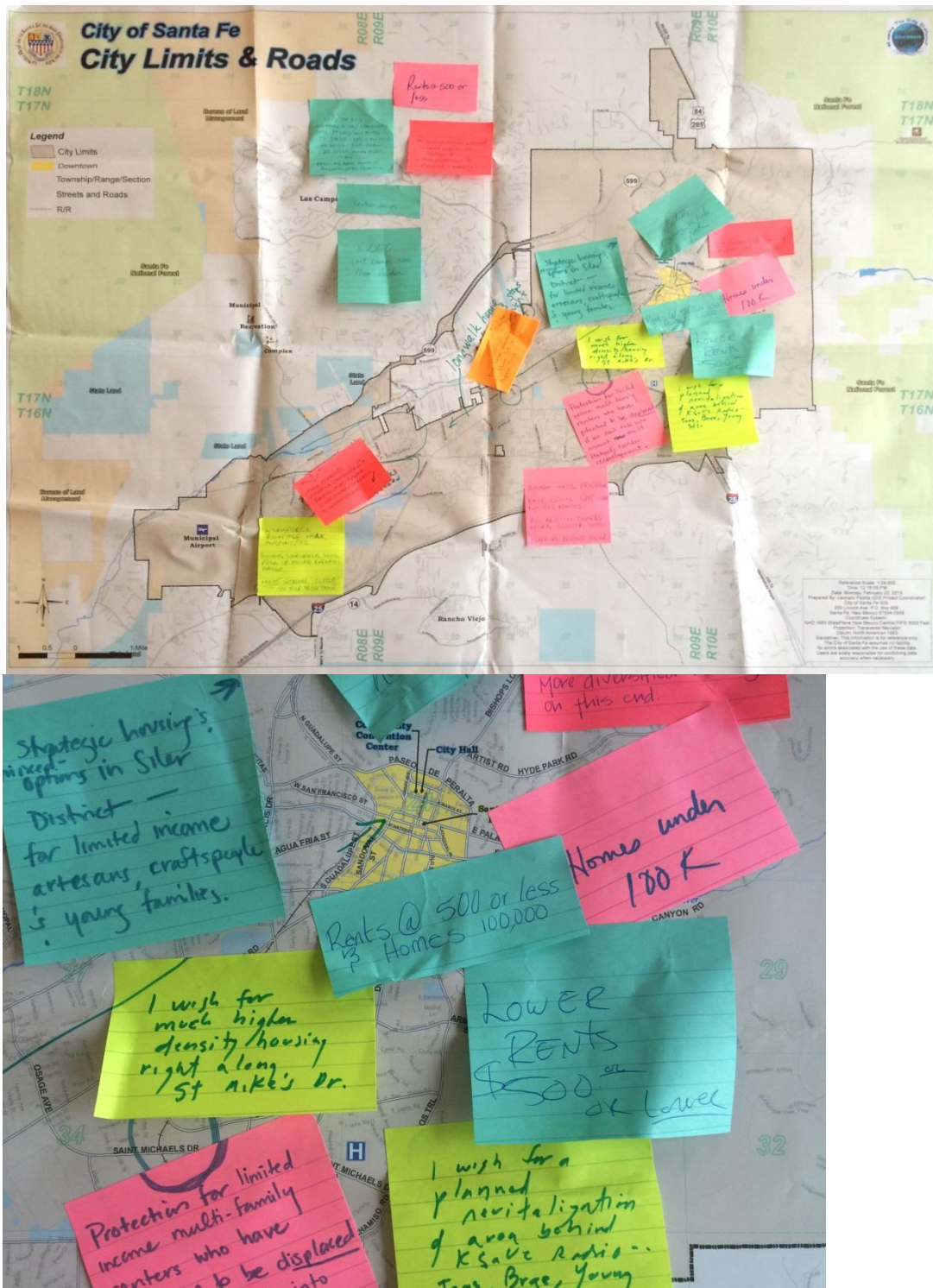
Figure III-17.
HUD AFFH Tool Jurisdiction Map of Santa Fe, Map 14, Demographics and Poverty, Poverty and Race/Ethnicity, 2013



Source: HUD AFFH Data and Mapping Tool. <https://egis.hud.gov/affht/>.

Concentrated areas of poverty—stakeholder and resident perspectives. Stakeholders, open house attendees and disability focus group participants all identified a need for affordable housing in higher opportunity lower poverty areas of Santa Fe. Through three interactive exercises, Open House attendees expressed the need for more affordable housing in Santa Fe, particularly in the neighborhoods surrounding the downtown Plaza area. Figure III-18 shows where Open House attendees indicated a need for affordable housing, and most of these comments focus around downtown Santa Fe as well as the St. Michael's revitalization area. These include rents lower than \$500, homes to purchase for less than \$100,000, increased density and protections for lower income renters.

Figure III-18.
"I wish there was..." Open House Mapping Exercise—Affordable Housing Comments



Source: BBC Research & Consulting from 2016 Santa Fe AI Open House.

Stakeholder survey respondents agreed with residents' depiction of the need for affordable housing in northern Santa Fe and described substandard housing conditions experienced by some residents in Santa Fe's higher poverty neighborhoods.

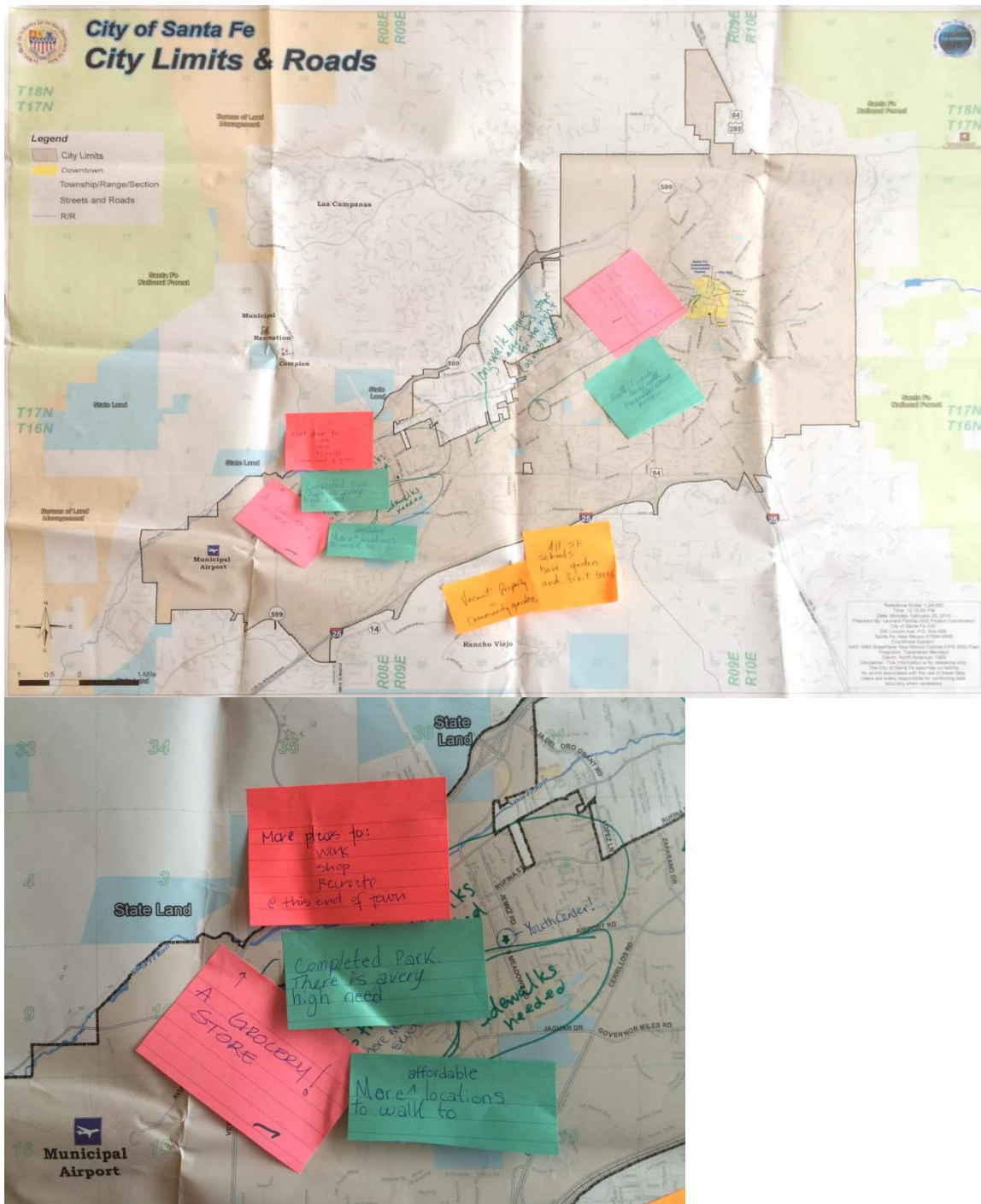
- *"The east and north sides of Santa Fe have become exclusive to high income residents. A substantial tax on properties that are not a primary place of residence may be a way to drive inflated property values down in the area." (Stakeholder survey respondent)*
- *"Provide a free tenant-landlord help line. Many tenants in poor neighborhoods deal with unfair landlords/slumlords, ranging from bedbugs to lack of proper heat and paying for other people's utilities due to substandard housing, etc. Also, mobile home parks are poorly run. Change laws that promote landlord's power over tenant's rights. Encourage and train tenant unions. Create strong campaign that requires management of large apartment buildings to eradicate bedbugs, roaches, etc. - to take seriously tenant's health." (Stakeholder survey respondent)*

Disparities in Access to Opportunity

Another new component of fair housing studies is an examination of community assets and whether protected classes have equitable access to those assets. In the AFH, this analysis is characterized by HUD as "disparities in access to opportunity." For the Santa Fe AI, disparities in access to opportunity were examined using HUD's AFFH tool and through the community participation process, the findings of which are presented in Section II.

Access to opportunity—stakeholder and resident perspectives. Both stakeholders and residents identified areas in Santa Fe than lack opportunities found elsewhere in the city. As shown in Figure III-19, residents' assessment of needed community amenities concentrated in the city's southwest neighborhoods. These include a need for a grocery store, a park, and more (affordable) places to shop, play and work.

Figure III-19.
“I wish there was…” Open House Mapping Exercise—Access to Opportunity Comments



Source: BBC Research & Consulting from 2016 Santa Fe AI Open House.

Opportunity indicators. The HUD AFFH tool provides data on seven opportunity indicators, which are community characteristics commonly considered as elements of housing choice and/or neighborhood health. Each indicator is measured as an index, or score, where higher values indicate higher levels of opportunity.

For a fair housing analysis, the focus is not on a community's overall score, but on whether different racial/ethnic groups have substantial differences in their exposure to opportunity, as measured by the HUD indicators. Figure III-20 displays index values for each opportunity indicator across different racial/ethnic groups. The values are provided for the population overall and also for the population living in poverty.

Figure III-20.
Opportunity Indicators by Race/Ethnicity, City of Santa Fe, 2010

Population	Low Poverty Index	School Proficiency Index	Labor Market Index	Transit Index	Low Transportation Cost Index	Jobs Proximity Index	Environmental Health Index
Total Population							
Non-Hispanic white	48.15	46.25	72.42	44.15	55.50	55.73	78.72
Hispanic	33.01	29.67	56.29	47.33	58.34	48.75	74.29
Black or African American	40.01	38.15	63.78	46.32	57.28	52.42	76.00
Asian or Pacific Islander	41.82	40.61	71.37	43.40	53.72	50.09	75.82
Native American	38.28	34.30	60.56	46.87	57.87	52.33	75.56
Population in Poverty							
Non-Hispanic white	40.28	39.78	65.80	46.74	57.83	55.24	78.93
Hispanic	23.74	28.42	48.85	50.70	62.71	47.63	75.15
Black or African American	42.68	45.73	47.51	53.27	63.06	51.81	77.52
Asian or Pacific Islander	36.93	34.77	55.12	51.41	59.05	39.60	70.52
Native American	49.26	43.33	69.66	48.64	61.62	61.95	80.81

Note: Additional detail on how each index is calculated is available in the HUD AFFH Data Documentation, available online at: <https://www.hudexchange.info/resource/4848/affh-data-documentation/>

Source: HUD AFFH Data and Mapping Tool. <https://egis.hud.gov/affht/>.

Across all racial and ethnic groups, exposure to employment, transportation and environmental health opportunities are relatively high. Populations in poverty experience less opportunity within the low poverty, school proficiency and labor market indexes, with the exception of Native Americans. Native Americans in poverty have higher exposure to every opportunity indicator compared to those in the total population. Hispanic populations experience some of the lowest access to opportunity, particularly in the low poverty, school proficiency and labor market indexes. The indicators in Santa Fe that are of most concern are poverty and school proficiency, both of which show considerably low access to opportunity.

Geographic distribution of opportunity.

To better understand disparities in access to opportunity, HUD provides thematic maps to show the different levels of exposure to each opportunity indicator. Figures III-21 to III-27 depicts all seven opportunity indicators overlaid with dot densities of national origin. As indicated in the segregation analysis above, the city is distinctly separated by national origin, which is a more representative variable for Santa Fe compared to race/ethnicity.

In every map, the dark red outline indicates the city boundaries and the magenta outline identifies the single R/ECAP Census tract that exists within Santa Fe. The gradations of shading represent the degrees of opportunity. A darker shade of gray represents census tracts that experience a higher access to that opportunity indicator. In addition to the shading, the dot overlay on the maps differentiates national origin. Orange dots represent individuals of Mexican origin, green represent Guatemalan origin, blue represent English origin, purple represent Canadian origin and black represent Salvadorian origin.

Figure III-21.

HUD AFFH Tool Jurisdiction Map of Santa Fe, Map 9, Demographics and School Proficiency, School Proficiency and National Origin, 2010

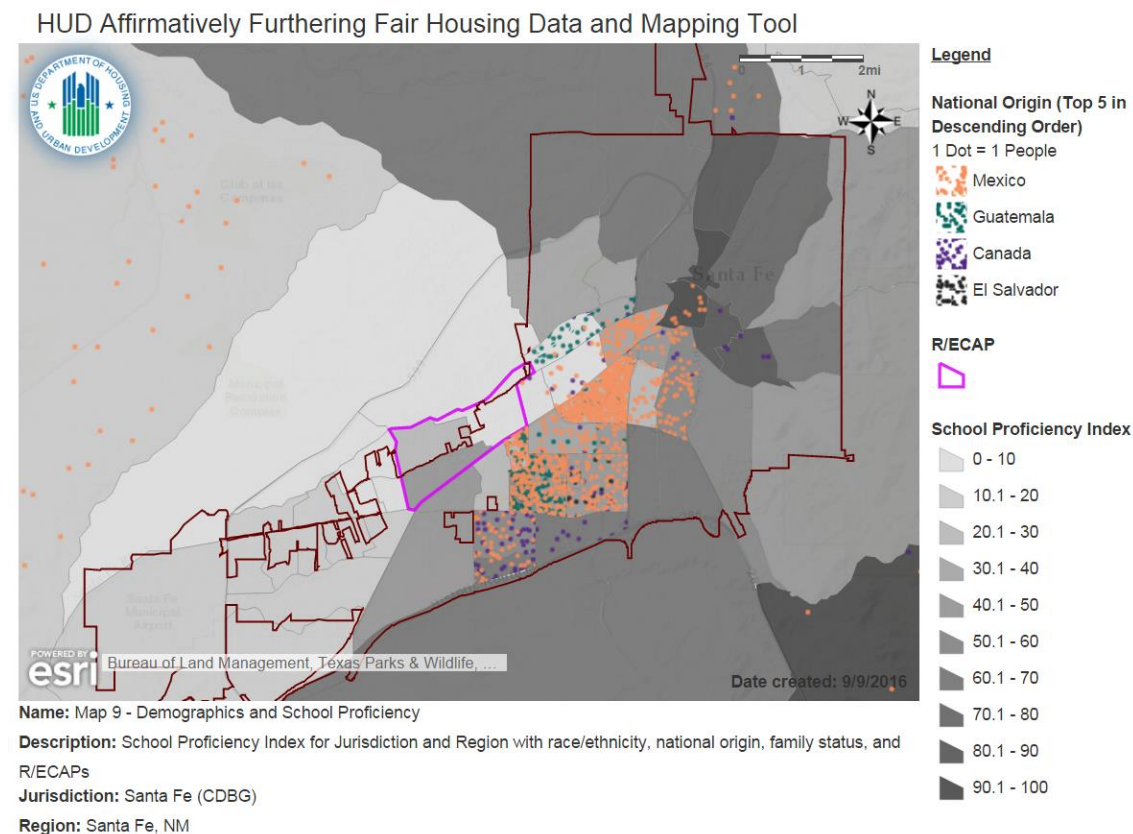


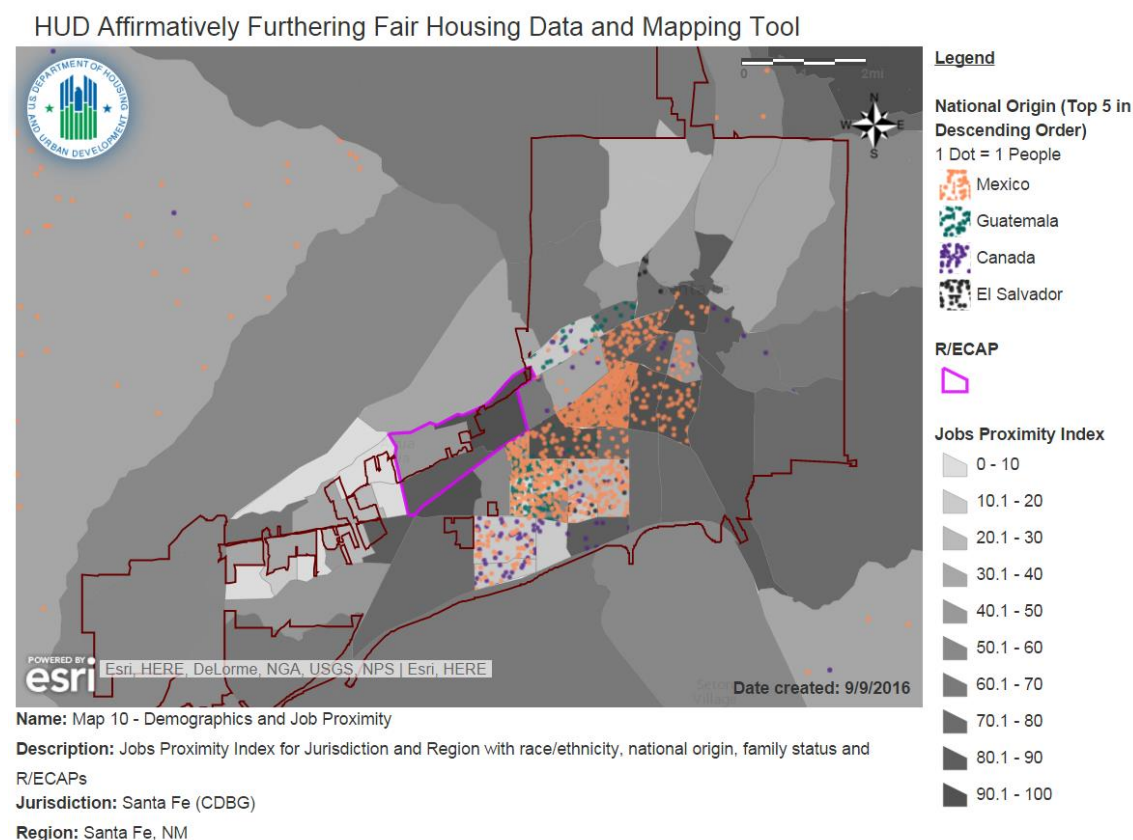
Figure III-21 shows variations in school proficiency by Census tract in Santa Fe. The Census tracts with the highest access to school proficiency are in the north and northeast areas of the city. The relationship between the residency patterns of national origin and their proximity to proficient

schools is distinct. Residents of Mexican and Guatemalan origin are disproportionately located in Census tracts with some of the lowest access to proficient schools. Residents of Canadian origin, which are far fewer in number than other national origins, are located in the south central part of the city, where access to school proficiency is much higher.

In addition to education, HUD requires an analysis of employment opportunities. The employment opportunities analysis examines disparities that may exist in access to jobs and labor markets.

The relationship of national origin and low access to proficient schools does not occur in the same manner for proximity to jobs. The job proximity index measures the distance between a residency and jobs. Figure III-22 shows residents by national origin and their proximity to jobs. Residents of Mexican origin are located in Census tracts with some of the highest opportunities for job proximity. Only a few Census tracts, primarily in the southern part of the city, have low proximity to jobs. Overall, Santa Fe provides decent access to opportunities for proximity to jobs.

Figure III-22.
HUD AFFH Tool Jurisdiction Map of Santa Fe, Map 10, Demographics and Job Proximity, Jobs Proximity and National Origin, 2010

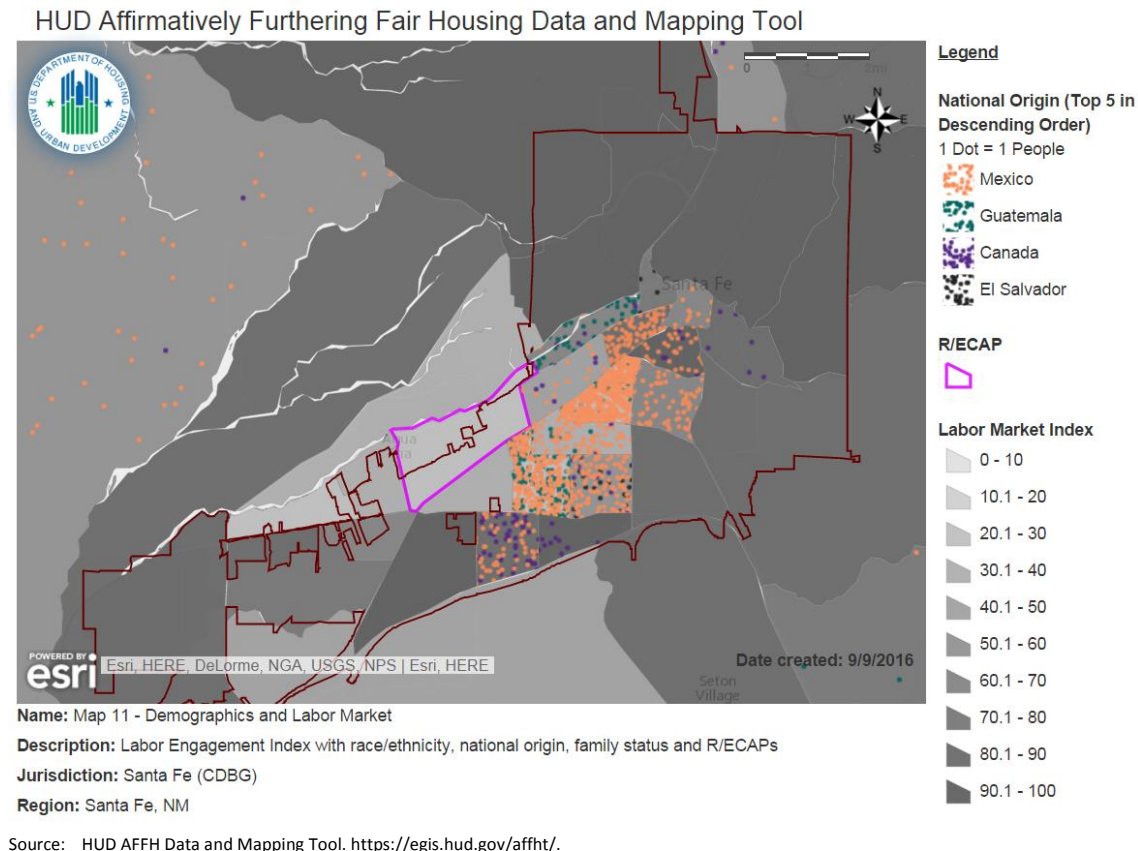


Source: HUD AFFH Data and Mapping Tool. <https://egis.hud.gov/affht/>.

The other indicator in the employment opportunity analysis is access to labor markets, as seen in Figure III-23. The labor market indicator measures unemployment rate, participation rate in the labor-force, and the percent of the population with a bachelor's degree aged 25 and above. Unlike job

proximity, the Census tracts with a high amount of Mexican and Guatemalan origin residents have disproportionately lower access to labor markets, likely due to high unemployment rates and lower levels of skilled labor among these groups. These low access Census tracts are distinctly located in the central part of the city. In comparison, the remaining Census tracts in the city have fairly high access to labor markets, as indicated by the darker shades of gray.

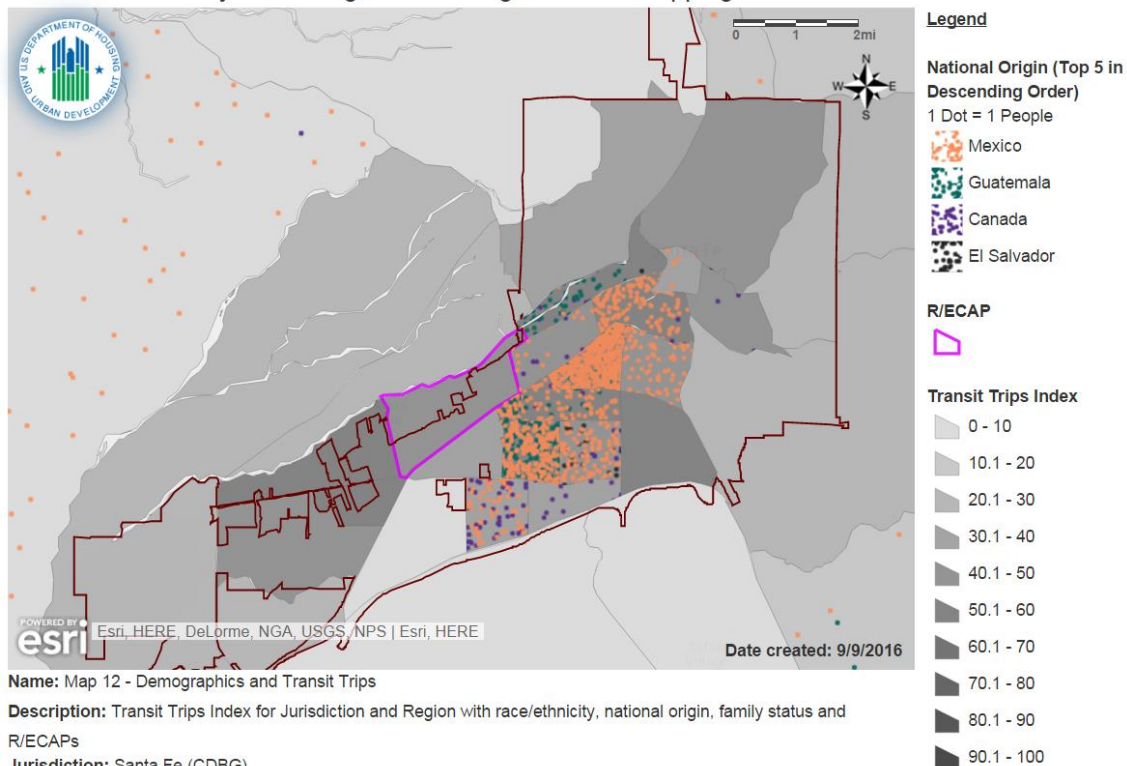
Figure III-23.
HUD AFFH Tool Jurisdiction Map of Santa Fe, Map 11, Demographics and Labor Market, Labor Market and National Origin, 2010



Access to transportation based on residence, cost or other transportation-related factors is also important when assessing distribution of opportunity. HUD identifies transportation opportunities through the Low Transportation Cost Index and the Transit Trips Index. The low transportation cost indicator not only measures the cost of transport but also proximity to public transportation. The transit trips indicator measures how often low-income families use public transportation because transportation use is a general indication of public transit availability. Figure III-24 depicts the distribution of transit trips and Figure III-25 depicts the distribution of low transportation costs in Santa Fe. In both maps, the Census tracts occupied by high concentrations of Mexican and Guatemalan origin residents have high public transportation use and similar or higher access to transportation as residents citywide. In some, predominantly suburban Census tracts, use and access is relatively low. This contrast could be attributed to wealthier neighborhoods which do not rely on or use public transportation frequently.

Figure III-24.
HUD AFFH Tool Jurisdiction Map of Santa Fe, Map 12, Demographics and Transit Trips, Transit Trips
and National Origin, 2010

HUD Affirmatively Furthering Fair Housing Data and Mapping Tool



Name: Map 12 - Demographics and Transit Trips

Description: Transit Trips Index for Jurisdiction and Region with race/ethnicity, national origin, family status and R/ECAPs

Jurisdiction: Santa Fe (CDBG)

Region: Santa Fe, NM

Source: HUD AFFH Data and Mapping Tool. <https://egis.hud.gov/affht/>.

Figure III-25.

HUD AFFH Tool Jurisdiction Map of Santa Fe, Map 13, Demographics and Low Transportation Costs, Low Transportation Costs and National Origin, 2010

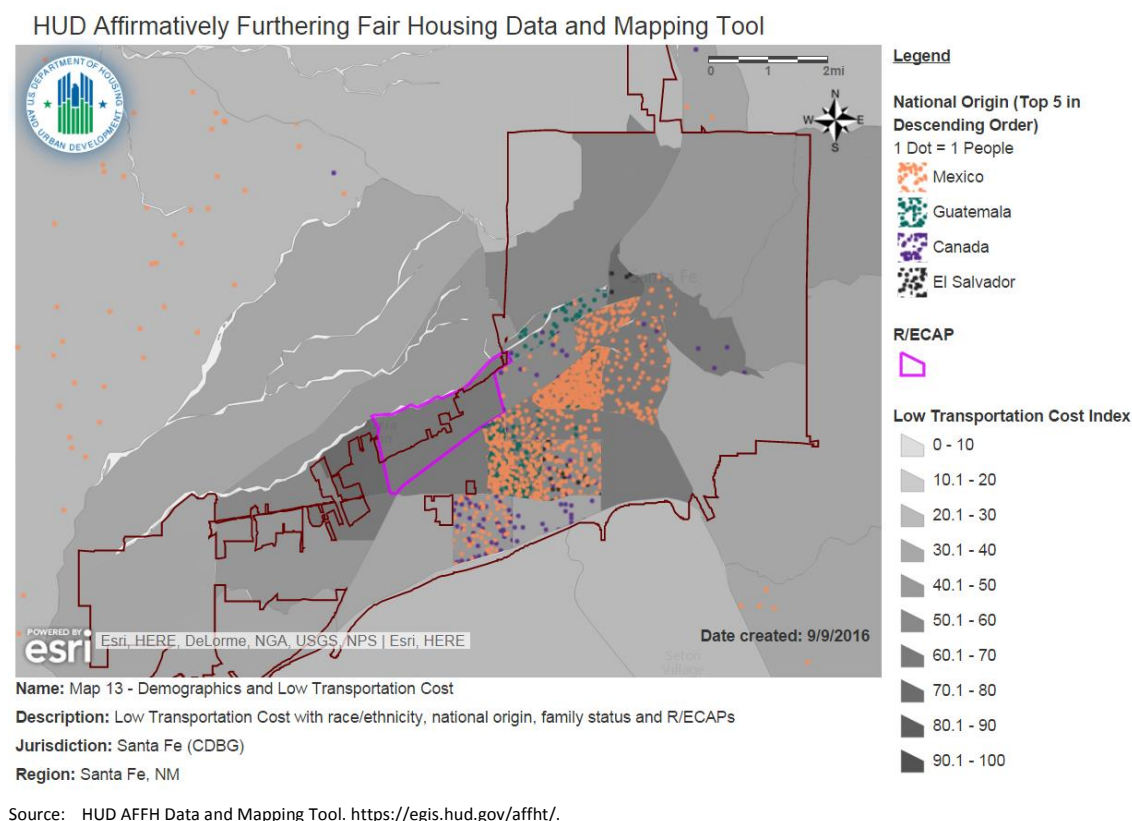


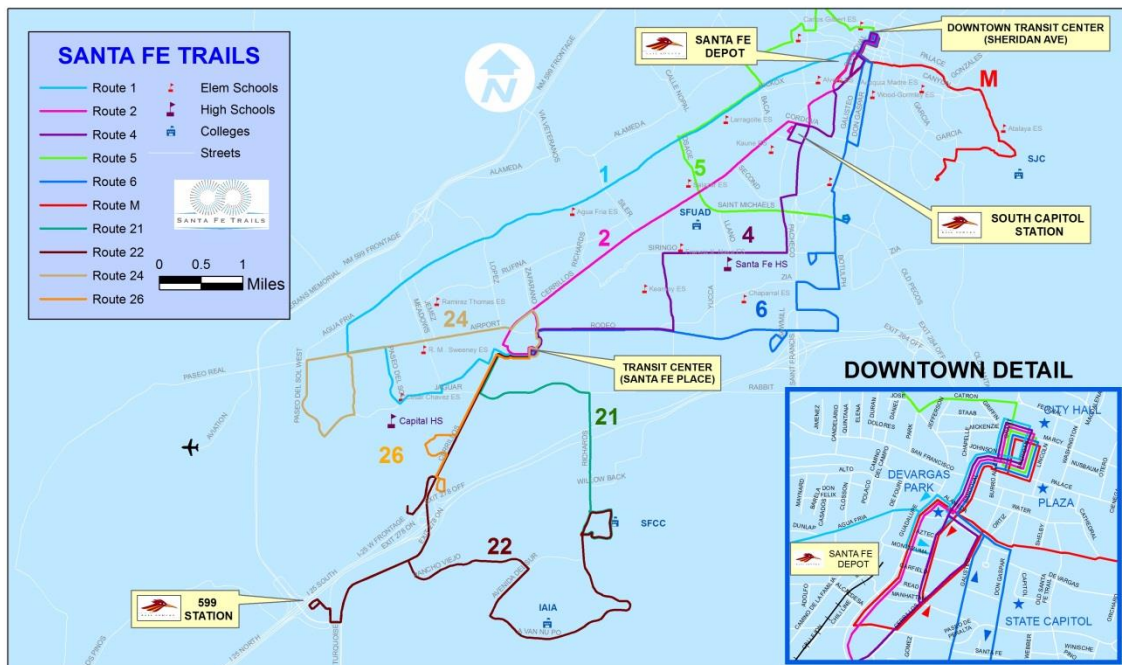
Figure III-26 presents the Santa Fe Trails—Santa Fe’s city-operated fixed route bus system—route map. Routes 5, 6, 21 and 22 do not offer Sunday service and routes 21 and 22 do not offer Saturday service. During the weekdays, routes 1, 2, 4, 6, 24, and M start service between 5:00 to 7:00 am and routes 5, 21, 22, and 26 start service between 7:00 to 9:00 am. Weekday nights, routes 1, 2, 4, 21, and 24 end service between 9:00 to 10:00 pm and routes 5, 6, 22, 26, and M end service between 5:00 to 8:00 pm. Most routes run every 30 to 60 minutes, with the exception of route 2, which runs every 15 minutes during the busiest weekday times, and routes 24 and 26, which run every 70 minutes. For routes running on Saturday and Sunday, service starts between 8:00 to 10:00 pm and ends between 5:00 to 7:00 pm. In general, service on the weekends is offered for less hours of the day and runs less frequently, a common trend for most city bus systems.

In the focus group with residents with addiction or mental illness disabilities, participants characterized Santa Fe’s public transit system positively, with a few exceptions. Nearly all of the participants rely on Santa Fe Trails for transportation and report that the system has good geographic coverage to destinations they seek to reach. Service is not provided on holidays, making it difficult for transit-dependent residents to see family or friends at Christmas. Hours of service and the frequency of service, particularly on weekends, can pose challenges.

When stakeholders rated measures of access to transit and transportation as a fair housing issue or contributing factor, insufficient availability of public transportation (average rating of 6.6) was considered a more serious fair housing issue than public transit reliability (rating of 6.0). Both scores suggest that public transportation may be a contributing factor to fair housing issues in Santa Fe.

- *"It's not that buses aren't on time — it's that they need to expand where they go and how often the bus runs. It looked like the triangle area was going to receive attention but it has fizzled out. I don't know of much happening for revitalization in Hopewell Mann or in Tierra Contenta. Most public benefits have been poorly located and uncoordinated. Our families still complain about going all the way out to edge of town on the rare bus to access SNAP, Medicaid, TANF, LIHEAP, etc. The best paying jobs I know of are in the state and school system. Otherwise, what is there besides the service industry, which is mostly dead-end?" (Stakeholder survey respondent)*
- *"Transportation is an issue for this population in our city, people must attempt to use public transportation and get stuck renting low rent, run down apartments in concentrated area of low income and poverty stricken neighbors. More affordable, accessible apartments and small single homes could be developed on outskirts of city if there is no available property in City limits if transportation opportunities are expanded. Housing vouchers and small group homes that can be accessed for temporary living while residents gain economic stability after becoming homeless with wrap around case management services made available to assist with obstacles to employment and financial stability." (Stakeholder survey respondent)*

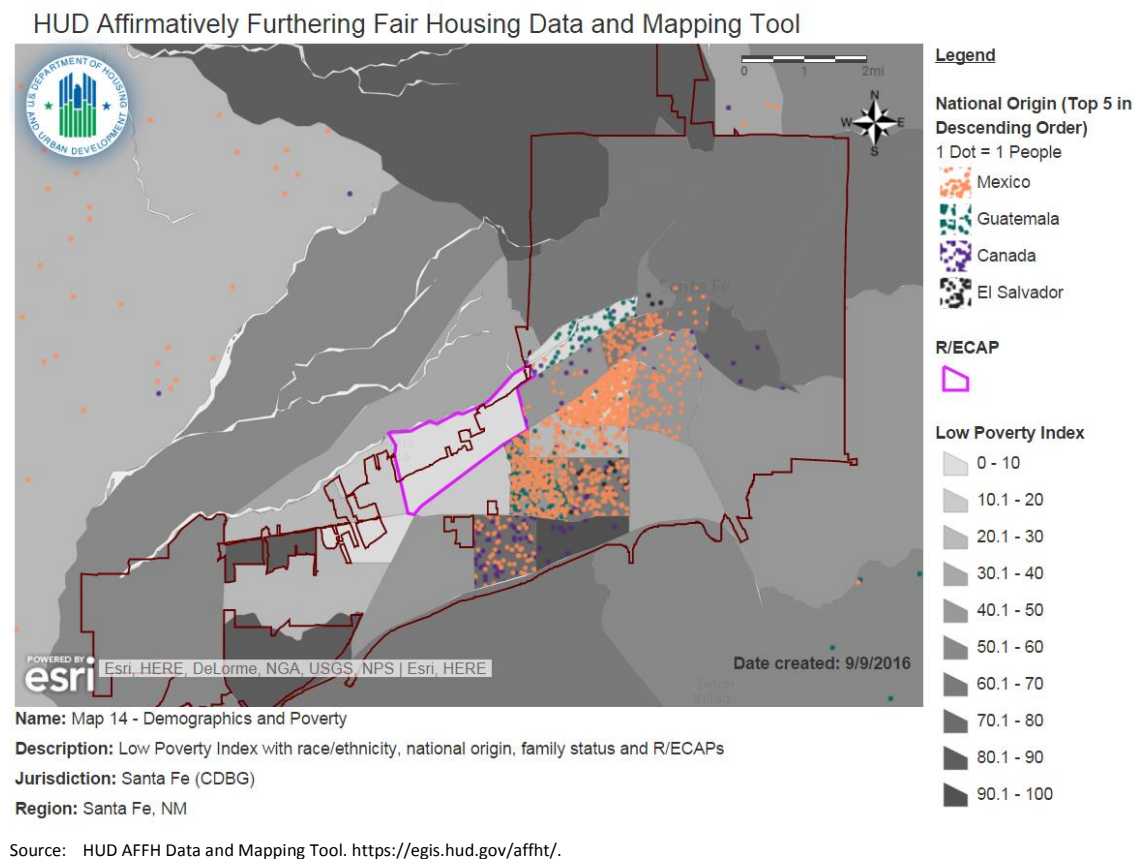
Figure III-26.
Santa Fe Trails Fixed Route Bus System Map



Source: City of Santa Fe.

Figure III-27 shows the Low Poverty Index, which is simply a measure of the poverty rate. A higher value indicates the likelihood that a resident lives in a low poverty neighborhood and a lower value indicates the likelihood that a resident does not live in a low poverty neighborhood. In Figure III-27, the areas with a high poverty rate are located along the north central border of the city and overlap with the Census tracts that have a high proportion of residents with Mexican and Guatemalan origin. The Census tracts with the Canadian origin residents, along with a few Mexican origin residents, live in a low poverty neighborhood.

Figure III-27.
HUD AFFH Tool Jurisdiction Map of Santa Fe, Map 14, Demographics and Poverty, Poverty and National Origin, 2010

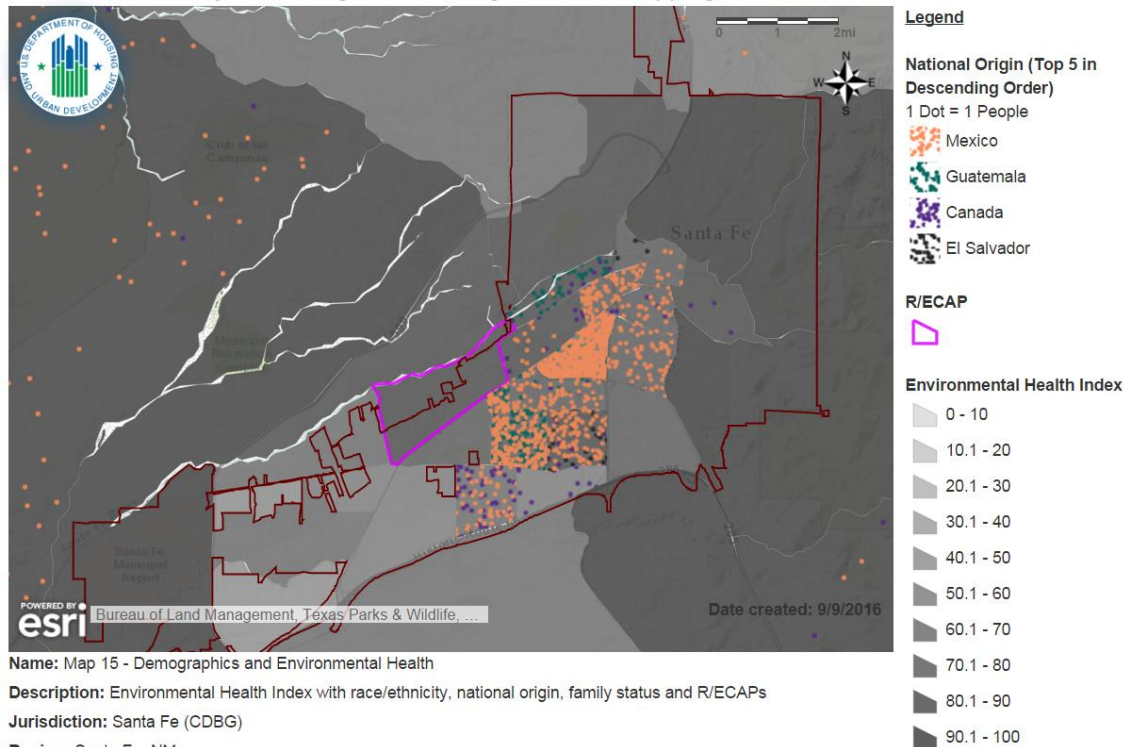


The final analysis for potential disparities in access to opportunity examines environmentally healthy neighborhoods, shown in Figure III-28. HUD's Environmental Health Index measures exposure and risk to hazardous air pollutants. Overall, Santa Fe's air quality is relatively good and does not vary much by Census tract. The northwest and central parts of the city have better access to environmentally healthy neighborhoods, while the southwest experiences more exposure and risk to air pollutants. The Santa Fe Municipal Airport is located in the Census tract on the southwest edge of the city and may contribute to the air quality of nearby Census tracts.

Figure III-28.

HUD AFFH Tool Jurisdiction Map of Santa Fe, Map 15, Demographics and Environmental Health, Environmental Health and National Origin, 2010

HUD Affirmatively Furthering Fair Housing Data and Mapping Tool



Housing Market Summary

A comprehensive housing market analysis and needs assessment was recently conducted as part of Santa Fe's Affordable Housing Plan. Trends and primary findings from that assessment are summarized on the following pages. Primary housing needs identified through the analysis include:

- Overall affordability has improved for Santa Fe residents since 2011, due to increasing incomes and stable home prices. However, the rental gaps analysis reveals a persistent shortage 2,435 rental units priced below \$625 per month. This compares to 3,074 in 2011. The smaller gap in 2014 is primarily due to increasing renter incomes.
- Rental affordability is a particular challenge for the 47 percent of renters earning less than 50 percent of AMI due to mismatch of supply and demand of units priced in that affordability range (28% of units compared to 47% of renters).
- Renters' ability to purchase has also improved over the past several years, though there remains a need for down payment assistance for renters moving into homeownership. Only 44

percent of renters earning between 80 and 120 percent of AMI can afford the median value home in the city.

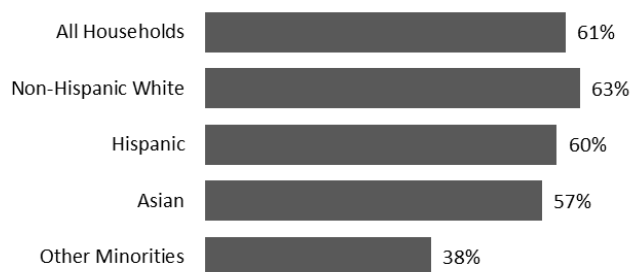
- Over 400 homes are in substandard condition (incomplete kitchen/plumbing facilities) and are in need of rehabilitation.

Tenure. The city’s homeownership rate rose slightly between 2000 (58%) and 2010 (61%) but dropped back to 59 percent by 2014. The slight decline in homeownership between 2010 and 2014 is consistent with state and national trends, both of which reflect a drop in homeownership over the same period, partially due to the introduction of Millennials, who are most likely to rent, into the housing market. Compared to the county and the state overall, the City of Santa Fe has a higher proportion of renters—typical for urban areas.

Figure III-29 displays the homeownership rate for all households and by race/ethnicity of the householder for the City of Santa Fe. Non-Hispanic whites have the highest rate of homeownership (63%) followed closely by Hispanic (60%) and Asian (57%) householders. Other minority groups—including African American and Native American householders—have much lower rates of ownership: collectively just 38 percent of non-Hispanic, non-Asian minorities own a home.

Figure III-29.
Homeownership by
Race/Ethnicity, City of Santa
Fe, 2014

Source:
2010-2014 ACS.



Ownership market. According to the 2014 ACS, the median home value in Santa Fe was \$269,900, similar to Santa Fe County (\$269,300) but above the state median of \$158,400.

Figure III-30.
Median Home Value, City of Santa Fe, 2000 to 2014

	2000	2011	2014	Change 2000-2014	Change 2011-2014
City of Santa Fe	\$182,800	\$295,000	\$269,900	48%	-9%
Santa Fe County	\$189,400	\$292,300	\$269,300	42%	-8%
New Mexico	\$108,100	\$159,000	\$158,400	47%	0%

Source: 2000 Census, 2011 ACS and 2014 ACS.

There have been some affordability improvements in Santa Fe’s ownership market since 2011 as residents benefit from increasing incomes and stable home prices. As displayed in Figure III-31, sale prices of single family homes experienced steep increases in the early 2000s followed by steady declines between 2007 and 2012, excluding a few quarter spikes. Data for 2013 and 2014 (along with the first two quarters of 2015) suggest that home prices are leveling out or even rising slightly.

A similar sale price trend is evident in condo sales in Santa Fe; since a decline in 2008 and 2009, condo prices seem to have stabilized in recent years.

Figure III-31.
Quarterly Median Sale Price of Single Family Homes and Condos, City of Santa Fe, 2000 through Q2 2015



Note: Figures for 2006-2015 include sales in the Airport area; previous years do not.

Source: 2013 HNA and Santa Fe Association of Realtors.

Figure III-32 compares median home values and sale prices with household incomes in 2000, 2011 and 2014. Between 2000 and 2011, residential affordability in the housing market in Santa Fe declined as increases in home prices and values outpaced income gains. However, that trend was reversed between 2011 and 2014 as sale prices and values declined at a higher rate than incomes. Affordability increased most notably for renters who may wish to buy as they experienced the highest income gains, gaining purchasing power in the for-sale market.

**Figure III-32.
Residential
Affordability,
City of Santa
Fe, 2000 to
2014**

Source:
2013 HNA and 2014
ACS.

	2000	2011	2014	Percent Change 2000- 2011	Percent Change 2011- 2014
Median Home Value	\$182,800	\$295,000	\$269,900	61%	-9%
Median Price of Single Family Homes					
<i>1st Quarter</i>	\$205,000	\$282,000	\$285,000	38%	1%
<i>2nd Quarter</i>	\$212,250	\$309,000	\$270,000	46%	-13%
<i>3rd Quarter</i>	\$195,350	\$276,250	\$322,500	41%	17%
<i>4th Quarter</i>	\$197,000	\$310,250	\$310,500	57%	0%
Median Price of Condominiums					
<i>1st Quarter</i>	\$199,375	\$285,750	\$215,000	43%	-25%
<i>2nd Quarter</i>	\$171,500	\$235,000	\$217,000	37%	-8%
<i>3rd Quarter</i>	\$212,000	\$268,000	\$209,500	26%	-22%
<i>4th Quarter</i>	\$221,750	\$222,000	\$273,950	0%	23%
Median Household Income					
<i>Owners</i>	\$52,634	\$64,690	\$62,727	23%	-3%
<i>Renters</i>	\$28,177	\$29,291	\$34,945	4%	19%

Rental market. Between 2000 and 2011, relative rental affordability in Santa Fe declined. Rental costs over that period did not fluctuate as much as home prices but renter incomes were harder hit by the economic recession than homeowner incomes—the net result is a more significant decline in rental affordability. In recent years, however, renter incomes have been on the rise, outpacing rising rents and resulting in net affordability gains for Santa Fe renters. Even so, many renters still struggle to find affordable units—the gaps analysis reveals a persistent shortage 2,435 rental units priced below \$625 per month.

Trends in rents. As shown in Figure III-33, median contract rent (that is, rent excluding utilities) increase by 8 percent between 2011 and 2014; median income for renters increased by 19 percent over the same period.

**Figure III-33.
Median Contract Rent, City of Santa Fe, 2000 through 2014**

	2000	2007	2010	2011	2014	Percent Change 2011-2014	Percent Change 2000-2014
City of Santa Fe	\$644	\$800	\$767	\$804	\$872	8%	35%
Santa Fe County	\$626	\$771	\$735	\$809	\$824	2%	32%
New Mexico	\$432	\$531	\$596	\$618	\$655	6%	52%

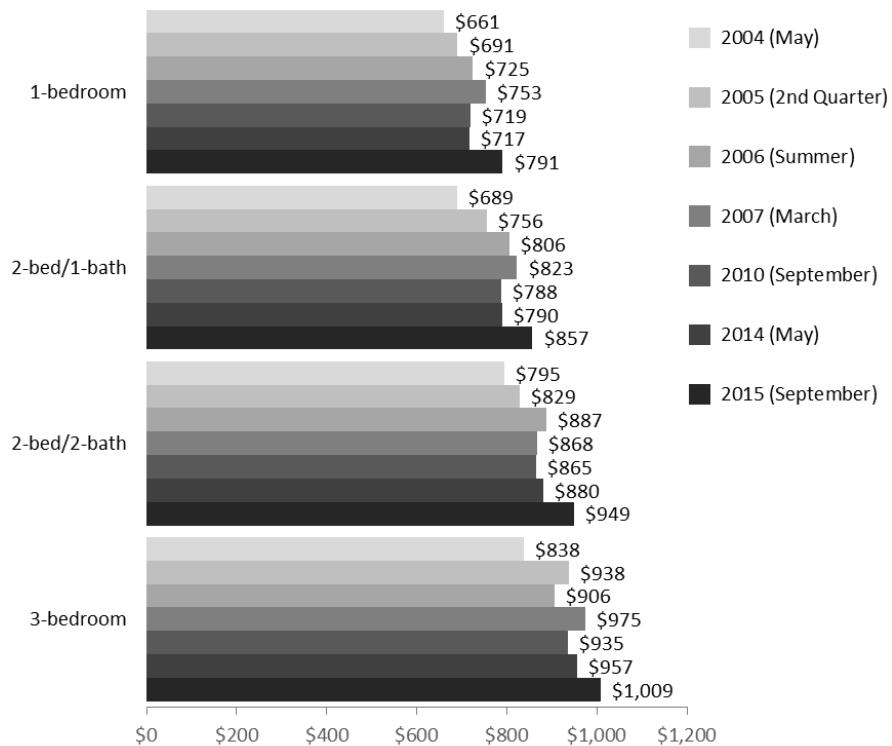
Source: 2013 HNA and 2014 ACS.

Figure III-34 displays the average rent by unit type in Santa Fe from 2004 to 2015. Average rents in 2015 for all sizes increased substantially over the past year, surpassing the peak rent levels of 2006 and 2007. These trends are consistent with increased rental demand (low rental vacancy rates and declining homeownership) and increasing renter incomes.

Between 2004 and 2015, average rent for 2-bedroom/1-bath units increased the most (24%). Rent for 2-bedroom/2-bath units increased by 19 percent and rent for 1-bedrooms and 3-bedrooms increased by 20 percent between 2004 and 2015.

**Figure III-34.
Average Rent
by Unit Type,
City of Santa Fe,
2004 through
2015**

Source:
2013 HNA and
Apartment Association
of New Mexico CBRE
Apartment Market
Survey, May 2014 and
September 2015.



Gaps in affordable rentals and homes to buy. The rental gaps analysis displayed in Figure III-35 compares the number of renter households in Santa Fe in 2014, their income levels, the maximum monthly housing payment they could afford, and the number of units in the market that were affordable to them. The “Rental Gap” column shows the difference between the number of renter households and the number of rental units affordable to them. Negative numbers (in parentheses) indicate a shortage of units at the specific income level; positive units indicate an excess of units. The rental gaps analysis shows the following:

- The greatest need in Santa Fe’s market is for rental units priced between \$375 and \$500 per month, serving renters earning between \$15,000 and \$20,000 per year. In this income range, there is a current shortage of 800 rental units, up from 715 in 2011.
- The rental gap for households earning \$20,000 to \$25,000 also increased between 2011 and 2014—from 169 to 444. However, the cumulative rental gap, for all households earning less than \$25,000 declined from 3,074 in 2011 to 2,435 in 2014.
- The gaps model estimates that as many as 2,435 renters earning \$25,000 and less cannot find affordable units and, as such, are cost burdened. Most of these renters earn less than \$20,000.

Figure III-35.
Rental Market Mismatch, City of Santa Fe, 2014

Income Range	Renters*		Maximum Affordable Rent, Including Utilities	Rental Units		Rental Gap	Difference between Affordable Rent and Median Gross Rent
	Number	Percent		Number	Percent		
Less than \$5,000	566	4%	\$125	29	0%	(537)	(\$838)
\$5,000 to \$9,999	483	4%	\$250	336	3%	(147)	(\$713)
\$10,000 to \$14,999	742	6%	\$375	234	2%	(508)	(\$588)
\$15,000 to \$19,999	1,218	9%	\$500	418	3%	(800)	(\$463)
\$20,000 to \$24,999	1,353	11%	\$625	909	7%	(444)	(\$338)
\$25,000 to \$34,999	2,069	16%	\$875	2,927	22%	858	(\$88)
\$35,000 to \$49,999	2,108	16%	\$1,250	4,940	37%	2,832	\$287
\$50,000 to \$74,999	1,744	14%	\$1,875	2,831	21%	1,087	\$912
\$75,000 or more	2,562	20%	\$1,875+	796	6%	(1,766)	
Total/Low Income Gap (<\$25,000/year)	12,845	100%		13,421	100%	(2,435)	

Percent of AMI	Renters*		Maximum Affordable Rent, Including Utilities	Rental Units		Rental Gap	Difference between Affordable Rent and Median Gross Rent
	Number	Percent		Number	Percent		
0-30% of AMI	4,051	32%	\$596	1,795	13%	(2,256)	(\$367)
31-50% of AMI	1,894	15%	\$816	1,952	15%	58	(\$147)
51-60% of AMI	1,074	8%	\$980	3,345	25%	2,272	\$17
61-80% of AMI	1,677	13%	\$1,306	3,110	23%	1,434	\$343
81-100% of AMI	911	7%	\$1,633	1,769	13%	857	\$670
101-120% of AMI	822	6%	\$1,959	883	7%	61	\$996
More than 120% of AMI	2,417	19%	\$1,959+	567	4%	(1,851)	
Total/Low Income Gap (30% AMI and less)		100%		13,421	100%	(2,256)	

Note: Median gross rent—rent that includes utilities—was \$963 in Santa Fe in 2014.

Source: BBC Research & Consulting.

An analysis of renters' ability to buy relative to the value of Santa Fe homes during select years is shown in Figure III-36. The analysis assumes a 5 percent down payment on a 30 year fixed rate mortgage at market rate for each year. The model also estimates that 30 percent of the monthly mortgage payment is used to pay for taxes and insurance (based on data from the Santa Fe Assessor).

The median home value declined by 8.5 percent between 2011 and 2014, increasing ownership affordability for city residents. In 2014 nearly one-quarter of renters could afford the median value home, up from 14 percent in 2011. This increase in homeownership affordability is also a result of renters' incomes increasing since 2011.

Figure III-36.
Renters' Ability to Buy, City of Santa Fe, 1999/2000–2014

	1999/2000	2006	2007	2010	2011	2014
Median Home Value	\$182,800	\$ 292,600	\$ 330,000	\$ 301,000	\$ 295,000	\$ 269,900
Income needed	\$45,857	\$73,402	\$82,784	\$75,509	\$74,004	\$70,010
<i>Approximate percent of renters who can afford</i>	34%	14%	12%	14%	14%	23%

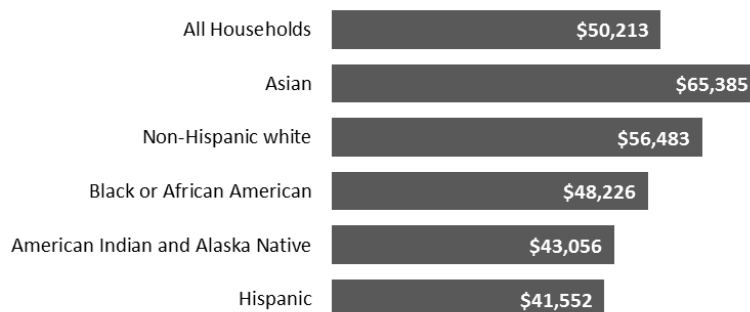
Source: BBC Research & Consulting.

Affordability and race/ethnicity. From a fair housing perspective, it is important to track affordability trends in both the rental and ownership markets as changes in affordability may impact protected classes differently. In Santa Fe, non-Hispanic, non-Asian minorities are much more likely to be renters than other groups (see Figure III-29) and therefore may be subject to fluctuations in the rental market than other groups.

Figure III-37 displays median household income by race/ethnicity of householders in Santa Fe to provide context for the impact of housing affordability on protected classes. African American, Native American and Hispanic households have lower household incomes at the median than other households and are therefore more likely to be impacted by changes in housing affordability.

Figure III-37.
Median Household Income by Race/Ethnicity, City of Santa Fe, 2014

Source:
2010-2014 ACS.



Disproportionate Housing Needs

Lower income residents coping with high housing costs may have to double up or overcrowd small units, pay more than they can afford for housing, or live in substandard homes (lacking kitchens or plumbing facilities). These housing problems are important indicators of need in any housing market. For the purposes of an AI, it is important to consider whether those housing needs disproportionately impact any protected classes.

Using data from HUD's AFFH Tool, Figure III-38 reveals the number and percentage of households with any of four HUD-defined housing problems (cost burden, lacking complete plumbing facilities, lacking complete kitchen facilities, or overcrowding) and the number and percentage of households with severe housing cost burden. Data are shown by race and ethnicity of the householder and by household type and size. The four housing problems are incomplete kitchen facilities, incomplete plumbing facilities, more than 1 person per room, and cost burden greater than 30 percent. Severe housing cost burden is defined as greater than 50 percent of income.

**Figure III-38.
Housing
Problems, City of
Santa Fe, 2010**

Note:

The four housing problems are: incomplete kitchen facilities, incomplete plumbing facilities, more than 1 person per room, and cost burden greater than 30%. Severe housing cost burden is defined as greater than 50% of income.

Source:

HUD AFFH Tool.

	Households Experiencing any of 4 Housing Problems		Households with Severe Housing Cost Burden	
	Number	Percent	Number	Percent
All Households	12,960	41%	6,660	21%
Race/Ethnicity				
Non-Hispanic white	7,165	40%	3,805	21%
Hispanic	5,430	45%	2,625	22%
Asian or Pacific Islander	115	29%	70	18%
Black or African American	85	38%	70	32%
Native American	70	25%	55	19%
Other non-Hispanic minority	88	33%	35	13%
Household Type and Size				
Family households, <5 people	4,860	33%	2,340	16%
Family households, 5+ people	755	65%	239	21%
Non-family households	7,340	48%	4,065	26%

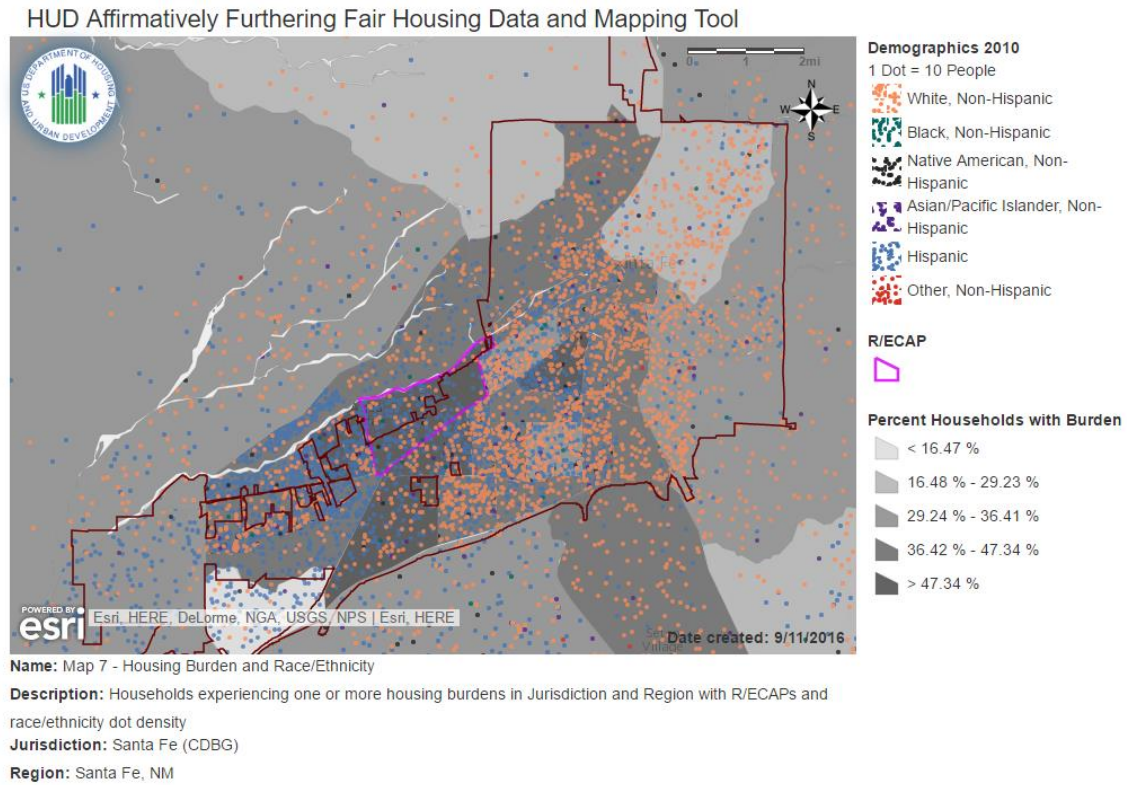
Overall, 41 percent of Santa Fe households experience one of the four housing problems and 21 percent are severely cost burdened—spending at least half of their income on housing.

Hispanic households (45%) are slightly more likely than non-Hispanic white households to experience one of the four housing problems but are similar to non-Hispanic white households in their experience of severe cost burden (21% of non-Hispanic white households and 22% of Hispanic households). African American households are the most likely to experience severe cost burden: nearly one-third of all African American households spend half of their income or more on housing costs compared to 21 percent of all households

Large family households are the most likely household type to experience any of the four housing problems (likely due to a higher propensity to be overcrowded) but non-family households are the most likely to be severely cost burdened.

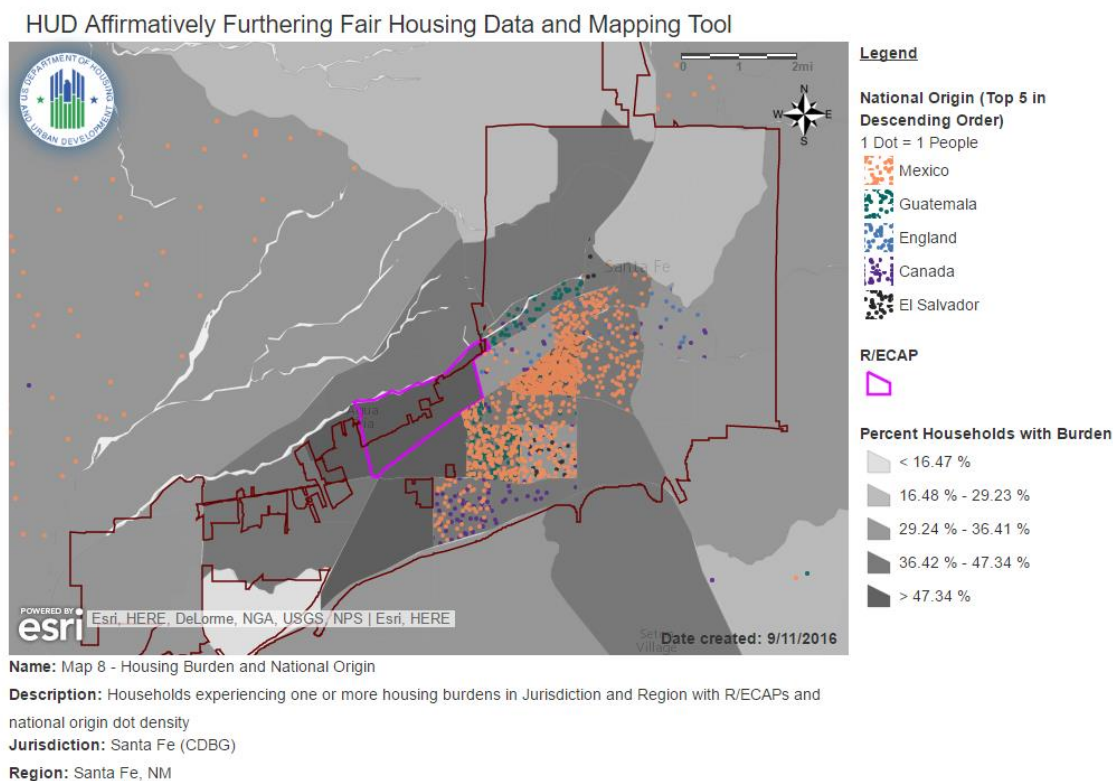
Figures III-39 and III-40 show maps from HUD's AFFH Tool to show the geographic distribution of cost-burden (spending 30% or more on housing) along with race/ethnicity and national origin.

Figure III-39.
HUD AFFH Tool Jurisdiction Map of Santa Fe, Map 7, Housing Burden and Race/Ethnicity, 2010



Source: HUD AFFH Data and Mapping Tool. <https://egis.hud.gov/affht/>.

Figure III-40.
HUD AFFH Tool Jurisdiction Map of Santa Fe, Map 8, Housing Burden and National Origin, 2010



Source: HUD AFFH Data and Mapping Tool. <https://egis.hud.gov/affht/>.

Private Sector Actions

This portion of the Housing Patterns section focuses on private sector actions that could present barriers to fair housing choice beginning with relevant input from the community input process. This follows with an analysis of Home Mortgage Disclosure Act (HMDA) data, which report lending activity of financial institutions.

As discussed in Section II, the most common private sector barriers to housing choice identified by stakeholders include:

- Landlords unwilling to accept Section 8/Housing Choice Vouchers;
- Landlords unwilling to rent to person with past histories of delinquent rents, evictions and/or criminal histories;
- Landlords or property managers, including mobile park operators, charging excess fees (not in lease agreements) to people who do not know their rights—often new immigrants and LEP residents; and
- Leases are rarely available in Spanish.

Mortgage lending. HMDA data are widely used to examine potential discrimination in mortgage lending. Financial institutions have been required to report HMDA data since the 1970s, when civil rights laws prompted higher scrutiny of lending activity. The variables contained in the HMDA dataset have expanded over time, allowing for more comprehensive analyses and better results. However, despite expansions in the data reported, public HMDA data remain limited because of the information that is *not* reported. As such, studies of lending disparities that use HMDA data carry a similar caveat: HMDA data can be used to determine disparities in loan originations and interest rates among borrowers of different races, ethnicities, genders, and location of the property they hope to own. The data can also be used to explain many of the reasons for any lending disparities (e.g., poor credit history). Violations of fair lending, practices, however, generally originate with federal regulators who have access to a broader set of information (e.g., borrower loan files) of lending practices.

This section uses the analysis of HMDA data to determine if disparities in loan approvals and terms exist for loan applicants of different races and ethnicities. The HMDA data analyzed in this section reflect loans applied for by residents in 2014, the latest year for which HMDA were publicly available at the time this document was prepared.

Loan applications. In 2014, there were about 1,800 loan applications made in Santa Fe for owner-occupied homes. Sixty percent were for refinances, 35 percent were for home purchases and 4 percent were home improvement applications.

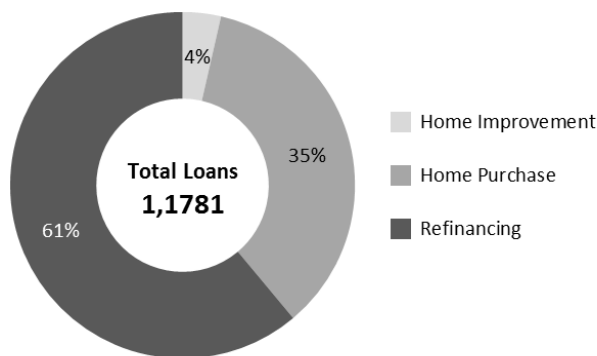
Figure III-41.
Purpose of Loan Applications,
City of Santa Fe, 2014

Note:

Does not include loans for multifamily properties or non-owner occupants.

Source:

FFIEC HMDA Raw Data, 2014 and BBC Research & Consulting.



Outcome of loan applications. Figure III-41 shows the result of loan applications by loan type. Home improvement and refinance loans have much lower rates of origination than do home purchase loans, 38 percent of improvement loans and 44 percent of refinance loans originated compared to 68 percent of home mortgage loans.

In addition to the distribution of loan outcomes, BBC calculates a separate “denial rate,” defined as the number of denied loan applications divided by the total number of applications excluding withdrawn applications and application files closed for incompleteness. This measure of denial provides a more accurate representation of applications with an opportunity for origination and is consistent with the methodology used by the Federal Reserve in analyzing HMDA denial data.

The denial rate for all types of loans collectively was 29 percent: 15 percent for home purchase loans, 29 percent for home improvement loans and 37 percent for refinances.

Figure III-42.
Action Taken on Loan Applications, City of Santa Fe, 2014

Action Taken	All Loans		Home Improvement		Home Purchase		Refinance	
	Freq.	%	Freq.	%	Freq.	%	Freq.	%
Application approved but not accepted	82	5%	12	19%	14	2%	56	5%
Application denied by financial institution	403	23%	15	23%	75	12%	313	29%
Application withdrawn by applicant	264	15%	8	13%	88	14%	168	15%
File closed for incompleteness	106	6%	5	8%	26	4%	75	7%
Loan originated	926	52%	24	38%	426	68%	476	44%
Total	1,781	100%	64	100%	629	100%	1,088	100%
Denial rate*	29%		29%		15%		37%	

Note: Does not include loans for multifamily properties or non-owner occupants. Denial Rate is the number of denied loan applications divided by the total number of applications, excluding withdrawn applications and application files closed for incompleteness.

Source: FFIEC HMDA Raw Data, 2014 and BBC Research & Consulting.

Figure III-43 shows the denial rate by Census tract in the City of Santa Fe. Denial rates are the highest in central neighborhoods. Several of these areas are also locations of Hispanic, national origin and LEP concentrations.

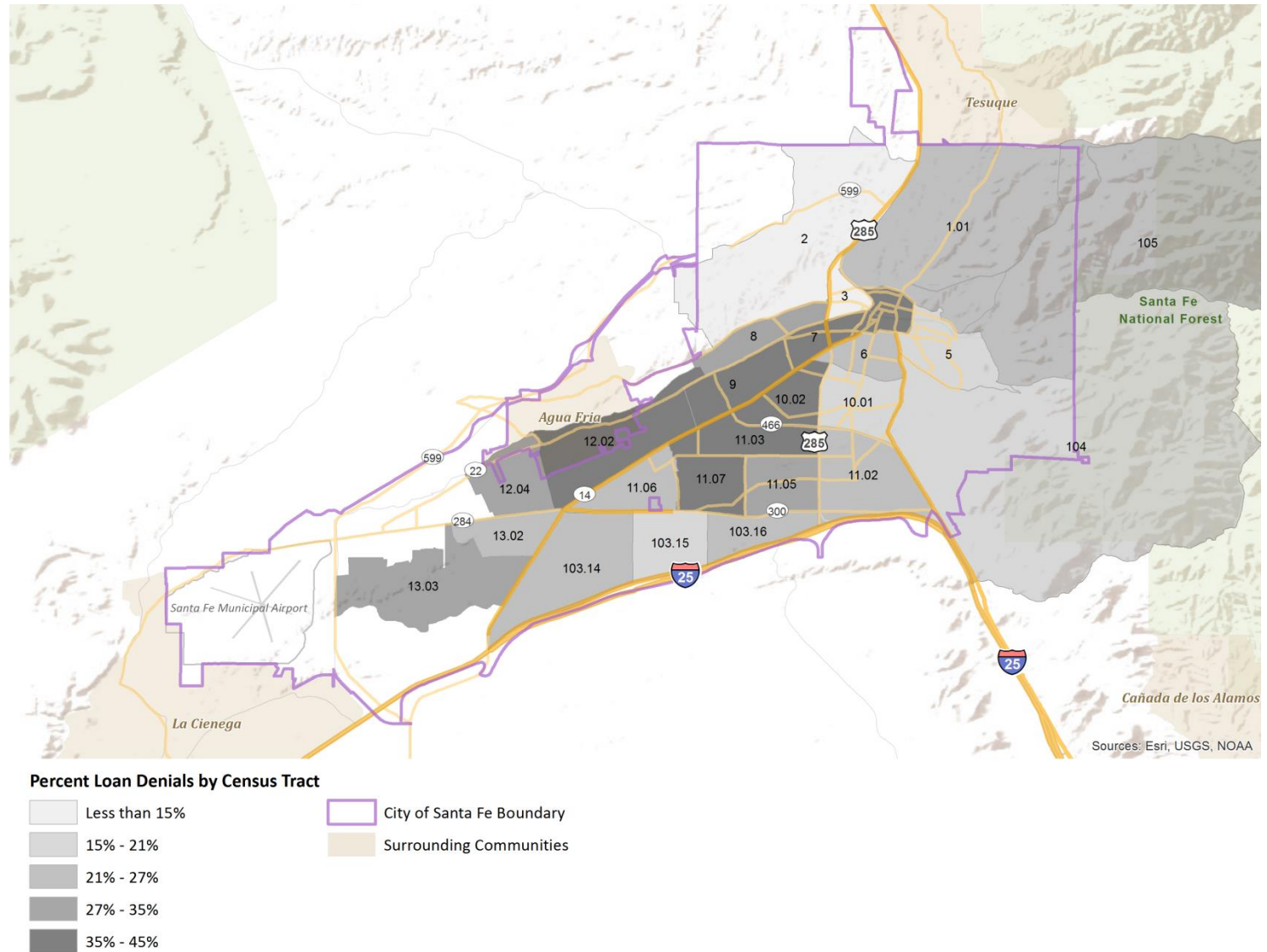
**Figure III-43.
Denial Rate by
Census Tract,
City of Santa Fe,
2014**

Note:

Does not include loans for multifamily properties or non-owner occupants. Denial Rate is the number of denied loan applications divided by the total number of applications, excluding withdrawn applications and application files closed for incompleteness.

Source:

FFIEC HMDA Raw Data, 2014 and BBC Research & Consulting.



Outcome of applications by race and ethnicity. In 2014, 57 percent of applicants for residential mortgage, home improvement or refinance loans classified their race/ethnicity as non-Hispanic white. Thirty-one percent was Hispanic and 3 percent identified as another non-Hispanic minority (Asian, African American, Native American or Native Hawaiian/Pacific Islander). Nine percent did not provide race information.

Figure III-44 shows the outcome of applications, along with the denial rate, by race and ethnicity. Among applicants that disclosed their race/ethnicity, denial rates were highest for Hispanics (34%), followed by other minority groups (31% collectively). The denial rate for non-Hispanic white applicants was about 10 percentage points lower at 23 percent.

Figure III-44.

Action Taken on Loan Applications by Race/Ethnicity, City of Santa Fe, 2014

	Non-Hispanic White	Hispanic	Non-Hispanic Minority	Racial/ethnic Information Not Provided by Applicant	Hispanic/NHW Difference	Other Minority/NHW Difference
Number of loan applications	1,019	554	48	158		
Percent approved but not accepted	4%	5%	4%	6%	1%	0%
Percent denied by financial institution	18%	29%	25%	32%	11%	7%
Percent withdrawn by applicant	16%	12%	15%	16%	-4%	-2%
Percent closed for incompleteness	6%	5%	4%	8%	-2%	-2%
Percent originated	56%	49%	52%	38%	-6%	-4%
Denial Rate	23%	34%	31%	42%	11%	8%

Note: Does not include loans for multifamily properties or non-owner occupants. Denial Rate is the number of denied loan applications divided by the total number of applications, excluding withdrawn applications and application files closed for incompleteness.

Source: FFIEC HMDA Raw Data, 2014 and BBC Research & Consulting

Reasons for differences and trends. There are many reasons why denial rates may be higher for certain racial and ethnic groups. First, some racial and ethnic groups are very small, so the pool of potential borrowers is limited and may skew towards lower income households, since minorities typically have lower incomes. Figure III-45 examines differences in loan origination and denial rates by income range. Loan applicants were grouped into one of three income ranges:

- Applicants earning less than 80 percent of the HUD Median Family Income (MFI) at the time—or less than \$52,240;
- Applicants earning between 80 and 120 percent MFI—\$52,240 and \$78,360; and
- Applicants earning greater than 120 percent MFI—\$78,360 and more.

As shown by Figure III-45, the disparity in denial rates persists for Hispanic and non-Hispanic minority applicants, even at higher incomes.

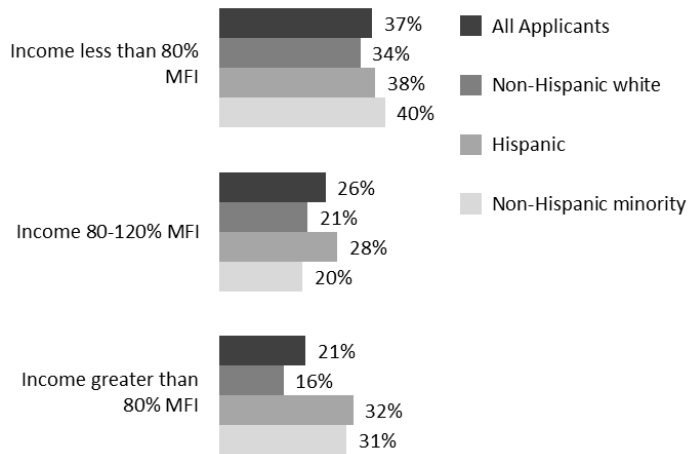
Figure III-45.
Denial Rate by
Race/Ethnicity and Income,
City of Santa Fe, 2014

Note:

Does not include loans for multifamily properties or non-owner occupants. Denial Rate is the number of denied loan applications divided by the total number of applications, excluding withdrawn applications and application files closed for incompleteness.

Source:

FFIEC HMDA Raw Data, 2014 and BBC Research & Consulting.



Second, loan denial rates can also vary by race and ethnicity based on the type of loans applied for by applicants. Denial rates are typically highest for home improvement loans, often because the additional debt will raise the loan to value ratios above the levels allowed by a financial institution.

An examination of the types of loans applied for by applicants of varying races and ethnicities found that Hispanic applicants were less likely to apply for home purchase loans (26% of loan applications) than non-Hispanic whites (42%) and other minorities (44%). Hispanic applicants were more likely to apply for refinancing loans (69% of loan applications) than non-Hispanic whites (55%) and other minorities (52%)

Figure III-46 displays the denial rate by race and ethnicity and loan purpose. Denial rates for home purchases are very low across racial and ethnic groups but are highest for Hispanics. Both Hispanics and other minority groups experience higher rates of denial for refinancing applications than non-Hispanic whites.

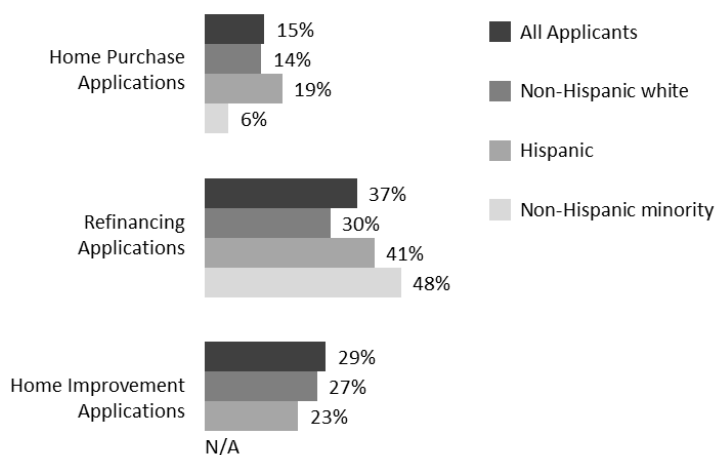
Figure III-46.
Denial Rate by Race/Ethnicity
and Loan Purpose, City of
Santa Fe, 2014

Note:

Does not include loans for multifamily properties or non-owner occupants. Denial Rate is the number of denied loan applications divided by the total number of applications, excluding withdrawn applications and application files closed for incompleteness. Excludes denial rates when fewer than 20 loans were made; denoted as N/A.

Source:

FFIEC HMDA Raw Data, 2014 and BBC Research & Consulting.



HMDA data contain some information on why loans were denied, which can help to explain differences in denials among racial and ethnic groups. Figure III-47 shows the reasons for denials in Santa Fe, by race/ethnicity.

Among non-Hispanic white applicants, the most common reason for denial was debt-to-income ratio (30%). That reason also ranked highly among Hispanic applicants (24%) but credit history was the top reason (28%). The most common reason for denial among other minority groups was collateral (38%).

Figure III-47.
Reasons for Denial by Race/Ethnicity, City of Santa Fe, 2014

	Non-Hispanic White	Hispanic	Non-Hispanic Minority	Racial/ethnic Information Not Provided by Applicant
Collateral	19%	19%	38%	29%
Credit application incomplete	16%	7%	13%	15%
Credit history	16%	28%	25%	15%
Debt-to-income ratio	30%	24%	25%	15%
Employment history	4%	3%	0%	2%
Insufficient cash (downpayment, closing costs)	2%	7%	0%	0%
Mortgage insurance denied	0%	1%	0%	0%
Other	8%	8%	0%	12%
Unverifiable information	3%	2%	0%	12%
n=	166	136	8	41

Note: Does not include loans for multifamily properties or non-owner occupants.

Source: FFIEC HMDA Raw Data, 2014 and BBC Research & Consulting

Subprime analysis. The subprime lending market declined significantly following the housing market crisis. Nationally, in 2014, only about 3 percent of conventional home purchases and 2 percent of refinance loans were subprime. Interestingly, nationally, small banks and credit unions were much more likely to originate subprime loans than were mortgage companies or large banks in 2014.^{3,4}

In 2014, in Santa Fe, 3.6 percent of originated loans were subprime. Hispanic borrowers were much more likely than non-Hispanic whites to receive subprime rates—8.8 percent compared to 0.9 percent.

³ For the purposes of this section, “subprime” is defined as a loan with an APR of more than three percentage points above comparable Treasuries. This is consistent with the intent of the Federal Reserve in defining “subprime” in the HMDA data.

⁴ http://www.federalreserve.gov/pubs/bulletin/2015/pdf/2014_HMDA.pdf

**Figure III-48.
Subprime Loans by
Race/Ethnicity, City of
Santa Fe, 2014**

Note:

Does not include loans for multifamily properties or non-owner occupants.

Source:

FFIEC HMDA Raw Data, 2014 and BBC Research & Consulting.

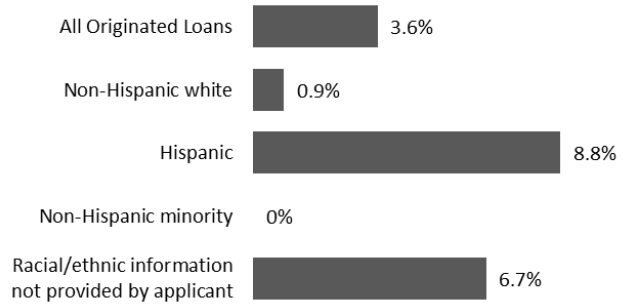


Figure III-49 shows where subprime lending is most common—in Census tract 12.02, which is also the city’s highest poverty Census tract and the only R/ECAP tract in the city.

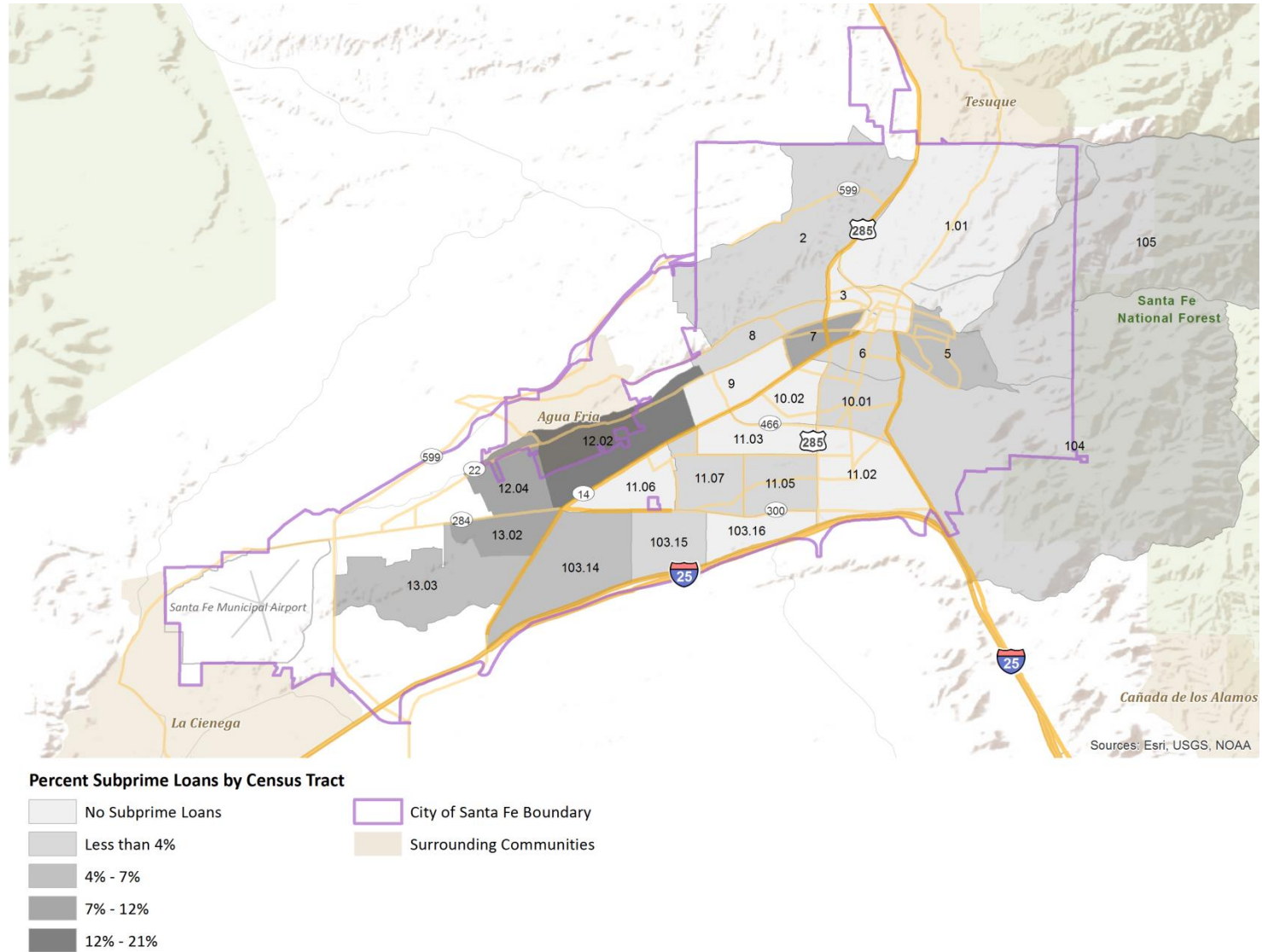
**Figure III-49.
Subprime Loans by
Census Tract, City
of Santa Fe, 2014**

Note:

Does not include loans for
multifamily properties or
non-owner occupants.

Source:

FFIEC HMDA Raw Data, 2014
and BBC Research &
Consulting.



Publicly Supported Housing Analysis

The Santa Fe Civic Housing Authority provides a variety of housing opportunities to low income residents in Santa Fe. Specifically, the housing authority:

- Owns and manages three Public Housing sites with 585 units, 395 Project-based Section 8 units and 52 other HUD Multifamily units;
- Provides 26 percent of publicly supported housing units to individuals with a disability; and
- Manages 813 Housing Choice Vouchers.

Resident demographics. The households who reside in publicly supported housing in Santa Fe reflect the racial and ethnic composition of the city. Figure III-50 shows the residents of publicly supported housing by race/ethnicity. Residents of Hispanic ethnicity are the largest ethnic group occupying every type of publicly supported housing, ranging from 60 to 74 percent of the total residents. The percent of Hispanic residents are highest in Project-based Section 8 and Public Housing units. The largest racial group in publicly supported housing is White Non-Hispanic residents, making up 23 to 38 percent of the total residents depending on the type of housing. White Non-Hispanic residents are most prevalent in the other HUD Multifamily housing. Both Black and Asian or Pacific Islander households make up a small portion of publicly supported housing residents, which coincide with the racial makeup of the total Santa Fe population.

Figure III-50.
Publicly Supported Housing Residents by Race/Ethnicity, 2010

	Race/Ethnicity							
	White		Black		Hispanic		Asian or Pacific Islander	
	#	%	#	%	#	%	#	%
Housing Type								
Public Housing	106	23.82%	3	0.67%	321	72.13%	3	0.67%
Project-based Section 8	84	22.95%	6	1.64%	272	74.32%	0	0.00%
Other Multifamily	18	37.50%	0	0.00%	29	60.42%	0	0.00%
HCV Program	198	29.29%	8	1.18%	462	68.34%	0	0.00%
0-30% of AMI	1,675	41.98%	18	0.45%	2,170	54.39%	30	0.75%
0-50% of AMI	2,955	39.99%	38	0.51%	3,700	50.07%	59	0.80%
0-80% of AMI	5,465	45.62%	113	0.94%	5,625	46.95%	89	0.74%
Total Santa Fe Population	30,975	43.10%	535	0.74%	37,434	52.08%	930	1.29%

Note: Numbers presented are of households not individuals.

Source: HUD AFFH Data and Mapping Tool. <https://egis.hud.gov/affht/>; Decennial Census; APSH; CHAS.

Figure III-50 not only shows residents of publicly supported housing by race/ethnicity, but also by income eligibility. Hispanic residents make up the largest percentage of household within the 0 to 30 percent Area Median Income (AMI) range, the lowest income households. Households that fall within the 0 to 80 percent AMI range are comprised of almost equal percentages of

White Non-Hispanic and Hispanic residents. Black and Asian or Pacific Islander households are almost equally distributed among all AMI levels.

HUD also provides data on the location of publicly supported housing by demographic characteristics, shown in Figure III-51. The majority of publicly supporting housing units are not located in the single R/ECAP that exists in the city of Santa Fe. Out of all the categories, public housing is the most prevalent in the R/ECAP tract, with a total of 190 occupied units. In contrast, no Project-based Section 8 exist in the R/ECAP tract.

Elderly households are the majority of residents (67%) in public housing located in non R/ECAPs tracts and all of the residents of other HUD Multifamily housing in the single R/ECAP tract. Households with a disability are the majority of residents in other HUD Multifamily housing located in non R/ECAP tracts. Over 30 percent of residents in the Housing Choice Voucher (HCV) Program were households with a disability, regardless of location. Families with children compose over 25 percent of all residents in Public Housing, Project-based Section 8 and HCV Program in non R/ECAP tracts. Although most publicly supporting housing is not located in Santa Fe's single R/ECAP tract, the number of units serving elderly households in the R/ECAP tract is a high proportion.

Figure III-51.
R/ECAP and Non-R/ECAP Demographics by Publicly Supported Housing Program Category, 2010

	Total # Units (Occupied)	% Elderly	% with a Disability*	% White	% Black	% Hispanic	% Asian or Pacific Islander	% Families with Children
Public Housing								
R/ECAP Tracts	190	--	--	--	--	--	--	--
Non R/ECAPS Tracts	367	66.49%	26.43%	25.90%	0.83%	69.70%	0.83%	25.07%
Project-based Section 8								
R/ECAP Tracts	0	--	--	--	--	--	--	--
Non R/ECAPS Tracts	371	45.84%	23.86%	22.95%	1.64%	74.32%	0.00%	32.17%
Other HUD Multifamily								
R/ECAP Tracts	31	100.00%	35.48%	43.33%	0.00%	--	0.00%	0.00%
Non R/ECAPS Tracts	19	21.05%	89.47%	27.78%	0.00%	66.67%	0.00%	0.00%
HCV Program								
R/ECAP Tracts	91	37.68%	31.88%	25.37%	1.49%	70.15%	0.00%	24.64%
Non R/ECAPS Tracts	755	27.93%	29.95%	30.07%	1.14%	67.81%	0.00%	36.97%

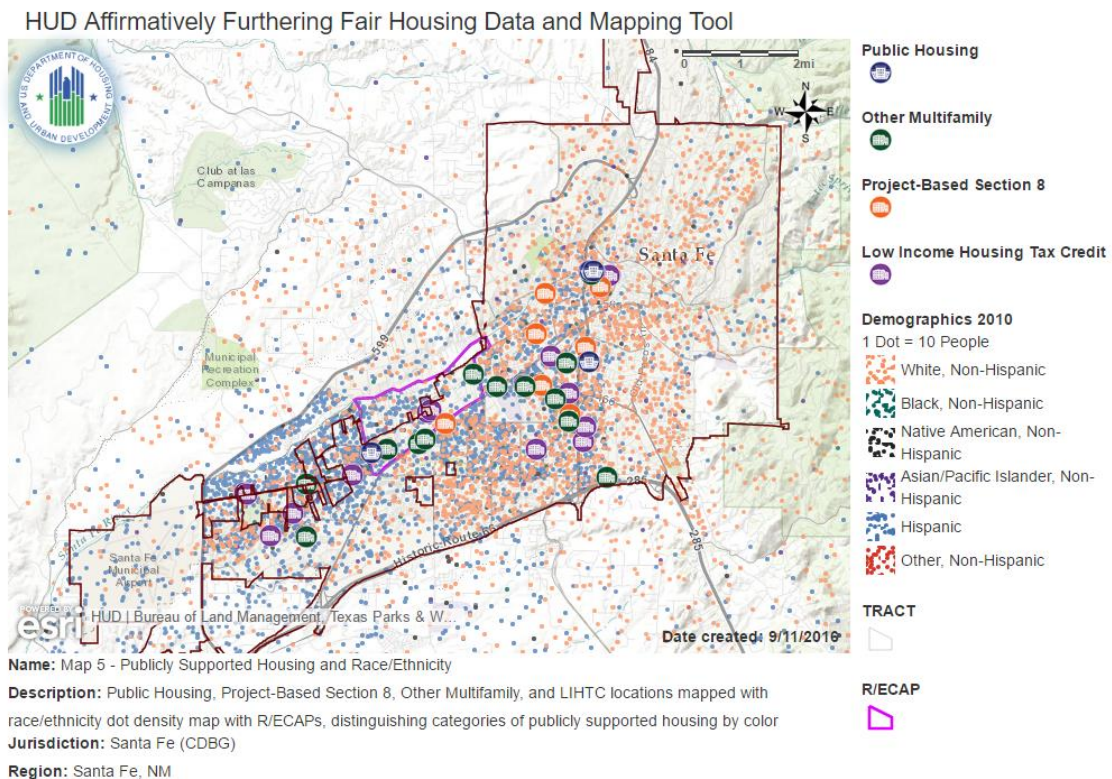
Note: Disability information is often reported for heads of household or spouse/co-head only. Here, the data reflect information on all members of the household.

Source: HUD AFFH Data and Mapping Tool. <https://egis.hud.gov/affht/>; APSH.

Housing location and occupancy. To better assess the demographics and the distribution of publicly supported housing, geographic analysis is used through two HUD maps. Figure III-52 depicts publicly supported housing categories overlaid with dot densities of race/ethnicity. All publicly supported housing categories cluster in the central and western areas of the city. The three Public Housing sites are located in close proximity to each other, as well as Project-based Section 8, all of which are located in Central Santa Fe. Publicly supported housing is distributed

in a similar pattern to the distribution of Hispanic residents. At least seven publicly supported housing sites are located within or on the border of the single R/ECAP tract. The Low Income Housing Tax Credit projects are the only category that is more evenly distributed among all publicly supported housing.

Figure III-52.
HUD AFFH Tool Jurisdiction Map of Santa Fe, Map 5, Publicly Supported Housing and Race/Ethnicity, 2010



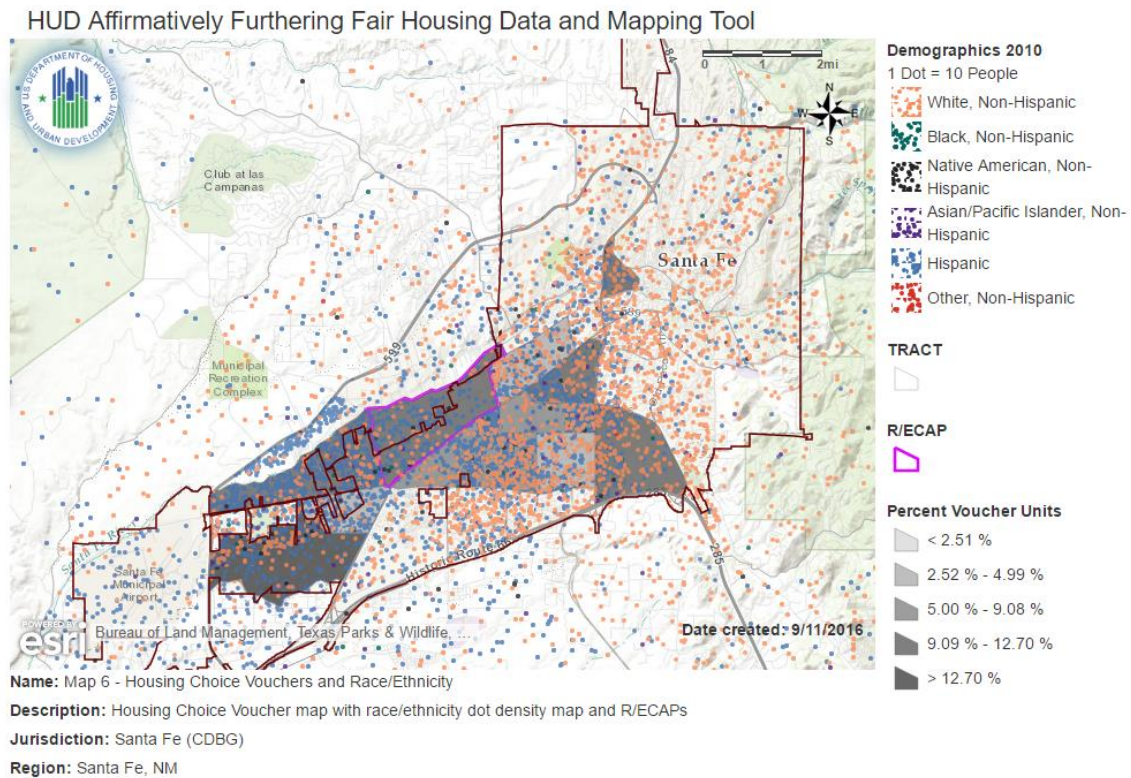
Source: HUD AFFH Data and Mapping Tool. <https://egis.hud.gov/affht/>.

The geographic distribution of Housing Choice Voucher (HCV) units is pictured in Figure III-53. The Census tracts with the highest amount of HCV units exhibit a similar pattern to the tracts with other publicly supported housing, as seen in the map above. The R/ECAP tract and the surrounding tracts have a high percentage of HCV units and indicate a cluster of low income residents. These tracts also have a high percentage of Hispanic and White Non-Hispanic households. The clusters of HCV units in the city could be attributed to areas that have lower housing prices. Other more affluent Census tracts are likely too expensive for residents seeking to use a HCV.

In addition to providing HCV, the Santa Fe County Housing Authority offers a Family Self-Sufficiency Program. This program is available to residents currently participating in the Public Housing and HCV programs. The Housing Authority's goal is to help families become self-sufficient within five years by opening up an escrow account and depositing money into the account when there is an increase in the family's earned income. When the family completes the program, they receive the balance in the escrow account. The Housing Authority also provides

the families with monthly training on healthcare, parenting, finances, job training, homeownership, and life-skills.

Figure III-53.
HUD AFFH Tool Jurisdiction Map of Santa Fe, Map 6, Housing Choice Vouchers and Race/Ethnicity, 2010



Source: HUD AFFH Data and Mapping Tool. <https://egis.hud.gov/affht/>.

Summary and Discussion of Contributing Factors

- Concentrations of Hispanic residents exist in 13 Census tracts in the western part of the city;
- The dissimilarity index of segregation for Santa Fe is relatively low for all minorities with the exception of moderate levels of segregation of Hispanic residents;
- Central and western Census tracts have a large percentage of residents of Mexican and Guatemalan origin, as well as a high percentage of Limited English Proficiency residents who speak Spanish;
- In 2010, a single R/ECAP Census tract emerged on the west central border of Santa Fe;
- Across all racial and ethnic groups, exposure to poverty and school proficiency opportunities are of most concern, but are particularly difficult for Hispanic residents who experience some of the lowest access to opportunities;

- Despite an increase in the proportion of renters and renter's income, there is a shortage of 2,435 rental units priced below \$625 per month, leaving many renters cost-burdened;
- The Santa Fe County Housing Authority provides over 1,844 units of publicly supported housing through Public Housing, Project-based Section 8, other HUD Multifamily and Housing Choice Vouchers, yet these units only make up 5% of the city's total housing stock; and
- The largest form of publicly supported housing is the Housing Choice Voucher Program, yet voucher units can be difficult to find and are often located in higher poverty neighborhoods and may contribute to racially or ethnically concentrated areas of poverty.

SECTION IV.

Land Development Code Analysis

BBC Research & Consulting contracted with Clarion and Associates to provide an assessment of Santa Fe's Land Development Code (LDC) for other potential barriers to fair housing choice and provisions for reasonable accommodation under the requirements of the federal Fair Housing Amendments Act (FHAA) and the Americans with Disabilities Act (ADA). We have examined the Santa Fe LDC for specific regulations and procedures that impede access to fair housing and affordable housing choice based on the requirements of and court interpretations of the FHAA.

The Fair Housing Act Amendments of 1988, as amended, supplemented by regulations, and interpreted by the courts, requires that local governments (among others) not "make unavailable" housing for various types of individuals and households listed in the FHAA. As a practical matter, this requires that local government not impose substantive or procedural burdens on housing that are based on the resident's physical or mental disabilities, race, color, religion, national origin, sex, or familial status. While few local governments intend to treat those types of individuals differently, well-intentioned land use regulations often have the indirect effect of doing that. In the 2015 case of *Inclusive Communities Inc. vs. Texas Department of Housing and Community Development*, the U.S. Supreme Court determined that the adoption of facially neutral local government regulations that have a "disparate impact" on persons whose rights to fair housing are protected by the FHAA can give rise to a legal claim that the FHAA has been violated. For that reason, we have conducted this analysis to identify each instance in which Santa Fe's LDC might be interpreted or applied to have a "disparate impact" on FHAA protected groups, even though the city's practices in interpreting and applying the LDC may in fact avoid those disparate impacts.

This section of the report reviews the Articles of the Santa Fe LDC that directly and indirectly relate to fair housing choice and discusses fair housing barriers in the language, procedures and regulations contained in those Articles. Specifically this section focuses on:

- Article 14-3: Review and Approval Procedures
- Article 14-4: Zoning Districts
- Article 14-5: Overlay Zoning Districts
- Article 14-6: Permitted Uses and Use Regulations
- Article 14-7: Building Envelope and Open Space Standards and Measurements
- Article 14-8: Development and Design Standards
- Article 14-12: Definitions

As background for this analysis, we reviewed HUD's "Review of Public Policies and Practices" checklist, the HUD Los Angeles' office Fair Housing Assessment outline, and previous materials prepared by BBC in the course of this project. Throughout this section, we refer to those groups of individuals protected by the federal Fair Housing Act Amendments of 1988 and related regulations and court decisions as "FHAA protected groups".

1.1. Organization of Section

For the purposes of this section of the report, the key barriers to fair housing covered by the HUD and AFH checklists are bundled into the following five topics:

- A. Definitions**
- B. Permitted Uses and Occupancy**
- C. Procedures**
- D. Development Standards**
- E. Fair Housing and Inclusionary Zoning**

Definitions

The Santa Fe LDC uses numerous definitions to define various types of occupants and housing facilities with various levels of living assistance or care, many of which could include FHAA protected groups. However, those definitions do not reference the FHAA, and in some cases the definitions of various uses may overlap. In addition, some of the defined land uses listed in Table 14-6.1-1, Permitted Uses are not the same as those used in other portions of the code (for example, in the required parking space regulations). Some of the key definitions are shown below.

1.2. Disability

There is not a definition of disability in the LDC, although the term “disabilities” is referenced in the definition of “group home” and “group residential care facility”. A definition for the term “disability” consistent with or cross-referencing the FHAA could be added to the LDC.

1.3. Dwelling

The definitions of “dwelling, single-family”, “dwelling, multi-family” and “dwelling unit” require occupancy by one family. The FHAA requires that these dwellings of a particular size also be able to be occupied by FHAA protected groups of approximately the same size. One way to achieve this goal is to modify these definitions to allow occupancy by anyone entitled to live together under FHAA. (A second way is to modify the definition of “family” to include those groups entitles to live together as a residential unit under the FHAA, as discussed below).

1.4. Family

The definition of “family” is relevant to fair housing analysis if it can be interpreted to prevent occupancy of particular types of dwelling units by FHAA protected groups on the same terms applicable to other types of households. To avoid this result, Santa Fe’s current definition of family can be modified to specifically include any group entitled to live together under the FHAA.

“Family:

- (A) a natural person;
- (B) two or more natural persons related by blood, marriage, legal guardianship or adoption, plus resident domestic servants; or
- (C) a group of not more than five natural persons living together in a dwelling unit;

One way to address the potential exclusion of FHAA protected groups would be to add a fourth clause reading

“ or (D) six or more natural persons living together in a dwelling unit whose right to live together is protected by the federal Fair Housing Act, as amended and interpreted by the courts.”

1.5. Foster Home

“Foster Home” is defined as:

“A dwelling unit maintained by a person licensed by the appropriate state agencies to have the control of a maximum of eight children, including foster, adopted and natural children, for periods exceeding twenty-four hours.”

It appears that this definition is intended to include single-family dwelling units in which foster children have been placed by state agencies. If so, it appears that single-family dwellings with foster children are not permitted in all of the zone districts where single-family dwellings without foster children are permitted, which could be found to be a violation of the FHAA. To avoid this result, clause (B) in the definition of family could be expanded to include foster children placed in the household by appropriate state agencies.

1.6. Group Home

“Group home” is defined in Article 12 as:

“A dwelling unit licensed by the appropriate state agency where full-time shelter, rehabilitation, care and supervision are given on a non-institutional basis to children or adults who are neglected, abandoned, or who have physical, mental or developmental disabilities, mental illness, or substance or alcohol dependence. Live-in nursing care is not a primary part of the services provided.”

This definition is both narrower and broader than the list of FHAA protected groups and might be clearer if defined to include “those persons entitled to live together under the terms of the FHAA, as amended and interpreted by the courts.”

1.7. Group Residential Care Facility

This use is defined as:

“A non-family dwelling unit where care, supervision and services are provided to residents of any age who have difficulty caring for themselves, including the elderly, persons with disabilities and children living apart from families. This category includes facilities commonly known as group homes, community residential care, board and care or assisted living facilities, halfway houses and foster homes. This category does not include facilities that provide services to nonresident clients; that provide more than incidental or occasional nursing, medical or other therapeutic treatment, such as extended care facilities, hospitals or detoxification centers; or community residential corrections programs.”

Although broader than the term Group Homes, this definition does not clearly include all of those persons whose right to live together under the FHAA (and might be construed to include active drug and alcohol users, whose right to live together is not

protected by the FHAA unless they are in an active treatment program). It could be more closely tied to the requirements of the FHAA as discussed for Group Homes above.

1.8. Group Residential Care Facility, Limited

This use is defined as:

“A group residential care facility for eight or fewer resident clients who are not participants in a community residential correctional program.”

As with the definitions of Group Home and Group Residential Care Facility, this definition could be more closely tied to the requirements of the FHAA.

Interestingly, Table 14-6.1-1, Permitted Uses, includes “Group Residential Care Facility” and “Group Residential Care Facility, Limited” and does not list “Group Home”. However, the term Group Home is used in two sections of the LDC where the Group Residential Care Facilities are not referenced. Table 14-8.6-1, Parking and Loading Requirements lists “Group Home” as a specific use under the residential use category for group living. Parking standards are provided for group homes with eight or fewer residents and more than eight residents (paralleling the size distinction in the Group Residential Care Facility definitions). This use is also referenced in section 14-5.10, Neighborhood Conservation Overlay Districts under subsection (D)(3) which specifies that “Group or Foster Homes” cannot be restricted under a neighborhood conservation overlay district.

In addition to the definition of Group Residential Care Facility (listed above) one other LDC definition refers to Group Homes. The definition of “Sheltered Care Facility” specifically includes “group homes, half-way houses, homes for battered persons and children and homes designed to provide a transition from long-term institutional care to normal activities.”

1.9. Additional Definitions of Care Facilities (“Special Group Residential Housing”)

The Santa Fe LDC also lists the following types of care facilities as permitted uses:

- “Continuing Care Community”
- “Human Services Establishment”
- “Personal Care Facility for the Elderly”
- “Sheltered Care Facility”

The definitions for these types of facilities do not appear to make distinctions between occupants that are not permitted by the FHAA.

1.10. Hotels and Boarding Houses

The provisions of the LDC do not confuse “boarding house” or “hotel” with housing for individuals with disabilities.

- “Boarding house” is defined as “an owner-occupied dwelling unit where lodging for periods of thirty days or longer, with or without meals, is provided for compensation.”
- “Hotel” is defined as “a facility offering transient lodging and accommodations, with or without individual kitchens, to the general public and providing

additional services such as restaurants, meeting rooms and recreational facilities.”

Neither definition distinguishes FHAA protected groups from other occupants of the facility.

In general, the LDC appears to distinguish between various types of residential care facilities in ways that require fairly fine distinctions between the types of care being provided, which is often difficult to administer in practice. It might be easier to distinguish between (1) residential facilities with eight or fewer persons receiving care, and covering all groups covered by the FHAA, (2) larger residential facilities covering all groups covered by the FHAA, (3) residential facilities with eight or fewer persons receiving care, none of which are in FHAA protected groups (for example, homeless shelters or corrections facilities), and (4) larger residential care facilities in which none of the residential are in FHAA protected groups.

1.11. Occupancy Restrictions

The number of occupants allowed for certain types of group living facilities are included in some of the definitions as listed below:

- Group Residential Care Facility (GRCL), Limited: Less than or equal to 8 residents
- Human Services Establishment (HSE): More than 25 persons
- Personal Care Facility For The Elderly (PCFE): 26 or more persons 60 years of age or older
- Sheltered Care Facility (SHC): 9 to 25 persons unrelated to the proprietor
- Single-family Dwelling: 1 family

These definitions suggest that the GRCL use is intended to address relatively small group living uses, which should (under the FHAA) be permitted in areas where similarly sized non-group residential uses are allowed, and on the same terms. In contrast, the HSE, PCFE and SHC uses cover larger facilities that should be permitted in areas where similar larger facilities are allowed, and on the same terms.

1.12. Use of Terms

The Santa Fe LDC lists “dwelling, single-family” and “dwelling, multi-family” in Table 14-6.1-1, Permitted Use Table. These terms are also used throughout the code in various provisions and development standards. At issue here is whether a specific regulation is applied to “single-family dwelling” or “multi-family dwelling” as a use or as a structure. If the term applies to a type of structure (regardless of who occupies it), the potential for conflict with the FHAA is small. If it refers to the use of the structure by a single “family” or multiple “families”, there could be a conflict with the FHAA, because the current definition of “family” is not broad enough to include some FHAA protect groups that have a right to occupy those types of structures. An example is Section 14-3.11(C), Architectural Design Review, where “detached single-family and two-family dwellings and related accessory structures” are exempted from architectural design review. Santa Fe’s intent not to conflict with the FHAA could be strengthened by revising the provision

to apply to “single-family and two-family dwelling structures...” . This needs to be addressed throughout the Santa Fe LDC wherever single-family or multi-family “residential”, “dwelling”, or “lot” is referenced.

Permitted Uses and Occupancy

In order to comply with the FHAA, housing for FHAA protected groups must be allowed under the same conditions and in the same areas as similar housing for persons not covered by the FHAA protections.

1.13. Permitted Uses

The Santa Fe LDC has a permitted use table (Table 14-6.1-1) that summarizes where land uses are permitted, where a listed land use requires a special use approval and where each use is not permitted. This table cross-references “use specific standards” that apply to some of the uses. These standards are listed in the same Article as Table 14-6.1-1.

The portions of Table 14-6.1-1 relevant to residential land uses are shown below. A “P” in a cell denotes the use is permitted and an “S” in a cell means the use requires special use permit approval. A blank cell means the use is not permitted. The cells are highlighted to show where smaller residential uses and structures (shown in yellow) are permitted and where larger residential uses and structures (shown in green) are allowed.

Table 14-6.1-1

CATEGORY Specific Use	RR	R-1 – R-6	R-7 – R-9	R-7-I	RC-5, RC-8	R-10 - R-29	MHP	RAC	AC**	C-1	C-2	C-4	HZ	BCD	I-1	I-2	BIP	SC-1	SC-2	SC-3	MU***	Use-Specific Regs 14-6.2
RESIDENTIAL																						
Group Living																						
Continuing care community	S	S	S	S	S	S		S		P	S	P	P	P			S				P	(A)(1)
Group Residential Care Facility	S	S	S	S	S	S		S		P	S	P	P	P			S				P	
Group Residential Care Facility, Limited ≤8	P	P	P	P	P	P		P		P	S	P	P	P			S				P	
Group Residential Care Facility, Correctional			S		S	S		S		P*	P*	P*	P*	S			S				S	
Boarding, dormitory, monastery	S	S	S	S	S	P		P		P	S	P	S	P			S				S	
Household Living																						
Dwelling, multiple-family	P ¹	P	P		P	P	P	P		P	P ⁶	P	P	P				P ⁶	P ⁶	P ⁶	P	(A)(5), (A)(6)
Dwelling, single-family	P	P	P	P	P	P	P	P		P	P ⁶	P	P	P							P	(A)(5)
Manufactured homes	P	P	P	P	P	P	P	P		P	P ⁶	P	P	P							P	(A)(4)
Mobile home, permanent installation	S	S	S	S	S	S		S		S		S	S									(A)(2)
Mobile home park							P ⁹															(A)(3); See 14-6.4(B)
Short Term Rental Unit	Prohibited except as set forth in Section 14-6.2(A)(5)(a)									P	P	P	P	P						P	P	(A)(5), (A)(6)
Hospitals and Extended Care Facilities																						
Extended care, convalescent, nursing,	S	S	S	S	S	S		S		P	P	P	P	P			P				P	
Human Services																						
Foster homes licensed by the appropriate state agencies	P	P	P			P		P		P		P	P	P							P	
Human service establishments											P*			P*	P*			P*	P*	P*	P*	(B)(4)
Sheltered care facilities	S	S	S		S	S		S		S	S	S	S	P							S	(B)(5)

*Special use permit required if located within 200 feet of residentially-zoned property; otherwise permitted. (Ord. No. 2013-16 § 29)

**Uses listed are in addition to those permitted in the underlying district. No more than 3,000 square feet of gross floor area may be devoted to nonresidential uses.

***See Section 14-7.3(B)(1) for additional MU district regulations including minimum percentage of residential use. (Ord. No. 2013-16 § 22)

1. In the RR district, multiple-family dwellings are limited to four per lot.

6. See Section 14-6.2(A)(7) for additional regulations for *principal dwelling units* in the C-2, BIP and SC districts.

9. See Section 14-7.2(I) for standards for pre-existing mobile home parks and Section 14-6.2(A)(3)(a) for prohibition of new mobile home parks in MHP districts.

The highlighted table shows some good practices in terms of residential land uses. For example, multi-family dwellings are permitted in nearly all zone districts, even low density zone districts. In addition, a variety of group living arrangements, including housing for FHAA protected groups, is permitted or allowed by special use permit in the MU district (Mixed Use).

A. Group Residential Care Facility, Limited

Group Residential Care Facility, Limited (GRCL) is a permitted use in all residential and commercial zone districts where single-family dwellings are a permitted use, with a few exceptions are listed below:

- In the MHP (Mobile Home Park) district, GRCL is not permitted, but single-family dwellings are. In our experience, many land development codes do not permit group living uses in manufactured housing, but this could still be interpreted to be a violation of the FHAA.
- In the C-2 (General Commercial) district, GRCL requires a special use permit, while single-family dwellings are permitted by right.
- In the BIP (Business and Industrial Park) district, GRCL requires a special use permit and single-family dwellings are not permitted by right or with a special use permit. In this case, the LDC is more accommodating of group living uses than household uses, which is not a violation of the FHAA.

B. Group Residential Care Facility and Continuing Care Community

Group Residential Care Facility (GRC) and Continuing Care Facility (CCC) have the same use designations in all zone districts. Both these uses are comparable to multi-family dwelling uses, and their treatment is compared in the table above. Multi-family dwelling is a permitted use in all residential zone districts, including MHP, with one exception as discussed below. It is also a permitted use in all business zones except the I-1, I-2 and BIP zones. The differences between multi-family dwelling and GRFC are listed below:

- GRC and CCC require a special use permit in all residential districts, while multi-family dwellings are a permitted use in all residential zone districts except R-7-I. In the R-7-I district, GRC and CCC require a special use permit, but multi-family dwellings are not permitted; this is another case where the Santa Fe LDC is more accommodating of group living uses than multi-family living uses.
- In the C-2 district, GRC and CCC require a special use permit, but multi-family residential dwelling uses of the same size are permitted without that permit.
- In the MHP (Mobile Home Park), SC-1 (Neighborhood Planned Shopping Center), SC-2 (Community Planned Shopping Center), and SC-3 (Regional Planned Shopping Center), multi-family dwellings are permitted but GRC and CCC are not.
- In the BIP district, GRC and CCC require a special use permit, but multi-family dwellings are not permitted by right or with a special use permit (another case where group living is treated more favorably than multi-family housing).

C. Sheltered Care Facility

Santa Fe's treatment of Sheltered Care Facilities (SCF) can also be compared to its treatment of multi-family dwellings, since they allow occupancy by 9 – 25 persons unrelated to the proprietor. This use requires a special use permit in all the residential and commercial zone districts where multi-family dwelling is permitted in the same districts without a special use permit except as listed below:

- SCF is not permitted in the MHP, SC-1, SC-2, and SC-3 districts.
- SCF and multi-family dwelling are both a permitted uses in the BCD district (Business-Capitol)
- SCF requires a special use permit in the MU district while multi-family dwellings are permitted.

D. Human Services Establishment

A Human Services Establishment (HSE) provides services, which may include lodging, to more than 25 persons. The city's treatment of this use can also be compared to its accommodation of multi-family dwellings.

- Unlike multi-family dwellings, HSE is not permitted any of the residential zone districts, except in the MU district where both HSE and multi-family dwelling are permitted uses. In the lower density residential districts, this may not be a violation of the FHAA, since the scale of HSEs is significantly larger than typical low density housing, while the LDC limits the density of multi-family housing to relatively low levels closer to that of low density single family housing.
- HSE and multi-family dwelling are both permitted uses in the C-2, BCD, SC-1, SC-2, and SC-3 districts.
- HSE is not permitted in the C-1, C-4, and HZ districts, while multi-family dwellings are a permitted use in these districts.
- HSE is a permitted use in the I-2 district, while multi-family dwellings are not (another case where the LDC accommodates group living more broadly than multi-family housing, although the location is residential).
- In all zone districts where HSE is permitted a special use permit is required if the HSE use is located within 200 feet of residentially-zoned property, a condition that does not apply to multi-family dwellings

1.14. Use-Specific Standards

Use-specific standards may include requirements that are barriers to fair housing. Examples include spacing requirements for different types of group living facilities whose residents may include FHAA protected groups or subjecting those types of group living facilities to different development standards (lot size, setbacks, height, procedures, etc.) than apply to similarly sized household residential uses. The last column in LDC Table 14-6.1.1 cross-references use-specific standards for each use listed in the table. The numbers in each row under this column refer to a subsection under 14-6.2; if there is no cross-reference in the row then there is not a use-specific standard for that particular use.

The use-specific standard for Sheltered Care Facility contains standards for minimum floor area and minimum building setbacks that differ from those that apply to multi-family dwellings. If the Sheltered Care Facility includes FHAA protected groups, this is a barrier to fair housing.

The LDC does not include provisions for age-restricted communities except in the definition of “Personal Care Facility for the Elderly”, which is limited to occupants aged 60 or over. This distinction in favor of the elderly appears to comply with FHAA provisions on that topic. There are no other use categories or special review provisions that distinguish senior citizen housing, or handicapped housing, from either single-family or multi-family uses.

1.15. Residential Districts and Mixed Use

LDC Article 14, Zoning Districts, describes the purpose for each zone district. Section 14-4.2, Residential Districts, contains a general purpose statement for the residential districts. The purpose states that “a variety of dwelling types to serve a wide range of individual requirements is available throughout the residential districts...” It goes on to list examples of the types of dwellings envisioned in the residential districts including single-family dwellings, multiple-family dwellings, attached or detached dwelling units, site-built or nondate-built dwelling units, conventional subdivision arrangements, zero lot line and cluster developments or compounds. This general purpose statement includes a mix of residential dwelling types, which acknowledges the role a robust housing mix plays in promoting fair housing and affordable housing options. To be as inclusive as possible, we recommend that “community residential uses” be included in the list of dwelling examples to fully reflect that the residential zone districts accommodate group housing uses for FHAA protected groups.

In addition, the LDC fosters mixed use development through the MU, Mixed Use, zone district. The stated purpose of this district is “to provide for creative infill” and the district allows office, commercial and residential uses in the same building or on the same property. The BCD, Business-Capitol, zone district also specifically allows a mixture of land uses, including residential.

None of the Santa Fe’s zone district descriptions include the word “exclusive” or identify a purpose to exclude specific types of housing.

1.16. Neighborhood Conservation Overlay District

Section 14-5.10(D) establishes the purpose and requirements for Neighborhood Conservation Overlay districts (NCO). This overlay district is intended to assist individual neighborhoods to “conserve their substantive physical character” and allow land use regulations to be more finely targeted to the “attributes of the built environment that make the neighborhood distinctive. In addition to regulating building design and development through standards listed in subsection (D)(1), an NCO can also regulate use of property. However NCOs are specifically prohibited from regulating specific items

listed in subsection (D)(2). Among the items that cannot be regulated under an NCO are dwelling units targeted to certain incomes (including those under the Santa Fe Homes Program) and group or foster homes. We recommend that the list of items that cannot be regulated by an NCO be revised to include any use that provides housing for an FHAA protected group to ensure that those types of uses cannot be targeted for exclusion from a neighborhood.

Development Standards

Article 14-7, Building Envelope and Open Space Standards and Measurements, details the density and dimensional requirements for each zone district. Table 14-7.2.1, Table of Dimensional Standards for Residential Districts, contains the requirements for density, lot area, height, setbacks, lot coverage and open space.

1.17. Density

1.17.1. Low-Density Districts

The RR district is for rural residential areas and allows up to 3 du/acre if common open space is provided. The R-1, R-2, R-3, R-4, R-5, and R-6 zone district are intended for areas with “low population densities”. The R-7, R-8, and R-9 districts have a stated purpose to “allow a density that enable affordability.” The numeral indicates the maximum number of dwelling units per acre, e.g., R-1 allows 1 du/acre and R-9 allows up to 9 du/acre. As previously noted in the permitted uses section, multi-family dwellings are permitted in all these districts. However the densities allowed in these districts do not support multi-family development. The Santa Fe LDC defines a multi-family dwelling as *“a residential building containing two or more dwelling units on one lot, or two or more detached principal units on one lot.”*

According to Table 14-7.2.1, the maximum density that can be achieved without a public hearing process in any of the residential zone districts is 10 dwelling units per gross acre (du/acre). The 10 du/acre limit in most zone districts significantly undercuts the apparent availability of multi-family housing in lower density zone districts. Some types of detached single-family housing can achieve densities higher than that threshold, and only a few forms of attached or multi-family housing can be developed under this limit. As a practical matter, then, Santa Fe’s lower density zone districts do not permit significant multi-family housing.

1.17.2. Medium Density Districts

There are four “medium-density” residential districts: RC-5, RC-8, R-10, and R-12, based on the purpose statements in Section 14-4.2. The RC-5 and RC-8 districts allow a maximum of five and eight dwelling units per gross acre respectively. The R-10 district allows development at its maximum achievable density of 10 dwelling units per gross acre without an additional review process. The R-12 district has a base density of 10 du/acre that can be increased by two dwelling units per acre with the approval of a development plan or special use permit to achieve its maximum density of 12 du/acre.

Again, although multi-family dwellings are permitted in almost all zone districts, these density standards make it difficult to develop a multi-family project.

1.17.3. High Density Districts

In fact, even an applicant for development in those zone districts whose purpose is to allow higher density residential development (e.g. R-21 and R-29) cannot achieve a density greater than 10 du/acre without obtaining approval of a development plan or special use permit from a land use board or the governing body (Section 14-7.2(F)). With those types of approval, the maximum density that can be achieved in these “high density” zone districts is 21 du/acre and 29 du/acre respectively. The requirement for special review approval in these two districts is a barrier to higher density development, the availability of different housing types, and the production of more affordable housing options. These limits do not create a violation of the FHAA, because there is no distinction between the permitted densities for housing for FHAA protected groups and other types of residential uses, but they do limit options to provide affordable housing, which is probably disproportionately occupied by FHAA protected groups.

1.18. Maximum Building Height

Height standards are contained in Table 14-7.2-1, Table of Dimensional Standards for Residential Districts. The maximum height allowed for a residential building in all residential zones is 24 feet. This can be increased only in the R-21 and R-29 districts to a maximum of 36 feet through a development plan or special use permit approval. Height also can be regulated through the overlay zone districts, which can result in a more restrictive height limit than shown in Table 14-7.2-1. If there is a conflict with the requirements of the district underlying the overlay district, or with another overlay district, the more restrictive standard is applied. These height restrictions limit multi-family development to two or three-story buildings in the residential districts.

A more generous 45 foot (approximately four story) maximum height limit applies in three of the commercial zone districts where multi-family is allowed, C-2, SC-2, and SC-3. As with maximum density limits, these height restrictions can be a barrier to the production of affordable housing, but because they do not appear to differ between general multi-family housing and facilities that provide housing for FHAA protected groups, they do not create violations of the FHAA.

1.19. Separation of Uses

Section 14-7.3, Non-Residential and Mixed-Use Districts, includes additional requirements specific to the MU, Mixed Use, zone district. Subsection (B)(1) requires “group living or household living uses” to be separated by at least 50 feet from certain commercial uses when located on adjoining sites. Since this provision applies the same spacing requirement to household living and group living uses, there is no conflict with the FHAA.

1.20. Open Space Standards

Section 14-7.5(B), Residential Common Open Space Standards, establishes how common open space required in a development can be used and allows the approval authority to

require, at its discretion, “tot lots or other play areas and equipment, walking paths, benches and lighting.” As long as this is not used to require more from community residential uses, such as group residential care facilities or other housing for FHAA protected groups, this discretionary authority does not conflict with the intent of FHAA for equal treatment of housing for populations protected by FHAA.

1.21. Parking Standards

Table 14-8.6-1, Parking and Loading Requirements, establishes off-street parking standards for all development in Santa Fe. The table below compares the parking standards for single-family, multi-family and group living uses. It appears that the City uses the term “attached dwelling units” for all forms of housing other than single-family detached dwellings.

TABLE 14-8.6-1: Parking and Loading Requirements	
Specific Use	Parking and Loading
RESIDENTIAL	
Household Living	
Detached dwelling unit	2 spaces per dwelling unit
Short term rental unit	1 bedroom = 1 parking space 2 or more bedrooms = 2 parking spaces
Attached dwelling unit (2-5 units):	2 spaces per dwelling unit
Attached dwelling unit (over 5 units): Less than 800 square feet of heated floor area	1 assigned space and .25 unassigned space per dwelling unit
Attached dwelling unit (over 5 units): 800–1,200 square feet of heated floor area	1 assigned space and 0.5 unassigned space per dwelling unit
Attached dwelling unit (over 5 units): More than 1,200 square feet of heated floor area	1 assigned space and 1 unassigned space per dwelling unit
Group Living	
Continuing Care Communities	1 space per dwelling unit; plus one space per 2 beds in congregate housing plus one space per 2 beds in a nursing care unit or extended care facility
Group Homes for 8 or fewer residents	2 spaces per group home
Group Homes for more than 8 residents	1 space per two beds
PUBLIC, INSTITUTIONAL AND CIVIC	
Human Services	
Extended and Sheltered Care Facilities, including Group Homes	1 space per each two beds
Human Services Establishments	1 space per each 350 square feet of net leasable area except for lodging which shall be 1 space per 2 beds for dormitory rooms or 1 space per individual lodging unit

As in our analysis of permitted and special review uses, it is useful to compare Santa Fe’s treatment of single-family detached dwellings with small facilities for FHAA protected groups and to compare the city’s treatment of multi-family dwellings with its treatment of larger facilities for FHAA protected groups. These parking standards differ in the following areas:

- Although the parking standard for group homes with eight or less residents is based on the use, while the parking standard for single-family dwellings or attached dwellings with two to five units is based on the number of dwelling units, both require the same number (two) spaces for each the facility. This does not create a violation of the FHAA.

- The parking standard for group homes with more than eight residents is based on number of beds, while parking for larger multi-family dwellings is based on number of dwelling units and the size of those dwelling units. Although a direct comparison of these measures is not always possible, it appears that the parking requirements for larger group homes could be higher than for equally sized multi-family dwellings. For an example, a group home with 10 beds would be required to have 5 parking spaces, while a multi-family dwelling to accommodate 10 people (2 households with five unrelated people in each) would require only between 2.5 and 4 spaces.
- Although the comparisons involving small and large group homes above is possible, the Santa Fe LDC also uses the term “group home” in connection with Extended and Sheltered Care Facilities, which have their own parking standards. Because it appears in the Human Services portion of the parking requirements table, we assume that these include group homes provide a higher level of care and service than those listed under Group Living. However, since Human Service Group Homes must meet the same minimum parking standard applicable to Group Living Group Homes, the comparison above applies here as well; it is possible that this may result in a higher parking standard for group living (which could serve FHAA protected groups) than would apply to a multi-family dwelling use.
- Human Services Establishment (HSE) has three different standards each based on a different unit of measurement (leasable square footage, beds, and lodging unit). Again it is difficult to make a direct comparison between this type of facility and a multi-family dwelling unit, except through example projects. The LDC would require a 25 unit multi-family dwelling use to provide between 37.5 and 50 parking spaces, depending on the size of the multi-family units. In contrast, the LDC would require an HSE with 25 lodging units to provide 25 parking spaces, or an HSE with 25 beds in dormitory rooms to provide 12.5 spaces. The HSE requirements are significantly lower than multi-family dwelling requirements, at least until the additional parking requirement for net leasable space (presumably office/administrative space) is added. If the HSE facility contains more than 4,375 square feet of net leasable area (which would require an additional 12.5 parking spaces), the parking requirements for an HSE could exceed that required of a multi-family dwelling use housing the same number of residents.

It would be helpful if the LDC parking requirements table used the same terminology used to define permitted and special review uses in Table 14-6.1-1, particularly since the “group home” term does not appear in that table. In particular, it appears that the “Group Home for 8 or Fewer Residents” parking requirement is intended to apply to the “Group Residential Care Facility, Limited” use, and the “Group Home for More than 8 Residents” parking requirement is intended to apply to the “Group Residential Care Facility” use in Table 14-6.1-1.

Parking standards related to the provision of handicapped parking spaces are covered in subsection 14-8.6(B)(5) which requires compliance with New Mexico state laws and regulations and the federal ADA.

1.22. Impact Fees

Section 14-8.14, Impact Fees, establishes the impact fees required for all development and construction in Santa Fe. Subsection (E)(3) establishes the impact fees based on land use type: Single family detached, multi-family, accessory dwelling, nonresidential, retail/commercial, office, industrial, warehouse, mini-warehouse, and public/institutional. Subsection (E)(4) details how the appropriate land use category is determined for specific types of uses. It includes the following uses in the “public/institutional” land use categories for the purposes of assessing the impact fee:

- Continuing Care Community
- Extended Care Facility
- Group Residential Care Facility
- Human Services Establishment

If these listed facilities provide housing for FHAA protected groups, it may be a violation of the FHAA to charge impact fees that are higher than those applied to single-family or multi-family dwelling structures of the same size and scale.

As the analysis in this Section 4 shows, there are several ways in which the Santa Fe LDC may impose stricter development requirements on facilities that may provide housing for FHAA-protected groups than it does on equally sized single- or multi-family dwelling structures. In many cases, whether the LDC standard is higher or stricter depends on the nature and size of the facility and how the standards are applied. In order to avoid inadvertently applying higher or more expensive standards to facilities providing housing for FHAA protected groups, the city may want to consider adding a clause similar to that shown below:

“Notwithstanding other provisions of this LDC, where a Group Living or Human Service land use provides housing for persons whose rights to fair housing are protected by the Fair Housing Act Amendments of 1988, as amended and interpreted by the courts, the development and design standards and plan submittal requirements, and any exemptions from those standards or requirements, applicable to the facility occupied by or constructed for those uses shall be the same development and design standards and submittal requirements, or exemptions to those requirements applicable to the same type and size of structure (i.e. single-family attached, two-family, townhouse, multi-family, or mixed-use dwelling structure) if it were occupied by a Household Living use.”

Procedures

This section evaluates the review procedures and decision criteria for those uses providing housing for FHAA protected groups and compares them to those applied to other forms of housing of the same size and scale.

1.23. Early Neighborhood Notification

Section 14-3.1(F) requires Early Neighborhood Notification (ENN) for those uses requiring special use permits, except for mobile homes, when a public hearing is required before the board of adjustment, planning commission or the governing body. As noted in section 3 of this chapter, there are several instances where Santa Fe requires group living uses to obtain a special review approval when a similarly sized multi-family dwelling use does not. In these instances, the ENN requirement is inconsistent with FHAA requirements.

The ENN section of the LDC also includes guidelines for the type of information that should be provided and discussed at required neighborhood meetings. Subsection 14-3.1(F)(6)(g) of these guidelines focuses specifically on the availability of affordable housing and housing choice. Under this provision, an applicant identifies and discusses with the neighborhood how the Santa Fe Homes Program and general plan policies for housing are met. Another guideline, subsection 14-3.1(F)(6)(i), asks for a discussion of how the development effects opportunities for community integration. This guideline refers to community integration and balance through a “mix of land uses” which provides an opportunity to discuss how to create a balanced housing choice and a blend of affordable housing options throughout the community. These are positive additions to the LDC that both directly and indirectly promotes affordable housing and the fair housing goals of the FHAA. However, to fully comply with the intent of the FHAA it should probably apply to applications for multi-family dwelling development as well as to housing for FHAA protected groups.

1.24. Development Plans

A. Single-Family Dwelling Exemption

Section 14-3.8 requires development plans for new development based on gross floor area and regardless of use except in the case of single-family dwellings. Subsection (B)(6) exempts a single-family dwelling with a gross floor area of 10,000 square feet or less, including accessory buildings provided:

- The dwelling is on a lot created prior to Ordinance 1999-13, or
- The lot is in a subdivision that was subject to Early Neighborhood Notification.

This exemption is not a problem with regard to FHAA as long as it also applies to construction and use of a single-family dwelling structure, regardless of whether that structure is occupied by a household living use or by a group living use that provides housing for FHAA protected group. However, if it would require a development plan to be approved when a single-family detached dwelling structure is occupied by a housing use for FHAA protected groups, it could create an inconsistency with the FHAA.

B. Approval Criteria and Conditions

Section 14-3.8(D) lists the findings the planning commission must make to approve a Development Plan and the conditions that may be applied to the plan.

Findings: While a development plan review process is triggered by gross floor area on a lot and not the use of the lot, one of the findings required to approve the development plan is based in part on use. In subsection 14-3.8(D)(1)(c) the planning commission must find: *“the use and any associated buildings are compatible with and adaptable to buildings, structures and uses of the abutting property and other properties in the vicinity of the premises under consideration.”*

This is consistent with FHAA as long as every permitted or approved special review use in the zone district is deemed to be “compatible”. However, if the planning commission applies this requirement to find that a permitted or approved special review facility for FHAA protected persons is not compatible with surrounding single-family or multi-family dwellings of the same size and scale, it would create an additional procedural barrier to compliance with the FHAA..

Conditions: The conditions that can be applied to a development plan under subsection 14-3.8(D)(2) appear to be neutral with respect to uses and occupancy of structures that are subject to the development plan process, and do not appear to raise issues under the FHAA.

1.25. Reasonable Accommodation

Our review of the Santa Fe LDC found no specific references to or procedures for providing “reasonable accommodation” or “reasonable modification” under the FHAA. In Section 42 USC 3604(f)(3)(B), the Fair Housing Act requires that the local government make reasonable accommodations in rules, policies, practices, or services necessary to afford a person with a disability an equal opportunity to use and enjoy a dwelling. We assume that requests for reasonable accommodation are processed as requests for variances under Section 14-3.16, which allows variances to be granted to provisions regulating the size, location and appearance of structures. However the approval criteria for a variance do not allow consideration of a variance to any LDC standards to comply with the requirements of the American with Disabilities Act (ADA) or the FHAA. Instead the applicant must meet one or more “special circumstance” which includes: unusual physical characteristics of the lot or structure; nonconforming lot; nonconforming structure with landmark status; or inherent conflict between applicable regulations. The requirements of FHAA for reasonable accommodation are not limited to only these “special circumstances”.

We recommend that an administrative process be added to the LDC to respond to requests for “reasonable accommodation” or “reasonable modification” under Section 42 USC 3604(f)(3)(B). Although not explicitly required by the Fair Housing Act, this approach provides the widest flexibility to make those adjustments necessary to comply with the requirements of FHAA without drawing attention to the characteristics of the potential residents of a facility providing housing for FHAA protected groups or requiring a public hearing on the impacts of the requested change, either of which would

tend to undermine the intent of the FHAA for equal treatment of those groups. If an administrative process is created, the leeway for approval of a request for “reasonable accommodation” or “reasonable modification” could be “the minimum deviation from zoning or development standards necessary to comply with the requirements of the FHAA”.

Alternatively, Section 14-3.16 could be amended to add “reasonable accommodation” as a special circumstance that qualifies for a variance under subsection (C)(1). Subsection (C)(4) would also need to be revised to state that the variance is necessary to comply with the requirements of the FHAA or ADA.

1.26. Family Transfer Subdivisions

The family transfer provisions in Section 14-3.7(F) of the Santa Fe LDC allow the subdivision of land through a “family transfer” or through inheritance “when created by a will or order of court in probate proceedings.” This section exempts any such transfer that creates two or more additional lots from the preliminary plat provisions of Section 14.3-7(B)(3). This eliminates one public hearing before the planning commission and reduces the amount of application materials that need to be produced for the subdivision to be processed.

The purpose statement for this procedure specifically states that the purpose of the inheritance and family transfer subdivision is to “increase affordable housing within the family group.” This section limits those who can apply for a “family transfer” subdivision to a father or mother who is transferring a lot or lots to his or her children, grandchildren, or to a person who has performed the function of father, mother, grandfather or grandmother to a person for whom such person has performed that function. Since this group of select people can avoid the preliminary plat portion of the subdivision process, this limitation effectively prohibits an entity providing housing for FHAA protected groups from creating new lots to accommodate that housing on the same basis as a traditional family could create additional lots for single-family dwellings. Family transfer subdivisions also are exempt from the requirements of the Santa Fe Homes Program (SFHP). Section 14-8.11(D)(1)(b) of the Santa Fe Homes Program states that: *“The SFHP does not apply to a family transfer as set forth in Section 14-3.7(F)(2) or a division of land into two lots as set forth in Section 14-3.7(D)(Summary Procedure).”* Although this could be a technical violation of the FHAA, we believe this situation would arise very rarely (if ever), and we are not aware of any court decisions determining that these types of family transfer provisions violate the FHAA.

Fair Housing and Inclusionary Zoning

The Santa Fe LDC does not make specific reference to the need to comply with the accessibility requirements referenced in FHAA or ADA. The code should include such references (unless they are included in an administrative regulation or other document applied by the city.

The LDC does reference and require compliance with the Santa Fe Homes Program (SFHP), contained in Article 26 of the Municipal Code. This program is an inclusionary zoning tool and establishes specific requirements for the provision of affordable housing by “any application for development including, but not limited to, annexation, rezoning, subdivision plat, increase in density, development plan, extension of or connection to city utilities for land outside the city limits, and building permits which propose two or more dwelling units or buildings or portions of buildings which may be used for both nonresidential and residential purposes and manufactured home lots.” Until 2010 the program mandated that 30 percent of the total number of dwelling units offered for sale in the development be SFHP affordable homes. This was changed to 20 percent in response to the economic downturn at that time. SFHP homes are targeted to three income levels: 50 – 65 percent AMI; 65 – 80 percent AMI; and 80 – 100 percent AMI.

The LDC also contains incentives for affordable housing for projects that must comply with the SFHP. Section 14-8.11(G) establishes both a density bonus and fee waivers for all projects subject to and complying with the SFHP requirements. The density bonus allows up to a 15 percent increase in density above the density allowed in the zone district. The increase in density does not require any additional approval by the governing body. This is a positive step in alleviating any undue attention created by an additional public review based of increased density and/or affordable housing requirements.

The fee waiver allows development review and construction permit fees to be reduced “proportionately to the number of SFHP units certified by the office of affordable housing.” Impact fees are also reduced “at the time of construction permit application for SFHP units.” Section 14-8.14(D) spells out all exemptions from and waivers of impact fees and specifies that impact fees are waived for:

- Santa Fe homes or Santa Fe rental units as defined in Article 26-1, Santa Fe Homes Program (SFHP);
- Housing opportunity program (HOP) homes or rental units subject to a valid HOP agreement (HOP was replaced by the SFHP in 2006); or
- A low-priced dwelling unit as defined in Article 26-2, Santa Fe Homes Program. The low-priced dwelling unit must meet the standards of Section 26-2.3, Requirements for Low Priced dwelling Units. This section establishes the standards for determining affordability levels for dwelling units produced to meet the requirements of SFHP.

All fee waiver applications are reviewed by the Office of Affordable Housing. These are laudable provisions that show Santa Fe’s commitment to including the diversity of affordability of housing in the city. While not required by the FHAA, some FHAA protected households are likely to have lower incomes than comparably sized households that do not contain individuals from FHAA protected groups. For example, it is likely that households including persons with physical or mental disabilities, the elderly, female headed households, and households headed by recent immigrants have lower incomes than comparable households that do not contain these types of individuals. In light of this probable correlation, any city regulations encouraging or requiring the provision of

affordable housing are likely to have the indirect effect of increasing the supply of housing for FHAA protected groups.

Santa Fe does not have a growth management ordinance or any provisions in the LDC that restrict the number or type of dwelling units that can be built in the city, except as previously identified in our discussion of density, height, and development standards in Section 4 of this chapter.. The current general plan, adopted in 1999, has a chapter on growth management that recommends

- “That all residential development within the future growth areas is built at minimum gross density of three units per acre and an average of five units per acre, where topography allows.” (Section 4-4-I-3)
- “The target density for new infill residential development, in order to address affordable housing goals, is a minimum of five units per acre (net) with seven units per acre (net) preferred.” (Section 4-4-I-6)

A draft land use and urban design plan was recently drafted in preparation for an update to the 1999 general plan, and includes revised land use and growth management policies. None of these policies stipulate a growth rate, although a minimum residential density range of five units per acre is encouraged where city water and wastewater systems are to be used in new development. This is a relatively low density that reflects the low densities found in the current residential zone districts, but it may tend to discourage applications for development densities that would allow multi-family housing, as discussed above.

The major growth management techniques implemented by Santa Fe that are listed in the draft land use and urban design plan include (1) the implementation of an annexation program to set clear city boundaries and (2) a water conservation program that requires new residential and commercial development to offset the anticipated water use through water conservation or transfer of enough water rights to serve the development at build-out. The draft plan also recommends that the city add the following growth management strategies:

- Urban Design – to promote well-designed development using more multi-family housing, more efficient siting of building on lots, updated parking standards to reduce the size of parking lots, and revised street standards to reduce right-of-way requirements.
- Land Use/Streets/Public Parks and Plazas Linkages -- to improve the connections among land use, streets and public places to create healthy neighborhoods and business districts.
- Re-use/Redevelopment along Major Streets -- to encourage the re-purposing of older strip commercial development along major arterials.

None of the proposed growth management strategies include minimum or maximum density goals for residential development and the reference to increasing multi-family housing in the recommended urban design guidance is a positive change for the general plan. As the specific programs and regulations to implement each of these strategies are crafted, the city will need to resolve this tension.

SECTION V.

Disability and Access Analysis

This section examines the fair housing landscape and access to opportunity for Santa Fe residents with disabilities.

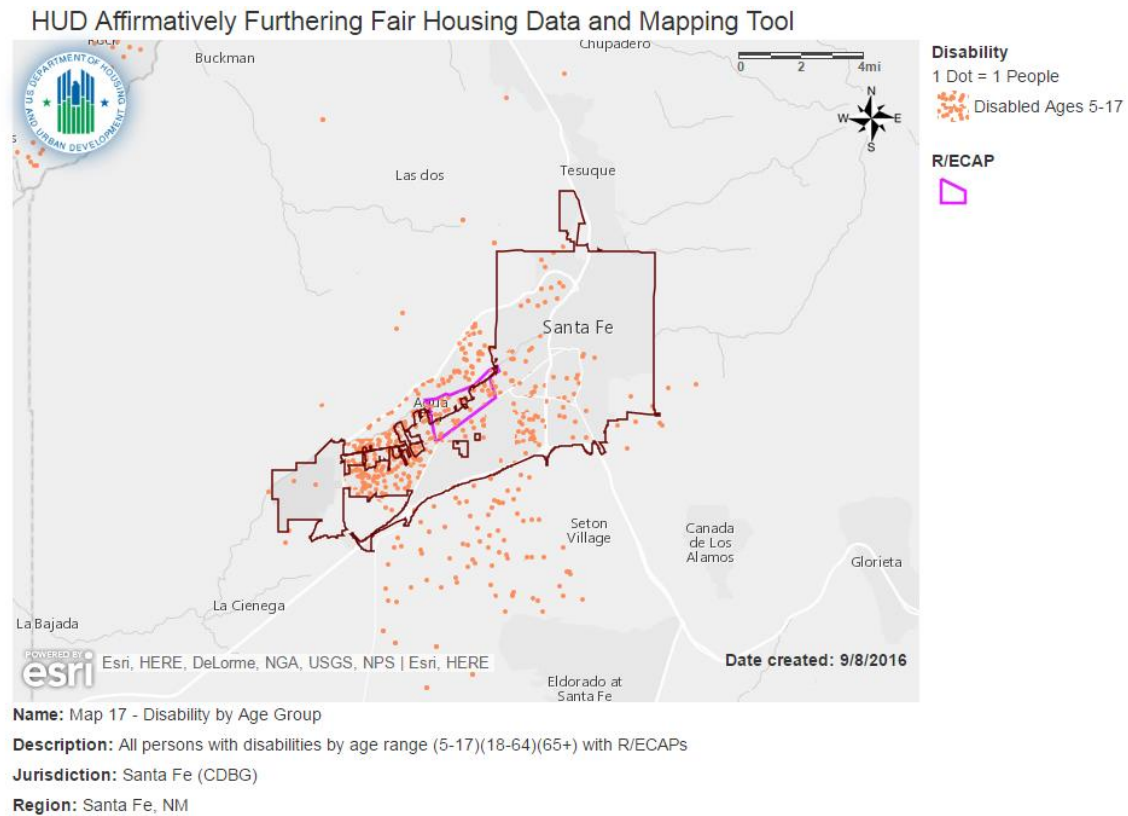
Housing Choice of Residents with Disabilities

As discussed in Section III, 15 percent of Santa Fe residents have a disability. To better understand the extent to which residents with disabilities are able to live throughout Santa Fe, we examine a series of dot density maps.

- Figures V-1 through V-3 map the distribution of residents with disabilities by age in Santa Fe. As shown in Figure V-1 significant proportion of children and youth (ages 5 to 17) with disabilities live in Santa Fe's ECAP neighborhood and in the census tract immediately southwest of the ECAP. Residents with disabilities between the ages of 18 and 64 are most densely populated south of downtown and to the southwest (Figure V-2). Seniors with disabilities (age 65 and older) are more likely than other residents with disabilities to live near downtown Santa Fe and are much less likely to live in the city's ECAP neighborhood (Figure V-3).
- Figures V-4 through V-9 present where Santa Fe's residents with disabilities live based on disability type. The maps do not suggest that residents with disabilities are segregated by type of disability. Respondents to the stakeholder survey did not consider concentrations of accessible housing to be a serious fair housing issue or contributing factor to the segregation of residents with disabilities in Santa Fe.

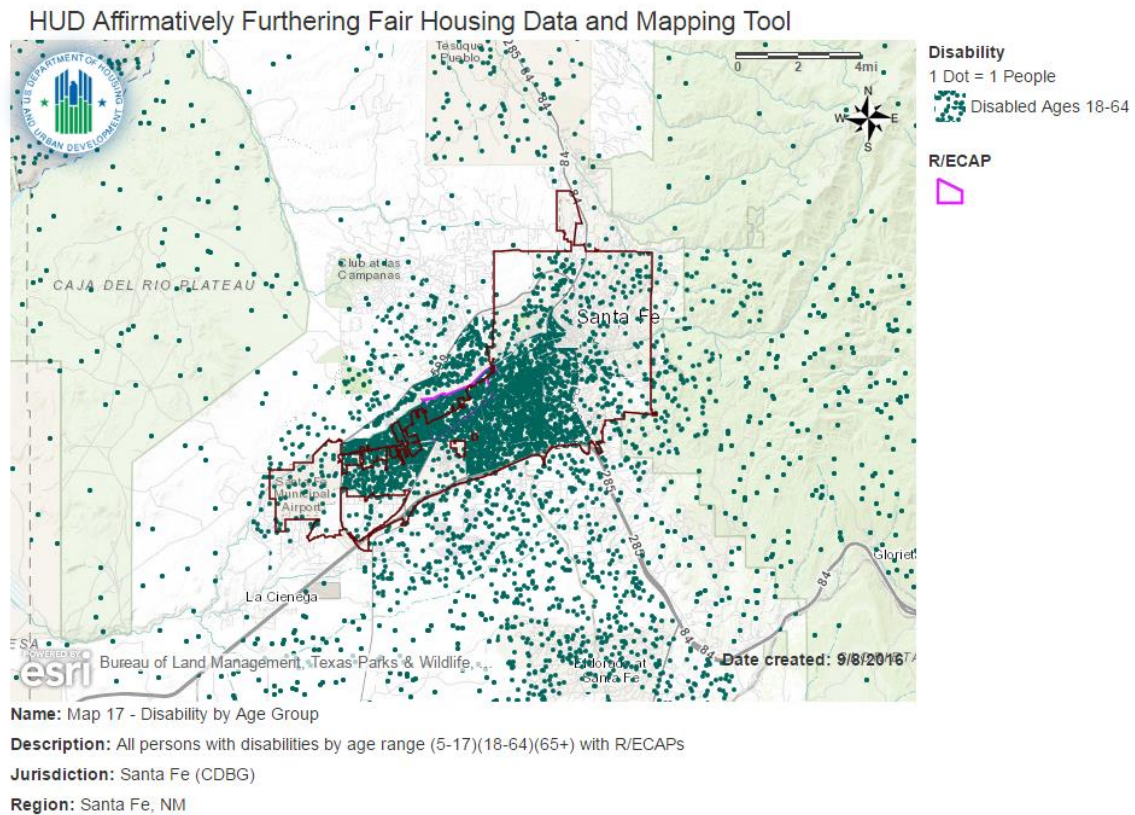
In addition to the geographic analyses, stakeholder survey respondents, focus group participants and open house attendees addressed housing choice and access to opportunity of residents with disabilities. These perspectives follow the geographic analysis.

Figure V-1.
HUD AFFH Tool Jurisdiction Map of Santa Fe, Map 17, Disabled Ages 5-17, 2010



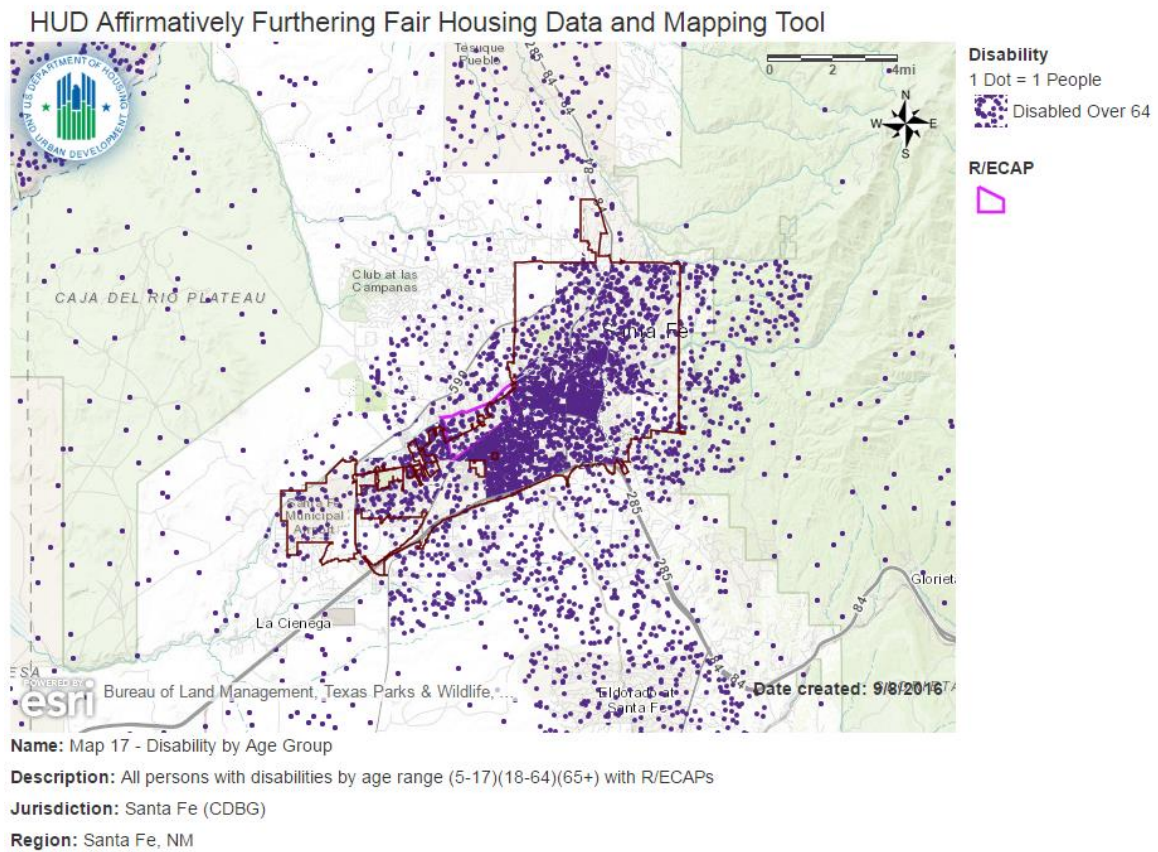
Source: HUD AFFH Data and Mapping Tool. <https://egis.hud.gov/affht/>.

Figure V-2.
HUD AFFH Tool Jurisdiction Map of Santa Fe, Map 17, Disabled Ages 18 to 64, 2010



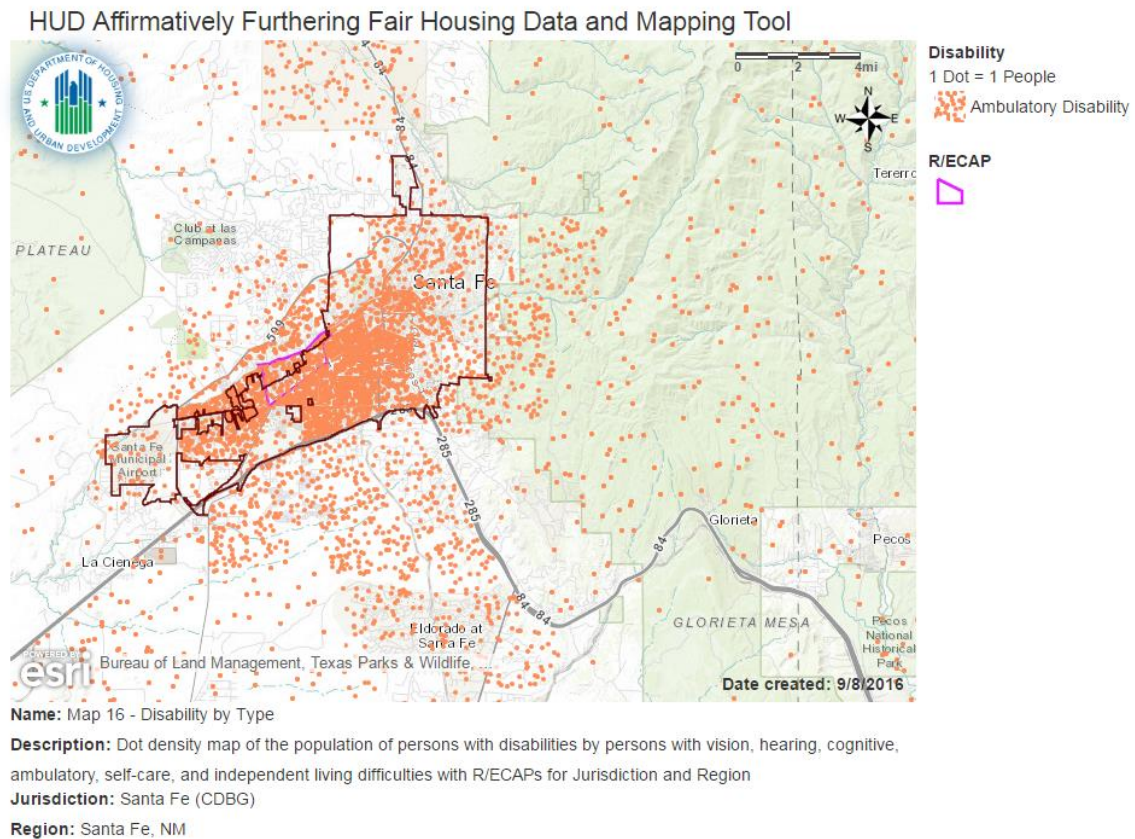
Source: HUD AFFH Data and Mapping Tool. <https://egis.hud.gov/affht/>.

Figure V-3.
HUD AFFH Tool Jurisdiction Map of Santa Fe, Map 17, Disabled Over Age 64, 2010



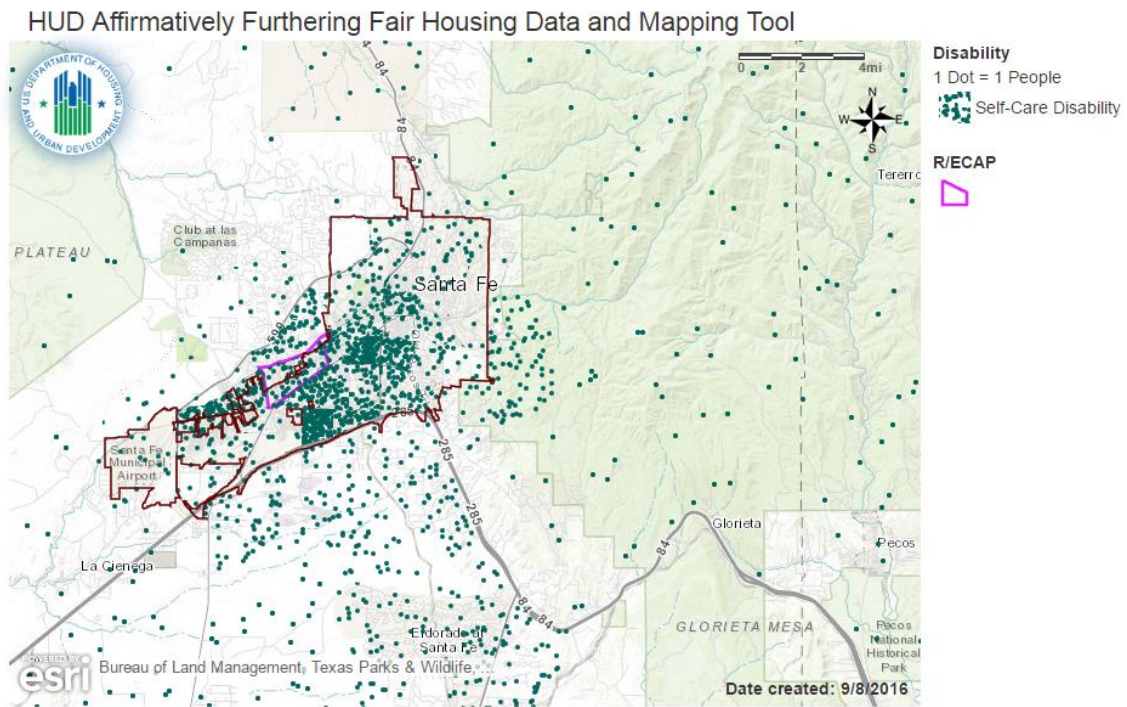
Source: HUD AFFH Data and Mapping Tool. <https://egis.hud.gov/affht/>.

Figure V-4.
HUD AFFH Tool Jurisdiction Map of Santa Fe, Map 16, Ambulatory Disability, 2010



Source: HUD AFFH Data and Mapping Tool. <https://egis.hud.gov/affht/>.

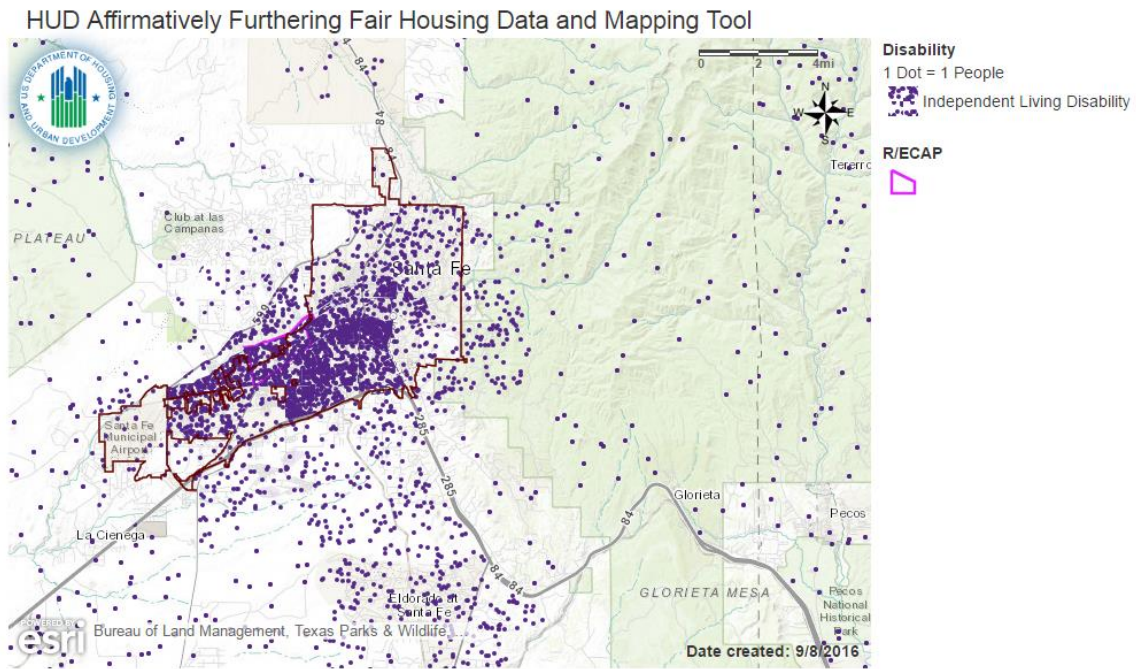
Figure V-5.
HUD AFFH Tool Jurisdiction Map of Santa Fe, Map 16, Self-Care Disability, 2010



Source: HUD AFFH Data and Mapping Tool. <https://egis.hud.gov/affht/>.

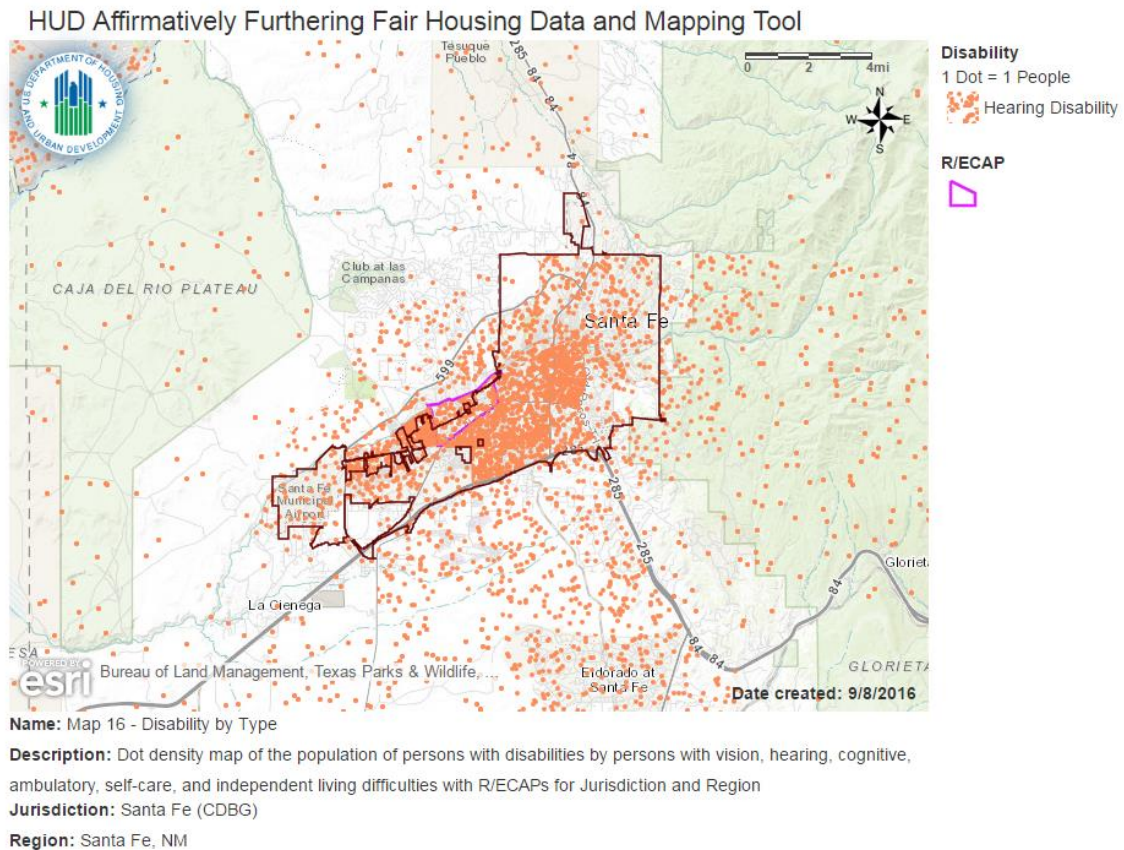
Figure V-6.

HUD AFFH Tool Jurisdiction Map of Santa Fe, Map 16, Independent Living Disability, 2010



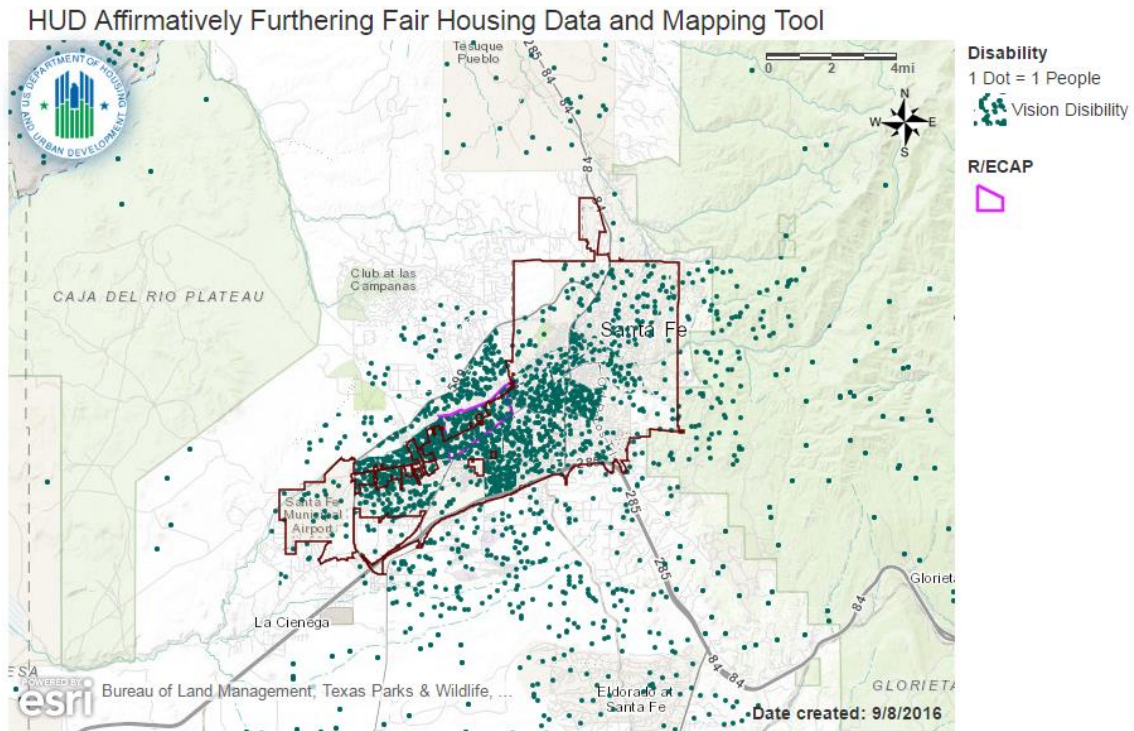
Source: HUD AFFH Data and Mapping Tool. <https://egis.hud.gov/affht/>.

Figure V-7.
HUD AFFH Tool Jurisdiction Map of Santa Fe, Map 16, Hearing Disability, 2010



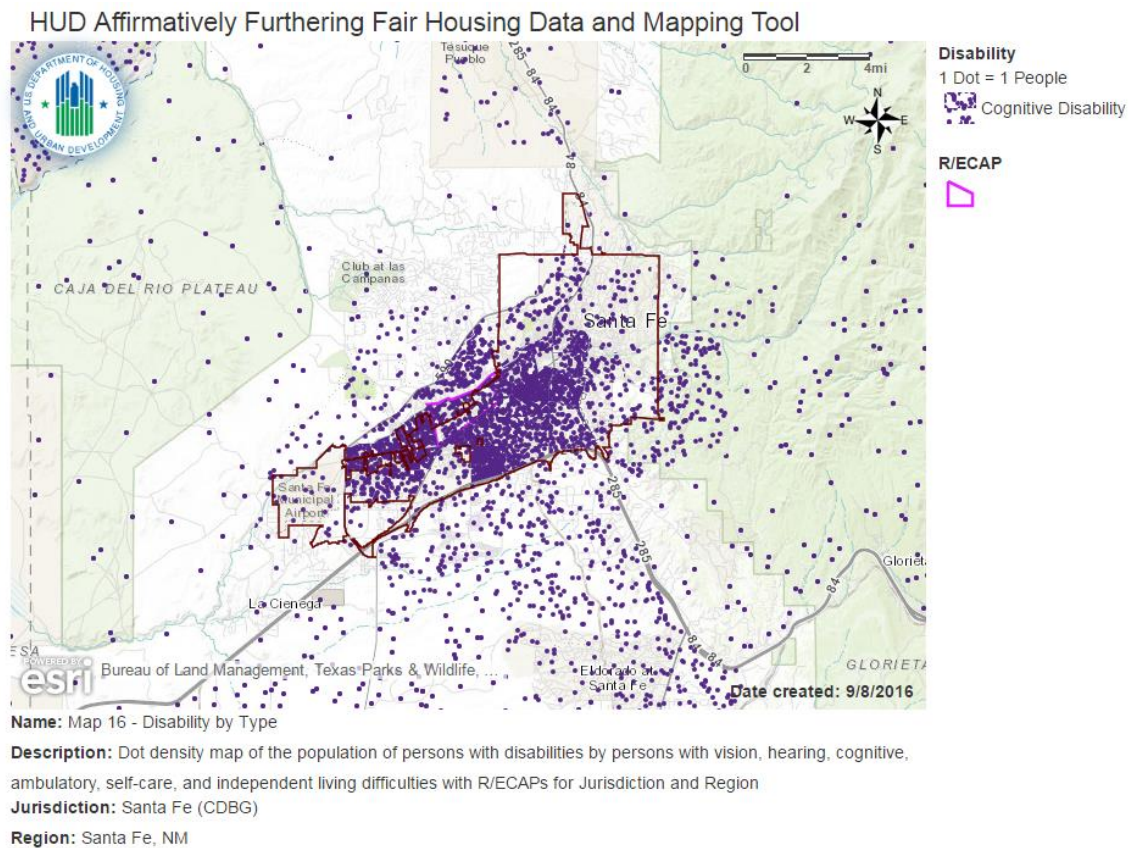
Source: HUD AFFH Data and Mapping Tool. <https://egis.hud.gov/affht/>.

Figure V-8.
HUD AFFH Tool Jurisdiction Map of Santa Fe, Map 16, Vision Disability, 2010



Source: HUD AFFH Data and Mapping Tool. <https://egis.hud.gov/affht/>.

Figure V-9.
HUD AFFH Tool Jurisdiction Map of Santa Fe, Map 16, Cognitive Disability, 2010



Source: HUD AFFH Data and Mapping Tool. <https://egis.hud.gov/affht/>.

Housing choice—stakeholder and resident perspectives. The stakeholder survey, residents with addiction or mental illness who participated in the focus group and Open House attendees shared their professional or personal experience with housing choice for residents with disabilities in Santa Fe. As described in prior sections, affordable housing is perceived as very scarce in Santa Fe. For residents with disabilities, finding suitable affordable housing is made more challenging when the resident requires supportive services, has a criminal background, or is relying on a Section 8 Housing Choice Voucher.

Housing and supportive services. Stakeholders identified a lack of affordable housing integrated into the community for individuals who need supportive services as a serious fair housing issue or contributing factor (average rating of 7.8 out of 9). Focus group participants described the importance of case management and access to supportive services to stability in housing for residents with mental illness. When residents display symptoms of mental illness, they become vulnerable to eviction. Case management and supportive services help the resident stay housed as case managers can collaborate with landlords to address problems and to work with the resident to manage symptoms.

- *“Supportive services for all in need who obtain long term housing—help with accessing public benefits, treatment for mental health and/or substance abuse issues, job training, quality child*

care, entrepreneurial training, decent public transportation (increase & expand bus schedule and use van size buses to save money).” (Stakeholder survey respondent)

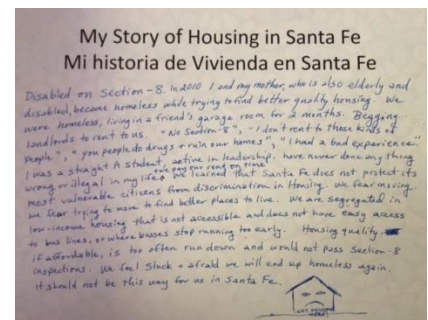

Criminal history. Focus group participants and stakeholders raised the difficulty residents with criminal histories encounter when trying to find a place to rent. Stakeholders rated a lack of landlords willing to rent to individuals with criminal history to be a serious fair housing issue (average rating of 7.0). Focus group participants shared that residents with mental illness or addiction are especially burdened by criminal histories that often resulted from mental illness symptoms or active addiction. Many characterized as discrimination landlords refusing to rent to people with mental illness.

- *“Background checks are unfair to those with criminal history which follows them everywhere....relegating those to live in crowded, poor conditions in the apartments complexes pitting neighbors against each other for resources.” (Stakeholder survey respondent)*
- *“No expansion of transitional living homes or group homes has taken place in many years, leaving the disabled or mentally challenged residents on the streets or couch hopping, creating continued strain on social services as no stability or gains can be made without stable housing.” (Stakeholder survey respondent)*
- *“Criminal history presents a problem for renters as landlords do not wish to rent to them.” (Stakeholder survey participant)*

Landlord acceptance of Section 8 vouchers. Stakeholders rated “the ability to use Section 8 assistance is segregated to specific locations and not utilized in more expensive parts of town” as a serious fair housing issue (average rating of 7.5). One attendee at the Open House shared her experience attempting to find appropriate housing for herself and her disabled mother using a Section 8 voucher. She wrote:

“Disabled on Section 8. In 2010 I and my mother, who is also elderly and disabled, become homeless while trying to find better quality housing. We were homeless, living in a friend’s garage room for 2 months. Begging landlords to rent to us. “No Section 8”, “I don’t rent to those kinds of people,” “You people do drugs and ruin our homes,” “I had a bad experience.” I was a straight A student, active in leadership, have never done anything wrong or illegal in my life and we pay our rent on time. We learned that Santa Fe does not protect its most vulnerable citizens from discrimination in Housing. We fear moving. We fear trying to move to find better places to live. We are segregated in low income housing that is not accessible and does not have easy access to bus lines, or where busses stop running too early. Housing quality, if affordable, is too often run down and would not pass Section 8 inspections. We feel stuck and afraid we will end up homeless again.

It should not be this way for us in Santa Fe.



again. It should not be this way for us in Santa Fe.”

Access to publicly-supported housing. HUD's AFFH-T Table 15 reports that 446 residents with disabilities live in publicly-supported housing in Santa Fe. Residents with disabilities comprise 24 percent of project-based Section 8 units and 29 percent of Section 8 Housing Choice Voucher recipients. Residents with disabilities are 56 percent of residents living in other publicly-supported multifamily, including senior-only residences.

Moving from institutional or segregated settings to community-based settings. Stakeholders identified a "lack of housing available for persons with disabilities transitioning out of institutions and nursing homes" as a serious fair housing issue (average rating of 7.6). Further, Santa Fe stakeholders rate "lack of assistance for individuals with disabilities moving from institutional settings to independent housing in the community" a 7.0, also a serious contributing factor. The State of New Mexico's Home and Community Based Services waiver program—Mi Via—was developed in 2006 using a person-centered approach.¹ Statistics are not available to characterize how Mi Via is implemented in Santa Fe and the extent to which residents with disabilities are waiting to transition out of institutional settings. Stakeholders familiar with the housing needs of residents with disabilities characterized how well state and local policies and programs facilitate opportunity for residents with disabilities to live in integrated settings as "moderately well."

Discrimination on the basis of disability. When asked for the primary reason(s) clients have difficulty finding housing in Santa Fe, 43 percent of stakeholders responded "discrimination." Among these, discrimination on the basis of disability was named by 36 percent of stakeholders, the second greatest proportion of responses after national origin (64%). Focus group participants with experience assisting residents with mental illness to obtain housing underscored the importance of one-on-one communications and landlord education to build a network of landlords willing to rent to residents with mental illness.

- *"Dealing with management biases and practices [is the principal challenge faced by persons with disabilities in Santa Fe in acquiring housing, remaining housed and living in the neighborhood of their choice]." (Stakeholder survey respondent)*

From the perspective of stakeholders, landlords refusing to allow service animals or support animals are not a contributing factor to fair housing issues in Santa Fe (average ratings of 3.3 and 3.9 respectively).

¹<http://www.hsd.state.nm.us/uploads/files/Looking%20For%20Information/Information%20for%20Recipients/Special%20Programs%20and%20Waivers/Home%20and%20Community%20Based%20Waiver/Mi%20Via/NM%20Mi%20Via%20HCB%20Settings%20Transition%20Plan.pdf>

Access to Opportunity

As with members of other protected classes, access to opportunity, including school proficiency, employment, transportation, and low poverty neighborhoods for Santa Fe residents with disabilities is examined. That the geographic analyses presented in Figures V-1 through V-9 did not reveal appreciable differences in segregation of residents with disabilities (with the exception of children and youth with disabilities), Section III's discussion of access to opportunity is also relevant to residents with disabilities.

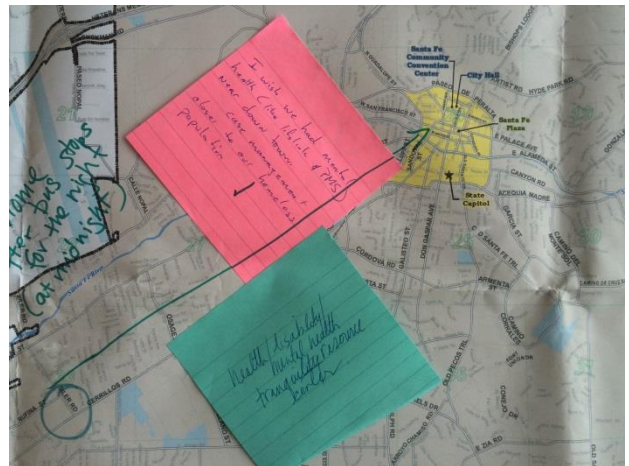
Access to proficient schools. That the youngest residents with disabilities seem to cluster in the ECAP neighborhood and the adjacent southwest neighborhood suggests that these children may have less access to proficient schools than nondisabled children.

Access to low poverty neighborhoods. As described above, residents with disabilities, many of whom rely on disability income and publicly-subsidized housing, struggle to access affordable housing in low poverty neighborhoods, either due to a lack of affordable market rate units or a lack of landlords willing to accept Section 8 vouchers.

Access to transportation. Many residents with disabilities depend on Santa Fe Trails for access to school, work, shopping and recreation. Being transit-dependent, these residents with disabilities housing must be proximate to a fixed route bus stop. As such, there are many areas of Santa Fe that, even if affordable housing were available, the lack of transit access precludes residents with disabilities from living in the area.

- *"Most public benefits have been poorly located and uncoordinated. Our families still complain about going all the way out to edge of town on the rare bus to access SNAP, Medicaid, TANF, LIHEAP, etc. The best paying jobs I know of are in the state and school system." (Stakeholder survey respondent)*
- *"Political support for transit in areas that need it the most is growing, however, our bus system remains under-resourced in order to meet the need." (Stakeholder survey respondent)*

Accessing public infrastructure and public services. While none of the participants in the focus group had ambulatory or vision disabilities that require accessible features, none had experienced, when traversing Santa Fe with friends or family with physical disabilities, noticeable physical barriers to common destinations. The greater challenge is linked to transportation services where limited routes and limited frequency of buses makes accessing County-administered programs and services difficult. Open House participants identified a need for mental health services in the area around downtown Santa Fe. On average, stakeholders did not consider "lack of handicapped accessibility in public areas, including streets and sidewalks" to be a serious contributing factor to fair housing issues in Santa Fe (average rating of 5.4).



Summary of Contributing Factors

With respect to residents with disabilities access to opportunity for all and segregation for those ages 5 to 17 are the primary fair housing issues identified. Contributing factors include:

- Lack of affordable housing in outside of southwest Santa Fe;
- Lack of affordable housing in high opportunity and low poverty neighborhoods;
- Lack of case management or supportive services;
- Lack of landlords willing to accept Section 8 vouchers in general, and particularly in higher opportunity areas;
- Criminal history tenant screening policies by local landlords;
- Lack of access to transportation services to due to lack of or infrequent services to higher opportunity neighborhoods and destinations outside of core service areas (e.g., county social services office), limited hours and days of operation of some routes, lack of holiday service; and
- Lack of access to proficient schools.

SECTION VI.

Impediments, Assessment of Past Goals, and Fair Housing Actions

This section describes the impediments identified in the AI and outlines the goals and strategies that the city will implement to address the impediments. It begins with a discussion of past efforts—how Santa Fe has provided resources to agencies and organizations that assist in fair housing analysis and investigation.

Assessment of Past Efforts

Given the impediments identified in the 2011 AI, the city's efforts to address barriers have focused on improving access to fair housing information, enhancing resident knowledge of fair housing rights and empowering residents to take action when they perceive a fair housing violation. These efforts have included:

- Preparation of outreach materials regarding housing laws including the Federal Fair Housing Act, the New Mexico Uniform Owner Resident Relations Act (UORRA) and the state Mobile Home Act. The outreach materials consist of Fair Housing Frequently Asked Questions brochures in English and Spanish and a tenant rights "Novella," both in Spanish and English with ongoing distribution throughout the year. These are distributed predominantly in Spanish-speaking and lower income neighborhoods as well as through school liaisons with the Santa Fe Public Schools and community facilities throughout the city.
- In March 2016, the city hosted a fair housing consultant funded by the HUD Fair Housing Initiatives Program (FHIP) grant. This training was attended by 19 individuals representing several non-profit housing service providers in Santa Fe. The city also co-sponsored a training with the New Mexico Finance Authority for nonprofit partners; 30 people attended.
- The Office of Affordable Housing has reached out to the Santa Fe Public Schools to establish a distribution plan for fair housing materials. City staff met with the Communities and Schools New Mexico School Outreach Coordinators of 11 schools at their annual retreat to present fair housing activities and distribute literature. The OAH conducted an outreach campaign to educate the public about affordable housing and fair housing issues continues to distribute the Fair Housing Frequently Asked Questions brochure in Spanish along with the "Tino el Inquilino" Novella, a story in Spanish and English about a tenant who shares his own discrimination experiences with a group of acquaintances. Distribution is an ongoing effort to public schools, public libraries, city facilities, private non-profits and bilingual local businesses.

- The City of Santa Fe has committed funding or matched resources (meeting facilities), conditional on finalized budgets, to fair housing consultants to conduct fair housing training for lenders and apartment managers.

Efforts to address NIMBYism and lending disparities include:

- Community campaigns have been launched to support proposed high-density mixed affordable and market rate infill apartment developments.
- The city has site monitored three non-profit partners that provide downpayment assistance and home improvement loans to low-to moderate income households and has verified that lending occurred to LMI recipient households within the program year. The city's sub-recipient service providers offer varying degrees of credit counseling, homebuyer education classes and training in order for their clients to qualify for and receive loans.

Current Impediments and Action Items

This section of the AI identifies existing impediments to fair housing choice and recommends a Fair Housing Action Plan (Action Plan) to address the impediments.

The impediments identified through the AI research are presented below. These are organized in a manner consistent with HUD's new Assessment of Fair Housing (AFH) template:

- Impediments and disproportionate impact, where apparent; and
- Contributing factors to impediments.

Impediments to Fair Housing Choice--2016

Impediment No. 1. Lack of affordable housing located throughout Santa Fe is a major challenge to housing choice.

Disproportionate impact: According to stakeholders and residents, those most affected by affordable housing shortages include individuals who need supportive services (persons with mental illness, persons with disabilities), persons with disabilities transitioning out of institutions and nursing homes and other residents with relatively low incomes (new immigrants, refugees). Among the possible fair housing issues and contributing factors considered by stakeholders, the concentration of affordable housing in high-poverty low-opportunity areas is a very serious issue, rating this factor a 7.6 on a 10 point scale (with higher ratings indicating more serious issues).

Contributing factors:

- Landlords that accept Section 8 assistance are largely located in central Santa Fe, often in higher poverty areas, not higher opportunity areas. Survey respondents also identified landlords accepting Section 8 vouchers only in low opportunity areas as an issue (average rating of 7.5).

- NIMBYism exists high opportunity areas.
- Lack of well-paying and stable job opportunities affects the ability to pay for housing.
- Limited densities in certain areas of the city discourages or prevents development of multifamily housing.

Impediment No. 2. Some residents lack equal access to opportunity due to lower performing schools in high-poverty neighborhoods and lack of public transportation.

Disproportionate impact: The HUD provided Opportunity Indices show that Hispanic populations experience some of the lowest access to opportunity, particularly in the low poverty, school proficiency and labor market indexes.

Contributing factors: Lower school proficiency persists in high poverty schools.

According to stakeholders and residents, public transportation challenges include limited hours and days of operation of some routes, lack of holiday service, infrequent public transportation services to higher opportunity neighborhoods, as well as destinations outside of core service areas (e.g., county social services office, suggesting a disproportionate impact on persons with disabilities or mental illness needing services),

Impediment No. 3. Lack of fair housing information and supportive services is a challenge. The city has made great strides toward broadening the dissemination of fair housing information and improving resident awareness of fair housing rights. This AI found additional opportunities to improve due to (*contributing factors*):

- Lack a free landlord/tenant hotline.
- High subprime lending in the city's only R/ECAP, which disproportionately affects persons of Hispanic descent, Mexican immigrants and LEP residents.
- Lack of case management and supportive services, which affects housing choice because: 1) residents needing services paired with housing may not be able to live in all areas of the city, and 2) case managers can be critical in helping residents with special needs assess housing.

Fair Housing Action Item

We recommend the following action items for consideration:

- Consider adding Source of Income protection to the protected classes covered under the city's fair housing ordinance.
- Prioritize high opportunity areas as locations in which to develop mixed-income and affordable housing. Examine opportunities to leverage city-owned land to make development in these areas feasible.
- Make the recommended changes to the city's Land Development Code (LDC) to clarify definitions and create more opportunities for multifamily development.
- Continue fair housing education and outreach activities, focusing on those neighborhoods that this study has identified are R/ECAPS and lack access to opportunity. Expand these efforts to provide more landlord/tenant resources and housing information assistance through case managers who work with persons with disabilities, persons with mental illness, low income families and refugees/new immigrants.
- Provide fair housing education to internal city staff in other departments, including public transportation providers. Explore how to increase funding to expand public transportation access.
- Transition toward making housing and planning policy decisions through an "access to opportunity" lens.

Fair Housing Goals, Metrics and Milestones

The following matrix shows recommended fair housing goals, how the goal will address the contributing factor(s) and remedy fair housing issues, and metrics and milestones for determining what fair housing results will be achieved, as well as the timeframe for achievement.

GOALS/METRICS/MILESTONES - CITY OF SANTA FE

IMPEDIMENTS AND CONTRIBUTING FACTORS	PRIORITIZATION	FAIR HOUSING GOALS/ACTIVITIES	FAIR HOUSING PARTNERS	Short Term <1 Year; Medium Term 1-2 Years; Long Term >2 Years	MEASURABLE OUTCOMES/ACTION STEPS
1. Lack of affordable housing located throughout Santa Fe is a major challenge to housing choice.	High	Add/develop Source of Income protection to the protected classes covered under the city's fair housing ordinance.	City of Santa Fe	Short/Medium Term	Review and amend Section 26-4 of the City's Fair Housing Code where needed.
		Prioritize high opportunity areas as locations in which to develop mixed-income and affordable housing. Examine opportunities to leverage city-owned land to make development in these areas feasible.	City of Santa Fe	Medium/Long Term	Measure job growth utilizing local economic development data and report on number of jobs increased in Santa Fe City/County and in what sectors.
		Make the recommended changes to the city's Land Development Code (LDC) to clarify definitions and create more opportunities for multifamily development.	City of Santa Fe	Medium to Long Term	7% of land is City owned; analyze the City owned parcel list and report on multi-family zoning feasibility
2. Some residents lack equal access to opportunity due to lower performing schools in high-poverty neighborhoods and lack of public transportation.	High	Provide fair housing education to internal city staff in other departments, including public transportation providers. Explore how to increase funding to expand public transportation access.	City of Santa Fe	Medium Term	Office of Affordable Housing and transit division will map out opportunities for expansion of transit routes; provide annual fair housing training to internal city staff
3. Lack of fair housing information and supportive services is a challenge.	High	Continue fair housing education and outreach activities, focusing on those neighborhoods that this study has identified are R/ECAPS and lack access to opportunity. Expand these efforts to provide more landlord/tenant resources and housing information assistance through case managers who work with persons with disabilities, persons with mental illness, low income families and refugees/new immigrants.	City of Santa Fe	Short to Medium Term	Fund a free landlord/tenant hotline; address disproportionate subprime lending; work with service providers to expand more case management and supportive services.