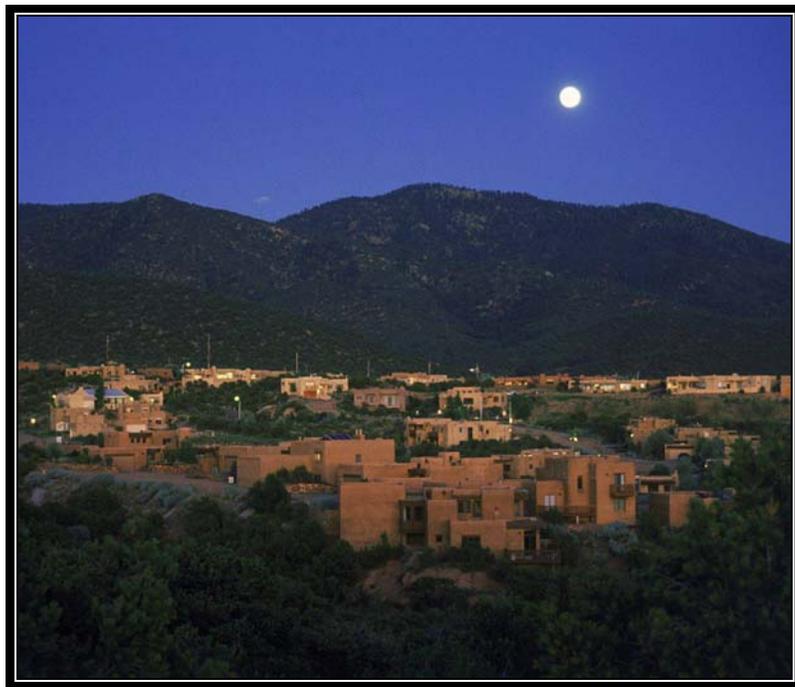


**Final Report**

# **Analysis of Impediments to Fair Housing Choice**

**City of Santa Fe, New Mexico**



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**Final Report**

December 15, 2011

**Santa Fe Analysis of Impediments  
to Fair Housing Choice**

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- B. 2004 AI Findings and Action Plan

**SECTION I.**  
**Introduction**

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# SECTION I.

## Introduction

This document is the 2011 Analysis of Impediments to Fair Housing Choice (AI) for the City of Santa Fe (city). This report is an update to the AI that was conducted for the City of Santa Fe in 2004. The primary findings from the 2004 AI and recommended actions to address identified impediments are located in Appendix B.

### Analysis of Impediments Background

An Analysis of Impediments to Fair Housing Choice, or 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 the City of Santa Fe to receive federal housing and community development block grant funding<sup>1</sup>.

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 guidance.** HUD has recently released brief guidance to communities about the department's expectations of AIs. In this guidance, HUD clarifies that "affordable housing, in and of itself, is not an impediment to fair housing unless it creates an impediment to housing choice because of membership in a protected class."

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<sup>1</sup> The city is also required to submit a Consolidated Plan for Housing and Community Development and an annual performance report to receive funding each year. These reports were prepared separately from the AI and are available from the city.

HUD further defines fair housing choice as “the ability of persons of similar incomes to have available to them the same housing choices regardless of race, color, religion, sex, disability, familial status or national origin. Policies, practices or procedures that appear neutral on their face but operate to deny or adversely affect the provisions of housing to persons (in any particular protected class) may constitute such impediments.”

This report is an update to the City of Santa Fe’s 2004 AI. This update was prepared by BBC Research & Consulting (BBC) of Denver. BBC is an economic research and consulting firm with a specialty in housing studies, including fair housing.

## **Fair Housing Acts and Ordinance**

**Federal Fair Housing Act.** The Federal Fair Housing Act, passed in 1968 and amended in 1988, prohibits discrimination in housing on the basis of race, color, national origin, religion, gender, familial status and disability. The Fair Housing Act covers most types of housing including rental housing, home sales, mortgage and home improvement lending, and land use and zoning. Excluded from the Act are owner-occupied buildings with no more than four units, single family housing sold or rented without the use of a real estate agent or broker, housing operated by organizations and private clubs that limit occupancy to members, and housing for older persons.<sup>2</sup>

HUD has the primary authority for enforcing the Fair Housing Act. HUD investigates the complaints it receives and determines if there is a “reasonable cause” to believe that discrimination occurred. If reasonable cause is established, HUD brings the complaint before an Administrative Law Judge. Parties to the action can also elect to have the trial held in a federal court (in which case the Department of Justice brings the claim on behalf of the plaintiff).<sup>3</sup>

**State fair housing law.** In 1969, New Mexico passed the New Mexico Human Rights Act (NMHRA) which prohibits discrimination in the rental, assignment, lease, or sublease of housing.<sup>4</sup> In addition to prohibiting, as the federal law does, discrimination on the basis of race, religion, color, national origin, sex, and physical or mental handicap (provided that the handicap is unrelated to the person's ability to acquire or rent and maintain the housing), the NMHRA was amended in 2003 to also prohibit discrimination on the basis of ancestry, sexual orientation, gender identity, and spousal affiliation. The state statute assigns claims alleging violations of the NMHRA to the State’s Human Rights Division (HRD) and the District Court’s jurisdiction to hear.

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<sup>2</sup> This is a very general description of the Fair Housing Act and the actions and properties covered by the Act. For more detailed information on the Fair Housing Act, please see the full text, which can be found on the U.S. Department of Justice’s website, [www.usdoj.gov/crt/housing/title8.htm](http://www.usdoj.gov/crt/housing/title8.htm).

<sup>3</sup> “How Much Do We Know? Public Awareness of the Nation’s Fair Housing Laws”, The U.S. Department of Housing and Urban Development, Office of Policy and Research, April 2002.

<sup>4</sup> The NMHRA exempts certain types of housing from its coverage based on whether the housing is public or private: (1) In public housing, a tenant may only be evicted for “good cause.” Good cause is usually a major lease violation, such as non-payment of rent, or repeated minor lease violations, such as loud parties, (2) in some public housing programs, tenants have additional rights, such as more time in an eviction notice, a right to comment or have a grievance hearing before an eviction lawsuit is brought, and a right to have the eviction approved by a housing authority before an eviction suit is brought, (3) in addition to rights granted under New Mexico law, public housing tenants may have grievance rights to a housing authority or government agency if repairs are not made, and (4) the possession or use of illegal drugs is not tolerated in public housing and is grounds for immediate eviction.

**City ordinance.** 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. In addition, the Ordinance prohibits discrimination based on sexual orientation (which is not protected by the FHA).

## **Methodology**

BBC's approach to the City of Santa Fe' AI was based on the methodologies recommended in HUD's [Fair Housing Planning Guide, Vol. I](#), our experience conducting AIs for other cities, and the specific needs of the city according to project managers. The workscope consisted of the following:

**Public participation.** The public input portion of the AI included the following elements:

- A resident survey distributed online and on-paper—103 residents responded. The survey was available online and on paper and was promoted by city staff and stakeholders. A Spanish language version was distributed to social service and housing providers;
- An online stakeholder survey promoted by city staff—24 housing and social service professionals responded; and
- Focus groups and in-depth interviews with service providers, housing developers and lenders—12 individuals participated.

**Zoning, land use and housing policy review.** BBC reviewed city zoning, land use and planning and housing policies, including those of the local housing authority, for any potential barriers to fair housing and fair housing concerns.

**Analysis of demographic, housing and lending data.** In this task, data on mortgage lending approvals, subprime mortgages (from Home Mortgage Disclosure Act or HMDA data), income distribution, race and ethnicity, disability and affordable housing opportunities, recent legal cases and fair housing complaints were analyzed to detect potential discriminatory patterns.

**Identification of impediments.** In this task, we compiled the fair housing concerns identified through public participation, data analysis and review of land use policies into impediments to fair housing choice.

**Actions to address past and current impediments.** In this final task, BBC developed a recommended Fair Housing Action Plan (FHAP) for the city to use to address unresolved impediments from the 2004 AI and impediments identified in the current AI update.

## **Report Organization**

The balance of the 2011 AI contains five sections:

- **Section II. Community and Housing Profile**—This section reviews the demographics and housing market in Santa Fe and contains the required maps showing ethnic and income concentrations.

- **Section III. Land Use**—This section reviews city policies related to production of affordable housing. It also examines zoning and land use regulation compliance with aspects of the Federal Fair Housing Act. Finally, the section reviews key policies of the Santa Fe Civic Housing Authority.
- **Section IV. Public Input**—This section contains the results of the surveys and focus groups conducted for the AI.
- **Section V. Fair Lending and Complaints**—This section contains an analysis of complaint data and mortgage lending data; and
- **Section VI. Fair Housing Impediments and Action Plan**—This final section summarizes the primary findings from the AI research and recommends a Fair Housing Action Plan to address the impediments.

Appendix A contains the open-ended responses to the survey instruments distributed as part of the study. The responses are presented as received, without editing or changes to wording. Appendix B contains the findings and recommended Fair Housing Action Plan from the 2004 AI.

**SECTION II.**  
**Community and Housing Profile**

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## **SECTION II.**

# **Community and Housing Profile**

This section provides a community and housing profile for the City of Santa Fe. It includes the race/ethnicity and income concentration maps required by HUD for AIs.

The U.S. Census began a limited release of information collected as part of the 2010 Census in the spring of 2011. 2010 Census data are referenced when possible in this report.

Additional data sources include the following:

- ▶ Census American Community Survey (ACS) 2009 1-year estimates;
- ▶ Census ACS 2005-2009 5-year estimates;
- ▶ 2000 Census;
- ▶ Claritas, a commercial data estimates provider;
- ▶ The City of Santa Fe May 2007 Housing Needs Assessment; and
- ▶ Unemployment rates and Quarterly Census of Employment and Wage (QCEW) data from the Bureau of Labor Statistics (BLS).

### **Summary**

- Unlike many cities in the country, Santa Fe's percentage of persons of Hispanic descent changed little during the past decade: Overall, nearly 49 percent of Santa Fe residents identified themselves as Hispanic, up just one percentage point from 2000. Santa Fe has many Block Groups with Hispanic concentrations, mostly in the southwest portion of the city.
- Santa Fe's population growth between 2000 and 2010 was more strongly defined by an increase in Baby Boomers. The city's non-Hispanic, White population is, on average, 20 years older than its Hispanic population. In sum, Santa Fe is now a city of older, non-Hispanic Whites and younger persons of Hispanic descent.
- Seven percent of all households in Santa Fe are "linguistically isolated," meaning no member of the household 14 years and older speaks English only or speaks English "very well. Twenty percent of all Spanish-speaking households and 22 percent of Asian and Pacific Island language households were linguistically isolated.
- Seventy-five percent of households in Santa Fe earn less than \$75,000 annually. Eleven percent of Santa Fe residents live in poverty, which is lower than the state average. Thirteen percent of Hispanic residents are living in poverty compared with 9 percent of non-Hispanic White residents. Eighteen percent of people living in poverty had a disability.

- An examination of the concentration of persons of Hispanic descent, low income households, persons with disabilities and single parent households revealed ethnic concentrations and, to a much lesser extent, concentrations of persons with disabilities and low income households. These concentrations are most evident in the southwest portion of the city.
- Overall, Santa Fe maintains a low unemployment rate (7 percent) and high wages relative to the state of New Mexico as a whole. Santa Fe’s wages have recently trailed the U.S average, but are higher than the state average. Per employment data from 2010, the average annual wage for the private sector in Santa Fe was \$38,692, compared with \$46,451 in the U.S. and \$37,921 in New Mexico.
- Renters in Santa Fe have seen their purchasing power increase slightly during the past decade. The city’s median rent was more affordable in 2009 than 2000, even after adjusting for inflation.
- In contrast, homes to buy in Santa Fe are much less affordable now than they were in 2000, even with the housing market downturn. The median home value in 2000 was \$182,800, compared to approximately \$306,400 in 2009, which equates to a 68 percent increase in home values in less than 10 years.
- Although the housing market has softened since the city’s 2007 Housing Needs Assessment was completed, many of these needs are likely to still exist due the economic downturn. In many high cost markets, prices have not dropped significantly enough to adequately address affordability needs.

**Demographic Analysis**

This section discusses the city’s population level and growth, as well as the income, racial/ethnic, household composition, disability and educational attainment characteristics of its residents.

**Population.** The 2010 U.S. Census reports that Santa Fe has a population of 67,947 residents. The city has experienced modest population growth in the last 10 years adding approximately 5,700 residents since 2000, an increase of nine percent. This is somewhat lower than the 11 percent total growth between 1990 and 2000. Figure II-1 displays the city’s population growth over the last 20 years.

**Figure II-1.  
Total Population,  
City of Santa Fe,  
1990, 2000, 2010**

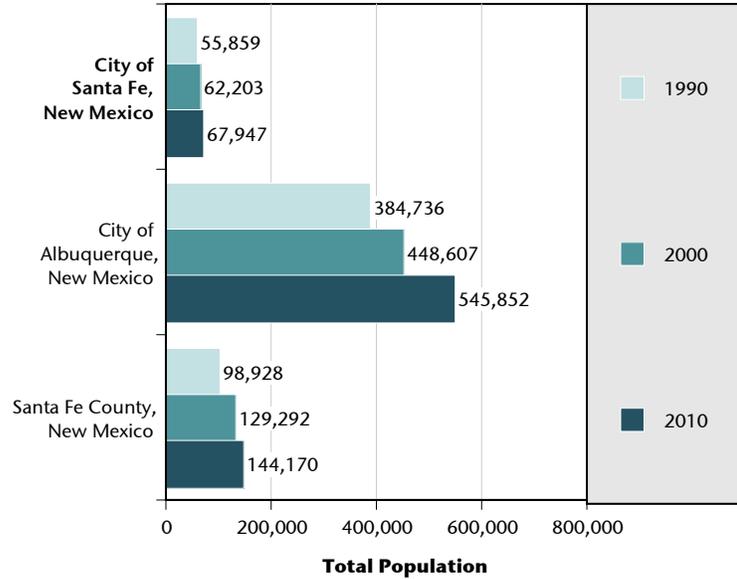
Source:  
1990, 2000 and 2010 U.S. Census.

	Population	Percent Total Growth from Previous Decade	Compound Annual Growth Rate from Previous Decade
1990	55,859		
2000	62,203	11.4%	1.08%
2010	67,947	9.2%	0.89%

Santa Fe’s population share of the county remained relatively stable over the last decade (47 percent in 2010 and 48 percent in 2000) after falling from 56 percent in 1990. New Mexico as a whole experienced more growth than both the city and the county—increasing from 1.82 million in 2000 to 2.03 million in 2010 (13 percent total growth). Albuquerque, which grew by almost 100,000 residents (22 percent), alone accounts for much of the overall state growth.

**Figure II-2.**  
**Total Population, Cities of**  
**Santa Fe and Albuquerque,**  
**and County of Santa Fe**  
**1990 to 2010**

Source:  
 1990, 2000 and 2010 U.S. Census.



**Race and ethnicity.** The U.S. Census Bureau treats race and ethnicity separately. The Bureau does not classify Hispanic/Latino as a race, but rather as an identification of origin and ethnicity. Figure II-3 shows the racial and ethnic distribution of Santa Fe’s residents in 2000 and 2010.

**Figure II-3.**  
**Race and Ethnicity,**  
**City of Santa Fe, 2010**

Source:  
 2000 and 2010 U.S. Census.

	2000		2010	
	Total	Percent	Total	Percent
<b>Total population</b>	<b>62,203</b>	<b>100%</b>	<b>67,947</b>	<b>100%</b>
<b>Race</b>				
American Indian and Alaska Native	1,373	2.2%	1,422	2.1%
Asian	791	1.3%	980	1.4%
Black or African American	409	0.7%	689	1.0%
Native Hawaiian and Other Pacific Islander	49	0.1%	47	0.1%
White	47,459	76.3%	53,607	78.9%
Some Other Race	9,508	15.3%	8,670	12.8%
Two or More Races	2,614	4.2%	2,532	3.7%
<b>Total</b>	<b>62,203</b>	<b>100%</b>	<b>67,947</b>	<b>100%</b>
<b>Ethnicity</b>				
Hispanic	29,744	47.8%	33,089	48.7%
Non-Hispanic	32,459	52.2%	34,858	51.3%
<b>Total</b>	<b>62,203</b>	<b>100%</b>	<b>67,947</b>	<b>100%</b>

The racial and ethnic composition of the city's population changed little between 2000 and 2010. Seventy-nine percent of Santa Fe's population consider themselves racially White, compared to 76 percent in 2000. The next largest category was "Some Other Race" at 13 percent of residents, most of who also responded as Hispanic (8,488 of 8,670). American Indian and Alaska Natives are the next largest minority in Santa Fe and comprise two percent of the city's population.

Unlike many cities in the country, the proportion of Hispanics in Santa Fe changed little. Overall, nearly 49 percent of Santa Fe residents identified themselves as Hispanic, up just one percentage point from 2000.

Of the Hispanic residents, 43 percent were of Mexican descent and 56 percent were categorized as "Other Hispanic or Latino," which included people from the Dominican Republic, Spain, Spanish-speaking Central or South American countries, and others reporting themselves as Latino or Hispanic.

**Ethnic concentration.** One of the key components of fair housing analysis is an examination of the concentration of racial and ethnic minorities within a jurisdiction to detect evidence of segregation. In some cases, minority concentrations are a reflection of preferences—e.g., minorities may choose to live where they have access to grocery stores or restaurants that cater to them. In other cases, minority populations are intentionally steered away or discouraged from living in certain areas. Housing prices can also heavily influence where minorities live.

The following maps display the geographic distribution of residents by race and ethnicity in Santa Fe. Concentration analysis was done for the Hispanic population compared with the non-Hispanic White population in Santa Fe.

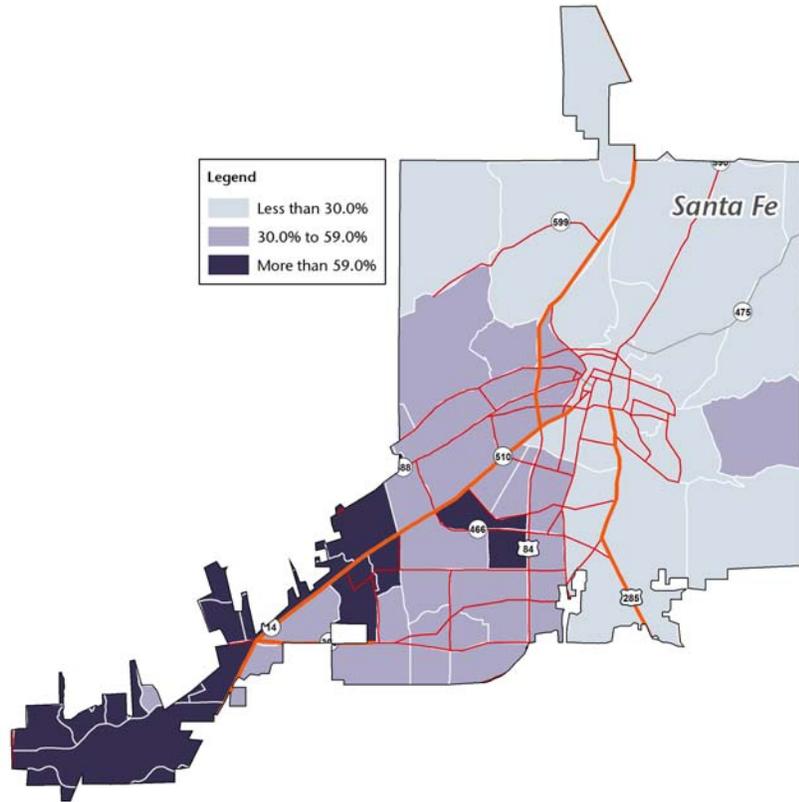
For the purposes of this study, concentrations represent areas where persons of a particular race or ethnicity comprise a larger proportion of the population than the community overall. To align with HUD's definition of "disproportionate need," concentrations occur when the percentage of residents of a particular racial or ethnic group is 10 percentage points or more than the community-wide average. Since the overall Hispanic population in Santa Fe is 49 percent, a Block Group that is at least 59 percent Hispanic contains a concentration.

Figure II-4 shows where concentrations of persons of Hispanic descent occur in Santa Fe. These are largely located in the southwest portion of the city and along major corridors.

It is important to note that the city has many Block Groups where between 30 and 59 percent of the tract population is Hispanic, which lessens the acuteness of the overall concentrations in the city. That is, although the city has a handful of Block Groups where more than 59 percent of residents are Hispanic, most Block Groups have large proportions of Hispanic residents (between 30 and 59 percent)—which suggests a good dispersion of ethnicity.

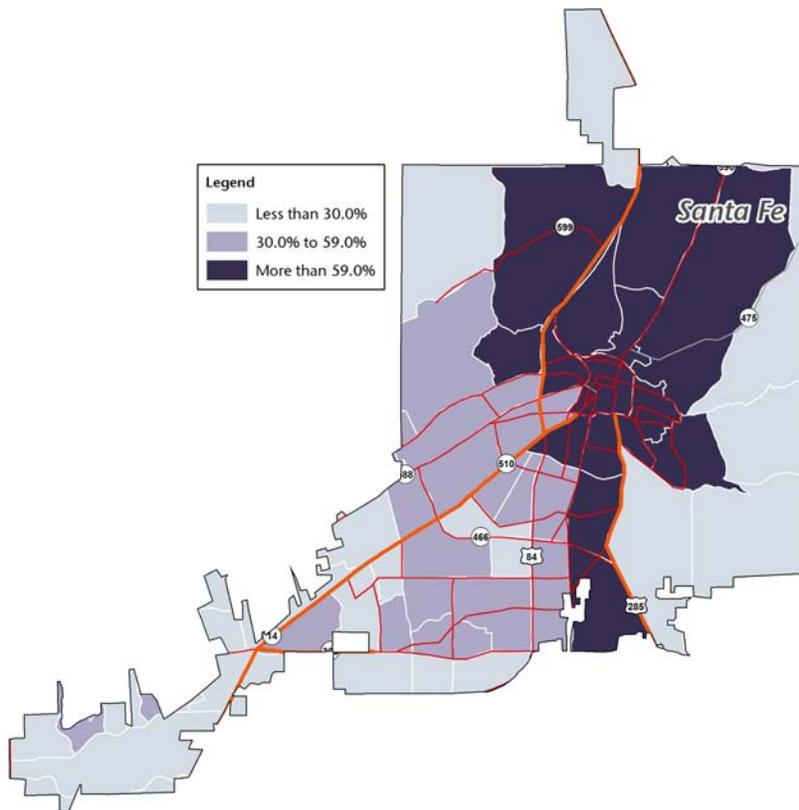
**Figure II-4.**  
**Percent of Block Group Population that is Hispanic, City of Santa Fe, 2010**

Source:  
2010 U.S. Census.



**Figure II-5.**  
**Percent of Block Group Population that is non-Hispanic White, City of Santa Fe, 2010**

Source: 2010 U.S. Census.



**Age.** According to the 2010 Census, the median age of residents in the City of Santa Fe is 44, approximately seven years older than the state and national median ages which are both 37. The median age for Hispanic or Latino residents of Santa Fe is 35, while median age for non-Hispanic White residents is 54—about 20 years older. Figure II-6 presents the age distribution of the Santa Fe population by cohort in 2000 and 2010.

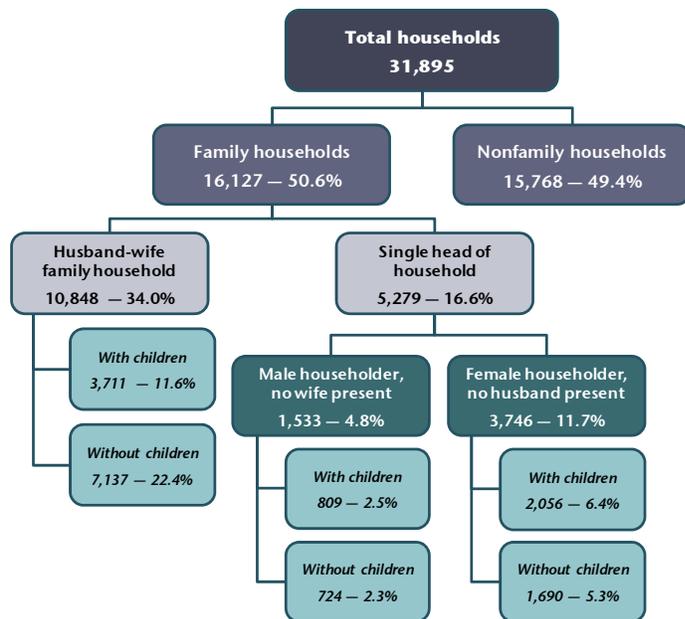
**Figure II-6.**  
**Distribution of Population by Age, City of Santa Fe, 2010**

Age Cohort	2000		2010		2000-2010 Growth
	Number	Percent	Number	Percent	
17 and Under	12,614	20.3%	12,817	18.9%	1.6%
Age 18 to 24	5,508	8.9%	5,100	7.5%	-7.4%
Age 25 to 34	8,497	13.7%	8,326	12.3%	-2.0%
Age 35 to 44	9,512	15.3%	8,576	12.6%	-9.8%
Age 45 to 54	10,741	17.3%	9,901	14.6%	-7.8%
Age 55 to 64	6,683	10.7%	11,279	16.6%	68.8%
Age 65 to 74	4,542	7.3%	6,687	9.8%	47.2%
Age 75 and over	4,106	6.6%	5,261	7.7%	28.1%
<b>Total</b>	<b>62,203</b>	<b>100%</b>	<b>67,947</b>	<b>100%</b>	<b>9.2%</b>

Source: 2010 U.S. Census.

Residents under the age of 18 are the largest cohort in the city, representing 19 percent of the population. The second largest cohort consists of residents aged 55-64 at nearly 17 percent of the population. This group was also the fastest growing (69 percent increase) over the last decade. The other cohorts that experienced substantial growth were residents aged 65-74 (47 percent increase) and those aged 75 and over (28 percent increase). All cohorts between the ages of 18 and 54 decreased in population.

**Figure II-7.**  
**Household Composition, City of Santa Fe, 2010**



Note: Due to rounding, percentages may not appear to aggregate correctly.

Source: 2010 US. Census.

**Household composition.**

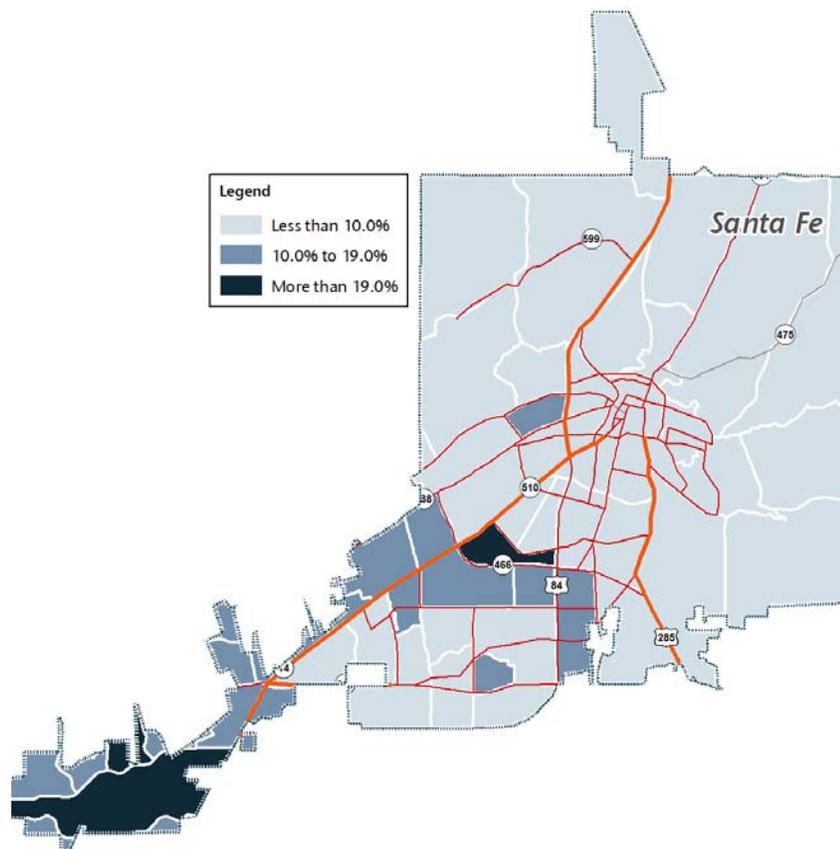
According to the 2010 Census, there are approximately 31,895 households in Santa Fe. Forty-nine percent of those households are non-family households, which includes unrelated persons living together or individuals living alone. The remaining 51 percent of households are family households. The average household size is 2.1 and the average family size is 2.85. Figure II-7 displays the city's 2010 household composition.

Familial status is a protected class under fair housing law and, in many communities, one of the most common reasons for fair housing complaints. In Santa Fe, 17 percent of fair housing complaints were related to familial status; this was the third most common reason for complaints. Single parent households are particularly vulnerable to fair housing discrimination and often have fewer choices in the housing market because of their lower income levels.

Approximately 9 percent of households in Santa Fe are comprised of single parent households. Using the same definition of concentration as in the ethnicity maps, Figure II-8 shows concentrations of single parent households in Santa Fe. A concentration of single parent households lies in the far southwest Block Group and in one south central Block Group.

**Figure II-8.**  
**Percent Single Parent**  
**Households, City of**  
**Santa Fe, 2010**

Source:  
2010 US. Census.



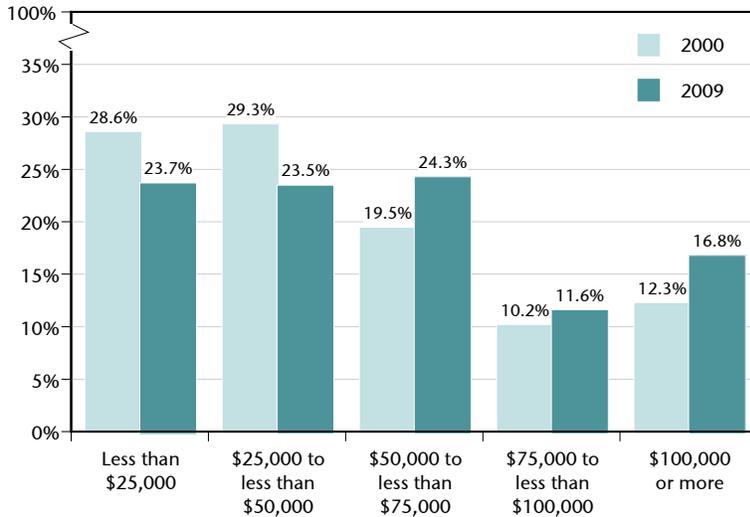
**Linguistic isolation.** The ACS 2005-2009 five-year estimates provides the most recent linguistic isolation data for the City of Santa Fe. Linguistically isolated households are defined as households where no member of the household 14 years and older speaks English only or speaks English “very well.” In Santa Fe, 1,976 households (7 percent) are linguistically isolated. Twenty percent (1,819) of all Spanish-speaking households and 22 percent (68) of Asian and Pacific Island language households were linguistically isolated.

**Income and poverty.** The ACS 2009 1-year estimate provides the most recent income information on Santa Fe’s households and families.<sup>1</sup> Median household income increased by 24 percent between 2000 and 2009, lagging just behind inflation which was 25 percent over the same period.

Figure II-9 displays the household income distribution in the city in 2000 and 2009. Nearly one quarter of all households in the city earned less than \$25,000 per year in 2009. This was improved from 2000, when almost 30 percent of households earned less than \$25,000. The city’s income distribution has shifted upwards since 2000.

**Figure II-9.  
Household Income  
Distribution, City of  
Santa Fe, 2000  
and 2009**

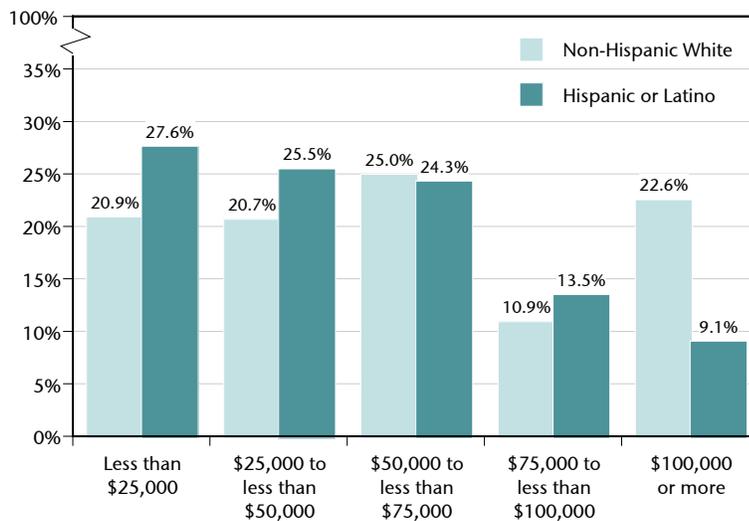
Source:  
2000 U.S. Census and American  
Community Survey 2009 1-year estimate.



In 2009, the median income for Hispanic or Latino households was \$47,392 compared with \$56,561 for non-Hispanic White households. Figure II-10 displays the difference in household income for these two groups. As the figure demonstrates, persons of Hispanic descent are more likely to have lower incomes and much less likely to earn more than \$100,000.

**Figure II-10.  
Household Income  
Distribution by Ethnicity,  
City of Santa Fe, 2009**

Source:  
American Community Survey  
2009 1-year estimate.



<sup>1</sup> At the time the report was written, information about housing and family income for Santa Fe residents was not available in the 2010 U.S. Census.

Area Median Income (AMI) is used by the city to qualify households for various housing programs. According to HUD, the AMI for Santa Fe in 2010 was \$66,900 (based on a household size of four). The following classifications utilize AMI to define income levels according to HUD’s categorization:

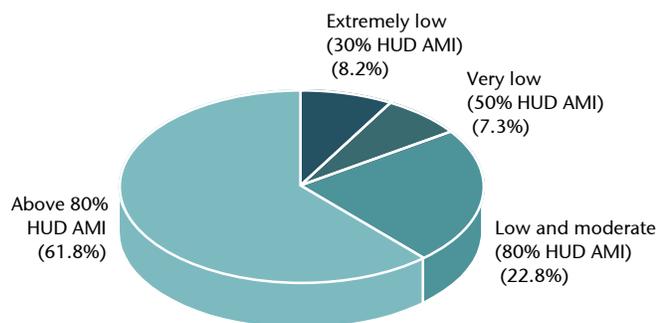
- Extremely low—30 percent and less of AMI (\$20,070 and less);
- Very low—31 to 50 percent of AMI (\$20,071 to \$33,450);
- Low and moderate—51 to 80 percent of AMI (\$33,451 to \$53,520);
- Above low and moderate—80 percent and above of AMI (more than \$53,520);

Figure II-11 shows the percentage of Santa Fe families within each AMI category. The largest proportion of families in Santa Fe — 62 percent — were considered “above low and moderate income,” earning more than \$53,520. These families would likely not qualify for HUD-funded programs. Twenty three percent of families have “low and moderate” income and the remaining 15 percent of families were evenly split between the “very low” and “extremely low” HUD categories.

**Figure II-11.**  
**Family Income Distribution by HUD AMI, City of Santa Fe, 2010**

Note:  
Assumes family income distribution has not changed since 2009.

Source:  
American Community Survey 2009  
1-year estimate.



According to the ACS, 11 percent of Santa Fe residents live in poverty. For almost all age groups and household types, Santa Fe has a lower poverty rate than the state average. Thirteen percent of Hispanic residents are living in poverty compared with 9 percent of non-Hispanic White residents. Eighteen percent of people living in poverty had a disability. One quarter of Santa Fe residents living in poverty are under the age of 18.

**Figure II-12.**  
**Age Distribution of Residents Living in Poverty, City of Santa Fe, 2009**

Source:  
American Community Survey 2009  
1-year estimate.

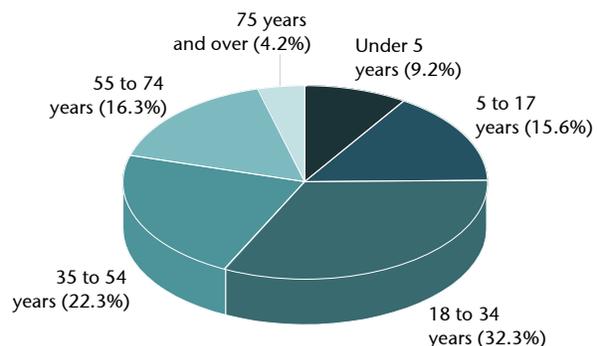


Figure II-13 shows where low income households reside in Santa Fe using 2010 data from Claritas. In the absence of updated Census data on poverty, households earning \$25,000 or less represent low income households. Figure II-14 shows the distribution of housing choice vouchers in the city, which includes Housing Choice as well as special voucher programs. As the maps demonstrate, low income households and vouchers are fairly well distributed throughout the city.

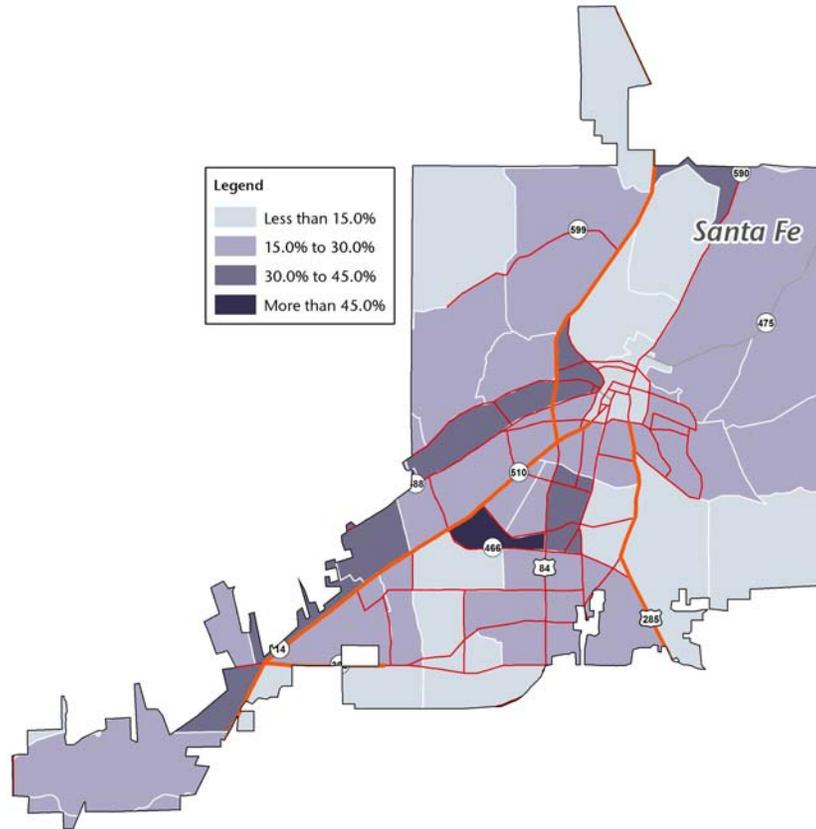
**Figure II-13.  
Percent Low Income  
Households, City of  
Santa Fe, 2010**

Note:

2010 Census data not available for income. Annual household income less than \$25,000 used as a proxy for low income.

Source:

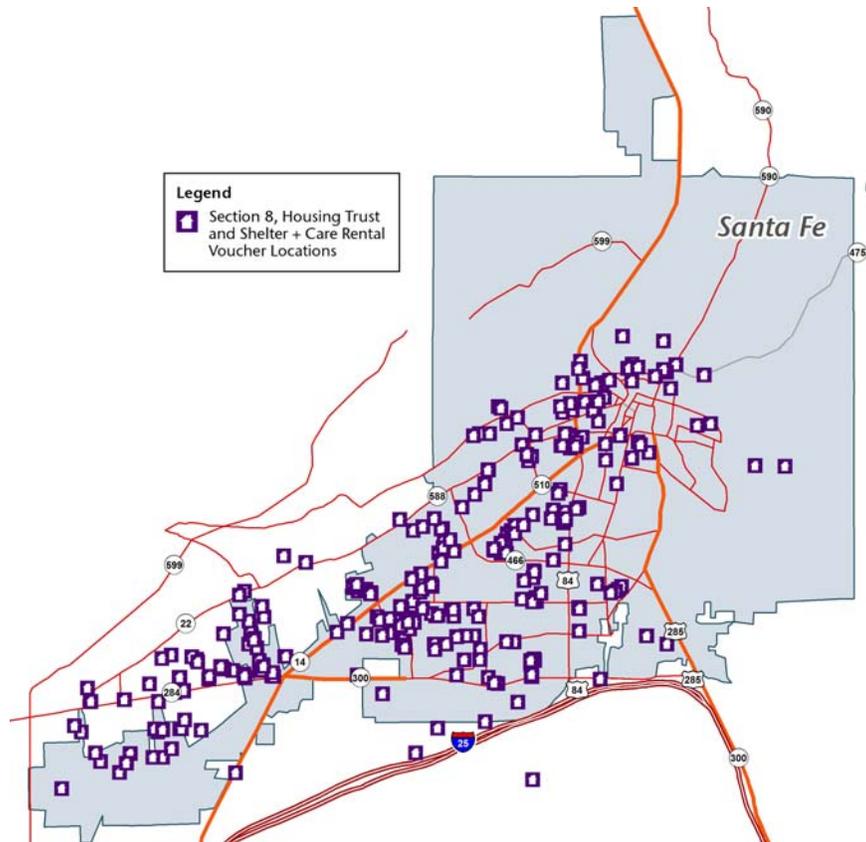
Claritas 2010.



**Figure II-14.  
Location of Housing  
Choice Voucher  
Holder Residences**

Source:

Santa Fe Civic Housing Authority,  
Life Link and The Housing Trust.



**Disability.** The Census defines a person with a disability as having a “long-lasting physical, mental or emotional condition, which can make it difficult for a person to do activities such as walking, climbing stairs, dressing, bathing, learning or remembering.” Moreover, “this condition can also impede a person from being able to go outside the home alone or to work at a job or business.”<sup>2</sup>

Persons with disabilities may require housing that has accessibility features, is near public transit and supportive services and is affordable, if their ability to work is limited. Persons with disabilities are also at greater risk of experiencing housing discrimination, often times due to a lack of knowledge about laws governing accommodations for persons who are disabled. Indeed, 39 percent of fair housing complaints filed in Santa Fe (about 6 complaints in the past 6 years) were related to discrimination based on disability.

According to the ACS, 15 percent of Santa Fe residents over the age of 5 had a disability in 2009. Figure II-15 displays disability status by age cohort for the city. The incidence of disability is highest for people over the age of 65. Santa Fe’s total incidence of disability was higher than the national average of 12 percent, partly due to its relatively large portion of residents over the age of 65.

**Figure II-15.**  
**Disability Status for the Population 5 Years Old or More, City of Santa Fe, 2009**

Source:  
American Community Survey 2009 1-year estimate.

Age Group	Disability			Percent of Age Group
	1 type	2 types	Total	
Aged 5 to 17	275	264	539	6.0%
Aged 18 to 34	713	714	1,427	8.0%
Aged 35 to 64	2,515	1,970	4,485	14.3%
Aged 65 to 74	1,010	703	1,713	25.9%
Aged 75 and over	429	1,655	2,084	46.4%
<b>Total</b>	<b>4,942</b>	<b>5,306</b>	<b>10,248</b>	<b>14.8%</b>

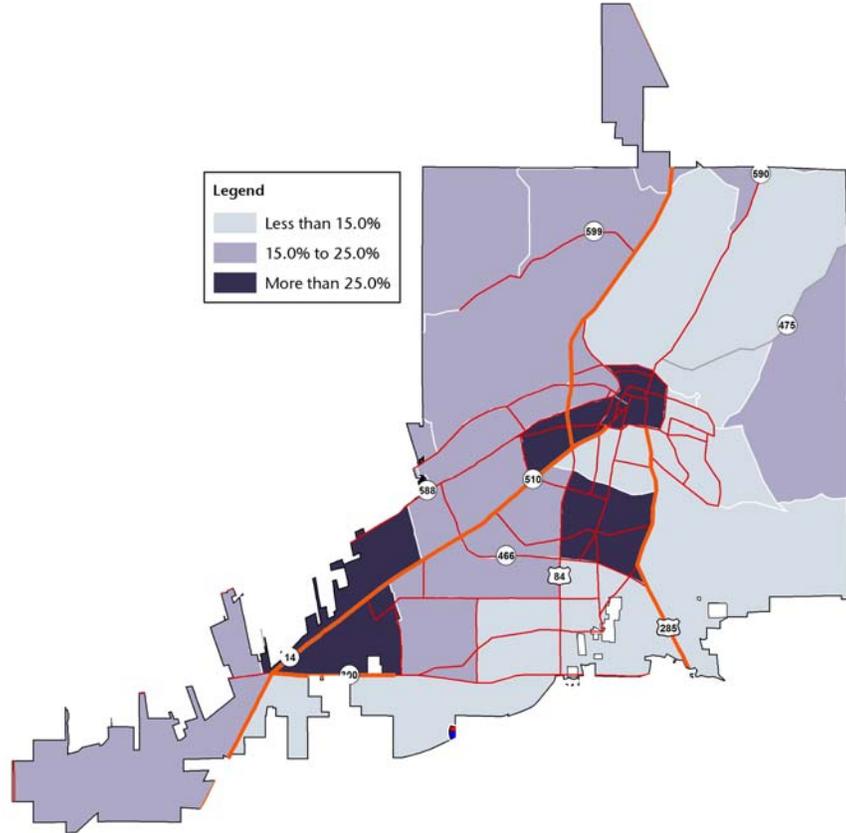
Figure II-16 uses 2000 Census data at the Census Tract level to examine geographic concentrations of persons with disabilities in the city.<sup>3</sup> Concentrations are defined as areas where 25 percent or more of the total population of a Census tract reported having a disability. Concentrations of persons with disabilities appear in the central and southwest portions of the city. There are many Census Tracts in which 15 to 25 percent of residents have a disability. These are not “concentrated” by the concentration definition used in this report (see page 4), but contain an above-average percentage of disabled residents, demonstrating that persons with disabilities reside throughout the city.

<sup>2</sup> Definition taken from the Census glossary.

<sup>3</sup> Data by Census Block Group were not available for all Block Groups in the city. Disability data from the 2010 Census had not been released at the time this report was written.

**Figure II-16.**  
**Percent of Residents**  
**with Disabilities,**  
**City of Santa Fe,**  
**2000**

Source:  
 2000 U.S. Census.



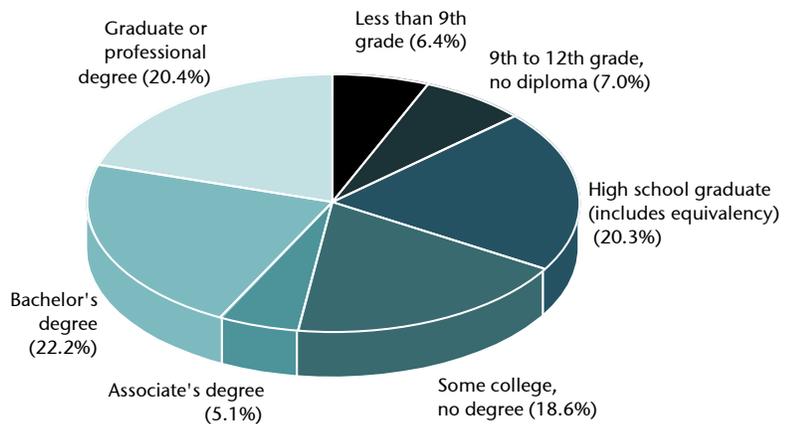
**Employment Analysis**

The following analysis considers unemployment, job distribution and wages for the City of Santa Fe. Overall, Santa Fe maintains a low unemployment rate and high wages relative to the state of New Mexico as a whole.

**Education.** Relative to national and state averages, the City of Santa Fe is very well educated. Forty-two percent of residents over the age of 25 are college graduates and one in five residents has a graduate or professional degree.

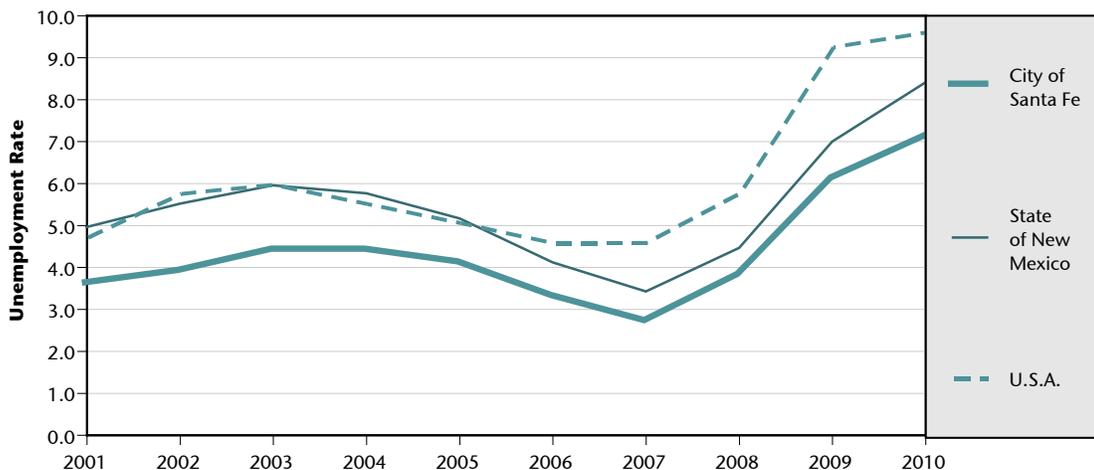
**Figure II-17.**  
**Education Attainment**  
**for the Population 25**  
**Years Old or More, City of**  
**Santa Fe, 2009**

Source:  
 American Community Survey 2009  
 1-year estimate.



**Unemployment rates.** Over the past decade, unemployment rates in Santa Fe have followed state and national fluctuations but at a consistently lower level. In 2009, U.S. unemployment jumped to 9 percent, increasing by over 3 percentage points from the previous year. The City of Santa Fe also experienced a substantial increase, reaching 6 percent unemployment in 2009 and 7 percent in 2010.

**Figure II-18.**  
**Unemployment Rates, City of Santa Fe, New Mexico and the U.S., 2001 to 2010**



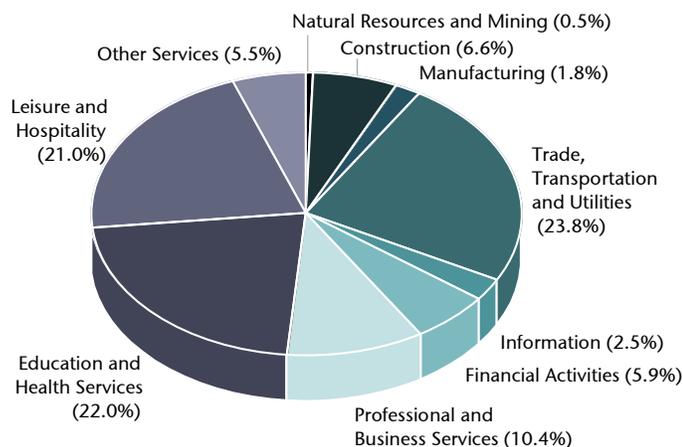
Source: Bureau of Labor Statistics.

**Jobs.** According to the Bureau of Labor Statistics and its Quarterly Census of Employment and Wages (QCEW), Santa Fe had 60,544 jobs in 2010. Seventy percent of those jobs (42,450) were in the private sector, and the remaining jobs were in the government sector.

Figure II-19 displays the private sector employment distribution for the City of Santa Fe. The city's largest employment sector is trade, transportation and utilities (24 percent of all private sector jobs), followed closely by education and health services (22 percent) and leisure and hospitality (21 percent).

**Figure II-19.**  
**Private Sector Employment Distribution, City of Santa Fe, 2010**

Source:  
Bureau of Labor Statistics QCEW.



Of the largest three sectors, education and health services is the highest paying sector with an average annual wage of \$43,793.<sup>4</sup> Of all sectors, the financial sector pays the highest average wage (\$79,818) and leisure and hospitality offers the lowest wage (\$22,127).

**Figure II-20.**  
**Private Sector**  
**Average Employment**  
**and Average Wages,**  
**City of Santa Fe, 2010**

Note:  
 Average annual wages assume full-time employment and a 52-week work year.

Source:  
 Bureau of Labor Statistics QCEW.

Industry	Percent of Total Employment	Average Weekly Wage	Average Annual Wage
Natural Resources and Mining	0.5%	\$ 885	\$ 46,014
Construction	6.6%	\$ 660	\$ 34,315
Manufacturing	1.8%	\$ 697	\$ 36,247
Trade, Transportation, and Utilities	23.8%	\$ 620	\$ 32,235
Information	2.5%	\$ 866	\$ 45,052
Financial Activities	5.9%	\$ 1,535	\$ 79,818
Professional and Business Services	10.4%	\$ 1,028	\$ 53,433
Education and Health Services	22.0%	\$ 842	\$ 43,793
Leisure and Hospitality	21.0%	\$ 426	\$ 22,127
Other Services	5.5%	\$ 621	\$ 32,315

Overall, Santa Fe’s wages have recently trailed the U.S average, but are higher than average in the state of New Mexico. Per QCEW data from 2010, the average annual wage for the private sector in Santa Fe was \$38,692, compared with \$46,451 in the U.S. and \$37,921 in New Mexico.<sup>5</sup>

### Housing Market Analysis

According to the 2010 census, the City of Santa Fe contains 37,200 housing units. This reflects a 22 percent growth over 2000 housing stock—a total increase of 6,667 units. Housing units have grown much faster than population (9 percent growth), suggesting that second/vacation homes were a reason for the housing unit increase. In sum, the city gained 5,700 people and 6,667 housing units, or 1.17 units per person.

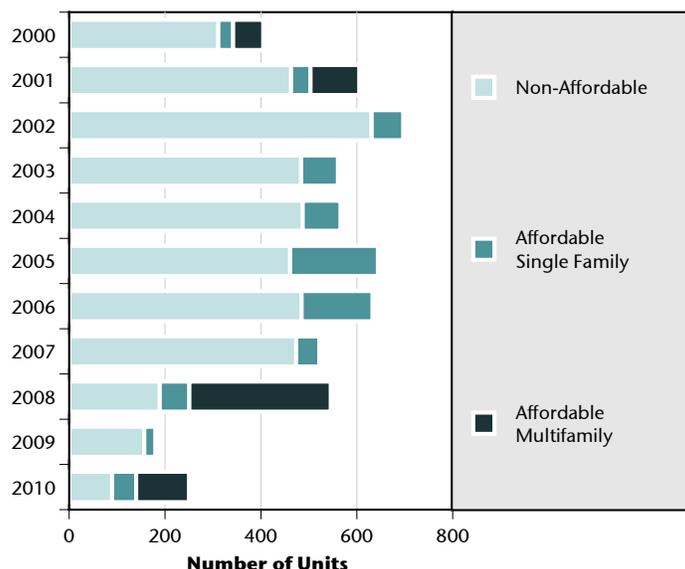
<sup>4</sup> Average annual wage assumes full-time employment and 52 week work year.

<sup>5</sup> Average annual wages applies a full-time, 52 week work year to average weekly wage statistics provided by the Bureau of Labor Statistics.

**Development trends.** The 2011 Santa Fe Trends report tracks trends in housing development, including units constructed as affordable housing. Over the ten year period, affordable housing has accounted for approximately one quarter of residential construction. The affordable units are generated by the City's inclusionary zoning, largely through the Housing Opportunity Program (HOP), which preceded the Santa Homes Program. In addition, the increase in affordable units is partly due to several large multifamily affordable housing projects built in 2008 and 2010.

**Figure II-21.**  
**New Housing, City of Santa Fe, 2001 to 2010**

Source:  
 City of Santa Fe 2011 Santa Fe Trends Report.

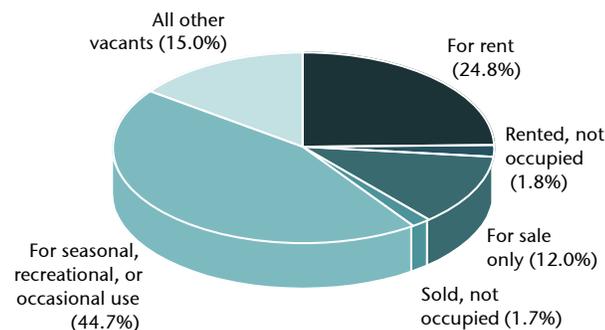


**Occupancy and tenure.** According to the 2010 Census, 31,895 of the city's 37,200 housing units are occupied. Sixty-one percent of the city's occupied units are occupied by owners, and the inverse, 39 percent, are occupied by renters. This is up from 58 percent in 2000, but still slightly below the national average of 65 percent.

According to the Census, 14 percent of the city's housing units were vacant in 2010.

Figure II-22 displays additional detail for vacant units in Santa Fe. Nearly half of the 5,305 vacant housing units were for seasonal, recreational or occasional use. Another quarter of the units were available for rent.

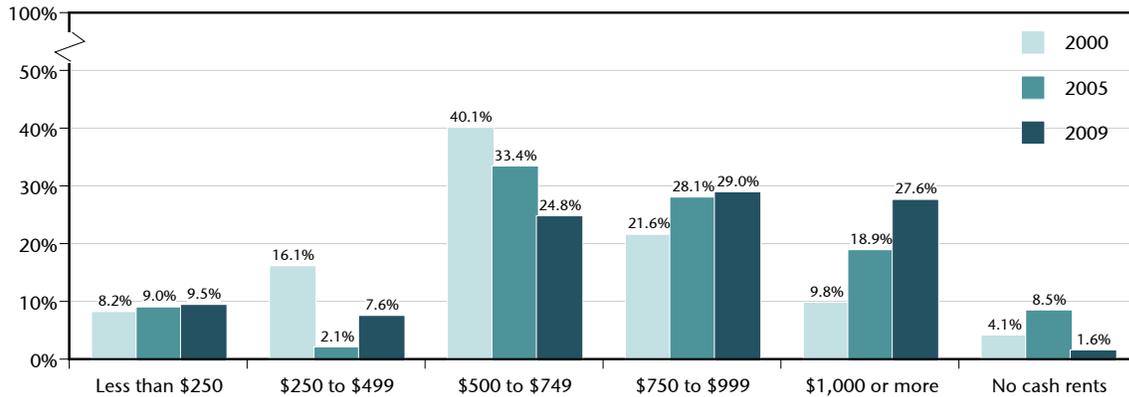
**Figure II-22.**  
**Vacant Housing Units by Type of Vacancy, City of Santa Fe, 2010**



Source: 2010 U.S. Census.

**Rental market.** The median contract rent for all rental units in the city is \$793 per month. This reflects a slight increase from the 2005 median rent of \$762 and an 18 percent total increase from the median rent in 2000 (\$644). Figure II-23 compares the rent distribution in the city in 2000, 2005 and 2009.

**Figure II-23.**  
**Distribution of Contract Rents for Apartments, City of Santa Fe, 2000, 2005 and 2009**

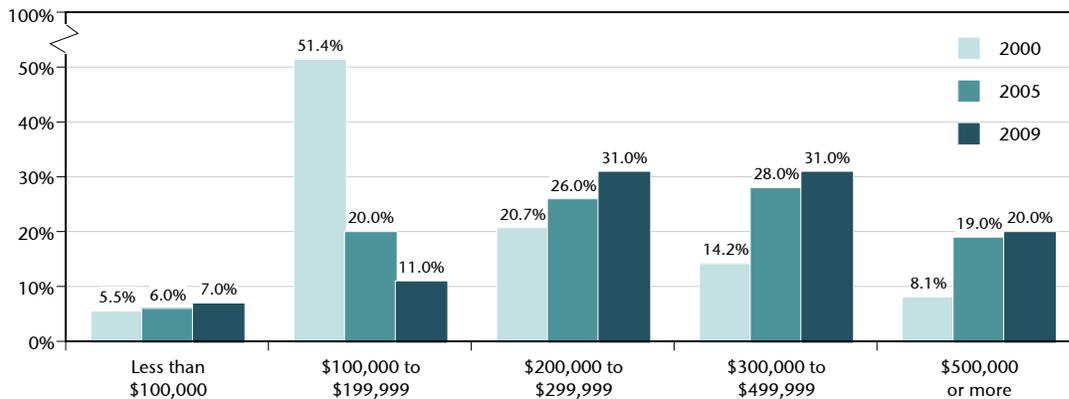


Source: 2000 U.S. Census; 2005 American Community Survey and 2009 American Community Survey 1-year estimate

Median contract rent has become more affordable over the past decade rising by less than inflation and median income. Contract rents have also become less concentrated around the median. There was a decrease in units offered between \$250 and \$750, but an increase in both the very low and moderately high ends of the rental spectrum. In general there are now fewer rental units available in the moderate range but there are more income-diverse options, although these are mostly on the upper end.

**For-sale market.** Since 2000, Santa Fe’s for sale housing market has seen a dramatic shift in home prices. The median home value in 2000 was \$182,800. According to the ACS, the median home value was approximately \$306,400 in 2009, which equates to a 68 percent increase in home values in less than 10 years. The most substantial shift occurred between 2000 and 2005, when the median home value rose by 55 percent; the period between 2005 and 2009 saw an additional 8 percent increase. As Figure II-24 shows, there are far fewer homes for sale priced between \$100,000 and \$200,000.

**Figure II-24.**  
**Distribution of Home Values, City of Santa Fe, 2000, 2005 and 2009**



Source: 2000 U.S. Census, 2005 American Community Survey and 2009 American Community Survey 1-year estimate.

While the rental market became somewhat more affordable, the for-sale market became less affordable. Home values increased by 68 percent between 2000 and 2009, but income only increased by 24 percent.

While the rental market became somewhat more affordable, the for-sale market became less affordable. Home values increased by 68 percent between 2000 and 2009, but income only increased by 24 percent.

**Overcrowding and condition.** Overcrowding in housing can threaten public health, strain public infrastructure, and points to the need for affordable housing. HUD defines an overcrowded unit as having more than one person per room. The ACS identified a total of 597 units (2 percent of all units) in Santa Fe as overcrowded. Of these units, a disproportionate percentage—68 percent—were occupied by residents of Hispanic or Latino descent.

Substandard housing units are identified as those lacking either complete plumbing facilities<sup>6</sup> or complete kitchens.<sup>7</sup> Only one percent (283 units) of Santa Fe's occupied housing stock lacked complete plumbing facilities and one percent (354 units) lacked complete kitchens.

**Affordability.** As discussed above, the distribution of home values shifted during the past decade. The most dramatic change was for homes priced between \$100,000 and \$200,000 declining from 50 percent of all sales in 2000 to just 11 percent in 2009.

The 2007 Housing Needs Assessment (Study) found the most significant gaps in ownership housing supply and need for the following income groups: 60 to 80 percent of AMI; 80 to 100 percent of AMI; 100 to 120 percent of AMI; 120 to 150 percent of AMI; and 50 to 60 percent of AMI.

The Study recommended that ownership housing programs focus on the low to middle income ranges of 60 to 100 percent of AMI. The Study also concluded that there is a growing gap for homes priced between \$180,000 and \$250,000 to serve locals and in-commuters. This range of needed has changed somewhat with the housing market downturn.

Recent data on home sales from the Santa Fe Association of Realtors (SFAR) shows a decline in median prices from 2010 to 2011. The median sales price of single family homes in Santa Fe was \$276,250 in third quarter 2011, down \$40,000 from third quarter 2010. This compares with a median of \$368,000 in third quarter 2007, around the period in which the Study was conducted.

For rentals, the 2007 Study found a need for 47 affordable rental units for in-commuters and 759 affordable units to relieve current resident renters who are living in substandard units and overcrowded conditions. The Study also predicted a need for another 739 affordable rentals by 2012 and another 292 between 2012 and 2015.

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<sup>6</sup> Complete plumbing facilities include: (1) hot and cold piped water; (2) a flush toilet; and (3) a bathtub or shower. All three facilities must be located in the housing unit.

<sup>7</sup> A unit has complete kitchen facilities when it has all of the following: (1) a sink with piped water; (2) a range, or cook top and oven; and (3) a refrigerator. All kitchen facilities must be located in the house, apartment, or mobile home, but they need not be in the same room. A housing unit having only a microwave or portable heating equipment, such as a hot plate or camping stove, should not be considered as having complete kitchen facilities. An icebox is not considered to be a refrigerator.

**SECTION III.**  
**Land Use**

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## SECTION III.

### Land Use

This section explores potential barriers to fair housing resulting from the practices of the housing authority and the City of Santa Fe’s land use and zoning policies. The section also includes a discussion of the Santa Fe’s inclusionary zoning program, the Santa Fe Homes Program.

#### Housing Authority Policies and Procedures

As part of this AI, BBC interviewed the Santa Fe Civic Housing Authority (SFCHA) to obtain information on its policies, procedures and housing assistance programs. The interview utilized the questions suggested by HUD in its fair housing planning guide. This section summarizes the information obtained through our interview.

The SFCHA has 357 units in Santa Fe and 178 in Espanola; 30 units are for seniors. Overall, SFCHA has a 3 percent vacancy.

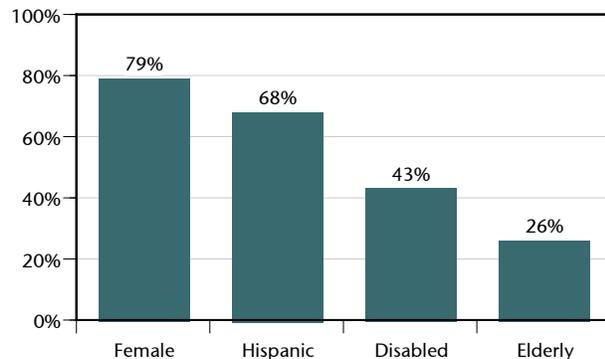
**Intake and wait lists for housing authority units.** SFCHA closes its waitlist, so it is difficult for them to estimate the true need for their units. Once a unit becomes available, the household at the top of the list is approached. The SFCHA makes up to three offers of available units to individuals who reach the top of the waiting list. If they reject three units, they are dropped to the bottom of the waiting list.

**Section 8 vouchers.** SFCHA has 1,200 vouchers but has funding for 1,000. SFCHA administers the vouchers to Santa Fe, Mora County, Los Alamos County and Espanola. There is not a wait list for vouchers. If vouchers become available, SFCHA publicizes it in the paper and holds a lottery. SFCHA has a local preference for vouchers; individuals must have lived in the city for at least six months. There are no other preferences. Figure III-1 profiles Section 8 voucher holder heads of households. As shown, heads of household are predominantly female and Hispanic. More than two in five are disabled and one in four are elderly.

**Figure III-1.**  
**Characteristics of Section 8 Housing Choice Voucher Holder Heads of Household**

Note:  
n=641 heads of household.

Source:  
SFCHA and BBC Research & Consulting.



**Section 504 Voluntary Compliance Agreement.** The SFCHA is currently under a VCA to address noncompliance with Section 504 (i.e., SFCHA did not have enough accessible units). The SFCHA is in the process of complying with the VCA to make 54 of its units accessible, which exceeds regulations (40). The majority of these units (an estimated 45) will be located in Santa Fe.

**Language Assistance.** All SFCHA materials are available in both English and Spanish. Requests for materials in other languages will be accommodated. To date, however, SFCHA has not received requests for languages other than English and Spanish.

**Displacement Policy.** In years past, when SFCHA was planning to demolish public housing units, it had a written and board-approved displacement policy. As no units are under consideration for demolition, a specific displacement policy is not in place.

### **Zoning Code, General Plan, Inclusionary Zoning, Planning Fees and Development Fees**

To evaluate potential barriers to fair housing from land use policies, BBC reviewed zoning regulations, the city's General Plan and planning fees to assess potential fair housing concerns or opportunities resulting from the development process. This section summarizes the findings from this review.

**City of Santa Fe zoning code.** To evaluate potential fair housing concerns within zoning codes, BBC utilized a "Review of Public Policies and Practices (Zoning and Planning Codes)" form recently circulated by the Los Angeles fair housing office of HUD. This section poses the questions from this checklist (in italics), along with responses.

*Does the code definition of "family" have the effect of discriminating against unrelated individuals with disabilities who reside together in a congregate or group living arrangement?* No.

Section 26-4.3 of the code defines a family as:

- "An individual;
- Two or more persons related by blood, marriage, legal guardianship or adoption, plus resident domestic servants; or
- Any group of not more than five persons living together in a dwelling unit."

The city allows group homes with fewer than 8 residents to be permitted by right in residential zoning districts.

*Zoning Regulation Impediment: Is the code definition of "disability" the same as the Fair Housing Act?* Yes.

Section 26-4.3 defines disability as:

"Disability (does not include the current illegal use of, or addiction to, a controlled substance as defined in Section 102 of the federal Controlled Substance Act) means:

- A physical or mental impairment that limits one of more of the major life activities of such individual;

- A record of such an impairment; or
- Being seen or regarded as having such impairment.”

*Practice Impediment: Does the zoning ordinance restrict housing opportunities for individuals with disabilities and mischaracterize such housing as a “boarding or rooming house” or “hotel”?* No.

*Practice Impediment: Does the zoning ordinance deny housing opportunities for disability individuals with on site housing supporting services?* No.

*Does the jurisdiction policy allow any number of unrelated persons to reside together, but restrict such occupancy, if the residents are disabled?*No.

*Does the jurisdiction policy not allow disabled persons to make reasonable modifications or provide reasonable accommodation for disabled people who live in municipal-supplied or managed residential housing?* No.

*Does the jurisdiction require a public hearing to obtain public input for specific exceptions to zoning and land-use rules for disabled applicants and is the hearing only for disabled applicants rather than for all applicants?*No. All applicants for special exceptions follow the same process. Group homes with fewer than 8 residents are permitted by right in zoning districts RR, R1-R6, R7-R9, R7(I), RC, RM, RAC, C1, C4, HZ and BCD. Regardless of the zone district, group homes with 8 or more residents are subject to the special exception procedures.

Group homes are defined in Section 14-12.1 as, “A dwelling unit where full time shelter, rehabilitation, care and supervision are given on a non-institutional basis to neglected, abandoned, physically handicapped, developmentally disabled, mentally disabled and substance or alcohol dependent children or adults on a private, nonprofit basis licensed by the appropriate state agency. Live-in nursing care is not a primary part of the services provided.”

*Does the zoning ordinance address mixed uses?* Yes. The city has a Mixed Use zone district.

*How are the residential land uses discussed?*Residential land uses are discussed by zone district as described in Section 14-4.2. Each residential district described includes a discussion of the purpose and intent of the zone district. Zone districts R-1 through R-6 are intended to be residential areas with low population densities, while districts R-7 through R-9 are meant to allow for greater intensity of residential land use and to permit a density that encourages affordability (§14-4.2(B)).

*What standards apply?*Varies depending on the zone district.

*Does the zoning ordinance describe any areas in this jurisdiction as exclusive?*No. However, Historic District and Neighborhood Conservation overlays may result in the perception of exclusivity. For example, the Mixed Use zone district is not intended for existing residential areas in the city’s historic districts (§14-4.3(L)).

*Are there any restrictions for Senior Housing in the zoning ordinance? If yes, do the restrictions comply with Federal law on housing for older persons (i.e., solely occupied by persons 62 years of age or older or at least one person 55 years of age and has significant facilities or services to meet the physical or social needs of*

*older people*)? There are no restrictions on senior housing, per se. In the Fair Housing Ordinance, the definition of housing for older persons is consistent with Federal law.

Continuing Care Communities, defined in Section 14-12.1 as “a residential community designed to provide a variety of living accommodations with differing levels of health care services available for occupancy by elderly or disabled persons...,” are only allowed with a special exception in the Hospital Zone district.

Extended Care Facilities, which include nursing homes and convalescent homes, and adult day care facilities are permitted by right in the Business and Industrial Park and Mixed Use zone districts.

*Does the zoning ordinance contain any special provisions for making housing accessible to persons with disabilities?* Yes. Section 26-4.12C(3),(4) and (5) specifically address reasonable accommodations and multifamily accessibility design standards.

*Does the zoning ordinance establish occupancy standards or maximum occupancy limits?* No.

*Does the zoning ordinance include a discussion of fair housing?* Section 26-4 is the city’s comprehensive fair housing ordinance and in spirit and language is compliant with the Fair Housing Act.

**Figure III-2.  
Minimum Number of  
Handicap Parking Spaces Required**

Total Spaces in Parking Lot	Minimum Number of Parking Spaces for Disabled Persons
1 to 25	1
26 to 35	2
36 to 50	3
51 to 100	4
101 to 300	8
301 to 500	12
501 to 800	16
801 to 1,000	20
More than 1,000	20 plus 3 for each additional 1,000

Source: Article 14-8: Development and Design Standards, Table 14-8.6-2.

*Describe the minimum standards and amenities required by the ordinance for a multiple family project with respect to handicap parking.* Table 14-8.6-2 in the code depicts the minimum number of handicap parking spaces required for both non-residential and multifamily parking. This table is reproduced to the left in Figure III-2.

For multifamily developments with two to five units, two spaces per unit are required. For projects with more than five units, one assigned space per unit is required, with guest parking ranging from 0.25 up to 1 space based on the unit square footage.

*Does the zoning code distinguish senior citizen housing from other single family residential and multifamily residential uses by the application of a conditional use permit (cup)?* No.

*Does the zoning code distinguish handicapped housing from other single family residential and multifamily residential uses by the application of a conditional use permit (cup)?* No.

*How is “special group residential housing” defined in the jurisdiction zoning code?* See Group Home definition above.

*Does the jurisdiction’s planning and building codes presently make specific reference to the accessibility requirements contained in the 1988 amendment to the Fair Housing Act?* The specific amendment is not

mentioned, but the city's Fair Housing Ordinance incorporates these provisions. *Is there any provision for monitoring compliance?* Article 14-11 addresses enforcement for all violations of the zoning code.

*Other items to note:*

**Santa Fe Homes Program.** The city has an inclusionary zoning program called the Santa Fe Homes Program (§26-1). The purpose of the Santa Fe Homes Program is to (§26-1.3):

- Increase the supply of affordable housing within the Santa Fe area for residents and businesses.
- Encourage the construction of affordable housing in all areas of the city in accordance with the general plan.
- Strengthen the unique heterogeneous character of the Santa Fe area by providing a full range of housing choices for all ages, incomes and family sizes.
- Ensure that residents and future generations can afford to reside within the Santa Fe area.
- Provide affordable housing wherever city utilities are extended beyond the city limits.
- Foster economic integrations by encouraging the availability of a range of housing opportunities in new developments in the Santa Fe area.
- To provide the benefit of home equity to homeowners of affordable housing similar to those in market rate housing for such purposes as college education and retirement needs and in turn encouraging pride in ownership and maintenance of the affordable housing unit by allowing access to that home equity.

In practice, the Santa Fe Homes program requires that 20 percent of all new ownership housing for developments of more than 10 homes be affordable to families earning below 100 percent Area Median Income (AMI) and 15 percent of all rental housing be affordable to families earning below 80 percent AMI.<sup>1</sup> The 20 percent requirement is a recent modification from the original 30 percent requirement, in place from 2005 (inception of the Santa Fe Homes program) through June 2011. The temporary reduction in required units (removed from the 80 to 100 percent AMI affordability category) was made to keep the program aligned with market needs. In June 2014, the program will revert back to the 30 percent requirement.

The program applies to all new residential developments, excluding those with existing agreements with the city or county, rental developments built with Low Income Housing Tax Credits, employee or student housing and lot splits and family transfer. In developments with 10 or fewer homes, fees are charged based on the number of units being developed. Figure III-3 presents the required proportion of affordable units, by AMI range for 2011.

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<sup>1</sup> Santa Fe Homes Program Ordinance, Major Provisions Impacting Developers/Homebuilders, page 1.  
<http://www.santafenm.gov/DocumentView.aspx?DID=8319>

**Figure III-3.  
Required Ownership and  
Rental Units, by AMI Range**

Source:  
City of Santa Fe, Santa Fe Homes Program Ordinance,  
Major Provisions Impacting Developers,  
<http://www.santafenm.gov/DocumentView.aspx?DID=8319>

Income Range	Required Ownership Units	Required Rental Units
Below 50% AMI	n/a	5%
50%-65% AMI	10%	5%
65%-80% AMI	10%	5%
80%-100% AMI	0%	n/a
<b>Total Affordable Requirement</b>	<b>20%</b>	<b>15%</b>

Figure III-4 presents the maximum home prices and rents. These are adjusted annually by changes in AMI.

**Figure III-4.  
Santa Fe Homes Program Maximum Home Prices and Rents**

Income Range	Housing Type					Manufactured Home Lot
	Studio	1 Bedroom	2 Bedrooms	3 Bedrooms	4 Bedrooms	
<b>Home Prices</b>						
50%-65% AMI	\$ 84,750	\$ 92,000	\$ 105,250	\$ 118,250	\$ 131,500	\$ 29,563
65%-80% AMI	\$ 112,500	\$ 119,500	\$ 136,750	\$ 153,750	\$ 170,750	\$ 38,438
80%-100% AMI	\$ 140,000	\$ 147,250	\$ 168,250	\$ 189,250	\$ 210,250	\$ 47,313
<b>Rents</b>						
Below 50% AMI	\$ 346	\$ 346	\$ 396	\$ 445	\$ 495	\$ 134
50%-65% AMI	\$ 577	\$ 577	\$ 660	\$ 742	\$ 825	\$ 223
65%-80% AMI	\$ 750	\$ 750	\$ 858	\$ 965	\$ 1,073	\$ 290

Source: City of Santa Fe, Santa Fe Homes Program Ordinance, Major Provisions Impacting Developers, <http://www.santafenm.gov/DocumentView.aspx?DID=8319>

The program also specifies the minimum square footage of units and how those units should be distributed by unit size.

Developers receive a density bonus of 15 percent above the current zoning, and fee reductions and waivers. Alternative means of compliance include fee-in-lieu, land donation or off-site construction of the affordable units.

**Development fees.** Santa Fe collects impact fees on new residential and commercial development. Waivers are granted for homes or rental units that are part of the Santa Fe Homes Program and Housing Opportunity Program homes. For single family homes, the impact fee is determined by the size of the heated living area, ranging from \$3,130 for less than 1,500 square feet up to \$4,147 for 4,000 square feet or more. Water rights are given to the developer for each affordable housing unit. Fee waivers are generally valued at \$8,000. The Land Use Department’s building permit fees are based on the building valuation.

**SECTION IV.**  
**Public Input**

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## SECTION IV.

### Public Input

This section details the results of the public outreach process for the AI.

#### Public Input Elements

The public input portion of the AI included the following elements:

- A resident survey distributed online and on-paper—103 residents responded. The survey was available online and on paper and was promoted by city staff and stakeholders. A Spanish language version was distributed to social service and housing providers;
- An online stakeholder survey promoted by city staff—24 housing and social service professionals responded; and
- Focus groups and in-depth interviews with service providers, housing developers and lenders—12 individuals participated.

Although the resident survey was publicly promoted, outreach efforts focused on distributing the survey through organizations that serve members of the protected classes. As such, the survey is not meant to be interpreted as a statistically valid survey of all Santa Fe residents. Rather, it is meant to reflect the experiences and opinions of residents and members of protected classes who live in the city.

#### Participant Profile

This section provides additional detail about the stakeholders and residents who participated in the public input process.

**Stakeholders.** Stakeholders who either responded to the survey or participated in interviews or focus groups represented a diverse set of organizations from the private, public and nonprofit sectors. Stakeholder industries and service types included:

- Affordable housing providers;
- Disability rights organizations;
- Victims of domestic violence assistance organizations;
- Drug and alcohol treatment centers;
- Food pantry;
- Homeless services;
- Immigrant rights organizations;
- Land planning firms;
- Legal Aid;
- Lenders;
- Public housing;
- Rental property owners;
- Residential developers;
- Residential sales; and
- Services for low income residents.

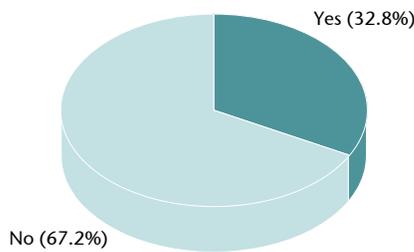
With respect to service area, all of the organizations responding to the survey serve the City of Santa Fe. Some also provide services throughout Santa Fe County, northern New Mexico or statewide.

**Residents.** The resident survey included several demographic and socioeconomic questions. Where possible, comparisons are made between survey respondent demographics and those for the city overall.

**Children.** As shown in Figure IV-1, 33 percent of residents who responded to the survey have children under age 18.

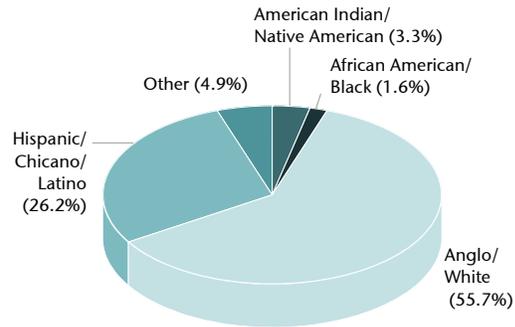
**Race/ethnicity.** Figure IV-2 presents the race/ethnicity of residential survey respondents. Slightly more than one in four respondents identified themselves as Hispanic. Compared to the proportion of Hispanics in the city (48 percent), a smaller proportion of Hispanics responded to the resident survey.

**Figure IV-1.  
Children Under the Age of 18**



Note: n=58.  
Source: BBC Research & Consulting 2011 Santa Fe Resident Survey.

**Figure IV-2.  
Race/Ethnicity**

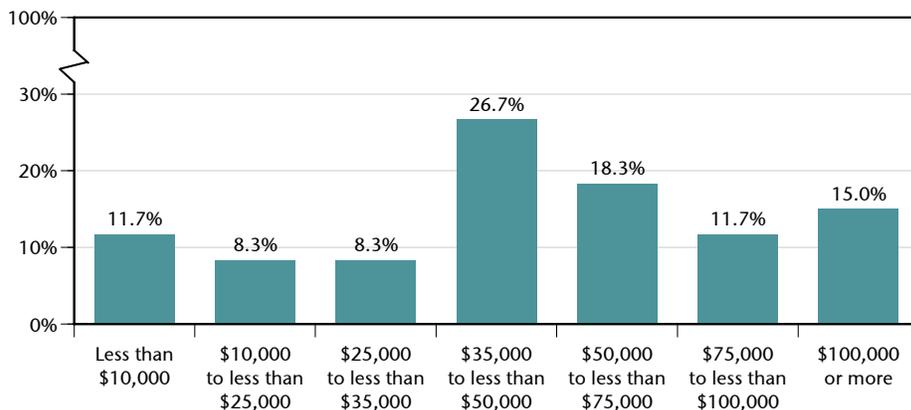


Note: n=61.  
Source: BBC Research & Consulting 2011 Santa Fe Resident Survey.

**Income.** As depicted in Figure IV-3, 20 percent of respondents have household incomes of less than \$25,000 and 12 percent reported incomes of less than \$10,000. This is similar to the city's household income profile.

**Figure IV-3.  
Household Income**

Note: n=60.  
Source: BBC Research & Consulting 2011 Santa Fe Resident Survey.



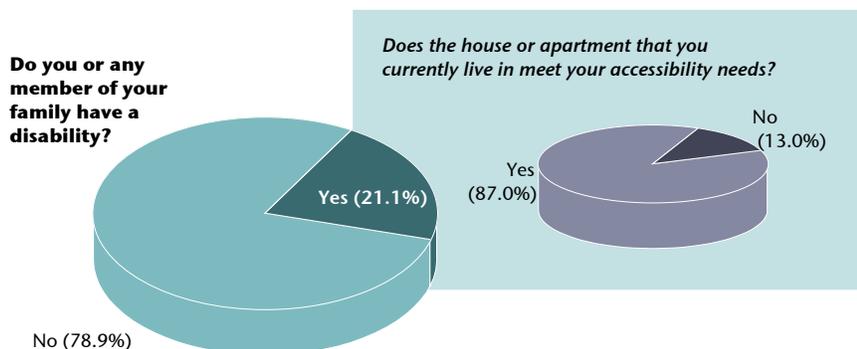
**Disability.** About one in five residents responded that they or someone in their household has a disability. This is a slightly higher rate of disability than that seen citywide (15 percent). The majority of households with a household member who is disabled live in housing that meets their accessibility needs, as shown in Figure IV-4.

The proportion of homes that do not meet accessibility needs approximates 1.9 percent of the city's total occupied housing units (or 606 units). This suggests that about 606 units do not meet the accessibility needs of disabled household members.

**Figure IV-4. Disability and Housing Accessibility**

Note:  
n=76 and n=15.

Source:  
BBC Research & Consulting 2011  
Santa Fe Resident Survey.



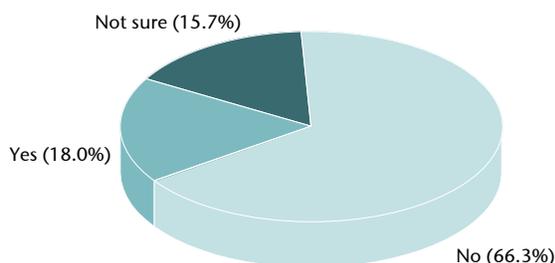
### Experience with Housing Discrimination

Nearly one in five residents surveyed (18 percent of all respondents) believes that they have experienced housing discrimination, as shown in Figure IV-5.

**Figure IV-5. Do you think you have ever experienced housing discrimination?**

Note:  
n=89.

Source:  
BBC Research & Consulting 2011 Resident Survey.



Those residents who believe they have experienced housing discrimination offered the following descriptions of why they thought they had been discriminated against.

- "Being a woman of Mexican descent." (*Resident survey*)
- "By the fact that they did not like my friends." (*Resident survey*)
- "Landlord didn't want to deal with "the government." I was to receive Section 8. Two different individuals and several apartment complexes would not accept my housing choice voucher." (*Resident survey*)
- "Gay." (*Resident survey*)
- "Being gay." (*Resident survey*)
- "Section 8—refused to rent to me." (*Resident survey*)
- "Section 8—renting." (*Resident survey*)

## Potential Barriers to Fair Housing

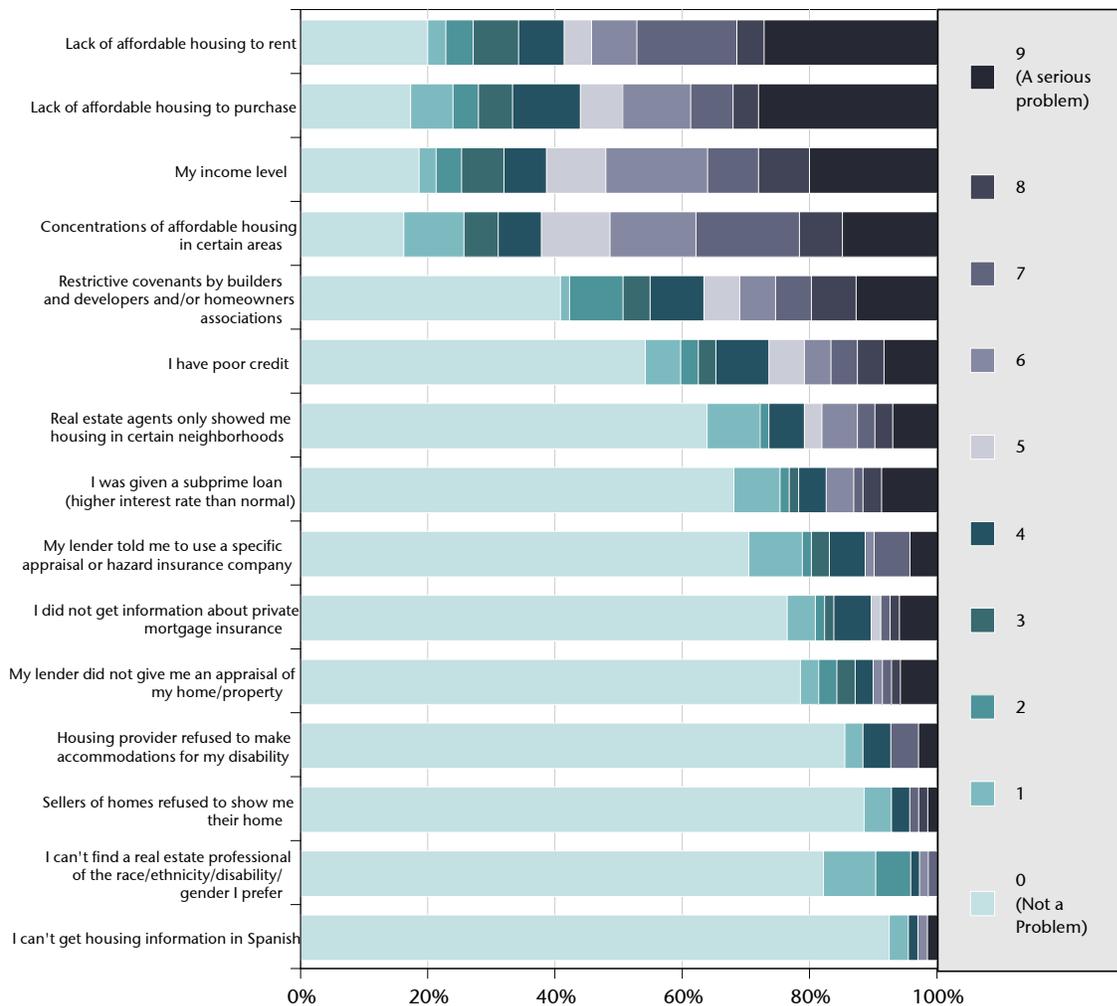
Stakeholders and residents evaluated the relative seriousness of a number of potential barriers to fair housing in the City of Santa Fe. Because of their expertise, stakeholders rated a more comprehensive list of barriers than did residents.

**Potential barriers—residents.** Among residents, the top barriers to fair housing they've experienced in Santa Fe are:

- A lack of affordable housing to rent;
- A lack of affordable housing to buy;
- Their income level; and
- Concentrations of affordable housing in certain areas.

For all of these potential barriers, about 40 percent of respondents rated them as moderately serious to serious.

**Figure IV-6.**  
**Potential Barriers to Fair Housing—Residents**



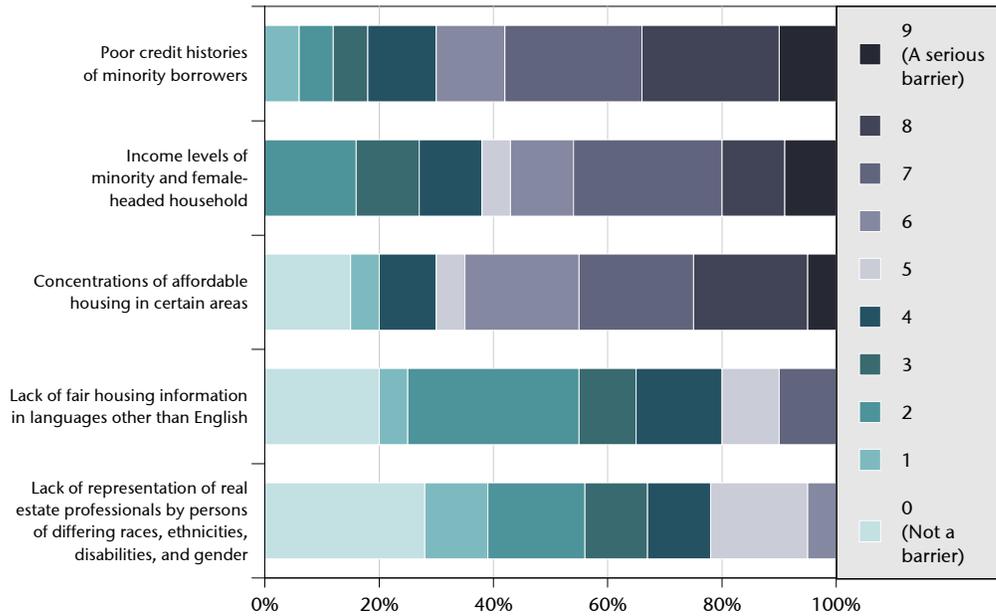
Note: n=75.

Source: BBC Research & Consulting 2011 Santa Fe Resident Survey.

**Potential barriers—stakeholders.** Stakeholders rated the seriousness of potential barriers to fair housing in Santa Fe. Each of five categories of barriers is discussed in turn.

**Economic, demographic and housing factors—stakeholders.** As shown in Figure IV-7, the poor credit histories of minority and female borrowers was rated as the most serious economic, demographic and housing factor. Secondary barriers included income levels of minority and female-headed households and concentration of affordable housing in certain areas. One stakeholder added this comment about concentration as a barrier: “Affordable housing is clustered in one section of town. This creates a community of Haves and Have Nots.” (*Stakeholder interview*)

**Figure IV-7.**  
**Economic, Demographic and Housing Factors—Stakeholders**

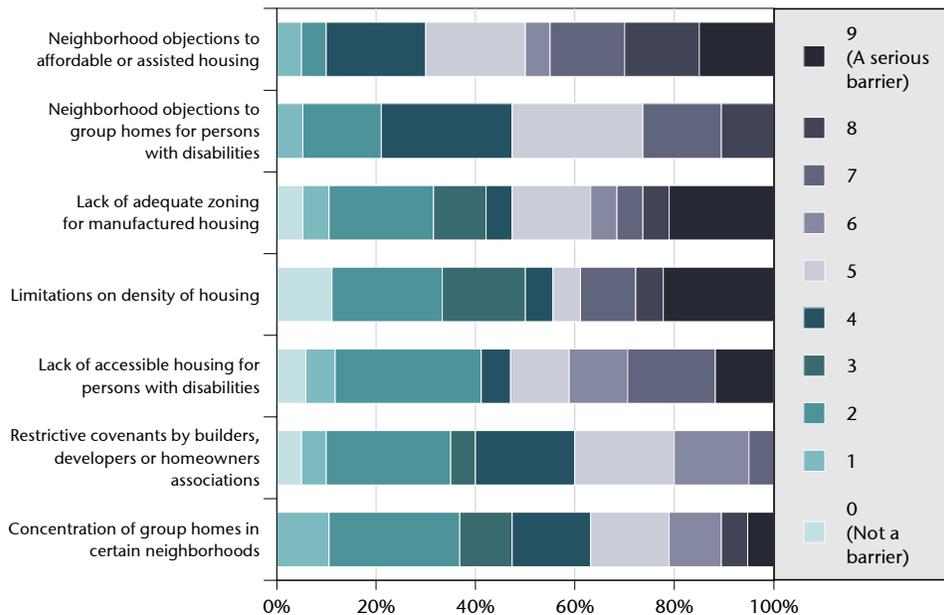


Note: n=21.

Source: BBC Research & Consulting 2011 Santa Fe Stakeholder Survey.

**Land use, zoning and housing policy factors—stakeholders.** Stakeholders identified neighborhood objection to affordable housing or assisted housing and group homes for persons with disabilities as the two most serious potential barriers to fair housing related to land use, zoning and housing policy, as depicted in Figure IV-8. These two factors received average ratings of 6.5 and 5.7, respectively, compared to the overall average of 5.0.

**Figure IV-8.**  
**Land Use, Zoning and Housing Policy Factors—Stakeholders**



Note: n=20.

Source: BBC Research & Consulting 2011 Santa Fe Stakeholder Survey.

Neighborhood resistance or NIMBYism and the power of neighborhood organizations were discussed by survey respondents and participants in the in-depth interviews and focus groups.

- “City zoning laws are extremely difficult to keep up with and there is way too much power given to neighborhood organizations, many of which don't want certain types of housing or densities near them.” *(Stakeholder survey)*
- “Stigma of affordable housing. Even within the current requirements, “everyone” knows which homes are the affordable ones.” *(Stakeholder survey)*
- “The community does not want shelters.” *(Stakeholder interview)*
- “The city process itself is lengthy and expensive. Before you even go to the city, you have to meet with the neighborhood groups to make them happy.” *(Private sector focus group)*
- “The city rarely sticks with the existing zoning or master plan. We had a site that was zoned for 7 lots per acre, and after negotiating with the neighborhood groups and the city, we ended up with 2 lots per acre.” *(Private sector focus group)*
- “Developers here know not to rely on the zoning. We won't buy land and banks won't lend on land until final approval, because between the neighborhood groups and the city, what you've planned isn't necessarily what's going to be built.” *(Private sector focus group)*
- “A group home for the mentally ill or the disabled would be very, very high risk to develop. The NIMBY attitude here is extreme.” *(Private sector focus group)*

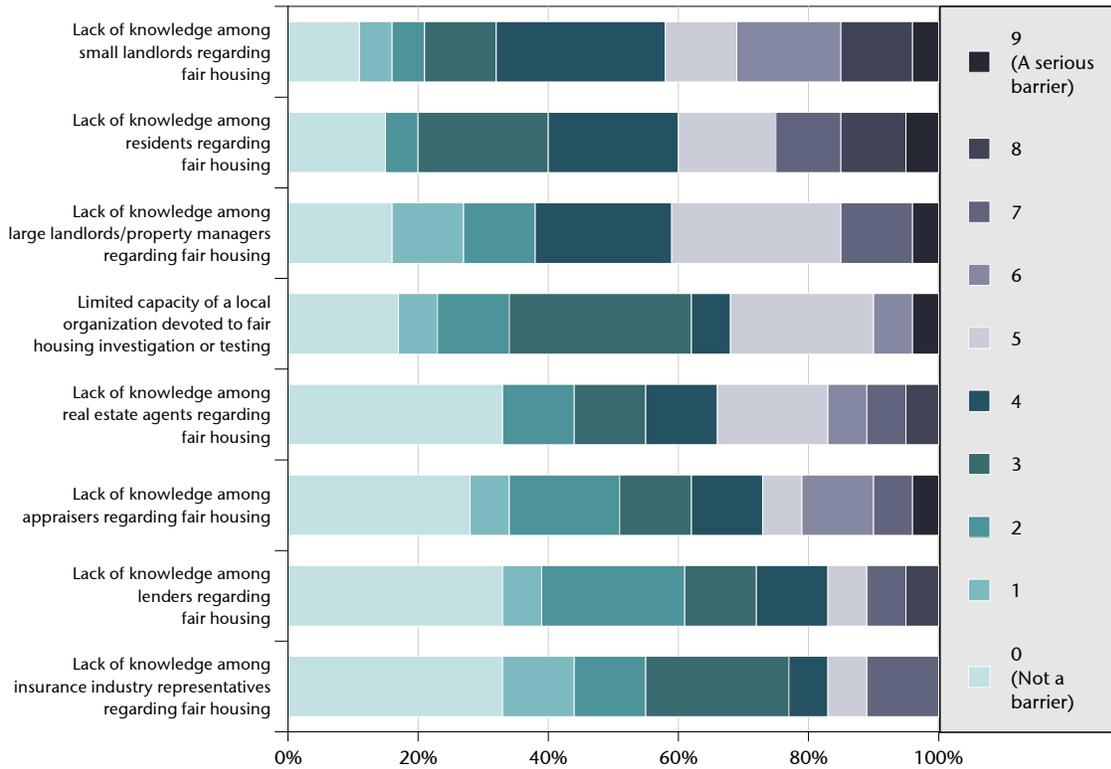
- “The zoning and the master plan don’t matter, because of the neighborhood groups. The neighbors have a huge effect on fair housing.” *(Private sector focus group)*
- “Old Las Vegas Place is a 50 unit affordable housing development. The land was donated to Homewise. They’re building housing for teachers, nurses, etc. The neighborhood associations were horrible, protesting the project. People were saying ‘I don’t want to see swing sets out of my window.’” *(Service provider focus group)*
- “Neighborhood associations hear the word affordable and they go nuts.” *(Service provider focus group)*

Stakeholders were asked if they were aware of any zoning or land use laws in Santa Fe that create barriers to fair housing or encourage housing segregation. Through the survey, five stakeholders (40 percent) responded that they were aware of zoning and land use laws that impact fair housing and housing segregation. These include:

- “Santa Fe Homes Program Ordinance makes it extremely difficult to do any kind of group housing with services. Treatment centers and other types of group homes should be exempt. Also, there is no manufactured home park zoning left in the city and it is not in any future plans.” *(Stakeholder survey)*
- “The city’s inclusionary zoning program allows up to a 15 percent density bonus for developers providing affordable housing. In reality, that density bonus is not allowed to happen when a project is either in the Historic District (downtown) or in a more established area where the neighbors come out against a project because the density is too high. These situations generally happen near the downtown area, thus keeping more affordable housing from the downtown area and concentrating it in the southern part of the city.” *(Stakeholder survey)*
- “An unintended consequence of the affordable housing ordinance is that you can’t provide supportive services. We tried to build supportive housing rentals for a treatment center, and the inclusionary zoning ordinance didn’t allow it.” *(Private sector focus group)*
- “Unfair zoning applications that are approved for certain developers by the city.” *(Stakeholder survey)*
- “Affordable housing bias.” *(Stakeholder survey)*
- “Remove the developer requirements to provide affordable housing and let the market be the market.” *(Stakeholder survey)*

**Capacity issues—stakeholders.** Compared to other barriers, stakeholders did not consider capacity issues to be serious potential barriers to fair housing. Among capacity-related factors, a lack of knowledge about fair housing by small landlords and residents was the most serious barrier. Figure IV-9 presents how stakeholders rated capacity factors.

**Figure IV-9.**  
**Capacity Issues—Stakeholders**



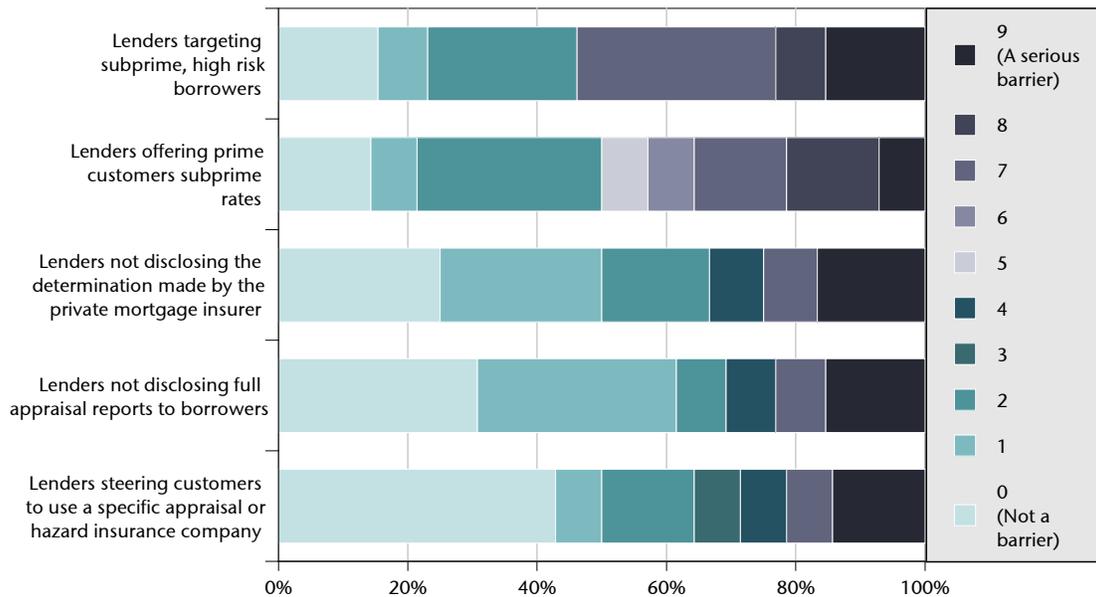
Note: n=20.  
Source: BBC Research & Consulting 2011 Santa Fe Stakeholder Survey.

Stakeholders provided the following feedback about the capacity of local organizations to address fair housing.

- “We need more agencies to focus on fair housing. Legal Aid used to be the big player, but their grants have been cut so badly they don’t do housing anymore.” (*Stakeholder interview*)
- “There is no fair housing education in Santa Fe.” (*Stakeholder interview*)

**Lending activities—stakeholders.** As shown in Figure IV-10, among lending activities, stakeholders rated lenders targeting subprime, high-risk borrowers to be the most serious potential barrier, followed closely by lenders offering prime customers subprime rates. One stakeholder wrote that, “High interest rates for mobile home purchases,” is a predatory lending practice that is particularly serious in Santa Fe.

**Figure IV-10.**  
**Lending Activities—Stakeholders**



Note: n=15.

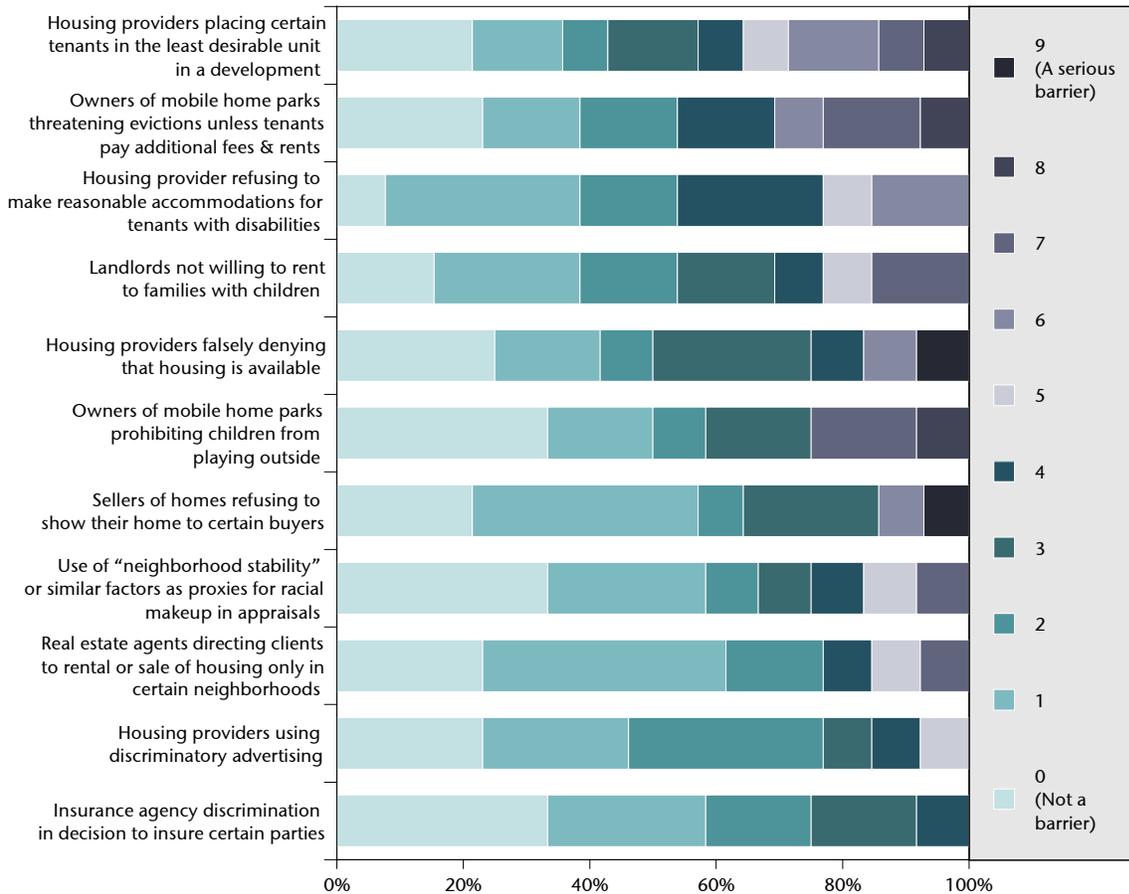
Source: BBC Research & Consulting 2011 Santa Fe Stakeholder Survey.

Stakeholders who participated in the in-depth interviews and focus groups discussed the impact of lending activities on low income residents.

- “There have been a lot of changes in lending, especially for low income people. It’s harder to get approved and there are more stringent lending criteria. It’s harder to get loans. People need more down payment assistance and help with closing costs. The gap has gotten wider.” (*Stakeholder interview*)
- “People who have subprime loans and are trying to refinance come across my desk frequently. In my experience, these lenders targeted Hispanics.” (*Private sector focus group*)
- “All of those people who were mortgage brokers doing subprime loans are now in the predatory credit repair business. They send people letters saying, give us \$1,200 and we’ll modify your loan. Then, the person who was already under water gives them the money, and months later the credit repair guy says, sorry, there was nothing we can do, and they’re out the \$1,200.” (*Private sector focus group*)
- “So many homeowners are upside down. The market fell by 20 to 40 percent. Someone who is upside down, but is still willing to pay their mortgage can’t get refinanced. A new federal regulation won’t allow banks to refinance loans for more than what the house is worth. The new loan to value regulations. So, in order to refinance, the homeowner has to come up with the difference between the original loan amount and what the house is worth now. They can’t do that. So, we end up with another foreclosure.” (*Private sector focus group*)

**Real estate activities—stakeholders.** On average, stakeholders did not consider real estate activities to be a serious barrier to fair housing in Santa Fe. With respect to real estate activities, housing providers placing certain tenants in the least desirable units in a development and owners of mobile home parks threatening evictions unless tenants pay additional fees and rents were rated as the most serious potential barriers. Stakeholders' ratings of real estate activities are presented in Figure IV-11.

**Figure IV-11.**  
**Real Estate Activities—Stakeholders**



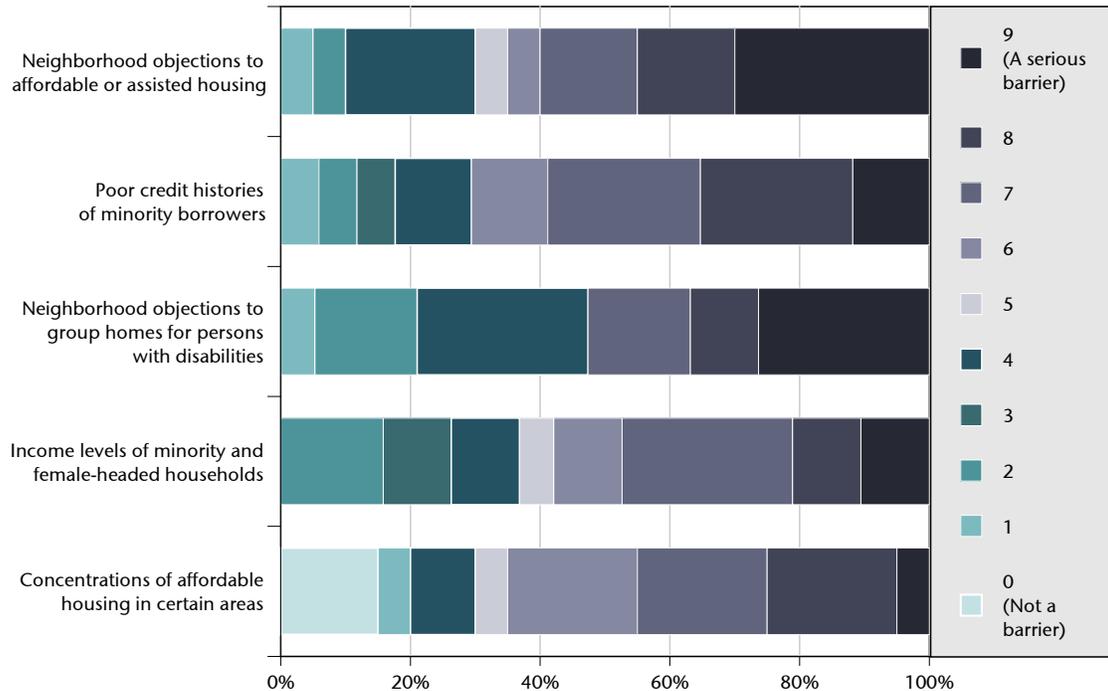
Note: n=16.  
Source: BBC Research & Consulting 2011 Santa Fe Stakeholder Survey.

Stakeholders offered additional detail about the impact of real estate activities on fair housing.

- “You do see steering going on. You can split the Santa Fe housing market in two—the real high end and homes for under \$300,000. For the steering, you see people getting dumped by realtors or being pushed into “you don’t want to live here.” The Tierra Contenta development south of the airport was designed to be affordable housing. You hear realtors saying, you don’t want to live there. There are lots of Mexicans.” *(Service provider focus group)*
- “Some landlords increase the rent to just above what someone on assistance can qualify for. It’s a form of legal segregation. They increase deposits, require first and last month rent, charge for pets and more than one car. All of this makes it impossible for someone to afford.” *(Service provider focus group)*

**Most serious potential barriers to fair housing—stakeholders.** Figure IV-12 presents the six potential barriers to fair housing rated by stakeholders to be the most serious in Santa Fe. As shown, two of the top three barriers rated as most serious both focus on neighborhood opposition.

**Figure IV-12.**  
**Six Most Serious Potential Barriers to Fair Housing—Stakeholders**



Note: n=21.

Source: BBC Research & Consulting 2011 Stakeholder Survey.

**Potential barriers to fair housing for limited English populations.** The interviews and focus groups conducted for this study gave stakeholders the opportunity to describe in greater depth potential barriers to fair housing encountered by Santa Fe’s sizeable immigrant community. These ranged from deposits not being returned to maintenance not being completed to general discussions of the immigrant community being taken advantage of by private landlords.

- “It is very difficult for immigrants to find housing because of language barriers and the process is difficult. If they’re documented, it’s a bit easier, but not much. Either way, they may not have a rental history, which can be a barrier.” *(Stakeholder interview)*
- “Undocumented residents often don’t get their deposits returned. They sign rental contracts that are in English and they do not know what they’re signing. They don’t know that they need to have a written document to request repairs.” *(Stakeholder interview)*
- “The mobile home parks prey on the immigrant families. They never get their deposits back because the leases are so complicated and full of clauses and rules that forfeit their deposits. They’ll give them water bills from Florida that are three times the city rates. We had a client who was a construction worker, and they made him empty his truck every night, even though it was nice and orderly. He was a Hispanic immigrant.” *(Service provider focus group)*

- “Families apply to rent an apartment and all of the adults were required to present a social security number or a tax ID number and they charged \$80 each for a credit report on all the adults and required the deposit for the apartment up front—before they even knew that they were going to get the apartment. Of course this family didn’t get the apartment and they didn’t get their deposit back.” *(Stakeholder interview)*
- “Landlords will not do anything about repairs unless something is in writing. This is very difficult for immigrants and they do not understand this unless we help them.” *(Stakeholder interview)*
- “A very prevalent issue in Santa Fe is mold caused by humidity. In the past, a tenant complains verbally about the mold. The landlord gives them a fan to dry out the area. But, there’s mold under the carpet. The tenant has to pay for the extra electricity to run the fans and pay for the medical bills of the children who get sick, all because the landlord didn’t address the mold issue. The landlord should have to pay for the electricity and the medical bills. For us to get this issue resolved, we had to call the Child Protection Unit because the children’s health was threatened.” *(Stakeholder interview)*
- “Rental contracts in mobile home parks are filled with hidden fees and rules. Like, tenants just have the right to have two trash bags a week. Any more than that and they are charged. Some of these hidden fees aren’t in the lease. They get eviction notices for not paying the extra fees or for having kids’ bicycles leaning against the house outside. They send harsh notices and threaten to take the family to court. They’re not doing this to others. Just to the immigrants.” *(Stakeholder interview)*
- “Another issue that just came up is a family that didn’t want to renew their lease. When they moved in, the carpet was very old and they lived there for three years. When they decided not to renew the lease, the landlord charged them to replace the carpet and they ended up owing the landlord for the new carpet. Wear and tear is being charged above and beyond the rent, and this is being targeted to immigrants.” *(Stakeholder interview)*
- “We have found apartment complexes that are not up to par and maintenance is not being done because the community does not know their rights.” *(Stakeholder interview)*
- “Private landlords are taking advantage of immigrants.” *(Stakeholder interview)*

**Potential barriers to fair housing for large families.** Stakeholders discussed the difficulty that low income large families have in finding housing in Santa Fe. In their opinion, there are two few affordable units with three or more bedrooms in the city, leading large families to live in overcrowded conditions.

- “Space quotas in terms of number of bedrooms from child protective services are a big barrier. If you have a 3-year-old girl and a 12-year-old boy, child protective services will not allow them to share a bedroom. If you have all boys, this isn’t an issue. But, in low income housing, the maximum number of bedrooms is three, which creates a big issue for families.” *(Stakeholder interview)*

- “About 60 percent of the low income housing in Santa Fe is studios, and this does not help families at all.” *(Stakeholder interview)*
- “Rent is very costly. There are often two or three families living in one home. Some rent just a room for their family and aren’t included on the rental contract.” *(Stakeholder interview)*

**Potential barriers to fair housing for persons with disabilities.** An emerging issue in New Mexico is the conflict between state and federal laws with respect to medical marijuana use in federally funded housing. Advocates receive questions from persons with disabilities, including individuals living in Santa Fe, who are authorized to use medical marijuana but are afraid of losing their housing by violating drug use rules. From HUD’s perspective, federal drug laws outweigh the state’s law, and as such, all anti-drug use housing policies remain intact.

In addition, stakeholders find that there is low tolerance for persons with disabilities:

- “The conflict between medical marijuana and state and federal laws is a new battle in Section 8 housing. People who are approved to use medical marijuana could lose their housing.” *(Stakeholder interview)*
- “We’re seeing a lot of people in Santa Fe with chemical sensitivity disorder. There’s little sensitivity in Section 8 and the public housing authority to accommodate chemical sensitivity disorder or even acknowledging that it is a disability that needs to be accommodated.” *(Stakeholder interview)*
- “There is a lot of bias against people with mental health disabilities. There’s not a lot of tolerance for people with mental health disabilities. People go off their meds and their behavior gets bad. We had a guy who went off his meds and was wearing too short of shorts, and he didn’t realize it, but his neighbors did. They complained and now he’s being evicted.” *(Stakeholder interview)*
- “We need more agencies to represent disabled tenants. People have nowhere to go with respect to resolving landlord/property management issues, and this leads to evictions.” *(Stakeholder interview)*
- “There is not a lot of tolerance for people with HIV/AIDS. There seems to be a fair amount of discrimination about that. Once people know they have HIV, they start to feel bias and retaliation from management. There are still a lot of people who believe that HIV is contagious through the air. We had a client move to New Mexico from Minnesota. Everything was fine until her HIV status came out. Her landlord refused to renew her lease.” *(Stakeholder interview)*
- “Typically, people with disabilities do not have the money to pay for accommodations, even if the landlord is willing to make them.” *(Stakeholder interview)*
- “Gravel roads make it impossible for people in wheelchairs to live in certain places.” *(Service provider focus group)*
- “The shelter needs to upgrade its accessibility features. The main bathrooms all have tubs. We could use a roll-in shower and grab bars. The parking lot is gravel. We could use cement.” *(Stakeholder interview)*

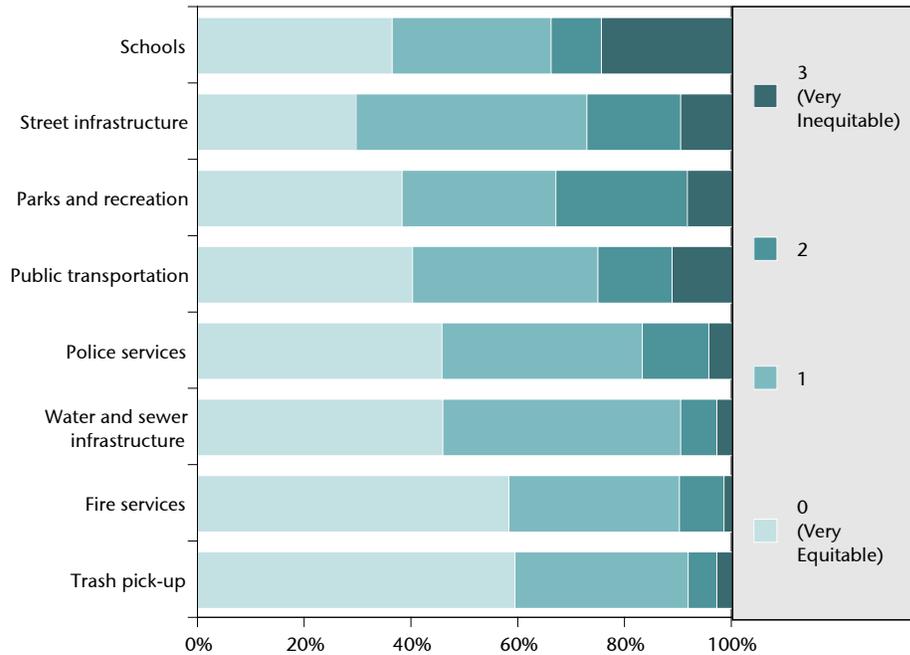
## Equitable Service Delivery

Residents rated a variety of public services based on how equitably they believe the service is delivered across the city. Figure IV-13 presents residents' ratings. On average, most residents believe that services are equitably distributed, particular fire and trash pick-up. Schools were considered the least equitably distributed, followed by street infrastructure.

**Figure IV-13.**  
**Equity in City**  
**Service**  
**Delivery**

Note:  
n=74.

Source:  
BBC Research &  
Consulting 2011 Santa  
Fe Resident Survey.



Those residents who rated a particular city service to be inequitably delivered specified the area of the city they feel is underserved and provided more specificity about services. Many of residents' comments about unequal service delivery were specific to Southside and the Tierra Contenta neighborhood. Figure IV-14 presents a sampling of residents' comments. Parks and school quality were among the most frequently cited needs.

**Figure IV-14.  
Services Needed by Location**

Location	Service needed
Airport Road area	Schools are better quality in other districts. Not enough parks. Buses run on weird schedule.
Airport Road	Community Park
Airport Road near Cerrillos	Safe parks and trails
Airport/Jaugar Drive (Tierra Contenta Area)	Quality public school systems. We refused to purchase a house in this area due to crime levels and troubled school systems for our (future) kids.
Tierra Contenta	No parks, slow snow response, need more police stations, bus routes need adjusting.
Tierra Contenta/Airport Road	Parks
Tierra Contenta	Needs parks, that is where most of the kids live.
Tierra Contenta/Airport Road	Transportation
Tierra Contenta	Ongoing care for parks, streets and police patrols that correspond to the population density.
Tierra Contenta	Swimming pool
Candlelight	Buses
Las Acequias	Southside schools are not very good.
Las Acequias Neighborhood	More parks
Colores De Sol	There are no parks in the area for children. There are many young kids with no place to play.
Southside and Nava Elementary School Area	Better schools, more opportunity for students to excel and learn.
Southside	Road repair
Southside	Schools
Southside	Park construction
Southside	Upkeep of parks is abysmal.
South and Central Santa Fe	Insufficient security at parks; feels dangerous after sunset.
South Side and West Side	Better care for the parks and more access to them. Parks are becoming more "artsy" than play friendly.
South Side and West Side	Better drain control.
Southside	Southside communities rely on private apartment complexes for secure areas for pools and playgrounds.
Santa Fe City and County	More bus routes, more frequent service, and longer routes that use city and county facilities for integrated service.
West Alameda Area	City bus service

Note: n = 37.

Source: BBC Research & Consulting 2011 Santa Fe Resident Survey

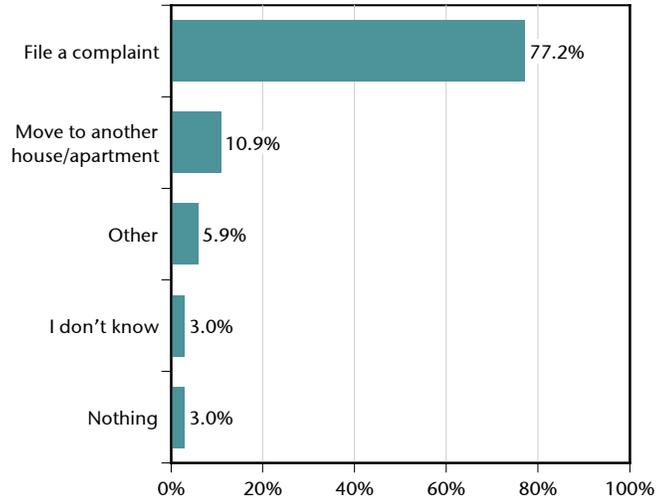
## Knowledge of and Communicating Fair Housing

As shown in Figure IV-15, more than three out of four residents would file a complaint if they or someone they knew thought that they had experienced discrimination in housing.

**Figure IV-15.**  
**Response to Perceived Housing Discrimination**

Note:  
n=101.

Source:  
BBC Research & Consulting 2011 Santa Fe Resident Survey.

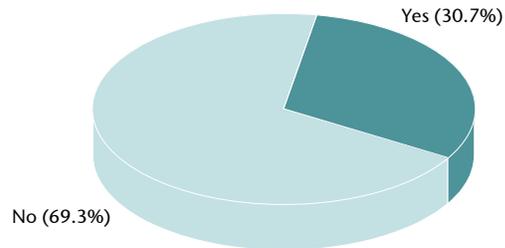


With respect to reporting housing discrimination, most residents (69 percent) do not know who they would contact, as shown in Figure IV-16.

**Figure IV-16.**  
**Do you know who you would contact to report housing discrimination?**

Note:  
n=101.

Source:  
BBC Research & Consulting 2011 Santa Fe Resident Survey.



Residents who said they knew who to contact identified HUD, the Community Services Department, Senior Protective Services, the Human Rights Bureau and the Landlord/Tenant Hotline, among other organizations.

Both residents and stakeholders were asked to detail the best strategies for communicating fair housing law to Santa Fe residents. Suggestions included:

- Public information campaigns in the English and Spanish-language media;
- Open meetings and training sessions;
- Providing fair housing information on the city's website;
- Placing fair housing brochures in public spaces such as libraries, schools and with the area's largest employers;
- Placing fair housing brochures at apartment rental offices and home sale sites; and
- Mailing residents information about the law through their utility bills.

**SECTION V.**  
**Fair Lending and Complaints**

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## **SECTION V.**

### **Fair Lending and Complaints**

This section of the Santa Fe AI addresses fair lending and fair housing complaints. The first part examines complaint data and legal cases related to fair housing violations in Santa Fe. The second part of this section contains an analysis of mortgage loan and community reinvestment data to detect fair lending concerns.

#### **Fair Housing Ordinances**

In 1969, New Mexico passed the New Mexico Human Rights Act (NMHRA) which prohibits discrimination in the rental, assignment, lease, or sublease of housing.<sup>1</sup> In addition to prohibiting, as the federal law does, discrimination on the basis of race, religion, color, national origin, sex, and physical or mental handicap (provided that the handicap is unrelated to the person's ability to acquire or rent and maintain the housing), the NMHRA was amended in 2003 to also prohibit discrimination on the basis of ancestry, sexual orientation, gender identity, and spousal affiliation. The state statute assigns claims alleging violations of the NMHRA to the State's Human Rights Division (HRD) and the District Court's jurisdiction to hear.

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. Unlike the State Human Rights Act, the city Ordinance essentially mirrors the Federal FHA. In addition, the city Ordinance prohibits discrimination based on sexual orientation (which is not protected by the FHA).

#### **Filing a Complaint**

HUD's Office of Fair Housing and Equal Opportunity (FHEO) and the New Mexico Human Rights Division (HRD) are the only two agencies that accept fair housing complaints from residents of New Mexico. There are, however, many organizations in the state and Santa Fe that provide legal and or affordable housing services and which may be contacted by residents for fair housing information.

**Resources for fair housing complaints.** As discussed in Section IV, 69 percent of Santa Fe residents who responded to the survey would not know who to contact if they experienced housing discrimination. In order to understand the ease or difficulty that a resident may experience when searching for how to file a fair housing complaint, BBC personnel unfamiliar with the specifics of the AI were asked to find out how to file a fair housing complaint in Santa Fe. The result of this

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<sup>1</sup> The NMHRA exempts certain types of housing from its coverage based on whether the housing is public or private: (1) In public housing, a tenant may only be evicted for "good cause." Good cause is usually a major lease violation, such as non-payment of rent, or repeated minor lease violations, such as loud parties, (2) in some public housing programs, tenants have additional rights, such as more time in an eviction notice, a right to comment or have a grievance hearing before an eviction lawsuit is brought, and a right to have the eviction approved by a housing authority before an eviction suit is brought, (3) in addition to rights granted under New Mexico law, public housing tenants may have grievance rights to a housing authority or government agency if repairs are not made, and (4) the possession or use of illegal drugs is not tolerated in public housing and is grounds for immediate eviction.

assignment is detailed in Figure V-1. Beginning with a simple Google search, our staff contacted each agency found and recorded the procedure for filing a fair housing complaint or being connected to the appropriate agency. As shown, residents have the potential to get poor or incomplete advice based on the agency they contact. Some organizations have out-of-date information while others point residents to agencies that do not take complaints.

**Figure V-1.  
Filing a Fair Housing Complaint**

Agency	Contact	Procedure
<b>Google Search Results:</b>		
City of Santa Fe	www.santafenm.gov 505-955-6345	<ul style="list-style-type: none"> <li>Points to Law Help New Mexico and HUD</li> </ul>
US Department of Housing and Urban Development (HUD)	www.hud.gov 1-800-669-9777	<ul style="list-style-type: none"> <li>Online form, mail-in form, or write letter to closest regional Fair Housing hub.</li> </ul>
Law Help New Mexico	www.lawhelpnewmexico.org 1-800-340-9771	<ul style="list-style-type: none"> <li>No webpage specific to fair housing. Law Topics section on housing has</li> <li>New Mexico Renter's Guide, which refers back to HUD.</li> <li>Per phone contact: No general information is given, only case-specific information.</li> </ul>
New Mexico Legal Aid	www.nmlegalaid.org 505-243-7871 (Albuquerque) 505-982-9886 (Santa Fe)	<ul style="list-style-type: none"> <li>Website under construction, points to lawhelpnewmexico.org.</li> <li>Per Albuquerque: Call Human Rights Office in Albuquerque-- 1-800-659-8331 (a fax number).</li> <li>Per Santa Fe: Didn't have information to give out. Advised to look up HUD website.</li> </ul>
New Mexico Department of Workforce Solutions, Human Rights Bureau	www.dws.state.nm.us 505-827-6838; 1-800-566-9471	<ul style="list-style-type: none"> <li>Call office to file discrimination complaint with intake officer or submit contact request by mail, fax or email.</li> <li>Line busy. No return call to voice message.</li> </ul>
<b>Santa Fe Affordable Housing Roundtable List and Leads:</b>		
Enterprise Community Partners	www.enterprisecommunity.org 505-216-0925	<ul style="list-style-type: none"> <li>Call the Santa Fe Community Trust.</li> </ul>
Esperanza	www.esperanzashelter.org 505-474-5536	<ul style="list-style-type: none"> <li>Call City of Santa Fe.</li> </ul>
Homewise, Inc.	www.homewise.org 505-983-6214	<ul style="list-style-type: none"> <li>They have HUD complaint forms in office and will help fill them out. Advised to call Attorney General's office in Santa Fe, Consumer Protection Division.</li> </ul>
Attorney General, Consumer Protection Division	www.nmag.gov/office/Divisions/CP 505-827-6009; 1-800-678-1508	<ul style="list-style-type: none"> <li>Division doesn't handle landlord/tenant or discrimination issues. Advised to call NM Legal Aid.</li> </ul>
New Mexico Coalition to End Homelessness	www.nmceh.org 505-982-9000	<ul style="list-style-type: none"> <li>Call HUD in Albuquerque.</li> </ul>
Santa Fe Civic Housing Authority (SFCHA)	www.santafenm.gov 505-988-2859	<ul style="list-style-type: none"> <li>Call Landlord/Tenant hotline, 505-983-8447, which charges \$20 per consultation for tenants.</li> </ul>
Santa Fe County Housing Authority	www.santafecounty.org 505-992-3060	<ul style="list-style-type: none"> <li>Referred to HUD or Somos Un Pueblo Unido.</li> </ul>
Somos Un Pueblo Unido (Somos)	www.somosunpueblounido.org 505-424-7832	<ul style="list-style-type: none"> <li>They have HUD complaint forms in office and will help fill them out, or call HUD in Albuquerque or go to HUD website.</li> </ul>
Santa Fe Habitat for Humanity	www.santafehabitat.org 505-986-5880	<ul style="list-style-type: none"> <li>Call Law Help New Mexico or HUD.</li> </ul>
Santa Fe Area Home Builders Association	www.sfahba.com 505-982-1774	<ul style="list-style-type: none"> <li>Call Construction Industry Division (CID) 505-476-4700 to file complaint.</li> </ul>
St. Elizabeth's Shelter	www.steshelter.org 505-982-6611	<ul style="list-style-type: none"> <li>Lawyer on staff can advise for free or call HUD.</li> </ul>
The Housing Trust	www.housingtrustonline.org 505-989-3960	<ul style="list-style-type: none"> <li>Call HUD at 1-800-669-9777 or fill out form online.</li> </ul>

**Figure V-1 (continued).  
Filing a Fair Housing Complaint**

Agency	Contact	Procedure
<b>Santa Fe Affordable Housing Roundtable List and Leads (continued):</b>		
Life Link/La Luz	www.thelifelink.org 505-438-0010	• Call Landlord/tenant hotline.
Tierra Contenta	www.tierracontenta.org 505-471-4551	• Call the Housing Trust.
Youth Shelters	www.youthshelters.org 505-983-0586	• Call HUD.
<b>HUD-Approved List of Housing Counseling Agencies in Santa Fe:</b>		
Money Management International, Inc.	www.moneymanagement.org 1-866-232-9080	• Advised to call 1-888-995-HOPE (4673), a nationwide service.
Northern Pueblos Housing Authority	505-455-7973; 1-888-347-6360	• Advised to call Santa Fe Housing; they only deal with the pueblos.
Santa Fe Community Housing Trust	www.housingtrustonline.org 505-989-3960	• Call HUD.

Source: BBC Research & Consulting.

**Filing complaints filed with HUD.** Housing discrimination complaints filed with HUD may be done online at (<http://www.hud.gov/complaints/housediscrim.cfm>), toll free at 1-800-669-9777 or by contacting the Office of Fair Housing and Equal Opportunity in Washington D.C. or HUD’s Fair Housing Regional Office, which serves New Mexico residents and is located in Texas.

According to HUD, when a complaint is received, HUD will notify the person who filed the complaint along with the alleged violator and allow that person to submit a response. The complaint will then be investigated to determine whether there has been a violation of the Fair Housing Act.

A complaint may be resolved in a number of ways. First, HUD is required to try to reach an agreement between the two parties involved. A conciliation agreement must protect the filer of the complaint and public interest. If an agreement is signed, HUD will take no further action unless the agreement is breached.

If HUD has determined that a state or local agency has the same housing powers (“substantial equivalency”) as HUD, they will refer the complaint to that agency and will notify the complainant of the referral. The agency, called a Fair Housing Assistance Program Partner (FHAP), must begin work on the complaint within 30 days or HUD may take it back. New Mexico does not have a FHAP.

If during the investigative, review, and legal process HUD finds that discrimination has occurred, the case will be heard in an administrative hearing within 120 days, unless either party prefers the case to be heard in Federal district court.

**Filing complaints filed with the State.** The New Mexico Human Rights Division (HRD) exists to enforce the NMHRA. This agency has the role of education, training and technical assistance in regard to fair housing issues throughout the state. Additionally, the HRD accepts complaints of fair housing discrimination and violation of fair housing law in New Mexico and mediates the resolution of the complaint. Fair housing complaints must be filed within 300 days of the incident. A complaint may be filed in person, via telephone or by mail. The contact information for the HRD is:

New Mexico Human Rights Division  
1596 Pacheco St., Suite 103  
Santa Fe, NM 87505  
(505) 827-6838  
1-800-566-9471

Residents can make an online request for an intake contact from HRD at <http://www.dws.state.nm.us/intake-form.html>.

After a complaint is filed the agency attempts mediation. If mediation of the complaint is not achieved, the case is investigated by the HRD as a neutral party. The purpose of the investigation is to determine probable cause. If probable cause is found, then the complaint is submitted to the Human Rights Commission to determine resolution. The Human Rights Commission consists of 11 Governor-appointed members who hear cases in teams of three. The Commission has the right to award compensatory damages in human rights violation cases.

New Mexico Legal Aid can assess cases and advise victims on how to proceed with the complaint process. If either group finds reason for discrimination, complaints are then filed with HUD and/or in state or federal court, or with a state or city human rights office (such as the HRD).

**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.

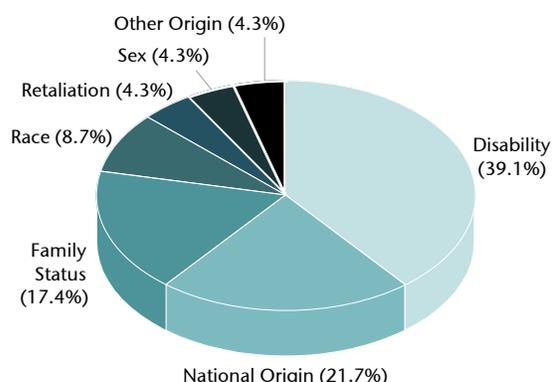
- The city manager or the designated investigator conducts the complaint investigation;
- The city manager or investigator notifies the person against whom the complaint is made and identifies the aggrieved person;
- The city manager or investigator dismisses the complaint if the investigation finds that it 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.

**HUD complaint trends.** As part of the Santa Fe AI, we obtained complaint data from HUD from January 2005 through January 2011. During this period, 17 complaints were filed in the city. Figure V-2 below displays the percentage of complaints filed by the basis for discrimination.

**Figure V-2.**  
**Basis of Complaints Filed with HUD,**  
**January, 2005 through January, 2011**

Note:  
 n=17 complaints, with 23 bases for discrimination; There were no complaints involving religion or harassment.

Source:  
 BBC Research & Consulting, HUD FHEO Fort Worth, Texas office.



The most common type of complaint was for discrimination on the basis of disability followed by national origin and familial status.

According to HUD, the fair housing complaints filed most frequently involved an issue of “discriminatory terms, conditions, privileges, or services and facilities.” The second most frequent issue was a failure to make a reasonable accommodation followed by a discriminatory refusal to rent.

Approximately 41 percent of the complaints (7 complaints) filed were found to have to reasonable cause for discrimination and another 41 percent (another 7 complaints) were withdrawn by the complainant. The remaining 18 percent of cases (3 complaints) were dismissed because the complainant failed to cooperate and because the complainant elected to have a jury trial.

### Legal Cases

To examine current issues in fair housing, the databases of the National Fair Housing Advocate Online (<http://fairhousing.com/>) and the U.S. Department of Justice (<http://www.justice.gov/crt/about/hce/>) were examined for recent fair housing lawsuits in Santa Fe. This review found no recent fair housing lawsuits in Santa Fe.

There were two cases filed in surrounding areas:

1. JAMA Investments, LLC v. Incorporated County of Los Alamos—a case brought against the County of Los Alamos by a developer of group homes to assist the elderly, and
2. Winters v. Transamerica—a case in Albuquerque involving refusal to sell a mobile home to certain protected classes.

### Fair Lending Analysis

This section contains an analysis of home loan and community reinvestment data. Community Reinvestment Act (CRA) ratings and Home Mortgage Disclosure Act (HMDA) data are commonly used in AIs to examine fair lending practices within a jurisdiction. As of 2004, HMDA data contain interest rates of high cost loans, which allows an analysis of high cost lending patterns.

**Community Reinvestment Act.** The CRA requires that financial institutions progressively seek to enhance community development within the area they serve. On a regular basis, financial institutions submit information about mortgage loan applications as well as materials documenting their community development activity. The records are reviewed to determine if the institution satisfied CRA requirements. The assessment includes a review of records as related to the following:

- Commitment to evaluating and servicing community credit needs;
- Offering and marketing various credit programs;
- Record of opening and closing of offices;
- Discrimination and other illegal credit practices; and
- Community development initiatives.

A rating for each institution is determined based on their performance in the above areas. Ratings for institutions range from substantial noncompliance in meeting credit needs to an outstanding record of meeting community needs.

There are 10 banks with headquarters in Santa Fe, all of which have strong ratings (“Satisfactory” or “Outstanding”). None were rated “Needs Improvement” or in “Substantial Noncompliance.”

**Mortgage lending data.** HMDA data are widely used to detect evidence of discrimination in mortgage lending. In fact, concern about discriminatory lending practices in the 1970s led to the requirement for financial institutions to collect and report HMDA data. 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, HMDA analyses 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). Yet HMDA data do not contain all of the factors that are evaluated by lending institutions when they decide to make a loan to a borrower. Basically, the data provide a lot of information about the lending decision—but not all of the information.

Since 2004, HMDA data contain the interest rates on higher-priced mortgage loans. This allows examinations of disparities in high-cost, including subprime, loans among different racial and ethnic groups. It is important to remember that subprime loans are not always predatory or suggest fair lending issues, and that the numerous factors that can make a loan “predatory” are not adequately represented in available data. Therefore, actual predatory practices cannot be identified through HMDA data analysis. However, the data analysis can be used to identify where additional scrutiny is warranted, and how public education and outreach efforts should be targeted.

HMDA data report several types of loans. These include loans used to purchase homes, loans to make home improvements and refinancing of existing mortgage loans, as defined below.

- **Home purchase loan.** A home purchase loan is any loan secured by and made for the purpose of purchasing a housing unit.
- **Home improvement loan.** A home improvement loan is used, at least in part, for repairing, rehabilitating, remodeling, or improving a housing unit or the real property on which the unit is located.
- **Refinancing.** Refinancing is any dwelling-secured loan that replaces and satisfies another dwelling-secured loan to the same borrower. The purpose for which a loan is refinanced is not relevant for HMDA purposes.

The HMDA data are separated into two primary loan categories: conventional loans and government-guaranteed loans. Government-guaranteed loans are those insured by government agencies—for example, the Federal Housing Administration, the Veterans Administration or the U.S. Department of Agriculture.

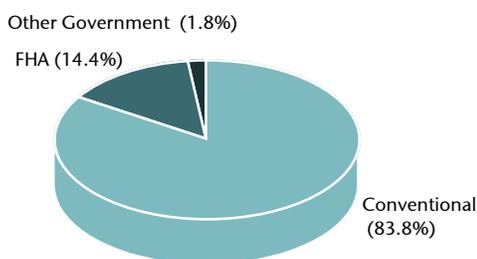
This section uses the analysis of HMDA data to determine:

- The geographic areas in Santa Fe where high-cost lending and loan denials are concentrated, and the correlation of these areas with concentrations of minority and low income households; and
- Disparities in high-cost lending and loan denials across different racial and ethnic groups.

**Loan applications.** The most recent HMDA data available are for the 2009 calendar year. During 2009, there were about 9,000 loan applications made in Santa Fe for owner-occupied homes. Eighty-four percent of these loans were conventional loans; 14 percent were FHA-insured; and the balance was VA- or other guaranteed, as shown in Figure V-3.

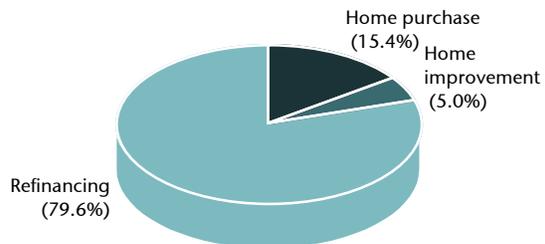
The vast majority (80 percent, or about 7,000) of applications were for refinances. Another 15 percent (about 1,350) were for home purchases and the balance consisted of home improvement loans. This distribution resembles the purpose of loan applications for the State of New Mexico overall, where 70 percent of applications were refinances, 24 percent were home purchases and 6 percent were home improvement loans.

**Figure V-3.**  
**Mortgage Loan Applications, Santa Fe, 2009**



Source: Home Mortgage Disclosure Act (HMDA), 2009.

**Figure V-4.**  
**Purpose of Loan Applications, Santa Fe, 2009**



Source: Home Mortgage Disclosure Act, 2009.

Of all of the loan applications in Santa Fe, 56 percent were approved (about 5,000 loans) and 19 percent (1,700) were denied. Other loans were not initiated because of various reasons, as shown in Figure V-5. The State of New Mexico had slightly higher denial rates than Santa Fe at 26 percent.

**Figure V-5.  
Action Taken on  
Loan Applications,  
Santa Fe, 2009**

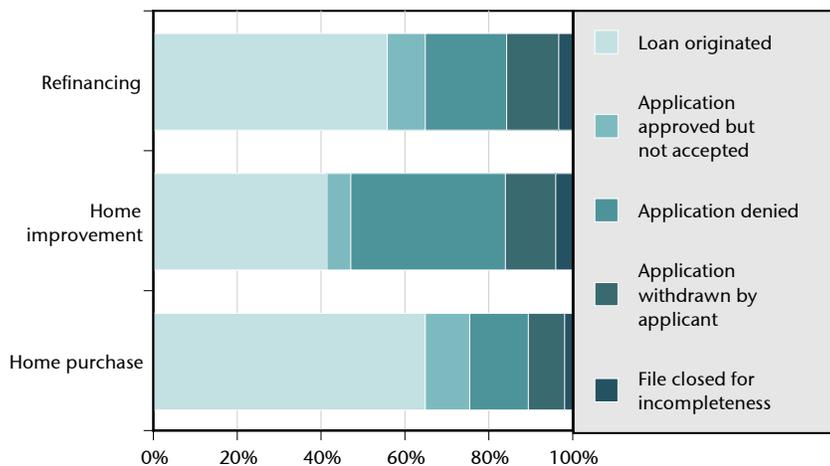
Source:  
Home Mortgage Disclosure  
Act, 2009.

Action Taken:	Home Purchase	Home Improvement	Refinancing
Loan originated	64.9%	41.4%	55.7%
Application approved but not accepted	10.6%	5.7%	9.1%
Application denied	14.0%	36.9%	19.4%
Application withdrawn by applicant	8.6%	12.0%	12.4%
File closed for incompleteness	2.0%	4.1%	3.3%

Figure V-6 compares loan outcome by loan purpose. Home purchase loans had the lowest denial rates (14 percent), followed by applications for mortgage refinances (19 percent) and home improvement loans (37 percent). Home improvement loans often have higher denial rates than mortgages because people typically add the home improvement loan on to their mortgage, which increases loan to value ratios.

**Figure V-6.  
Action Taken on  
Loan Applications  
by Loan Purpose,  
Santa Fe, 2009**

Source:  
Home Mortgage Disclosure Act,  
2009.



**Denial rates by race, ethnicity and income.** This section presents an analysis of denial rates by race and ethnicity, categorized by income level. The analysis focuses on the largest racial and ethnic groups in Santa Fe: Hispanic, White and American Indian and Alaska Native.

Figure V-7 presents loan outcomes by race and ethnicity. Denial rates were highest for the city’s American Indian/Alaska Native population — 36 percent compared to a 19 percent for Whites. Twenty-six percent of loan applications submitted by Hispanic residents were denied, compared with 16 percent of applications submitted by non-Hispanics.

**Figure V-7.**  
**Action Taken on Loan Applications by Race/Ethnicity, Santa Fe, 2009**

	Percent of Loans	Loan originated	Application approved but not accepted	Application denied	Application withdrawn by applicant	File closed for incompleteness
<b>Race:</b>						
American Indian or Alaska Native	1.3%	38.7%	5.9%	36.1%	16.8%	2.5%
Asian	0.9%	50.0%	14.1%	21.8%	11.5%	2.6%
Black or African American	0.5%	57.4%	8.5%	21.3%	10.6%	2.1%
White	82.2%	58.4%	8.8%	18.8%	11.0%	2.9%
<b>Ethnicity:</b>						
Hispanic or Latino	28.5%	51.9%	7.7%	25.8%	10.7%	3.9%
Not Hispanic or Latino	59.4%	60.4%	9.2%	16.3%	11.5%	2.6%
<b>Racial and Ethnic Differences:</b>						
<i>Hispanic/Non-Hispanic Difference</i>		-8.5%	-1.5%	9.6%	-0.8%	1.2%
<i>Native American/White Difference</i>		-19.8%	-2.9%	17.3%	5.8%	-0.4%

Note: Fifteen percent of applicants did not identify their race and 12 percent did not identify their ethnicity in their loan application. This analysis only displays applicants that identified their race and ethnicity.

Source: Home Mortgage Disclosure Act, 2009.

A further examination of loan denials by race/ethnicity and income level is shown in Figure V-8. For all income levels less than 100 percent of the area median income (AMI), Hispanic denial rates are higher than non-Hispanic denial rates. This ethnic disparity diminishes as income increases. American Indians/Alaskan Natives have higher denial rates than Whites across all income levels, although the gap is not as extreme for very low income households as it is for Hispanic applicants.

**Figure V-8.**  
**Denials by Race/Ethnicity and Income level, Santa Fe, 2009**

	Less than 50% AMI	50% to 79% AMI	80% to 99% AMI	Greater than 100% AMI
<b>Race:</b>				
American Indian or Alaska Native	54.5%	46.2%	36.8%	26.9%
Asian	66.7%	13.3%	16.7%	17.0%
Black or African American	20.0%	33.3%	50.0%	14.8%
White	37.4%	23.8%	19.9%	15.0%
<b>Ethnicity:</b>				
Hispanic or Latino	46.9%	30.4%	28.5%	19.0%
Not Hispanic or Latino	14.1%	17.3%	19.4%	31.3%
<b>Racial and Ethnic Differences:</b>				
<i>Hispanic/Non-Hispanic Difference</i>	32.9%	13.1%	9.0%	-12.4%
<i>Native American/White Difference</i>	17.2%	22.4%	16.9%	11.9%

Note: According to HMDA, the AMI for Santa Fe was \$65,500. This AMI was used to calculate income levels.

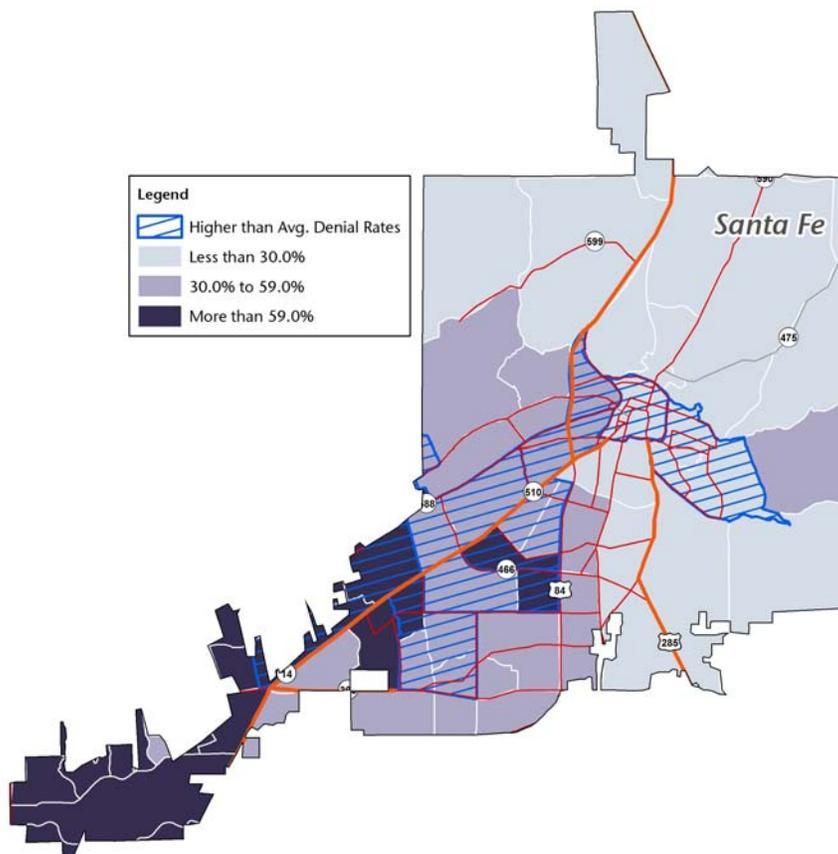
Source: Home Mortgage Disclosure Act, 2009.

**Denial rate by ethnicity by census tract.** A further examination of loan denials by ethnicity is provided below. Figure V-9 overlays Census tracts containing loan denial rates higher than the city's 19 percent denial rate with the city's Hispanic concentrations (tracts with 59 percent or more Hispanics). The overlay does not indicate any strong correlations between loan denials and Hispanic concentrations.

**Figure V-9.  
Higher than Average  
Denials by Percent  
Hispanic, 2009**

Note:  
The denial rate for all loans in the city overall was 19 percent.

Source:  
Home Mortgage Disclosure Act (HMDA), 2009 and 2010 Census



A higher denial rate for minorities does not necessarily indicate fair housing problems. Without a detailed analysis of each applicant (such data are unavailable in the HMDA records due to confidentiality), it is unclear if the reason for the difference is due to variables other than income that are considered in making the lending decision (e.g., credit history, debt to income ratios) or if discrimination in lending could be occurring.

**Reasons for denial.** HMDA data also contain summary information on the reasons for denial by type of loan and applicant characteristics, which can help explain some of the variation in approval rates among applicants. As demonstrated in the figure below, debt-to-income ratio is the primary reason for application denials across race and income. Inadequate collateral and credit history are other important reasons that loans are denied.

**Figure V-10.**  
**Reasons for Denial by Race/Ethnicity and Income, Santa Fe, 2009**

	Debt-to- Income Ratio	Employment History	Credit History	Collateral	Insufficient Cash	Unverifiable Information	Credit Application Incomplete	Mortgage Insurance Denied	Other
<b>Race:</b>									
American Indian or Alaska Native	21.2%		30.3%	24.2%	6.1%	6.1%	6.1%	0.0%	6.1%
Asian	47.6%	4.8%	9.5%	23.8%	4.8%		4.8%	4.8%	
Black or African American	10.0%		20.0%	30.0%			20.0%		20.0%
White	28.9%	1.8%	18.1%	22.7%	2.1%	5.7%	7.3%	0.6%	12.9%
<b>Ethnicity:</b>									
Hispanic or Latino	29.0%	1.6%	25.1%	21.9%	2.3%	3.2%	5.0%	0.6%	11.3%
Not Hispanic or Latino	29.0%	2.1%	13.8%	24.0%	2.3%	6.8%	8.5%	0.5%	13.1%
<b>Income Level:</b>									
Less than 50% AMI	48.8%	3.1%	21.3%	8.0%	2.4%	3.8%	2.1%	0.3%	10.1%
50% to 79% AMI	33.3%	1.6%	17.8%	19.2%	1.8%	5.5%	8.1%	0.8%	11.8%
80% to 99% AMI	27.5%	1.7%	16.9%	25.4%	1.7%	5.1%	7.2%	0.8%	13.6%
Greater than 100% AMI	20.3%	1.6%	18.0%	29.4%	2.7%	5.8%	7.7%	0.4%	14.0%

Note: According to HMDA data, the AMI for Santa Fe was \$65,500. This AMI was used to calculate income levels.

Source: Home Mortgage Disclosure Act, 2009.

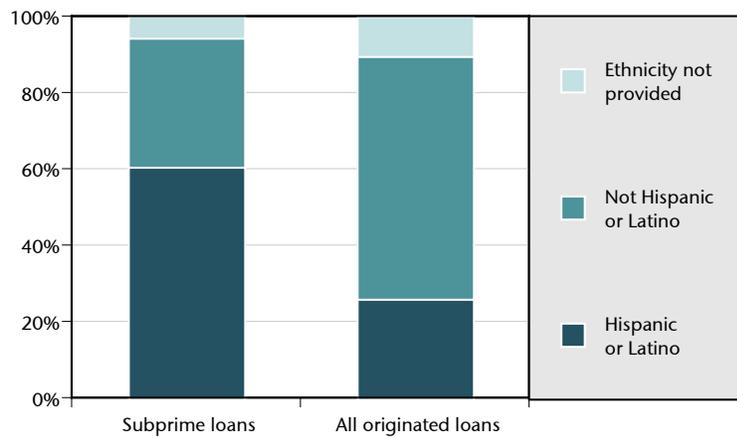
**Subprime analysis.** This section examines how often Hispanics in Santa Fe received subprime loans compared with non-Hispanics. For the purposes of this section, we define “subprime” as a loan with an APR of more than 3 percentage points above comparable Treasuries. This is consistent with the intent of the Federal Reserve in defining “subprime” in the HMDA data.

We also call loans “super subprime” which have APRs of more than 7 percentage points above comparable Treasuries. This is our own definition, created to identify very high-cost loans.

Approximately 3 percent (148) of Santa Fe’s originated loans were considered subprime in 2009. Of the subprime loans, 61 percent were made to Hispanics. Overall, only 26 percent of originated loans were made to Hispanics. This disparity in subprime lending is consistent across loan purposes and may suggest that subprime loans were targeted to Hispanics. This dovetails with the stakeholder perception that subprime loans were targeted to Hispanics. Figure V-11 presents the distribution of subprime loans compared with the distribution of all originated loans.

**Figure V-11.**  
**Distribution of Subprime Loans by Ethnicity, City of Santa Fe, 2009**

Source:  
 Home Mortgage Disclosure Act, 2009.



Seventeen of the subprime loans had interest rates so high that we considered them “super” subprime. Fourteen of these (82 percent) went to Hispanic borrowers.

**SECTION VI.**  
**Fair Housing Impediments and Action Plan**

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## **SECTION VI.**

# **Fair Housing Impediments and Action Plan**

Sections II through V present the research and public outreach processes conducted as part of the City of Santa Fe's 2011 AI. The 2011 AI was an update to the AI conducted in 2004. It is important to note that the city has undertaken many activities to address the 2004 impediments:

### **2004-2010 Fair Housing Activities**

The city has implemented many of the recommended fair housing action items from the 2004 AI, especially those related to mortgage lending practices and lack of affordability. Santa Fe's current activities to address fair housing barriers include the following. The city utilizes many nonprofit partners to carry out fair housing activities; however, not all of these organizations receive regular funding due to budget cuts.

Both Homewise and Somos provide renters' rights and fair housing information and referrals to Spanish-speaking families; assistance to immigrant families to become homeowners; counseling for families about different financing options and other homeownership issues; assistance with completing a fair housing complaint; and submission of fair housing complaints to HUD.

- Somos conducts "Know Your Rights" presentations about fair housing and renters' rights given by staff from Somos. Through these workshops, participants learn about tenants' rights and responsibilities, fair housing law and remedies, and how to file a HUD complaint. The project brochure, fact sheets, and other materials are distributed at these presentations. Somos staff continues to implement its Train-the-Trainer program for teaching community members the Know Your Rights curriculum and to help set up tenant associations. Topics discussed at these meetings include: 1) the importance of understanding a lease; 2) how to tell the difference between something that is illegal and something that is unfair; 3) which goals the tenant association wants to achieve; and, 3) the importance of staying together as an association even if goals are taking a long time to achieve.
- Homewise provides homebuyer and homeownership materials in Spanish that include a homebuyer profile and informational packet in Spanish and a publication entitled Como Crear Riqueza ("How To Create Wealth") which addresses issues such as learning English, creating budgets, investing, and debt reduction. They also now provide their financial fitness assistance material in Spanish. From July 2010 through June 2011, Homewise staff offered free homebuyer training classes to potential homebuyers and helped them to obtain financial assistance for down payment and closing costs and to stay on track for their loan closings.

- Homewise continues to focus on educating consumers about the difference between prime vs. subprime loans. Its curriculum emphasizes what good financing looks like, how to shop for it, what are the right questions to ask, how to protect one's interests and how obtaining a prime loan increases financial stability through homeownership. This information is critical to the immigrant community where there is little experience with the lending process and credit issues. To further this effort, Homewise partners with five local lenders to provide Financial Fitness training to low and moderate income individuals and minority individuals seeking to buy a home or trying to stabilize their financial situations and protect their greatest asset, their home. In situations of discrimination, Homewise encourages and assists clients in filing complaints with HUD or the New Mexico Attorney General's Office as appropriate.
- The Santa Fe Community Housing Trust holds free homebuyer training classes to potential homebuyers, assists with down payment and closing cost and works closely with the client through the purchase process. They also provide a referral service for Foreclosure Prevention.

A broader goal for the City is to refine its strategy for improving lending performance to underserved borrowers in Santa Fe. As part of this effort, the city's inclusionary zoning ordinance that governs the Santa Fe Homes Program (SFHP) specifically prohibits buyers from using subprime loans.

In 2011, the city proclaimed the month of April as Fair Housing Month. There was a press release that announced the Mayor's proclamation. This Proclamation was read by the Mayor at the April 13, 2011 City Council meeting. In addition, there were ads in the Santa Fe New Mexican and the Santa Fe Reporter that described Fair Housing issues and contact information if the public felt they were being treated unfairly in accordance with the Fair Housing Act. The city also added contacts, who could address Fair Housing issues and requirements on the city website for the public.

To address the displacement of established Hispanic households, the city is actively engaged in the master planning the Northwest Quadrant, which will introduce affordable housing into the northwestern portion of the city. In addition, through the city's housing improvement and emergency repair loan programs, residents are able to remain in their affordable homes, which prevents lower income residents from being displaced to other parts of the city.

## **2011 Fair Housing Impediments**

The fair housing impediments found in the 2011 AI research include the following:

**IMPEDIMENT NO. 1. Fair housing information is difficult to find.** Sixty-nine percent of residents responding to the survey conducted for this 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, indicates a fair housing barrier created by lack of readily-accessible fair housing information.

The problems associated with limited fair housing information include:

- Fair housing information on the city's website is minimal and requires a search to find.
- The Santa Fe Civic Housing Authority does not maintain a website. New Mexico Legal Aid and Law Help New Mexico websites lack fair housing information.

- In an attempt to get information about how to file a complaint, we found that other legal and housing organizations in the city provide inconsistent advice when contacted about fair housing issues. With a simple Google search, our staff contacted each housing group found and recorded the procedure for filing a fair housing complaint or being connected to the appropriate agency (the results of this exercise are detailed in Figure V-1, Section V). We found that residents have the potential to get inadequate or incomplete advice based on the agency they contact. Some organizations have out-of-date information while others point residents to agencies that do not take complaints.

**IMPEDIMENT NO. 2. Fair housing violations occur, but are unreported. This may be due to lack of fair housing enforcement and education organizations.** In the survey conducted for this study, 18 percent of residents said they felt they had experienced housing discrimination. Despite this relatively high incidence rate, very few fair housing complaints are filed in Santa Fe annually and, like in the 2004 AI, BBC was unable to identify any fair housing legal cases occurring in the city.

It should be noted that, up until recently, the city funded a landlord/tenant hotline to address renters' housing questions and concerns. This hotline is well known and residents could be resolving their fair housing concerns through this hotline rather than filing complaints.

That said, the myriad of fair housing violations that were described by stakeholders in our interviews and focus groups suggests that the lack of active fair housing enforcement and education affects complaint filings. The potential fair housing infractions described by stakeholders were particularly prevalent for persons with disabilities, limited English proficiency (LEP) populations and, to a lesser extent, large families.

**Stakeholder-identified impediments.** Stakeholders described the following barriers that are likely to go unreported:

**Potential barriers to fair housing for persons with disabilities.**

- Bias against people with mental health disabilities; low tolerance for people with mental health disabilities.
- Few agencies representing disabled tenants resolve landlord/property management issues, leading to evictions.
- Lack of tolerance for people with HIV/AIDS
- Need for accessibility improvements in homes of persons with disabilities, lack of accessible roads and streets and inaccessible shelters.

**Potential barriers to fair housing for limited English populations.** Barriers ranged from deposits not being returned to maintenance not being completed to general discussions of the immigrant community being taken advantage of by private landlords.

**Potential barriers to fair housing for large families.** Space quotas, lack of large rental units and costly rents present barriers to fair housing for families, according to stakeholders.

**IMPEDIMENT NO. 3. Neighborhood resistance to affordable housing creates fair housing barriers.** Neighborhood resistance or NIMBYism and the power of neighborhood organizations were identified as being fair housing barriers by stakeholders participating in the in-depth interviews and focus groups. Issues specific to NIMBYism included:

- Stigma of affordable housing.
- Resistance to shelters.
- Resistance to group homes for the mentally ill.
- Affordable housing bias.

**IMPEDIMENT NO. 4. City development approval practices reportedly create potential fair housing barriers.** Stakeholders believe the following regulations and practices lead to fair housing barriers:

- Santa Fe Homes Program Ordinance preventing group housing with services.
- Lack of—and no plans for—manufactured home park zoning in the city.
- City zoning laws that are complicated and extremely difficult to keep up with.
- Variance (by city) from existing zoning or master plan.
- The city's inclusionary zoning program density bonus being ineffective. This is because the bonus is not allowed to happen when a project is either in the Historic District (downtown) or in a more established area (because the neighbors resist density). These situations generally happen near the downtown area, thus keeping more affordable housing from the downtown area and concentrating it in the southern part of the city.

### **Fair Housing Action Plan**

Based on our research for this AI, BBC recommends the City of Santa Fe adopt the following Fair Housing Action Plan and activities for reducing fair housing impediments:

**ACTION ITEM 1. Continue to improve access to and dissemination of fair housing information.**

Santa Fe should increase its role in educating citizens about fair housing rights. Specifically, the city should, working with the recommended fair housing organization proposed in Action Item 2, do the following:

- 1.a. Implement a fair housing campaign targeted at the city's Hispanic, immigrant, LEP and disabled populations.
  - Place Public Service Announcements (PSA) on radio stations, public television stations and in newspaper ads as appropriate for each targeted population.
  - Distribute information about fair housing to public schools in target areas; send information flyers home twice a year with the children.
  - Mail residents fair housing information through utility bills.

- Have fair housing brochures available at community centers and library computer stations.
  - Encourage Legal Aid and the Law Center to add fair housing information and complaint-filing features to their websites. Publicize that the new websites exist; put links on the city's website.
- 1.b. Continue improvements on the city's website. We recommend that the city develop a stronger fair housing page that describes the city's ordinance, the Fair Housing Act and consumers' rights under fair housing laws. The page should also give clear details about consumers' options for filing complaints, complaint procedures (e.g., information about when consumers might be expected to hear back from the city or HUD) and contain appropriate links to complaint forms on HUD's website (and potentially the new website of the housing authority and updated websites of Legal Aid and the Law Center). All of this information should be provided in Spanish and English. We also recommend a Frequently Asked Questions section with answers to questions such as "If I am not a U.S. citizen but I feel that I have been discriminated against, what can I do?"

**ACTION ITEM 2. Examine the creation of a fair housing education and/or enforcement organization.** Although the Fort Worth office of HUD receives and investigates fair housing complaints brought by Santa Fe residents, enforcement of Fair Housing Law is often more powerful and effective at the local level. In addition, as noted in Action Item 1., there are many opportunities to improve fair housing education and outreach in Santa Fe.

The city should examine creating a (potentially regional) organization that can be the "go to" organization on fair housing issues. This organization would maintain a fair housing website, conduct fair housing workshops and make presentations on fair housing and rights to targeted populations (LEP persons, immigrants, persons with disabilities). Such an organization should look to HUD's Fair Housing Assistance Program as a potential funding source.

This fair housing organization should make the following activities a priority:

- Provide intake for complaints, investigation and enforcement of fair housing;
- Assist disabled residents with requests for reasonable accommodations. Resolve landlord/property management issues; explain leases to non-English speakers; mediate problems with landlords (e.g., failure to receive security deposits back without reason).
- Conduct seminars and neighborhood training sessions with residents who are most vulnerable to fair housing discrimination which focus on common issues such as landlords not returning security deposits; landlords refusing to make reasonable accommodations; landlords not renting to children; mobile home park owners not providing renters with lease contracts; etc.,
- Conduct fair housing presentations in neighborhoods where Hispanic, immigrant, LEP and disabled populations are concentrated as indicated by Census data (largely southwest and central Santa Fe). and
- Be a very visible face of fair housing in Santa Fe. This could include taking on some of the activities recommended for the city in Action Item 1.

As funding becomes available, the organization could implement a fair housing testing program to better identify where fair housing violations occur and properly target educational and outreach activities to vulnerable populations and violators.

The organization might also conduct fair housing enforcement activities. HUD funds organizations to enforce fair housing laws on its behalf; these are called Fair Housing Initiative Partners (FHIP). It should be noted that to become a FHIP, organizations must “be qualified fair housing enforcement organizations with at least two years of experience in complaint intake, complaint investigation, testing for fair housing violations, and meritorious claims in the three years prior to the filing of their application.”<sup>1</sup>

**ACTION ITEM 3. Encourage the Santa Fe Civic Housing Authority (SFCHA) to develop a website.**

The housing authority should have a website that accepts applications from prospective tenants and contains fair housing information:

- Housing authorities should allow the submittal of applications online to allow people who are mobility impaired an equal opportunity to submit an application as someone who is not mobility impaired.
- When asked who to contact to report housing discrimination, residents responding to the survey conducted for this study were most likely to identify HUD. However, several residents named SFCHA. It is important that fair housing information is available on all housing related websites in the city, including the public housing authority’s, to reach as many residents as possible.

**ACTION ITEM 4. Work to address NIMBYism.** This study did not contain an exhaustive examination of the development approval process in Santa Fe and the extent to which neighborhood organizations impede affordable housing creation. However, stakeholders raised enough concerns about the effect of NIMBYism that the city needs to address these issues.

To that end, the city should:

- Examine the role that many neighborhoods groups are playing in development decisions. City staff should be assigned to affordable and special needs development plans and help shepherd developers through the process.
- Allow the 15 percent density bonus downtown for affordable developments.
- Educate residents about the need for workforce housing in Santa Fe and the consequences of not meeting current and future needs for housing (e.g., increased traffic).
- Sponsor a “development process” discussion with developers, facilitated by an independent third party, to discuss how the city can streamline the development review process for affordable projects and thus lower development costs.

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<sup>1</sup> For more information on HUD’s FHIP program, see [http://portal.hud.gov/hudportal/HUD?src=/program\\_offices/fair\\_housing\\_equal\\_opp/partners/FHIP/fhip](http://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp/partners/FHIP/fhip)

In addition, the city may want to work with service and nonprofit housing providers to help them better understand the city's inclusionary zoning requirements, particularly as related to supportive services.

**ACTION ITEM 5. Consider allocating CDBG to address fair housing issues.** In future Action Plans, the city should consider funding activities, such as accessibility improvements, to help reduce fair housing barriers.

**ACTION ITEM 6. Monitor lending practices and resident access to credit. Continue financial education and homeowner counseling activities.** As discussed in the fair housing activities above, the city and its nonprofit partners provide many opportunities for residents to become educated about the homebuying and lending process. These activities should continue. In addition, the city should monitor mortgage lending disparities between Hispanic and non-Hispanic applicants through reviews of HMDA data online and be prepared to address disparities by increasing targeted financial education programs as needed.<sup>2</sup>

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<sup>2</sup> HMDA data can be accessed at [www.ffiec.gov](http://www.ffiec.gov)

## **APPENDIX A.**

# **Open-ended Responses and Survey Instruments**

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# APPENDIX A.

## Open-ended Responses and Survey Instruments

This section provides all comments made in survey questions that allowed open-ended responses (i.e., text boxes where respondents could type in answers).

**Figure A-1.**  
**Resident Responses**

Suppose you or someone you knew thought they'd been discriminated against in trying to find a place to rent or a house to buy.	
<b>What would you do or recommend they do?</b>	
■	Punt.
■	This is tricky. The problem is Section 8 from the state. There is noting you can do if they destroy your house - \$15,000 of damage the last time and not a penny to help fix it. Many landlords wish to NOT rent to Section 8. If the state can fix the issue by requiring \$100,000 of insurance then Section 8 will work better. Besides Section 8, file a complaint and move to another rental.
■	Consult an attorney.
■	If a renter, I would recommend contacting the Landlord/Tenant Hotline for information on how to proceed. If a homeowner, then file a complaint.
■	Hire an attorney to protect their rights.
■	I would first say something to the party that seemed to be discriminating against me.
<b>Who would you contact to report housing discrimination?</b>	
■	Main directors.
■	HUD or Human Rights Bureau.
■	HUD, Human Rights, Landlord/tenant hotline.
■	Depends on the complaint.
■	NM Landlord tenant hotline.
■	I don't know.
■	HUD or NM Human Rights Bureau.
■	HUD.
■	PRC.
■	HUD, Landlord/Tenant Hotline.
■	I would contact the Fair Housing Authority.
■	HUD's fair housing specialist in Albuquerque.
■	City housing authority.
■	Senior Protective Services.
■	I would contact the housing people with the City of Santa Fe. I would call the landlord/tenant hotline and I would probably contact an attorney.
■	Human Rights Commission.
■	Tenant/landlord hotline.
■	Attorney General of NM, and City of Santa Fe Housing Authority.
■	State agency for housing.
■	Police, attorney general's office, civil law firm.
■	Community Services.
■	Community Services Department.
■	I would contact an agency like Homewise, and get more information.
■	It depends on funding, start with HUD office in Albuquerque for guidance.
■	Fair Housing.
■	Susan Turetsky, if a renter, the Santa Fe Association of Realtors if a home buyer.

**Figure A-1. (continued)  
Resident Responses**

In your opinion, what is the best way to communicate fair housing information to Santa Fe residents (for example; conduct training at certain organizations)?
■ Training at the Life Link. Commercials on TV.
■ Have a seminar at least once a month and education them on the new housing laws or information to keep the public well informed.
■ Trainings, seminars, advertising.
■ Provide publications or handouts with application. Also, training required for residents and landlords.
■ Flyers.
■ Mail out letters, do training, hold community meetings.
■ Smaller consumer meetings, tenant meetings such as civil housing facility.
■ Refer them to organizations that deal with housing and housing needs.
■ Open public meetings.
■ Group meetings.
■ Training.
■ Advertise in The Reporter.
■ Online presence to go to place to look up information. Targeted training.
■ Public training sessions, newspaper, radio and TV.
■ Require all housing agencies to prominently post information and provide handouts.
■ Lectures at library, supermarket. Fliers of information posted at various places.
■ Conduct training for property managers, rental property owners, etc. Lots of public publicity.
■ Jihad.
■ Conduct a training, would be nice, or air information on our local TV programs.
■ Also conduct workshops.
■ Post on website; pamphlets in grocery stores, bus stops, hospital.
■ Have a fair housing hotline.
■ Providing free seminars and having informational brochures with website links and or telephone numbers with the local Fair Housing Authority staff to respond.
■ Needs snappy, bilingual outreach through radio (Spanish stations esp.), local print media (Round the Roundhouse, Hometown News), participation on talk shows (KSWV, KSFR, Spanish language talk shows) and posters hung in public spaces (libraries, MVD, community centers). Conducting training is only going to get those already interested, knowledgeable and informed. It also may create a situation where landlords/property managers are learning the law to figure out how NOT to get caught.
■ Standard guidelines could be published in the newspaper and other free newspapers. This information should be available in plain sight at all rental apartment complex offices.
■ Training in the workplace is helpful IF at least half of those employees are within the income bracket to receive assistance. The newer employees tend to be in the most unstable housing situations and in lowest income bracket so they benefit most- perhaps a presentation to new trainees/cadets.
■ Training for residents as well as landlord/owners. Public announcements and information put out via public access etc.
■ Workshops, presentations, handouts at libraries and other public venues.
■ Work with the schools to get information out to parents.
■ Website
■ Publicize it.
■ I think the best way to communicate with the Santa Fe residents is to have a town hall meeting. Communication goes a long way and people like to be heard. It makes them feel that their input is important and they will take pride in where they are living.
■ Providing training as schools and community organizations, including churches.
■ Landlord-Tenant hotline
■ Newspaper and/or radio publication would probably reach more people than seminars.
■ Via water/refuse bills
■ Email or snail mail. Trainings are fine as long as residents are fully informed about date time and location. Also some daytime trainings are necessary as some residents don't have safe transportation after dark.
■ Email, mail. Trainings would be ok if residents were informed about location and date. Days or weekend days are best as many people have no car to get around after dark.
■ Email, mail, trainings would be okay if the resident was informed of them.
■ City website
■ Not everyone has TV, nor do they receive a newspaper. I guess individual mailings to all addresses would be most logical.

**Figure A-1. (continued)  
Resident Responses**

In your opinion, what is the best way to communicate fair housing information ... (continued)
■ Have brochures regarding the facts about the fair housing, at apartment complex's and home sale sites.
■ Emails with concise info linked to larger documents, PSAs on tv and radio.
■ Yes, holding training at different sites in the city, all advertise in the papers.
■ Required information to be provided with each lease and/or mortgage; fair housing training for realtors, government officials, public service messages on government and local TV.
■ Provide literature in Spanish and English at all Public Buildings - Libraries, Pools, Schools etc. Website and a toll free number are also helpful.
■ It should be easily available on the city's site, and if it is, it should be more prominent. It should also be disclosed in all housing applications.
■ Training at the libraries advertised in the local newspaper.
■ Links on City web page and TV ads on Government channel directing people to web page with instructions and contact information, including You Tube Video training and or general information.
■ It should be on the City, County and State's Web Site. However if you are NOT legally in this state you should have NO rights. Our service men and women gave them to us don't dishonor them.
■ Yes, getting the information out there that training is available. Should be posted at all government websites, credit unions, banks, etc.
■ Information to the residents on what is available to them and what recourses they can take.
■ City website and newspaper announcement.
■ Have a direct link for people on the City of Santa Fe website. Periodically hold trainings, seminars, community fairs, etc. for residents.
■ Public meetings, internet and newspaper
■ I guess offering trainings would be a very good thing. I also think news releases and an actively updated website would be good too.
■ City email, press releases, flyers, newspaper ads
■ Distribute and/or post info at schools and universities, largest employers, retailers, hospitals, and at city, county, and state offices. As well, create radio and TV spots and run them on local stations.
■ Local newspapers (New Mexican, Santa Fe Reporter) Facebook, or existing housing organizations like Homewise.
■ Press release with contacts and a website.
■ Do a press release that directs them who to contact and has a website.
■ Training is a great way to inform the public. Newspapers.
■ Mail flyers.
■ Put form on website.
■ Have realtors that handle rentals provide brochures with the information.
■ 1) Neighborhood Housing Services has the expertise to provide the correct information; 2) Training needs to be provided where people live—this includes nearby out-of-town locations and community centers; 3) Participation in Santa Fe city and county events, such as fairs, bazaars, and church activities; 4) Seek volunteers to participate in the trainings.
■ Publicize it.
■ Provide all landlords with information about laws concerning fair housing and ENFORCE the existing laws.
■ Via the website, information in libraries, and informational meetings
■ Free workshops advertised in the New Mexican, on buses, open house informational fairs in places like the Chavez Community Center and other community gathering places.
■ Through their utility bill.
■ Offer seminars at different sites throughout the city and advertise them at grocery stores, restaurants and on local radio.
■ Local mailings, TV commercials, and email.
■ The Landlord/Tenant hotline, which should be funded again, should hold trainings for both tenants and land owners. Also, real estate agents & property managers should be required to impart info to their clients.
What was the reason you were discriminated against?
■ Being a woman of Mexican descent.
■ By the fact that they did not like my friends.
■ I'm an asshole.
■ Landlord didn't want to deal with "the government." I was to receive Section 8. Two different individuals and several apartment complexes would not accept my "housing choice voucher".

**Figure A-1. (continued)**  
**Resident Responses**

What was the reason you were discriminated against? (continued)
■ Gay.
■ Being gay.
■ Section 8 - refused to rent to me.
■ Due to record of mental hospital stay.
■ The person hired to move my furniture into a paid for apartment rental was black. Manager was in tears and thought I was being deceptive about my roommate.
■ Was in a rental property that was possibly going on the market, owner wanted to place lock box on door so admittance to home was at any time.
■ They didn't rent to single males.
What improvements do you need to better meet your needs? (e.g.; grab bars in bathroom, ramp)
■ Bigger apartment.
■ Need access to adjust hot water, senior housing, water heater locked, better parking areas.
■ More safety, security, privacy consideration.
■ Grab bars in bath.
■ I have a disability apartment.
■ Air filters.
■ Grab bars in bathroom.
■ No physical improvements necessary.
■ I had to put in a rain down spout near my front door because the builder refused. Six months or so later, the builder then offered to have these put into all the houses in the neighborhood for half of what I paid. I did not receive reimbursement.
■ Back patio is degrading flagstone and is a hazard to walk on at any time.
■ Entrance ramp.
■ More handicapped parking. Ramps.
■ Grab bars in various locations.

Source: BBC Research & Consulting 2011 Santa Fe Resident Survey.

**Figure A-2.  
Resident Responses**

Neighborhood with Inequitable City Services	Service Type Needed
■ Airport Road area.	• Schools are better quality in other districts. Not enough parks. Buses run on weird schedule.
■ Airport Road.	• Community park.
■ Tierra Rael.	• Trash pick-up.
■ Airport Road Area to Highway 14.	• Bus service, ISD, worry about increasing restrictions, e.g., back door use desired, want recycling.
■ Don't Know.	
■ Don't Know.	
■ Southside.	• Road repair.
■ Tierra Contenta.	• No parks, slow snow response, need more police stations, bus routes need adjusting.
■ Kearney and Nava Schools.	• Better education facilities.
■ Aqua Fria neighborhood.	• Street and sidewalk maintenance.
	• More parks for children.
■ Affordable area's new streets are extremely narrow.	
■ Any neighborhood on the west side of St. Francis.	• Has low performing schools.
■ Calle Mejia.	• Bus service.
■ Airport/Jaugar Drive (Tierra Contenta area).	• Quality public school systems. We refused to purchase a house in this area due to crime levels and troubled school systems for our (future) kids.
■ Anywhere.	• Potholes filled!
■ Southside.	• Schools.
■ South Capitol.	• The streets are an uneven patchwork.
■ W. San Francisco area.	• More police protection, streets (paved roads) need to be more maintained.
■ Outskirts of city Agua Fria (west) and St. Francis (east) buses run once an hour.	• Maybe buses could be smaller and run more often and later in the evening.
■ Colores De Sol.	• There are no parks in the area for children. There are many young kids with no place to play.
■ 2800 Cerrillos.	• More of a police presence.
■ Southside and Nava Elementary School Area.	• Better schools, more opportunity for students to excel and learn.
	• Bike lanes.
■ Airport Road near Cerrillos.	• Safe parks and trails.
■ All south of the train tracks.	• Quality of education diminished on Southside.
■ Streets in the nicer areas seem to be neglected, is that because many rich people live there?? Kind of weird that the poor neighborhoods have nicer up kept streets.	

Source: BBC Research & Consulting 2011 Santa Fe Resident Survey.

**Figure A-2. (continued) Resident Responses**

Service Type Needed	Neighborhood with inequitable city services (continued)
<ul style="list-style-type: none"> <li>• Non-potholed streets.</li> </ul>	<ul style="list-style-type: none"> <li>■ All South Side and West Side.</li> </ul>
<ul style="list-style-type: none"> <li>• Buses.</li> </ul>	<ul style="list-style-type: none"> <li>■ Candelight.</li> </ul>
<ul style="list-style-type: none"> <li>• Southside schools have more students per classroom and are not as desired as northside area schools.</li> </ul>	<ul style="list-style-type: none"> <li>■ Governor Miles between Cerrillos and Richard Avenue.</li> </ul>
<ul style="list-style-type: none"> <li>• More public transportation.</li> </ul>	<ul style="list-style-type: none"> <li>■ Terra Contenta / Airport Road.</li> </ul>
<ul style="list-style-type: none"> <li>• Parks.</li> </ul>	<ul style="list-style-type: none"> <li>■ South and central Santa Fe.</li> </ul>
<ul style="list-style-type: none"> <li>• Insufficient security at parks; feels dangerous after sunset.</li> </ul>	<ul style="list-style-type: none"> <li>■ West Alameda area.</li> </ul>
<ul style="list-style-type: none"> <li>• City bus service.</li> </ul>	<ul style="list-style-type: none"> <li>■ Las Acequias neighborhood.</li> </ul>
<ul style="list-style-type: none"> <li>• More parks.</li> </ul>	<ul style="list-style-type: none"> <li>■ Southside, Rufina area, Agua Fria Area, Airport Road area.</li> </ul>
<ul style="list-style-type: none"> <li>• Schools.</li> </ul>	<ul style="list-style-type: none"> <li>■ Terra Contenta.</li> </ul>
<ul style="list-style-type: none"> <li>• Needs parks, that is where most of the kids live.</li> </ul>	<ul style="list-style-type: none"> <li>■ Southside.</li> </ul>
<ul style="list-style-type: none"> <li>• Park construction.</li> </ul>	<ul style="list-style-type: none"> <li>■ Police are concentrated on the south side.</li> </ul>
<ul style="list-style-type: none"> <li>• Schools.</li> </ul>	<ul style="list-style-type: none"> <li>■ South of St. Mike's.</li> </ul>
<ul style="list-style-type: none"> <li>• More police protection. Police need to take violations seriously and take an accurate report.</li> </ul>	<ul style="list-style-type: none"> <li>■ Old Pecos Trail area.</li> </ul>
<ul style="list-style-type: none"> <li>• Better drain control.</li> </ul>	<ul style="list-style-type: none"> <li>■ South Side and West Side.</li> </ul>
<ul style="list-style-type: none"> <li>• Poor road access and utilities.</li> </ul>	<ul style="list-style-type: none"> <li>■ Historical areas, or older areas.</li> </ul>
<ul style="list-style-type: none"> <li>• Southside communities rely on private apartment complexes for secure areas for pools and playgrounds.</li> </ul>	<ul style="list-style-type: none"> <li>■ Terra Contenta /Airport Road.</li> </ul>
<ul style="list-style-type: none"> <li>• Transportation.</li> </ul>	<ul style="list-style-type: none"> <li>■ South Santa Fe.</li> </ul>
<ul style="list-style-type: none"> <li>• More schools and equitable access to resources as smaller, Eastside schools. More graduate and less drop-outs.</li> </ul>	<ul style="list-style-type: none"> <li>■ All neighborhoods outside of downtown/South Capitol.</li> </ul>
<ul style="list-style-type: none"> <li>• Shaded parks, immediate access to downtown events.</li> </ul>	<ul style="list-style-type: none"> <li>■ Las Acequias Neighborhood - Rufina St, Lopez Lane, Airport.</li> </ul>
<ul style="list-style-type: none"> <li>• Streets are not very well maintained. There are sink holes in manholes.</li> </ul>	<ul style="list-style-type: none"> <li>■ Terra Contenta.</li> </ul>
<ul style="list-style-type: none"> <li>• Swimming pool.</li> </ul>	<ul style="list-style-type: none"> <li>■ Southside.</li> </ul>
<ul style="list-style-type: none"> <li>• Riding the buses are a joke unless you have hours to spare to get from point A to point B.</li> </ul>	<ul style="list-style-type: none"> <li>■ South Side and West Side.</li> </ul>
<ul style="list-style-type: none"> <li>• Upkeep of parks is abysmal.</li> </ul>	<ul style="list-style-type: none"> <li>■ Santa Fe City and County.</li> </ul>
<ul style="list-style-type: none"> <li>• Much better public transport around city.</li> </ul>	<ul style="list-style-type: none"> <li>■ Las Acequias.</li> </ul>
<ul style="list-style-type: none"> <li>• Better Care for the parks and more access to them. Parks are becoming more artsy than play friendly.</li> </ul>	<ul style="list-style-type: none"> <li>■ Terra Contenta.</li> </ul>
<ul style="list-style-type: none"> <li>• Any small street across the city does not get potholes fixed or snow removal attention compared to busier roads.</li> </ul>	<ul style="list-style-type: none"> <li>■ Ongoing care for parks, streets and police patrols that correspond to the population density.</li> </ul>

Source: BBC Research & Consulting 2011 Santa Fe Resident Survey.

**Figure A-3.  
Stakeholder Responses**

<p><b>Are you aware of any zoning or land use laws in Santa Fe that create barriers to fair housing choice or that encourage housing segregation?</b></p> <p><b>If yes, please describe.</b></p> <ul style="list-style-type: none"> <li>■ The City's inclusionary zoning program allows up to a 15 percent density bonus for developers providing affordable housing. In reality, that density bonus is not allowed to happen when a project is either in the Historic District (downtown) or in a more established area where the neighbors come out against a project because the density is too high. These situations generally happen near the downtown area, thus keeping more affordable housing from the downtown area and concentrating it in the southern part of the City.</li> <li>■ Unfair zoning applications that are approved for certain developers by the City.</li> <li>■ Affordable housing bias.</li> <li>■ Remove the developer requirements to provide affordable housing and let the market be the market.</li> <li>■ Santa Fe Homes Program Ordinance makes it extremely difficult to do any kind of group housing with services. Treatment centers, and other types of group homes should be exempt. Also, there is no manufactured home park zoning left in the city and it is not in any future plans.</li> </ul>
<p><b>Are there particular "predatory lending" practices that are a serious problem in Santa Fe?</b></p> <p><b>If yes, please describe.</b></p> <ul style="list-style-type: none"> <li>■ High interest rates for mobile home purchases.</li> </ul>
<p><b>In your opinion, what is the best way to communicate fair housing information to Santa Fe residents?</b></p> <ul style="list-style-type: none"> <li>■ Radio, newspaper ads (Santa Fe Reporter, Santa Fe New Mexican, Pasatiempo), possibly TV commercials, ads at bus stations and on buses. I think Somos Un Pueblo Unido is good at getting the info to the Spanish-speaking community.</li> <li>■ Multiple media-- radio--English and Spanish language; print media, internet.</li> <li>■ Newspaper and internet</li> <li>■ Education to service providers</li> <li>■ Bilingual, government websites &amp; posters in public places</li> <li>■ Radio</li> <li>■ Advertising</li> <li>■ Keep educating the public, maybe add it in to high school programs.</li> </ul>
<p><b>What are the greatest challenges faced by your organization of monitoring and evaluation fair housing issues?</b></p> <ul style="list-style-type: none"> <li>■ The City's Housing Division is not in the same Department as Land Use, which is where the developers could be made aware of Fair Housing. Without a Housing presence, I think Land Use tends to or will forget to inform developers of their Fair Housing obligation.</li> <li>■ The City review process is expensive and time consuming.</li> <li>■ Cutting through biases of landlords.</li> <li>■ Youth getting accurate information and being treated equally. Barriers for youth are related to amount of rent, lack of credit history and the perception that youth are not good tenants.</li> <li>■ Education and enforcement.</li> <li>■ Stigma of affordable housing. Even within the current requirements, "everyone" knows which homes are the affordables.</li> <li>■ Lack of response from city.</li> <li>■ People not speaking up.</li> <li>■ City zoning laws are extremely difficult to keep up with and there is way too much power given to neighborhood organizations, many of which don't want certain types of housing or densities near them.</li> </ul>
<p><b>Please feel free to add comments about housing needs and fair housing issues.</b></p> <ul style="list-style-type: none"> <li>■ Monopoly in home qualifying and steering to own projects.</li> <li>■ Affordable housing is clustered in one section of town. This creates a community of "Haves" and "Have Nots".</li> <li>■ If we focus on lowering the costs of all housing that is fair, but Santa Fe is determined to tax the more affluent to pay for the lower cost housing and it raises the cost of all housing.</li> </ul>

Source: BBC Research & Consulting 2011 Santa Fe Stakeholder Survey.

# City of Santa Fe Fair Housing Survey

## Resident Housing Survey

Dear Resident,

The City of Santa Fe is in the process of conducting a fair housing study. As part of the study, we are collecting input from residents about their housing needs. Please take a few moments to complete this survey and send it in the attached envelope **by the end of the day on July 10, 2011**. A \$100 Visa gift card will be awarded in a drawing to a randomly selected respondent. To participate, provide your contact information at the end of the survey.

1. Suppose you or someone you knew thought they'd been discriminated against in trying to find a place to rent or a house to buy. What would you do or recommend they do? Please choose only 1 response.
- Nothing
  - File a complaint
  - Move to another house/apartment
  - I don't know
  - Other (please specify): \_\_\_\_\_

2. If you or someone you knew ever felt you were discriminated against and wanted to report it, do you know who you or others should contact?
- Yes Who would you contact? \_\_\_\_\_
  - No

3. In your opinion, what is the best way to communicate fair housing information to Santa Fe residents (for example; conduct training at certain organizations)?
- \_\_\_\_\_
- \_\_\_\_\_

4. Do you think you have ever experienced housing discrimination?
- Yes
  - No [SKIP TO QUESTION 5]
  - Not sure [SKIP TO QUESTION 5]

4a. If "Yes," what was the reason you were discriminated against? \_\_\_\_\_

\_\_\_\_\_

5. Have any of these been a problem for **you or your family** when trying to find housing in Santa Fe? Please rate each factor on a scale of 0 to 9 [0 = not a problem, 9 = a serious problem].

	0	1	2	3	4	5	6	7	8	9
My income level	<input type="checkbox"/>									
Concentrations of affordable housing in certain areas	<input type="checkbox"/>									
I have poor credit	<input type="checkbox"/>									
I can't find a real estate professional of the race, ethnicity, disability, or gender I prefer	<input type="checkbox"/>									
Lack of affordable housing to purchase	<input type="checkbox"/>									
Lack of affordable housing to rent	<input type="checkbox"/>									
Restrictive covenants by builders, developers or homeowners associations	<input type="checkbox"/>									
My lender told me to use a specific appraisal or hazard insurance company	<input type="checkbox"/>									
My lender did not give me an appraisal of my home or property	<input type="checkbox"/>									

Serious Problem

5. Have any of these been a problem for ***you or your family*** ... (continued)

	Not a Problem									9
	0	1	2	3	4	5	6	7	8	9
I did not get information about private mortgage insurance	<input type="checkbox"/>									
I was given a subprime loan (higher interest rate than normal)	<input type="checkbox"/>									
Housing provider refused to make accommodations for my disability	<input type="checkbox"/>									
Real estate agents only showed me housing I could afford in only some neighborhoods	<input type="checkbox"/>									
Sellers of homes refused to show me their home	<input type="checkbox"/>									
I can't get housing information in Spanish for my rent contract	<input type="checkbox"/>									
Other (please specify): _____	<input type="checkbox"/>									

6. On a scale of 0 to 3 (with 0 being very equitable and 3 being very inequitable), rank the degree to which the following city services are delivered equitably across city neighborhoods.

6a. If you ranked any services as 2 or 3, please identify the area(s) in the city where specific services are needed in the spaces below.

Neighborhood	Service Need
(example: Bellamah)	(example: Parks Maintenance)
_____	_____
_____	_____
_____	_____

	Fair			Unfair
	0	1	2	3
Street infrastructure	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Water and sewer infrastructure	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Schools	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Trash pick-up	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Parks and recreation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Police services	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fire services	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Public transportation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

7. Do you or any member of your family have a disability?

- Yes
- No [SKIP TO QUESTION 11]

7a. Does the house or apartment that you currently live in meet your accessibility needs?

- Yes
- No

7b. What improvements do you need to better meet your needs? (e.g.; grab bars in bathroom, ramp)

\_\_\_\_\_

8. Do you have children under the age of 18?

- Yes
- No

9. Which ethnic or cultural group do you consider yourself a member of?

- African American/Black
- American Indian/Native American
- Anglo/White
- Asian/Pacific Islander
- Hispanic/Chicano/Latino
- Multi-racial
- Other (please specify): \_\_\_\_\_

10. Just for classification purposes, into what category does your total household income fall?

- Less than \$10,000
- \$10,000 to less than \$25,000
- \$25,000 to less than \$35,000
- \$35,000 to less than \$50,000
- \$50,000 to less than \$75,000
- \$75,000 to less than \$100,000
- \$100,000 or more

Enter me in the drawing. Name: \_\_\_\_\_ Phone/email: \_\_\_\_\_



5. ¿Cuál de los factores siguientes ha sido un obstáculo... (continuado)

	No es un problema									Es un problema serio
	0	1	2	3	4	5	6	7	8	
Mi prestamista no me dio una cotización de mi vivienda/propiedad.	<input type="checkbox"/>									
No conseguí información sobre un seguro de hipoteca privado	<input type="checkbox"/>									
Me dieron un préstamo no-preferencial (el interés es más alto que lo normal)	<input type="checkbox"/>									
El proveedor de la vivienda no quiso hacer acomodaciones para mi incapacidad	<input type="checkbox"/>									
Agentes de propiedad raíz me mostraron propiedades económicamente asequibles para mí en solo ciertos vecindarios	<input type="checkbox"/>									
Vendedores no quisieron mostrarme sus viviendas	<input type="checkbox"/>									
No pude encontrar información en Español sobre mi contrato de renta	<input type="checkbox"/>									
Otro (por favor especifique) _____	<input type="checkbox"/>									

6. En una escala de 0 a 3 (siendo 0 muy equitativo y siendo 3 nada equitativo), clasifique el grado de equidad con el cual la ciudad proporciona los siguientes servicios a diferentes vecindarios.

6a. Si usted dio un 2 o 3 a alguno de los servicios, por favor identifique el área o áreas de la ciudad que necesitan servicios específicos.

Barrio (ejemplo: Bellamah)	Servicio (ejemplo: Mantenimiento de Parques)
_____	_____
_____	_____
_____	_____

	Justo			Injusto
	0	1	2	3
Infraestructura de la calle	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Infraestructura del alcantarillado	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Escuelas	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Recolección de basura	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Parques y recreación	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Servicios de policía	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Servicios de bomberos	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Transporte público	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

7. ¿Tiene usted o algún miembro de su familia una discapacidad?

- Sí  
 No [SIGA CON LA PREGUNTA 11]

7a. ¿Son sus necesidades satisfechas por la casa o apartamento en el que vive actualmente?

- Sí  
 No

7b. ¿Qué mejoras necesita para satisfacer sus necesidades? (ejemplo: barras para sostenerse en el baño, rampa)

\_\_\_\_\_

8. ¿Usted tiene hijos menores de 18 años?

- Sí  
 No

9. ¿De cuál etnicidad o grupo cultural es usted miembro?

- |                                                           |                                                              |
|-----------------------------------------------------------|--------------------------------------------------------------|
| <input type="checkbox"/> Africano Americano/Negro         | <input type="checkbox"/> Hispano/Chicano/Latino              |
| <input type="checkbox"/> Indio Americano/Nativo Americano | <input type="checkbox"/> Multi-racial                        |
| <input type="checkbox"/> Anglo/Blanco                     | <input type="checkbox"/> Otro (por favor especifique): _____ |
| <input type="checkbox"/> Asiático / Pacífico Isleño       | _____                                                        |

10. Con el único propósito de categorización, ¿en cuál categoría está la totalidad de los ingresos en su hogar?

- |                                                          |                                                           |
|----------------------------------------------------------|-----------------------------------------------------------|
| <input type="checkbox"/> Menos de \$10,000               | <input type="checkbox"/> De \$50,000 a menos de \$75,000  |
| <input type="checkbox"/> De \$10,000 a menos de \$25,000 | <input type="checkbox"/> De \$75,000 a menos de \$100,000 |
| <input type="checkbox"/> De \$25,000 a menos \$35,000    | <input type="checkbox"/> \$100,000 o más                  |
| <input type="checkbox"/> De \$35,000 a menos de \$50,000 |                                                           |

# City of Santa Fe Fair Housing Survey

## *Real Estate, Housing and Social Services Professionals*

Thank you for completing this survey. Your response will help the City of Santa Fe better understand and meet the housing needs of city residents.

This survey is part of a study required by the U.S. Department of Housing and Urban Development (HUD). Every 5 years HUD requires cities that receive federal funding for housing and community development activities to evaluate barriers to housing choice.

**If you have questions about the use of the survey information,  
please call Heidi Aggeler at 1-800-748-3222, x256.**

### **SECTION I. Tell us about your organization**

1. In what industry or type of agency do you work? Check all that apply.

- |                                                       |                                                            |
|-------------------------------------------------------|------------------------------------------------------------|
| <input type="checkbox"/> Affordable housing provision | <input type="checkbox"/> Property management               |
| <input type="checkbox"/> Appraisal                    | <input type="checkbox"/> Residential development           |
| <input type="checkbox"/> Food pantry                  | <input type="checkbox"/> Sales                             |
| <input type="checkbox"/> Homeless services            | <input type="checkbox"/> Senior services                   |
| <input type="checkbox"/> Insurance                    | <input type="checkbox"/> Services for low income residents |
| <input type="checkbox"/> Lending                      | <input type="checkbox"/> Other (Please specify): _____     |
| <input type="checkbox"/> Rental property owner        | _____                                                      |

2. What is the geographic area(s) you primarily serve? \_\_\_\_\_  
(county and or city)

3. If you primarily serve a specific population type (e.g., persons who are homeless, seniors), please identify the type below. Check all that apply.

- |                                                                |                                                                 |
|----------------------------------------------------------------|-----------------------------------------------------------------|
| <input type="checkbox"/> Elderly                               | <input type="checkbox"/> Persons with a physical disability     |
| <input type="checkbox"/> Immigrants                            | <input type="checkbox"/> Persons with substance abuse/addiction |
| <input type="checkbox"/> Low income individuals                | <input type="checkbox"/> Victims of domestic violence           |
| <input type="checkbox"/> Persons with a development disability | <input type="checkbox"/> Youth                                  |
| <input type="checkbox"/> Person and families who are homeless  | <input type="checkbox"/> Other (please specify): _____          |
| <input type="checkbox"/> Persons with HIV/AIDS                 | _____                                                           |
| <input type="checkbox"/> Persons with a mental illness         | _____                                                           |





5. Are you aware of any zoning or land use laws in Santa Fe that create barriers to fair housing choice or encourage housing segregation?  Yes  No

If "Yes," please describe them? \_\_\_\_\_  
\_\_\_\_\_

6. Are there particular "predatory lending" practices that are a serious problem in Santa Fe?  Yes  No

[Predatory lending practices might include targeting minority, female-headed, and or elderly households with unreasonably high interest rates; charging excessive fees without regard for the borrowers' ability to pay; etc.]

If "Yes," please describe them: \_\_\_\_\_  
\_\_\_\_\_

**SECTION III. Help us improve fair housing opportunities**

7. In your opinion, what is the best way to communicate fair housing information to Santa Fe residents?
- \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

8. What are the greatest challenges faced by your organization of monitoring and evaluation fair housing issues?
- \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**SECTION IV. Additional Comments**

*Please feel free to add comments about housing needs and fair housing issues.*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Thank you for completing this survey and assisting with the fair housing study.**

**APPENDIX B.**  
**2004 AI Findings and Action Plan**

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## **APPENDIX B.**

# **2004 AI Findings and Action Plan**

**2004 impediments.** In the 2004 AI, the following impediments were found:

- **Lack of affordable housing.** The analysis of the city’s housing market conducted for the AI showed that the prices of single family homes far exceeded affordability levels for median-income households and families in the city. In 2000, low income households could afford 17 percent of the city’s homes; very low income households could afford 6 percent. Recent increases in housing prices have made much of the city’s housing stock unaffordable to the city’s lower income populations.

Although rental units are much less expensive and rents have not increased like ownership units, rents are out of reach for many low income households. In 2000, low income households in Santa Fe could afford 62 percent of the city’s rental units; very low income households could afford 21 percent.

- **Potential unfair lending practices.** A recent fair lending study conducted for the city concluded that subprime and predatory lending practices are a concern in Santa Fe. Specifically, the study found that subprime lenders served minority households and low and moderate income households more often than White households and middle and upper income households, with incomes held constant. Additionally, between 1998 and 2000, subprime lenders captured a larger share of the market than prime lenders, particularly in loan refinancing.
- **Lack of knowledge about fair housing.** Discrimination in housing does not appear to be a widespread problem in Santa Fe. However, it is believed by providers of housing and supportive services that the city’s populations with special needs—primarily persons who are homeless, immigrants, victims of domestic violence and persons with mental illnesses—are likely to have experienced discrimination at some point in time. The most frequent types of discrimination are believed to occur in rental transactions and involve housing providers denying that housing is available; exorbitant security deposits, no return of deposits and arbitrary fees; unwillingness to rent to certain populations; and irregular practices toward immigrants. Organizations surveyed for the AI said that “Doing nothing” is the most common course of action taken by their clients when they experience discrimination. In addition, both housing/service providers and real estate professionals surveyed for the study identified “Lack of knowledge among residents regarding fair housing” as top barrier to fair housing in the city.
- **Land use practices.** The real estate professionals surveyed for the city consistently identified density limitations and regulatory involvement as barriers to fair housing choice in Santa Fe. Although the city’s General Plan contains numerous policies and procedures to facilitate the development of affordable housing, the real estate community appears to feel that the city’s actual practices are inadequate.

## **2004 Recommended Fair Housing Action Plan**

In the 2004 AI, BBC recommended that the City of Santa Fe consider the following Fair Housing Action Plan and activities for reducing fair housing impediments:

### **ACTION ITEM 1. Develop a well-targeted Anti-Predatory Lending Campaign**

The most prevalent recommendation in the NCRC analysis of lending practices in Santa Fe was to continue establishing partnerships with traditional banks and thrifts to increase the number and variety of prime loans to minority and low- and moderate-income borrowers and communities. Included in this recommendation was for traditional banks and thrifts to devise more expansive marketing techniques, as well as to consider additional underwriting flexibility for these typically underserved populations. Other recommendations included:

- The City of Santa Fe and traditional banks should explore both home purchase and refinance needs;
- The city should consider various ways to survey borrowers concerning their credit needs and the reasons they took out loans;
- The city should expand existing financial literacy efforts, particularly concentrating efforts on the 4 or 5 census tracts receiving the greatest portion of subprime and manufactured home loans; and
- The city should closely monitor manufactured home lending to ensure that it is conducted responsibly and is free from abuses.

We suggest that the city begin its efforts with a plan to research and understand the credit issues faced by targeted populations : Spanish speaking populations, new immigrants, low income populations, elderly. This might be accomplished through focus groups or in depth interviews. The city should have a good understanding of the types of credit used by these targeted groups, whether or not the loans made to them are predatory or unfair and, if so, what is needed to avoid future practices. With this knowledge, the city can work with local lending institutions to devise a marketing campaign to raise awareness about predatory lending and educate the public about the right loans to meet their needs.

### **ACTION ITEM 2. Continue and increase fair housing education and outreach**

**Modify city website.** The city's website is a wonderful resource for information about affordable housing in Santa Fe and provides contact information for the many organizations in the city involved in affordable housing issues. It also provides information about the city's responsibility for fair housing issues and lists a phone number that consumers can call if they want additional information.

We recommend that the city develop a link to a page dedicated to fair housing that describes the city's ordinance, the Fair Housing Act and consumers' rights under fair housing laws. The page should also give clear details about consumers' options for filing complaints, complaint procedures (e.g., information about when consumers might be expected to hear back from the city or HUD) and contain appropriate links to complaint forms on HUD's website. The city should also add their complaint form to their website. All of this information should be provided in Spanish and English. We would also recommend a Frequently Asked Questions section with answers to questions such as "If I am not a U.S. citizen but I feel that I have been discriminated against, what can I do?"

**Make it easier to file a complaint.** The Administrative Procedures associated with the city's Fair Housing Ordinance state that a complaint must be filed in writing and submitted under oath. HUD also requires the submission of a written or online form. We recommend that the city have a dedicated staff person who would be available to assist residents needing assistance with reading, writing or translation with completing a written complaint form, either to the city or to HUD. The staff position would also be responsible for overseeing all fair housing activities related to education, outreach, referral, grantwriting for additional fair housing funds, and working with other agencies to expand efforts to combat housing discrimination. As funding becomes available, the city should consider implementing a Santa Fe-based fair housing testing program, in conjunction with existing testing programs in other parts of the state.

**Continue to target fair housing efforts to immigrants and low income populations.** The city should continue to pursue funding through the Fair Housing Initiative Program and other resources to continue its fair housing campaign. We recommend targeting such campaigns at immigrants, female-headed households and persons with special needs (especially persons with disabilities, since they issued the most fair housing complaints according to HUD records). The city should provide a standard rental agreement in Spanish, available through city offices and its website, the Landlord/Tenant Hotline and the local housing authorities. We also recommend that the organizations responsible for conducting the campaigns maintain detailed records about the types of discrimination being experienced by the clients they assist, how the complaints are reported and how they are resolved, and provide these data to the city on a quarterly basis. These data will help the city adjust fair housing educational campaigns and activities to respond to the most common types of discriminatory behaviors.

**ACTION ITEM 3. Analyze affordable housing programs and policies.**

An analysis of quantitative data and the fair housing surveys and the key person interviews conducted for this AI reveal a consistent, primary issue related to fair housing in Santa Fe – housing affordability. The city's policies and procedures to encourage and produce affordable housing are fairly comprehensive and—largely because of Tierra Contenta—have been quite productive. However, many of the city's affordable housing programs target households at 60 to 80 percent of the median income and are homeownership programs. As such, they may not reach the populations who have been identified as having the greatest needs from a fair housing perspective: very-low income households; immigrants; female-headed households; and persons with special needs.

In addition, real estate professionals identified the city's land use (particularly density limitations) and regulatory policies as major barriers to fair housing and housing affordability.

We recommend that as part of the city’s next Consolidated Plan or similar study, the city conduct a comprehensive analysis of how well its affordable housing programs are assisting the populations at the greatest risk of experiencing discrimination—recent immigrants, persons with disabilities, extremely and very low income populations, and female-headed households.

In addition, the city should continue its efforts as stated in its General Plan of reducing regulatory and administrative barriers to affordable housing development. The city might also entertain having a focus group or other forum with real estate professionals to discuss city policies and efforts to reduce development costs.

The city should also continue its efforts to increase affordable housing in the city through its various partnerships and programs, with an emphasis on assisting the city’s very lowest income and special needs populations.

**ACTION ITEM 4. Modify certain SFCHA policies.**

Based on our review of the policies and procedures of the SFCHA, we recommend the following items that, we believe, would assist the city in mitigating impediments to fair housing:

- The SFCHA should have a policy of producing all notices—particularly newspaper announcements about waiting list openings—and other contractual documents such as rental agreements in Spanish, as well as English.
- The SFCHA should work with local organizations in Santa Fe to get the word out to new immigrants about the SFCHA, its purpose and its programs, since immigrants have been identified as a population in the city that is most vulnerable to housing discrimination.
- The SFCHA should consider giving preferences to persons for disabilities in addition to seniors, since this is a population that is very vulnerable to discrimination and has limited choices in housing.
- The SFCHA should have a displacement policy in writing and approved by its board.