

2010 Update

Analysis of Impediments to Fair Housing Choice in New Hampshire



New Hampshire
Housing



New Hampshire
Community
Development
Finance Authority

Prepared for: **New Hampshire Housing Finance Authority**, Office of Planning and Policy, and
New Hampshire Community Development Finance Authority by New Hampshire Legal Assistance.

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PART I

A. INTRODUCTION

Forty-two years ago, at the height of the civil rights movement and in the wake of the assassination of Dr. Martin Luther King, Congress passed the Fair Housing Act.¹ The original Act prohibited housing discrimination on the basis of race, color, national origin and religion. The law was subsequently expanded to prohibit housing discrimination on the basis of gender or sex (1974), disability and familial status (both in 1988).

New Hampshire enacted RSA 354-A, the Law Against Discrimination, in 1965,² no doubt influenced by the landmark federal Civil Rights Act of 1964³ which, among other things, created an explicit legal obligation to provide equal access to housing for certain groups of people (protected classes). State protected classes include the seven federally protected classes (race, color, national origin, religion, gender, disability and familial status), and also ban housing discrimination on the basis of age, marital status, and sexual orientation.

Sadly, housing discrimination has not been eradicated in the several decades since these historic laws were passed. The legislation has been successful to the extent that it is now common public knowledge that it is illegal to discriminate against certain groups of people in housing. Yet housing discrimination still occurs, albeit often more subtly and therefore more difficult to detect and expose. For this reason, states and particularly the federal government have continued to devote resources and funds to address housing discrimination.

The U.S. Department of Housing and Urban Development (HUD) plays a major role in promoting equal access to housing. One of the many ways it does this is by requiring that most grantees of HUD funds certify that they are affirmatively furthering fair housing.⁴ HUD defines this requirement as a three-pronged obligation to:

1. Conduct an analysis to identify impediments to fair housing choice within the jurisdiction
2. Take appropriate actions to overcome the effects of any impediments identified through the analysis
3. Maintain records reflecting the analysis and actions taken in this regard.⁵

New Hampshire is a recipient of HUD funding and is therefore required to document that it is engaged in efforts to affirmatively further fair housing.

U.S. v. Westchester County,⁶ a recent federal court case, makes it clear that these obligations are to be taken very seriously and that local and state government officials can no longer “gloss over” the civil rights certifications they execute when accepting

¹ Title VIII of the Civil Rights Act of 1968, 42 U.S.C. §§ 3601-3619 (1968).

² N.H. REV. STAT. ANN. § 354-A (1965).

³ 42 U.S.C. § 2000e *et seq.* (1964)

⁴ U.S. DEPT. OF HOUS. & URBAN DEV., FAIR HOUSING PLANNING GUIDE, 1-2 (Vol. 1 1996).

⁵ *Id.* See also, 24 C.F.R. §§ 91.425(a)(1)(I), 570.601(a)(2).

⁶ *U.S. ex rel. Anti-Discrimination Center v. Westchester County*, 495 F. Supp. 2d 375 (S.D.N.Y. 2007).

federal community and housing development funds. Westchester County, New York was successfully sued by the United States and a housing discrimination organization under the federal False Claims Act, alleging that the County had falsely certified that it was engaged in activities that affirmatively furthered fair housing while in reality, County policies and practices actually contributed to racial segregation. This case, discussed in more detail in Part III, should motivate state and local governments to conduct more meaningful analyses of patterns of segregation and structural impediments to full and integrated access within their communities.

Our state must be poised to meet the challenges of changing demographics in a weakened economy. Ensuring access to housing choice and opportunity for all New Hampshire residents is not an easy task. Impediments to fair housing, particularly structural ones, are often not easy to recognize or analyze. It is our hope that the 2010 Update to the Analysis of Impediments to Fair Housing in New Hampshire (“2010 Update”) will provide constituents, government officials, housing policy leaders, and others with a roadmap for addressing the obstacles that still allow housing discrimination to exist in New Hampshire.

B. EXECUTIVE SUMMARY

The 2010 Update represents the third comprehensive statewide review of obstacles to fair housing undertaken since 1996. This publication is an update of the 2004 Analysis of Impediments to Fair Housing in New Hampshire (“2004 Update”) and covers data for the years 2004 through 2009. It is the second time that New Hampshire Legal Assistance (“NHLA”) has produced the AI under contract with New Hampshire Housing Finance Authority (“NHHFA”) and the New Hampshire Community Development Finance Authority (“CDFA”).

Scope of Investigation

In preparing the 2010 Update, we engaged in the following activities:

1. Expanded review and analysis of demographic information;
2. Inclusion of review and analysis of hate crimes, immigration patterns, and housing lending patterns;
3. Review of fair housing resources in New Hampshire;
4. Compilation of fair housing complaint data;
5. Review and discussion of relevant legal developments;
6. Summaries of impediments facing particular protected class groups;
7. Identification of additional impediments;
8. Review of actions taken to address impediments cited in the 2004 Update;
9. Recommendations to address impediments;
10. Implementation and analysis of an extensive survey and two focus groups;
11. Inclusion of appendices containing other pertinent material.

We expanded our analysis in several important ways. We analyzed demographic data from a broader variety of sources including material from the U.S. Census American Community Survey, the U.S. Department of Housing and Urban Development (“HUD”), the U.S. Department of Labor, NHHFA and many other sources. We also reviewed data on hate crimes, immigration trends, and housing lending patterns.

In an attempt to gather information directly from constituents, we conducted a survey of the 7,631 households currently on NHHFA’s waiting list for the Housing Choice Voucher Program. To the best of our knowledge, this constitutes the largest survey on fair housing issues conducted in this state and it has produced some interesting results. The response rate for the 2010 Fair Housing Survey was 47.9%. Data analysis revealed that race and ethnicity, domestic violence status, presence of children in the household, or the status of having a disability figured significantly in respondents’ perceptions of discrimination, as well as in reports of being denied rental housing.

We conducted two focus groups in order to gather individual perspectives on equal access to housing. The first group was comprised of Latinos living in the Manchester area. The second was held in Concord and members of the Bhutanese and Burundi communities participated. Latino participants reported a wide variety of discrimination in housing and all expressed an interest in learning more about their rights. In the second group, none of the participants identified himself as a victim of discrimination, but all expressed concerns for members of their communities for what they perceived as unfair treatment in housing-related situations.

Review of new federal and state legislation, recent court decisions, and numerous scholarly and media articles also helped identify issues and solutions.

Findings

Many factors have contributed to changes that have taken place in the Granite State. Our research indicates that significant impediments continue to affect housing choice for members of protected classes⁷ in New Hampshire.

While New Hampshire’s overall population increase has begun to stabilize, the percentage of persons 60 years and older has continued to grow. As compared to its White residents, New Hampshire’s ethnic minority populations live in greater poverty and remain concentrated in the cities of Manchester and Nashua. Although women’s presence in the workplace remains strong, they continue to earn less than men. Lower-income families are economically worse off now than a few years ago.

The economic recession has had significant impact in New Hampshire and many people are struggling financially. Data shows increased receipt of food stamps and a doubling of the unemployment rate between 2008 and 2010. The costs of fuel and utilities also increased. These factors all contributed to the struggle of many, homeowners and renters alike, to afford and retain their housing. Loss of household income was the major reported reason for loss of homes by foreclosure in this state.

Municipal land use policies and lack of affordable housing especially in opportunity areas, present major obstacles to those in lower income groups. Because

⁷ Protected class categories in New Hampshire include race, color, national origin, religion, disability, familial status, gender, sexual orientation, marital status and age.

members of protected classes in New Hampshire are disproportionately low-income, these barriers disproportionately affect access to housing.

There have been several legal developments since the 2004 Update. In the federal arena, an action against Westchester County, New York resulted in a clear message that state and local governments are to take meaningful steps to “affirmatively further fair housing” when they accept federal housing and community development dollars. HUD issued final guidance on obligations of HUD grantees toward persons with limited English proficiency. Congress amended the federal Violence Against Women Act to add housing protections for victims of domestic violence, dating violence, stalking and sexual assault in several HUD-funded housing programs.

The New Hampshire Legislature passed several key pieces of law during this reporting period. HB 431, signed into law in July 2010, creates new protections for victims of domestic violence, sexual assault and stalking in eviction cases. The Law Against Discrimination (RSA 354-A) was subject to several changes including expansion of the scope of coverage in housing discrimination cases; enhanced compensatory damages for cases removed to state court; and waiver of transcription costs for indigent persons in cases appealed to the Superior Courts. The Legislature enacted new protections for homeowners facing foreclosures that are designed to curtail the proliferation of foreclosure rescue scams. A new Workforce Housing Law mandates communities to provide housing opportunities for moderate and low-income families. Lead paint laws were amended to increase protections for children exposed to lead. The legislature created a new civil right when it recognized the right of same-sex couples to marry.

New Hampshire residents who believe that they have been subjected to housing discrimination may file complaints with two governmental agencies: the New Hampshire Commission for Human Rights (“HRC”), the state agency charged with the duty to investigate and enforce the state’s anti-discrimination laws; or HUD’s Office of Fair Housing and Equal Opportunity (“FHEO”) located in Boston. While state-based complaints must be initially filed with the HRC, federally-based complaints may be filed directly in state or federal court. Income-eligible persons may also contact New Hampshire Legal Assistance which has a federally-funded contract to investigate and enforce fair housing law.

Fair housing complaints based on disability constitute the largest proportion of complaints filed by New Hampshire residents. Complaints stemming from allegations of familial status discrimination are the second most prevalent. Race and national origin discrimination follow disability and familial status discrimination in terms of the numbers of complaints received. New Hampshire Legal Assistance processes the highest number of complaints followed by HUD. HRC receives a very small number of housing discrimination complaints in any given year.

The 2010 Update discusses impediments to fair housing for protected class members, as well as a number of additional factors. Structural impediments such as zoning ordinances have significant effects on ethnic and racial minorities, as well as families with children. Housing developments for older persons that do not comply with state law diminish housing opportunities for families with children.

Finally, the 2010 Update concludes with recommendations designed to address the obstacles cited and an Appendix containing reference materials.

C. ACKNOWLEDGEMENTS

While many people participated in the research and production of the 2010 Update, the authors would like to give additional thanks to the following people:

Karen Dorr
Legal Secretary
New Hampshire Legal Assistance

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PART II

NEW HAMPSHIRE DEMOGRAPHICS AND SURVEY AND FOCUS GROUP RESULTS

A. SUMMARY OF RESEARCH

1. Demographic and Economic Analysis

A number of quantitative and qualitative methods were employed to evaluate the housing circumstances facing the people of New Hampshire. Demographic, economic and housing data for New Hampshire were analyzed, using a number of sources, including:

- U.S. Census American Community Survey (hereinafter “ACS”) data, both yearly and three year average estimates: http://factfinder.census.gov/servlet/DatasetMainPageServlet?_program=ACS&_submenuId=&_lang=en&_ts=⁸
- HUD Picture of Subsidized Housing 2008 data set: http://www.huduser.org/portal/picture2008/form_1s4.odt
- U.S. Census Bureau, Housing and Household Economic Statistics Division, Current Population Survey (hereinafter “CPS”) data: http://www.census.gov/hhes/www/cpstc/cps_table_creator.html
- U.S. Dept. of Labor. Bureau of Labor Statistics, Consumer Price Index (hereinafter “CPI”): <http://www.bls.gov/cpi/>
- U.S. Dept. of Labor. Bureau of Labor Statistics, unemployment data: <http://data.bls.gov/cgi-bin/surveymost?la+33>
- HUD’s 2009 Consolidated Planning/CHAS Data (hereinafter “CHAS”): <http://www.huduser.org/portal/datasets/cp.html>
- U.S. Federal Financial Institutions Examination Council’s Home Mortgage Disclosure Act (hereinafter “HMDA”) data: <http://www.ffiec.gov/hmda/>
- Data and studies performed by the New Hampshire Housing Finance Authority: http://www.nhhfa.org/rl_studies.cfm

⁸ Use of the non-decennial Census data must be qualified by noting that some of the reported (and estimated) statistics involve very low sample sizes. In some cases, margin of error is provided in Appendix Tables, in other cases it is not. The reader should use caution throughout this report in evaluating the estimated data.

- N.H. Office of Energy and Planning, fuel price data:
<http://www.nh.gov/oep/programs/energy/fuelprices.htm>

Racial and ethnic minorities disproportionately reside in Manchester and Nashua, with median family incomes of Blacks and Latinos much lower than Whites or Asians, particularly in Manchester and Nashua. Blacks and Latinos are more likely to rent a home rather than own it, in comparison with Whites or Asians, a ratio more pronounced in Manchester and Nashua. Meanwhile, the availability of subsidized housing per household in poverty on a statewide basis is very low, and amongst the lowest in critical areas such as Manchester, Nashua and Derry. Generally, a considerable and likely disproportionate amount of HUD subsidized housing is held by seniors, even in Manchester and Nashua.

While there appears to be no discernible racial or ethnic differences in mortgage originations, Whites do appear to acquire refinancing at higher rates than non-Whites, controlling for income. Additionally, across all income categories, Whites apply for more government-backed loans than do non-Whites.

2. Fair Housing Survey

A Fair Housing survey was sent by mail to all heads of household on NHHFA's waiting list for its Housing Choice Voucher Program (hereinafter, "Section 8 Waiting List"). Data from this survey was analyzed. This is the single largest survey analysis of housing discrimination in New Hampshire to date.

The 2010 Fair Housing Survey allowed us to draw inferences from the Section 8 Waiting List. The results show that those households with someone who has suffered domestic violence or who has a disability were much more likely to report having been denied rental housing; denied a mortgage; perceived housing discrimination; and been evicted for both nonpayment of rent and for other reasons. Households with children were more likely than households without children to have been denied rental housing, denied a mortgage and been evicted for nonpayment of rent. Race and ethnicity played a role in perceived discrimination, with most minorities perceiving more discrimination than Whites.

Surprisingly, non-English-speaking households on the waiting list are less likely than English-speaking households to report having been denied rental housing, denied a mortgage, or to have perceived housing discrimination. These numbers appear driven by a Latino subset of non-English-speaking households in Manchester who reported having experienced almost no rental denials, mortgage denials or perceptions of housing discrimination.⁹

Lastly, gender factored into mortgage denials and evictions for reasons other than nonpayment of rent. Women were more likely than men to report having been denied a mortgage and having been evicted for a reason other than nonpayment of rent.

⁹ The response rate amongst Latinos was slightly higher than was expected, given New Hampshire Housing demographic numbers on their waiting list. 119 Spanish language surveys were sent out to households identified as Spanish-speaking. English language versions of the surveys asked Spanish-speakers to request a survey in Spanish if need be. No requests were made.

A review of write-in responses to the survey may only reinforce the prominence of domestic violence status in affecting a person's access to and retention of housing. A number of write-in responses may be related to domestic violence, such as "credit," bad landlord references, and general comments related to relationships (i.e. "spouse"). A number of the comments may also highlight the importance of a person's source of income in housing discrimination. Future survey instruments should probe these issues in a more detailed way.

3. Focus Groups

To supplement the Fair Housing Survey, two focus groups were conducted, one in Concord with refugees of Bhutanese and Burundi descent, and one in Manchester with persons of Latino heritage.

B. NEW HAMPSHIRE DEMOGRAPHIC INFORMATION

New Hampshire's overall population appears to have leveled off, and may be decreasing slightly (*See* Appendix p. A-12). Meanwhile, New Hampshire's population, like the rest of the nation, is growing slightly older, with the estimated percentage of persons 60 and older increasing from 16% in 2003, to 18.7% in 2008. *Id.* About 12.46% of New Hampshire's population is disabled, which is below the national average of about 16%. (*See* Appendix p. A-16) The percentage of foreign-born New Hampshire residents has gone down slightly the past two years (*See* Appendix p. A-19). The percentage of New Hampshire population that is Black, Asian, or Latino is 1%, 1.9%, and 2.5% respectively (*See* Table 1, *also*, Appendix at p. A-8). Manchester and Nashua have about 34% of New Hampshire's Asian population, 47% of the statewide Black population, and about 45% of the Latino population.¹⁰ Almost 30% of the Black population of New Hampshire resides in Manchester.¹¹ The difference in racial composition of Nashua and Manchester, as compared to the rest of New Hampshire, is highly statistically significant.¹² For whatever reason, racial minorities disproportionately reside in Manchester and Nashua.

¹⁰ Calculation based on Appendix, p. A-8.

¹¹ *Id.*

¹² Comparison of racial composition across Manchester, v. Nashua v. the rest of New Hampshire yields a highly significant chi-square statistic.

TABLE 1

Racial Demographics by Area* ** ***

	Total	Black	Asian	Latino	White
NH-Statewide	1,312,298	12,574	25,313	33,200	1,222,754
Manchester	108,160	3,702	2,453	7,804	92,389
Nashua	86,586	2,039	6,141	7,118	69,560
Non-Nashua and Manchester	1,117,552	6,833	16,719	18,278	1,060,8

Note:

*Uses ACS 2006-2008 Census Estimate

**B03002

***Excludes Not Latino "2 or more races" and "other" (which totals 15,524 combined)

Economically, on a statewide basis, the estimated median per capita income has gone up 7.3% from year 2004 through year 2008.¹³ However, in 2008, the median income of women was still only 63.5% of the median income of men, whereas nationally women make 68.2% of men's wages.¹⁴ And while the overall median per capita income has gone up 7.3%, in the same time frame the cost of all consumer goods has increased 12.3%.¹⁵ Moreover, in the last two years, unemployment has doubled, increasing statewide from 3.5% in February of 2008 to 7.1% in February of 2010 (note that unemployment rates decreased in June 2010 due to spikes in seasonal employment).¹⁶ Housing values have decreased but rental costs have not. Continued high rents during an economic slowdown decreases affordability. In addition, there are a number of economic pressures that affect the affordability of housing, especially for those in lower-income brackets.¹⁷

During the same time frame of 2004-2008, the price of "fuel and utilities" increased by 59.1% (*See* Appendix p. A-19). More specifically, the per gallon estimated price of fuel oil, kerosene, and propane all essentially doubled in this same time frame (with increases of 110.2%, 102.3% and 76.2% respectively).¹⁸ With almost 65% of New Hampshire households heating with one of these three fuels in 2008, such a dramatic increase in winter heating costs may have contributed to the spike of foreclosures in winter/spring of 2008, discussed *infra*. In the end, New Hampshire residents at or below

¹³ Calculation based on Appendix p. A-5.

¹⁴ Based on ACS 2008 yearly estimate; B20002 et seq. *See* Appendix p. A-33.

¹⁵ Derived using Consumer Price Index ("CPI") from the BLS statistics (<http://www.bls.gov/cpi/>). Note that this CPI estimate is based on the A103 geographical area, which includes portions of Massachusetts, Maine, Connecticut and New Hampshire (portions of Merrimack, Rockingham, Hillsborough and Strafford Counties). For more information on Consumer Price Index, see:

<http://www.bls.gov/opub/hom/pdf/homch17.pdf>. See page 69 for the definition of the A103 geographical region.

¹⁶ U.S. Dept. of Labor. Bureau of Labor Statistics, NH time series unemployment data:

<http://data.bls.gov/cgi-bin/surveymost?la+33>

¹⁷ Many of these problems (and more statistics) are highlighted in New Hampshire Housing Finance Authority's 2009-2010 Biennial Housing Plan:

http://www.nhhfa.org/rl_docs/plandocs/BiennialPlanExecSumm_2009_1-13-09.pdf

¹⁸ Analysis of N.H. OEP data: <http://www.nh.gov/oep/programs/energy/fuelprices.htm>.

185% of Federal Poverty Guidelines (“FPG”) pay a substantial portion of their monthly income on energy.¹⁹ This has a devastating affect on poor families, particularly in the winter, as demand for heat is relatively inelastic.

Generally, the number of “family households” (coded as “related children under 18”) at or below 250% of FPG (what we will call “lower-income families”) has remained about the same from 2004 through 2008 (*See* Appendix p. A-5). However, the numbers from 2007 to 2008 appear to show a shift within this lower-income family sub-group, with low-income families being worse off in 2008. For example, the estimated number of family households between 200% and 250% of FPG went down from 27,929, in 2007 to 15,655 in 2008 (or approximately 12,000 households). *Id.* At the same time the estimated number of family households between 100% and 200% of FPG went up from 30,623 to 40,167 (or approximately 10,000 households). *Id.*

The number of family households (“related children under 18”) in abject poverty (less than 50% of FPG) almost doubled from 2007 to 2008, going from 5,353 estimated households, to 10,182 estimated households. *Id.* A statistical comparison of households across the FPG brackets for 2007 to 2008 shows that the differences are highly statistically significant.²⁰ Although we cannot conclude that this shift in one year reflects a trend, it suggests that the poor in New Hampshire are becoming poorer.

Other economic indicators support the belief that more people are financially disadvantaged. Food stamp enrollments have gone up. There is an estimated increase of 5.2% in household food stamp receipt from 2007 to 2008 (*See* Appendix p. A-16). During the same time, household food stamp receipt for households with at least one person age 60 and older went up 44.2%. *Id.* The Kaiser Family Foundation index, which considers recent mortgage foreclosure, unemployment and food stamp data, ranked New Hampshire the 12th most economically distressed state (as of June 22, 2010).²¹

Blacks and Latinos are more likely to be living in poverty in New Hampshire than Asians and Whites, with 6.3% of the Asian population and 8% of the White population in poverty, as compared with 28% of the Black population and 15.8% of the Latino population (*See* Appendix pp. A-7, A-9). The foreign-born poverty rate in New Hampshire is about 8.5%, with about 7.6% native U.S. born New Hampshire residents living in poverty.²² Spanish-speakers are estimated to have an 11.3% poverty rate, and English-speakers a 7.2% poverty rate (*See* Appendix p. A-7). Manchester and Nashua hold a disproportionately high share of New Hampshire’s Spanish-speakers and Latinos in poverty, with an estimated 61% of New Hampshire’s Spanish-speakers in poverty and an estimated 63% of New Hampshire’s Latinos in poverty residing in Manchester and

¹⁹ *See* Fisher, Sheehan Colton, “On the Brink: 2009, the Home Energy Affordability Gap April 2010”: http://www.homeenergyaffordabilitygap.com/05_Current_State_Data2.html. Note that the New Hampshire based analysis uses Census 2000 households by income-to-poverty ratio. The numbers of homes in poverty are higher now.

²⁰ This yielded a chi-square of approximately 6,338, which should not be interpreted as indicating a “trend,” only that a statistically significant difference between the 2007 and 2008 family household poverty data estimates exists. Moreover, additional caution should be used in reviewing this chi-square statistic because it was performed using CPS yearly estimates, which do not involve high sample sizes. This statistic includes all estimates of all households in each bracket, including those at or above 250% of FPG, which remained about the same from 2007 to 2008.

²¹ Kaiser Family Foundation, “Measure of Economic Distress” comparison chart and notes on creation: <http://www.statehealthfacts.org/comparetable.jsp?cat=1&ind=649>

²² Calculation based on Appendix p. A-10.

Nashua.²³ Slightly over 50% of New Hampshire’s Blacks living in poverty reside in Manchester (See Appendix pp. A-7, A-9).

Greater poverty amongst racial and ethnic minorities in New Hampshire is a key factor in explaining reduced levels of home ownership for members of those groups. Statewide, Whites and Asians are much more likely to own their home rather than rent, as compared to Blacks, Latinos and Asians (2.81 homes owned by Whites and 1.54 for Asians for each one home rented, as compared to 0.65 for Blacks and 0.90 for Latinos) (See Table 2, Appendix p. A-15). The ratio of home ownership to home rentals decreases across all races in Manchester and Nashua areas, and also increases across all races in non-Nashua and Manchester areas of the state. *Id.*

TABLE 2

**Housing Tenure by Race, by Area,
Ratio of Owner Occupied to
Rented* ****

	White Ratio	Black Ratio	Latino Ratio	Asian Ratio
NH-Statewide	2.81	0.65	0.90	1.54
Manchester	1.09	0.14	0.35	0.78
Nashua	1.65	0.56	0.43	1.34
Non-Nashua and Manchester area	3.30	1.34	1.78	1.82

*ACS Census 2006-2008 Estimates

**B25003 *et seq*

Because the relatively high proportion of minority renters in comparison to minority home owners increases dramatically in Manchester and Nashua, it is important to evaluate the rental prices in these two cities to determine the impact on these groups. Blacks, in particular, own only 0.14 homes per every home rented in Manchester. In other words, Blacks in Manchester are about seven (7) times more likely to be renting rather than owning their home, whereas Whites in Manchester are about just as likely to own their home as they are renting.

The median income of “Black Families” in Manchester, estimated to be \$25,253, is only 38% of the median income of “White Families” in Manchester, estimated to be \$65,643 (See Appendix p. A-12). With a median monthly rent in Manchester of \$1,176²⁴ the median Black family in Manchester spends about 56% of their yearly income on rent, assuming their unit is not subsidized. Other estimates indicate that the number of Black Manchester renter households facing a “housing cost burden” of a monthly rent at or

²³ Calculation based on Appendix p. A-7.

²⁴ 2006-2008 ACS Estimate; B25064.

above 30% of “median area income” may be almost two-thirds of the Black population in Manchester (about 63.7%; derived from Table 4, *see also* Appendix p. A-10).

On a county basis from year 2008 to year 2009 the median monthly rental costs have remained relatively static, with the exception of Sullivan County, which experienced an 11.9% increase in the median monthly rental cost for one bedroom units, and a 7.3% increase in the median monthly rental cost for two bedrooms unit (*See* Appendix p. A-18). Grafton County and Coos County experienced minor median rental cost increases for two bedroom units (5.9% and 6.4% respectively). All other counties experienced very minor increases or very minor decreases in median monthly rental unit costs.

As evidenced in Table 3, there is a substantial lack of affordable subsidized housing in the state. In aligning HUD subsidized unit data²⁵ against households in poverty, by area, we can evaluate the adequacy of the availability of affordable subsidized housing for each area in comparison to possible demand for affordable subsidized housing. Although FPG do not clearly align with median income, and other various HUD program eligibility criteria, the estimated households at or below 100% of FPG serves as a helpful proxy for likely HUD-eligible households, and very likely underestimates the likely eligible households (*See* Table 3, Appendix p. A-6). Statewide, the number of households at or below 200% of FPG in year 2008, according to CPS Census data, is estimated to be 107, 237.

Using estimated households at or below 200% of FPG as a more likely estimate of HUD subsidy eligibility, it appears as though there may only be about 0.19 HUD subsidized units for each potentially eligible household in New Hampshire.²⁶ In other words, there is one HUD-subsidized unit for every five households that may be eligible for a subsidy. The information in Table 3 shows the number of subsidized unit per household at or below 100% of FPG, and does not include exclusively Rural Development Agency funded units.

²⁵ This does not include units exclusively funded by the USDA’s Rural Development Agency, at least the ones that do not have a housing voucher subsidy. Some of the HUD data on housing choice voucher presumably captures USDA units resided in by persons with a voucher. The USDA does not have similar data to HUD’s data. This HUD data does include: public housing, housing choice vouchers, Section 8 Moderate Rehabilitation, Section 8 New Construction or Substantial Rehabilitation (including 202/8 projects), Section 236 Projects (FHA-Federal Housing Administration), Low-income Housing Tax Credit, and all other multifamily assisted properties with FHA insurance or HUD subsidy. Because the USDA data is not included, one could assume that the number of subsidized unit per low-income household would be higher in rural areas as compared to more urban areas such as Nashua and Manchester.

²⁶ $20,354 \text{ (subsidized units)} / 107,237 \text{ (households at or below 200\% FPG)} = 0.19 \text{ subsidized housing units per household in poverty (at or below 200\% of FPG)}$.

TABLE 3**A Picture of HUD Subsidized Units Across
New Hampshire * ** *** ******

Geographical Area	Households	Households In Poverty	% Households in Poverty	Total HUD Subsidized	Housing Vouchers	# of Subs. Units Per HH in Pov.	# of Stationary Subs. Units Per HH In Pov.
Belknap County	24,297	1,965	8.1%	953	553	0.48	0.20
Carroll County	19,447	2,083	10.7%	387	147	0.19	0.12
Cheshire County	29,455	2,967	10.1%	1,254	509	0.42	0.25
Coos County	14,551	1,866	12.8%	960	384	0.51	0.31
Grafton County	33,129	3,002	9.1%	905	323	0.30	0.19
Hillsborough County	150,690	10,313	6.8%	7,253	3708	0.70	0.34
Merrimack County	56,189	4,697	8.4%	2,159	789	0.46	0.29
Rockingham County	112,969	6,100	5.4%	2,816	1356	0.46	0.24
Strafford County	45,451	5,600	12.3%	2,718	1362	0.49	0.24
Sullivan County	17,816	1,689	9.5%	949	207	0.56	0.44
NH Total	503,994	40,282	8.0%	20,354	9,338	0.51	0.27
Concord	17,213	2,036	11.8%	958	464	0.47	0.24
Derry CDP	8,740	810	9.3%	407	304	0.50	0.13
Dover	11,851	1,394	11.8%	1,001	400	0.72	0.43
Keene	8,741	1,284	14.7%	804	312	0.63	0.38
Manchester	43,950	5,422	12.3%	3,897	2211	0.72	0.31
Nashua	34,579	2,402	6.9%	2,422	1048	1.01	0.57
Portsmouth	9,761	965	9.9%	864	261	0.90	0.62
Rochester	11,473	1,138	9.9%	846	520	0.74	0.29

Notes:

*Uses ACS 2006-2008 Census Estimates; B11001 *et seq.*

** Uses 2008 HUD data on housing, available at:http://www.huduser.org/portal/picture2008/form_1s4.odb

***Uses households in poverty as a proxy indicator of number of households possibly eligible for housing assistance

****"Housing vouchers" numbers are included in "Total HUD Subsidized"

Manchester and Nashua do not appear to deviate significantly from other municipalities in the number of units with HUD subsidy per estimated household in poverty (Table 3). However, when evaluating the number of stationary HUD subsidized units (or HUD building-related subsidies that are not voucher subsidies), Nashua falls behind Portsmouth, and Manchester falls far behind, Portsmouth, Nashua, Dover and Keene. *Id.* Portsmouth, with much less racial or ethnic diversity, has the greatest share of stationary HUD-subsidized housing per household in poverty (0.62); Derry has the worst share (0.13).

When dealing with public housing specifically, a subset of stationary HUD subsidized housing, almost half (49%) are occupied by a head of household age 62 or older, and 44% of Manchester's and 36% of Nashua's public housing are occupied by persons age 62 and over (*See* Appendix p. A-11). New Hampshire has 17% more public housing occupied by those age 62 and over than the national average (*See* Appendix p. A-17). Thus, there may very well be some disparity in federally-subsidized housing in New Hampshire with families occupying fewer units than may be expected and seniors

TABLE 4

Living At or Below the Poverty Level by Race²⁷

	White	Black	Latino	% of State Total of Whites in Poverty	% of State Total of Blacks in Poverty	% of State Total of Latinos in Poverty
NH - Statewide	8.0%	28.0%	15.8%	N/A	N/A	N/A
Manchester	14.5%	55.0%	21.1%	13.5%	50.7%	30.9%
Nashua	7.0%	N/A	24.8%	5.3%	N/A	32.3%
Non-Nashua and Manchester	7.5%	N/A	10.3%	81.3%	N/A	36.8%

occupying more.²⁸ This problem is not likely unique to New Hampshire and, indeed, HUD has recognized that lower-income families face the hardest time acquiring public housing.²⁹

The relative lack of stationary subsidized housing in Manchester and Nashua along with an apparently disproportionate allocation of existing subsidized housing for the elderly could have a substantially negative effect on poor Black and Latinos who disproportionately reside in Manchester and Nashua.

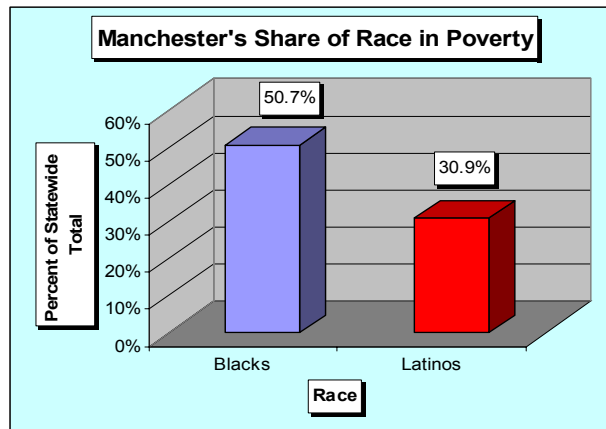
²⁷ *ACS Census 2006-2008 Estimates; **B17020 *et seq*; ***N/A means not applicable because sample too small and/or calculation inapplicable. Data for Asian populations is not available for the 2006-2008 estimates for Manchester and Nashua because of sample size.

²⁸ 2006-2008 ACS Census variable B19037 does not provide enough data to evaluate household income layered by race and by age for Nashua and Manchester.

²⁹ *See* HUD's study, [Worst Case Housing Needs 2007: A Report to Congress](#),

http://portal.hud.gov/portal/page/portal/HUD/press/press_releases_media_advisories/2010/HUDNo.10-107

TABLE 5



Obviously, economic conditions are the most significant factor in the loss of homes in the recent (and ongoing) foreclosure crisis. By far the highest reported primary reason for foreclosure in New Hampshire is the “Loss of job or loss of household income.”³⁰ It appears the percentage of high interest loans entering foreclosure has declined from about 39% in 2007 to about 31.5% in 2009.³¹ Estimated housing vacancies in New Hampshire increased from 84,082 to 91,802 from 2004 to 2008, a figure largely driven by the increase in housing units identified as “Vacant: For sale,” which increased from 2,881 to 6,733 from 2004 to 2008.

In New Hampshire, from 1998 to 2007, the number of originations of subprime mortgages grew six fold, with about half of those subprime mortgages adjustable rate mortgages.³² While subprime mortgages are disproportionately foreclosed upon as compared to prime mortgages, the foreclosure rate for subprime mortgages has steadily declined since the last quarter of 2008, with prime mortgage foreclosures steadily increasing in the same time period (Table 6).

Generally, the percentage of loans with foreclosure initiation, by quarter-year time period, was at the highest it has ever been in New Hampshire in the 3rd quarter of 2009; identical to the New England average (*See Appendix p. A-23*). The total estimated foreclosure rate (estimated foreclosures/estimated number of mortgages) for New Hampshire, for the time frame of 2007-2008, which was the beginning of the foreclosure crisis, was about 4.1%.³³ The highest foreclosure rates in this time period were in the

³⁰ NHHFA’s “Foreclosure Notice Recipient Survey,” data collected through December 31, 2009 (Question 9): http://www.nhhfa.org/rl_docs/housingdata/ForeclosureSummary_CurrentReport10.pdf.

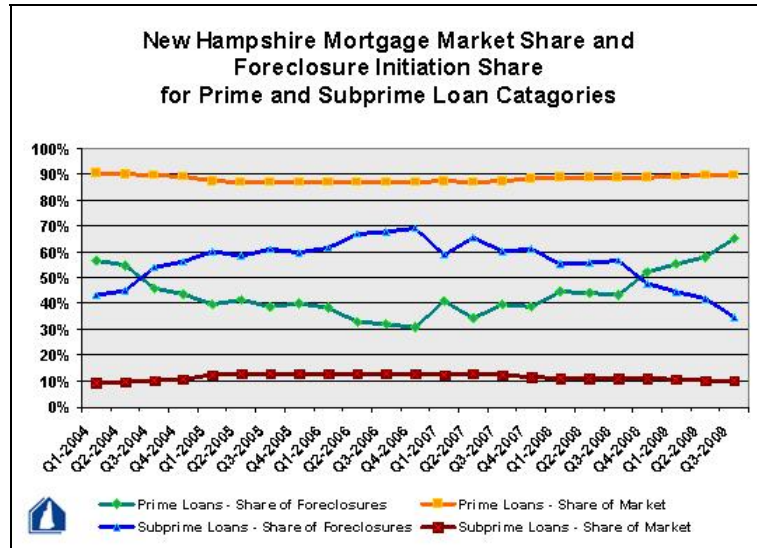
³¹ *Id* at page 1.

³² “Mortgage Delinquency, Foreclosures, and Subprime Lending in New Hampshire. How Big is the Problem?” December 10, 2007, Office of Planning and Policy, New Hampshire Housing Finance Authority, page 6: http://www.nhhfa.org/rl_docs/housingdata/SubprimeStudy.pdf

³³ Data from the Neighborhood Stabilization program is authorized under Title III of the Housing and Economic Recovery Act of 2008. The Mortgage Bankers Association *National Delinquency Survey* data on the rate of foreclosure starts in 2007 and 2008 (through approximately October 16, 2008) and the Federal Reserve’s *Home Mortgage Disclosure Act (HMDA)* data on owner-occupied and investor mortgages made between 2004 and 2006. <http://www.huduser.org/datasets/nsp.html>; http://www.huduser.org/portal/datasets/nsp_foreclosure_data.html.

North Country (Groveton 10.9%, Berlin 9.8%, Lancaster 8.2%, Whitefield 7.8%), and in communities with manufacturing job bases (Claremont 7.7%, Newport 7.6%, Charlestown 7.4%).

TABLE 6



While it is clear that economic conditions and subprime mortgage originations are key causes New Hampshire’s foreclosure crisis, it is not entirely clear how race or gender factors into the foreclosure analysis. Lending data revealed significant racial/ethnic disparities in the types of mortgage products used and in refinancing rates.

New Hampshire’s Home Mortgage Disclosure Act (“HMDA”) data was reviewed for years 2004-2008. That data is broken out for race, and by income, for the Nashua-Manchester MSA and for the Rockingham county-Strafford county MSA areas. It is not broken out by gender, and is not a source of foreclosure data.

HMDA data 5-1 on government-backed loan originations (i.e. “FHA, FSA/RHS, and VA Homes-Purchase Loans”) (hereinafter “non-conventional” loans), HMDA data 5-2 on “conventional” loan originations, and HMDA data 5-3 on refinancing applications and approvals for 2004-2008 were entered into data sets and reviewed.³⁴ The data includes information on the following reported race or ethnicity (“American Indian/Alaska Native,” “Asian,” “Black or African American,” “Native Hawaiian/Other Pacific Islander,” “White,” “2 or more minority races,” “Joint (White/Minority Race),” and “Not available”).³⁵ The data is reported by race across five categories of income (“Less than 50% of MSA/MD Median,” “50-79% of MSA/MD Median,” “80-99% of MSA/MD Median,” “100-119% of MSA/MD Median,” and “120% of More of MSA/MD Median”).

Note that the HMDA data and HMDA data analysis carries with it certain limitations, including, but not limited to: 1.) No record of unwritten or verbal denials of

³⁴ See Glossary in Appendix p. A-1 for descriptions of the loan types.

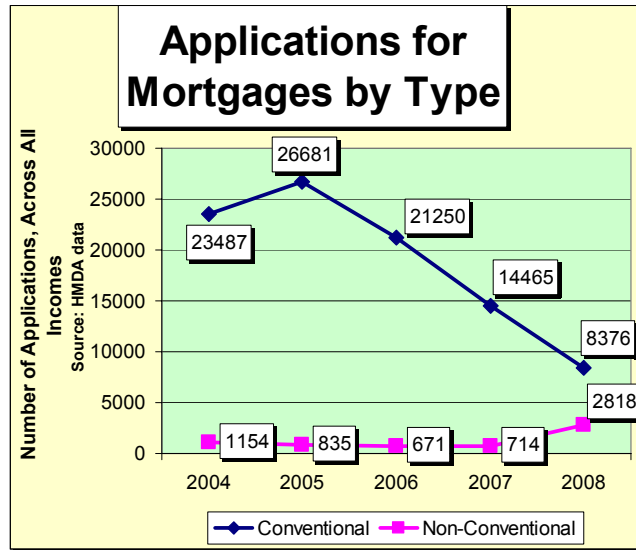
³⁵ Asian and Pacific Islander were coded together and “2 or more races” were not entered as that entry was very regularly “zero.”

applications for mortgages or refinancing; 2.) Not every bank reports data; and 3.) Mortgages applied for or approved are not broken out by mortgage provisions (i.e. adjustable rate mortgages/teaser rates). As NHHFA data in Table 6 shows, subprime mortgages, which are found in the conventional mortgage category, were a major feature of the foreclosure crisis in New Hampshire even though a smaller percentage of the mortgage market in the state.

Generally, applications for non-conventional loans almost quadrupled from 2007 to 2008, with conventional loan applications continuing to fall from a high of 26,681 in 2005 to 8,376 in 2008. This trend cuts across race and income. It is unclear what has driven the quadrupling of non-conventional loan applications from 2007-2008, although this may be an indication that the federally regulated banks in New Hampshire are offering less conventional loans (which often offer subprime-like terms such as teaser rates, higher interest rates, balloon payments, etc.), and asking for applications for the government-subsidized non-conventional loans.

Interestingly, there is a statistically significant difference in the type of mortgage applications for government-backed non-conventional v. conventional loans by race/ethnicity over 2004-2008, and across all incomes.³⁶ The ratio of White to Non-White applications for non-conventional loans for this time frame was 5.9 across all incomes, and the ratio of White to Non-White applications for conventional loans was 4.9, across all incomes. This data suggest that, for whatever reason, non-Whites have submitted less government-backed non-conventional loan applications and more conventional loan applications than is to be expected.

TABLE 7



This finding calls for further study of the HMDA data. Investigation should focus on analysis of the basis for the disproportionate number of conventional versus non-conventional loans given to racial and ethnic minorities and whether there was any steering toward products with less favorable terms such as the teaser rates, balloon and adjustable rate mortgages that figured so prominently in the foreclosure crisis in New

³⁶ With a Chi-Square of 245.19 for the 2004-2008 of the raw data as grouped by race and income by type of loan applied for as the condition.

Hampshire and across the nation. The analysis of the HMDA data could begin with review of applications by pricing and interest rate package differentials within and across both the non-conventional and conventional loan applications and categories of income (“les than 50% of MSA/MD Median,” “50-79% of MSA/MD Median,” “80-99% % of MSA/MD Median,” and “120% or More of MSA/MD Median”).

However, there does appear to be a clear relationship in New Hampshire between race/ethnicity and approvals of applications to refinance mortgages, with White applicants more likely to get approval for refinancing compared to all other races/ethnicities, holding income and area constant. A review of the number of mortgage “refinancings” approved from 2004-2008 revealed a relationship between race/ethnicity and the approval rate for refinancings, with Whites consistently acquiring refinancing at higher percentages across income brackets (See Appendix pp. A-25-A-27).

In-depth analysis of the HMDA data (See *Id.*) for more detailed explanation) underscored that every race/ethnic group, as compared to Whites, has a significant downward predicted effect on refinancing approval from 2004-2008, controlling for income and area.³⁷ This outcome raises serious concerns. If minorities in New Hampshire, irrespective of income, have less access to refinancing than Whites, then the consequences are dire since refinancing is one tool to save a home and avoid foreclosure. Refinancing patterns among New Hampshire banks should be further and more closely evaluated.

TABLE 8

**Ratio of White to Non-White
Mortgage Applications, 2004-
2008 * ** *****

Type of Loan	Area	Ratio
Non-conventional	Manchester-Nashua	5.0
	Rockingham - Strafford	7.6
	State Total	5.9
Conventional	Manchester-Nashua	4.0
	Rockingham - Strafford	5.9
	State Total	4.9

*Across All Income Categories

**Excludes 2 or More Race Data (data almost non-existent)

***HMDA Data Set

³⁷ The actual number of predicted refinancings in model for this time period is not likely accurate because the number of applications by race, or the “applications” variable, had to be dropped. What is important is the confidence interval surrounding the parameter estimates still reflects a negative affect on refinancings for other races as compared to Whites.

C. 2010 NEW HAMPSHIRE FAIR HOUSING SURVEY

1. Methodology

All 7,613 heads of household on NHHFA statewide Section 8 Waiting List were mailed a fair housing survey. One hundred and nineteen (119) surveys were sent exclusively in Spanish, the rest in English. The English language version also contained a notice in Spanish that a Spanish language version could be requested. None were. The English and Spanish surveys are located in the Appendix at pp. A-39-A-46. The Section 8 Waiting List was selected in order to be able to draw inferences from the reported housing experiences and perceived discrimination by persons across the state in need of affordable housing.

Many of the questions in the survey were patterned after HUD's 2000/2001 and 2005 national fair housing surveys ("HUD Surveys").³⁸ Our survey was intended to, among other things, gauge impediments to access to housing and retention of housing; to evaluate perceptions of discrimination in housing; and to review the various reasons and explanations for any of the above. NHLA and NHHFA worked extensively on the draft survey instrument. Numerous employees and staff at both organizations reviewed the drafts for format, clarity and sentence structure. Additionally, a number of Spanish speakers/writers, including certified interpreters, reviewed and edited the Spanish version.

The survey was mailed by NHHFA in mid-April 2010 and responses collected by NHHFA through mid-May 2010. NHHFA included the survey in a routine mailing requesting updated information. The survey was clearly identified as an optional task not affecting status on the Section 8 Waiting List.

The survey required that the identified head of household³⁹ complete the survey. Data was entered into MS Excel and then transferred to SPSS⁴⁰ for analysis. Frequencies, cross tabulations and logistic regressions were performed.

Inferences from survey results can only be drawn to the Section 8 Waiting List. The respondents to the survey do not substantially differ demographically from the NHHFA identified demographics for the waiting list, save for persons identifying themselves as disabled, discussed more *infra*. One cannot draw any conclusions to any populations beyond the Section 8 Waiting List based on the data and analysis that follows. One can only make inferences to the universe of persons waiting for a Section 8 voucher from NHHFA.

The table on the next page is a comparison of the 3,654 respondents to the survey, as compared with demographic information NHHFA had on the full universe of 7,631.

³⁸ "Do We Know More Now? Trends in Public Knowledge, Support and Use of Fair Housing Law," Prepared for: U.S. Department of Housing and Urban Development Office of Policy Development and Research, pp. 47-70 : <http://www.huduser.org/Publications/pdf/FairHousingSurveyReport.pdf>

³⁹The head of a household is the adult person who previously signed up for Section 8 through NHHFA.

⁴⁰ SPSS is a statistical processing software.

TABLE 9

**NHHFA Section 8 Waiting List:
Comparison of Response Rates, by
Percent of Total ***

	Respondents to Survey	NHHFA Universe Numbers
Disabled	50.4	34.7
Women	78.5	73.4
Men	21.4	26.5
White	84.5	88.1
Black	4.3	3.1
Latino	7.6	5.6
Asian/PacIsl	0.8	0.6
Native Am	0.7	0.9
18-24	12.3	12.1
25-34	24.7	28.1
35-44	21	21.3
45-64	32.3	30.2
65+	9.6	8.3
Less than 20k	79	81.7
20k to 40k	19.2	17.2

*NHHFA universe based on information initially provided to NHHFA by those on the waiting list

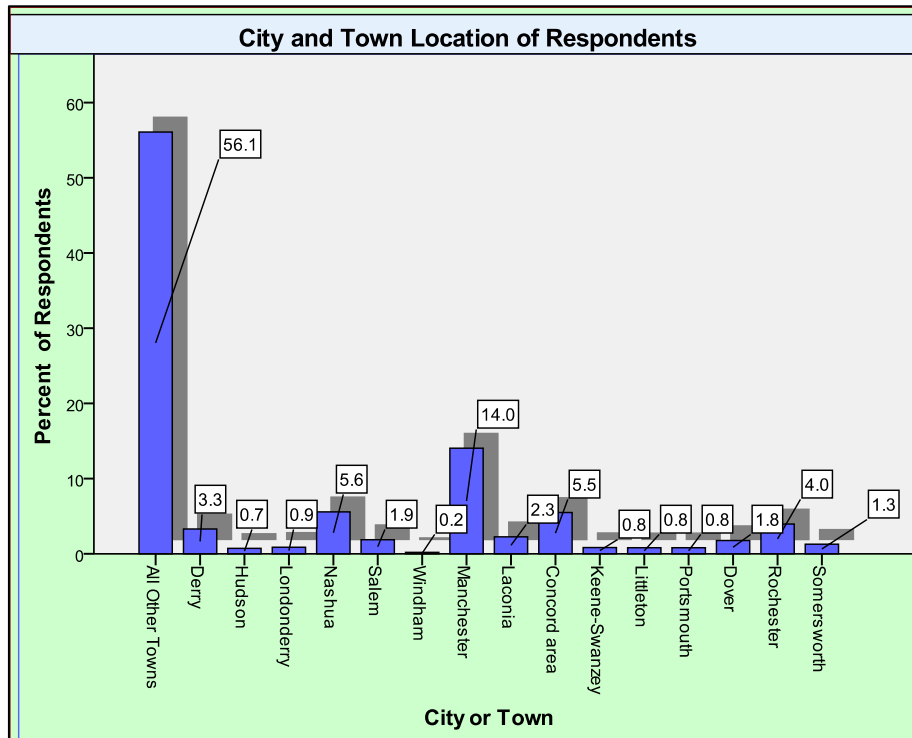
2. Summary of Responses

The response rate for the survey was 47.9% (3,654 returned of 7,631). This results in +/- 1.54 confidence interval at 99% confidence, and +/- 1.17 for confidence interval at 95% confidence. Those intervals should be assumed to expand as analyses broken down by subgroups are performed. For the persons of the interpretation that follows, the words “persons” or “people” should only be read to mean people on Section 8 Waiting List.

The survey data was not weighted by any particular group, largely because the entire universe was sampled so sample selection problems likely do not exist. That said, low-income persons seeking housing through Section 8 assistance are a particularly vulnerable and often transient population and surveys may not have reached all those within the Section 8 Waiting List universe. Interestingly, 50.4% of the respondents identified themselves as “disabled” as compared with 34.7% of the NHHFA universe. The effects of disability status are at least controlled for in many of the logistic regression models.

Over half of the survey respondents (56.1%) reside in zip codes coded outside of the major town/city areas of New Hampshire. Fourteen percent (14%) of the survey respondents identified themselves as living in Manchester, 5.6% in Nashua, and 5.5% in Concord.⁴¹

TABLE 10



Over twelve percent (12.2%) of the survey respondents have perceived housing discrimination in their past. The 2005 HUD Survey, which was conducted nationwide, found a higher reported level of perceived housing discrimination of about seventeen percent (17%).⁴² One explanation for the higher national percentage may be that persons with higher education levels may perceive discrimination more readily, and this national survey may have captured people with higher levels of education than the Section 8 Waiting List. Even in the waiting list survey, as explained below, persons with higher levels of education reported more perceived discrimination.

⁴¹ The “all other towns” percentage includes the non-New Hampshire zip codes, which were approximately 9% of the total zip codes.

⁴² “Do We Know More Now? Trends in Public Knowledge, Support and Use of Fair Housing Law,” Prepared for: U.S. Department of Housing and Urban Development Office of Policy Development and Research, p. 30: <http://www.huduser.org/Publications/pdf/FairHousingSurveyReport.pdf>

TABLE 11

	Perceived Housing Discrimination * ** ***			
	No		Yes	
	Count	%	Count	%
All Other towns	1359	84.4%	251	15.6%
Derry	79	85.9%	13	14.1%
Hudson	18	81.8%	4	18.2%
Londonderry	20	87.0%	3	13.0%
Nashua	133	83.6%	26	16.4%
Salem	43	81.1%	10	18.9%
Windham	6	100.0%	0	0.0%
Manchester	347	88.3%	46	11.7%
Laconia	54	81.8%	12	18.2%
Concord	139	82.2%	30	17.8%
Keene-Swanzey	25	92.6%	2	7.4%
Littleton	14	82.4%	3	17.6%
Portsmouth	18	85.7%	3	14.3%
Dover	49	83.1%	10	16.9%
Rochester	110	85.9%	18	14.1%
Somersworth	32	80.0%	8	20.0%
	2446	84.8%	439	15.2%

*Source: 2010 New Hampshire Fair Housing Survey

**Excludes “Don’t know” and missing responses from perceived housing disc question

***Sample sizes and various chi-square analyses reveal it is not possible to draw any conclusions from this data about the level of perc disc by city or town

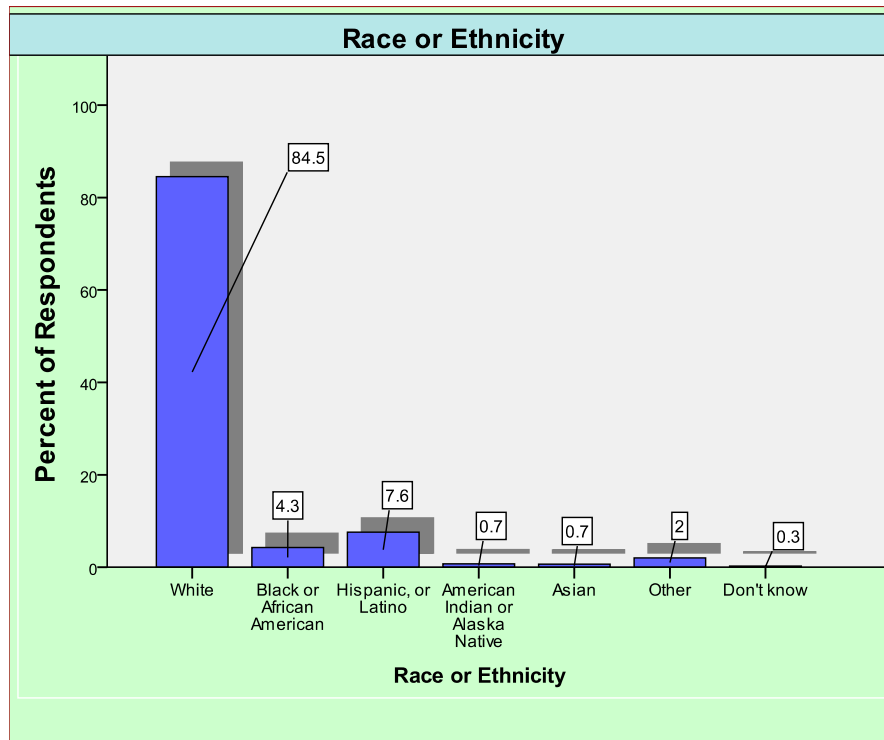
The percentage of respondents affirmatively reporting discrimination (out of “yes” or “no” subset and excluding “Don’t know” and missing values) is only 11.7% in Manchester, one of the lowest reported levels out of the largest New Hampshire communities. Surprisingly, this may very well be due to the fact that almost half (46.1%) of respondents to the survey who identified themselves as non-English speaking households are in Manchester, and non-English speaking households perceived less housing discrimination than English speaking households.

Generally, a number of cross tabulations show that domestic violence survivors report perceived housing discrimination in higher numbers than those who have not experienced domestic violence. Domestic violence survivors also report being denied rental housing, denied a mortgage and being evicted based on nonpayment of rent and for other reasons in higher numbers than those who did not report domestic violence status. Indeed, domestic violence status, whether experienced in the past five years or over five

years ago or both, appears to be highly related to a person's ability to obtain and retain housing, as well as to his or her perception of discrimination.⁴³

Cross tabulations also show persons with children report perceived discrimination and being denied rental housing in greater numbers than those without children. Persons with disabilities report perceived discrimination, being denied rental housing, and being evicted for nonpayment of rent and for other reasons in greater numbers than those persons without disabilities. Gender does not appear to factor prominently in perceived discrimination or denied access to housing or evictions, but does factor into mortgage denials and evictions for nonpayment of rent, with women more likely to report denials and evictions. Marital status impacts mortgage denials, with widowed men and women more likely to be denied. Not surprisingly, income level appears positively related to evictions for nonpayment of rent, in that those with higher incomes were less likely to be subject nonpayment evictions.

TABLE 12

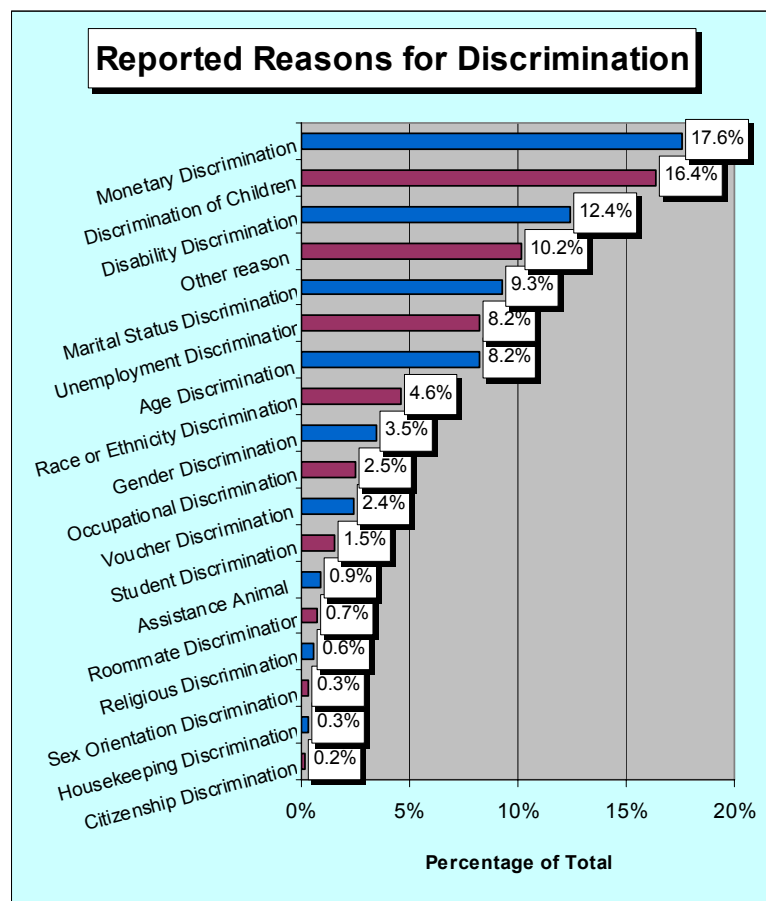


Non-Whites perceive housing discrimination in higher numbers than Whites, but do not report being denied access to housing or being evicted in significantly higher numbers. Almost 8% of the respondents report their race or ethnicity as Latino, but rates of perceived housing discrimination were highest amongst Blacks and Native Americans.

⁴³ It is very likely that in many, if not most instances, the housing provider is unaware that the person is a domestic violence survivor. Poor credit, unfavorable landlord references, prior evictions are often the direct and indirect consequences of the presence of domestic violence and frequently affect housing opportunities for victims.

Respondents were given an opportunity to report the perceived reason for discrimination.⁴⁴ The highest reported perceived reasons for discrimination were for not having enough money (17.6%), followed by children (16.4%), disability (12.4%) and “other reason” (10.2%). Many respondents picked more than one perceived reason for discrimination, and the results on the graph are a percentage of all reported reasons by all respondents. Subjective analysis of the written “other” reasons (including many “lack of credit” and some government assistance) show that domestic violence and source-of-income discrimination may loom even larger than is even captured by the survey. Future surveys should better capture and evaluate these responses in order to determine if and how these types of responses relate to domestic violence victim status.

TABLE 13



⁴⁴ Facially non-discriminatory reasons were included along with facially discriminatory reasons as possible responses to Q7. The purpose of which is obviously an attempt to drive at the real reason for perceived discrimination, and also to avoid leading the respondent into selecting a facially discriminatory reason.

The action taken in response to perceived discrimination is not unlike the reported actions taken in the 2005 HUD Survey, where 83% did nothing, 6% complained to the person discriminating, 1% filed a complaint, a total of 4% sought help from a lawyer or other group, and 5% did something else.⁴⁵ Of the persons who did not do something in response to perceived housing discrimination, over half (52.4%) didn't think it would help, or didn't know where or how to complain.

TABLE 14

<i>Action Taken in Response to Perceived Housing Discrimination</i>		
	Number	Percent
No action taken in response	336	78.7
Filed a complaint with a government agency	22	5.2
Filed a lawsuit	1	.2
Complained to the person doing the discriminating	58	13.6
Went to a lawyer or fair housing group, but no filing	10	2.3
Total	427	100.0

⁴⁵ "Do We Know More Now? Trends in Public Knowledge, Support and Use of Fair Housing Law," Prepared for: U.S. Department of Housing and Urban Development Office of Policy Development and Research, p. 36: <http://www.huduser.org/Publications/pdf/FairHousingSurveyReport.pdf>

TABLE 15

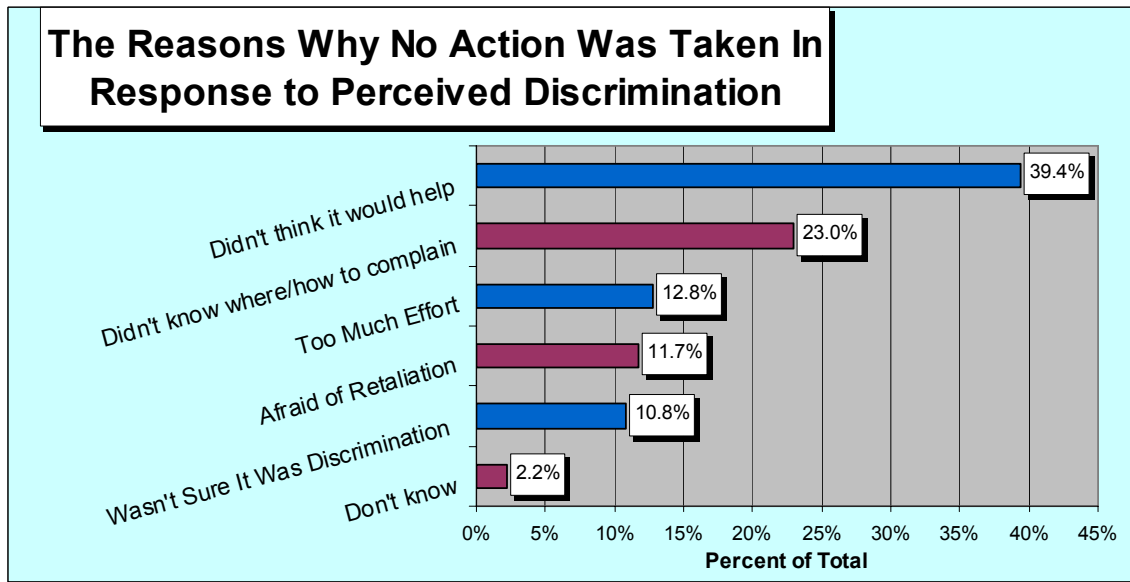
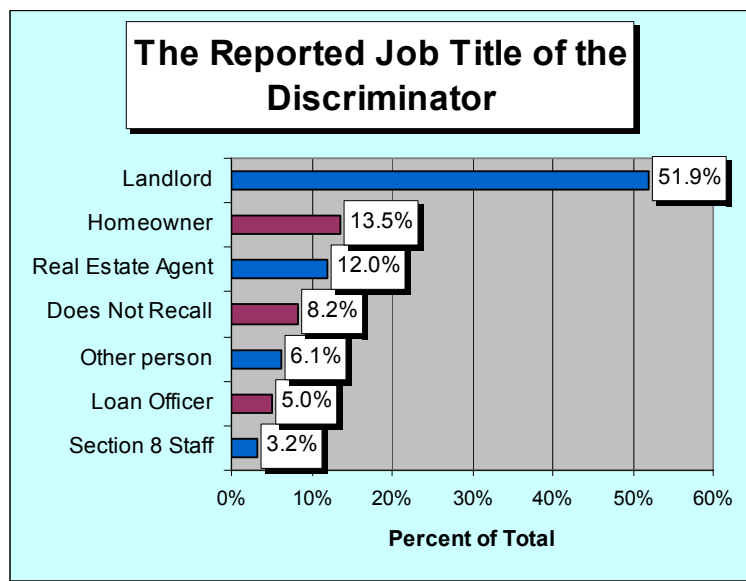


TABLE 16



Over half (51.9% reported being discriminated against by a landlord. The 2005 HUD Survey showed a lower reported level of discrimination of approximately 32% by apartment building owners or operators (the equivalent of “landlords” in this survey).⁴⁶

⁴⁶ “Do We Know More Now? Trends in Public Knowledge, Support and Use of Fair Housing Law,” Prepared for: U.S. Department of Housing and Urban Development Office of Policy Development and Research, p. 33: <http://www.huduser.org/Publications/pdf/FairHousingSurveyReport.pdf>

The 2005 HUD Survey showed a higher rate of perceived discrimination by home owners (26%) and by real estate agents (19%) than this survey. It may be that because the 2005 HUD Survey was not limited to low-income persons (the vast majority of persons in this survey universe are low-income) that interactions were more likely to be in the market for houses than the Fair Housing Survey respondents, resulting in higher rates of reported perceived discrimination amongst home owners and real estate agents and less rates of perceived discrimination from landlords.

Interestingly, cross tabulations show that only 1 of 83 (1.2%) non-English-speaking respondents in Manchester perceived discrimination, versus 11 of 99 (11.1%) non-English-speaking respondents from the rest of the state. Moreover, 68 of the 86 (79%) total non-English-speaking respondents in Manchester are Latino. This was a markedly different response than for other non-White respondents.

We also reviewed the data excluding Latino responses, to evaluate perceptions of housing discrimination by non-White and non-Latino subgroups. Indeed, without the Latino responses, the rates of perceived discrimination for non-Whites in Manchester increased to 24.4% surpassed higher than the rate of perceived discrimination for non-Whites outside of Manchester (19.5%). It is unclear why non-English-speaking Latinos in Manchester are unique in this data set. Other cross tabulations do not reveal a significantly higher level of education or income for the Non-English-speaking sub-sample as compared to the English-speaking sub-sample of Latinos. Further exploration

TABLE 17

**Perceived Housing Discrimination in Manchester v. Other Areas
Not Including Latino Subset**

			White	Non-White	Total
Manchester	No	Count	240	27	267
		Percent	69.0%	60.0%	67.9%
	Perceived Housing Discrimination Yes	Count	29	11	40
		Percent	8.3%	24.4%	10.2%
	Don't know	Count	79	7	86
		Percent	22.7%	15.6%	21.9%
	Total	Count	348	45	393
Percent		100.0%	100.0%	100.0%	
Other locations	No	Count	1812	138	1950
		Percent	68.6%	61.1%	68.0%
	Perceived Housing Discrimination Yes	Count	323	44	367
		Percent	12.2%	19.5%	12.8%
	Don't know	Count	505	44	549
		Percent	19.1%	19.5%	19.2%
	Total	Count	2640	226	2866
Percent		100.0%	100.0%	100.0%	

of the reasons for the unexpectedly low rate of reported perceived housing discrimination amongst Latinos in Manchester is warranted.

Lastly, models were run on responses to questions relating to access to housing (Q1 “denied rental”) & (Q3 “denied mortgage”), questions related to losing housing (Q14 “evict nonpay”) & (Q16 “evict other”), and perceived discrimination in housing (Q5).⁴⁷ The purpose of this is to help us better determine what characteristics of the people on the Section 8 Waiting List help predict the likelihood for all people on the Section 8 Waiting List of being denied rental housing, being denied a mortgage, being evicted for nonpayment or for some other reason and of perceiving discrimination in housing.⁴⁸

Generally, irrespective of the models run, domestic violence and disability status factor prominently, with both increasing the likelihood of perceived discrimination, likelihood of denial of rental housing, likelihood of denial of a mortgage, and the likelihood of eviction for nonpayment and eviction for other reasons. Controlling for the effects of the other variables in the analytical models, interpretation of responses to certain survey questions yielded the following results:

a. Evaluation of “Yes” responses to denied rental housing, controlling for the variables in Model #4 of denied rental housing, indicates the following:

- Households that do not have a person with disabilities are 74.4% less likely to report having been denied rental housing than a household that does have a person with disabilities;

⁴⁷ The “Don’t know” and missing values were erased in and separate data sets were created for Q1, Q3, Q5, Q14, and Q16 to allow for a binary logistic regression analysis of each question as a dependent variable. To aid in this effort, Asian and Pacific Islander responses (both very small) were collapsed together. In some models “RaceN” variable was used, which means “White = 1” and all “other reported = 2.” Note that in some models the existing race variable uses “Don’t know” as the interpretative reference point. Note also that SPSS automatically codes the highest level value as the reference point, so while one may see the variable “DV_over5yrs” as including a (1) behind it, it does not mean that the response of 1 for “yes” is what the parameter estimate reflects. It means the opposite: An interpretation of the likelihood of the dependent variable being “yes” if a person has experienced domestic violence over 5 years ago, as compared to those who did not, controlling for whatever other explanatory variable is included in the model. Also note that the sign (+/-) of the (B) coefficient denotes which direction the impact of the variable has on the dependent variable, and that that exponent of (B) (“Exp(B)”) denotes the factor by which a variable increase or decreases the likelihood of the dependent variable response being “yes.”

⁴⁸ The variable of domestic violence experienced in the last five years and domestic violence experienced over five years ago were not included in the same models due to the high correlation of the two variables. Similarly, models were run including disability (Q11), rather than including both mental or physical disability (Q26 & 27), due to the high correlation between mental and physical disability. Hosmer and Lemeshow tests were performed to illustrate whether the model created fit the data well. The further away from 0.00 (specifically 0.05 level of significance) the better the likelihood that there is no significant difference between the actual data and that predicted in the model. In other words, in binary logistic models with Hosmer and Lemeshow tests greater than 0.05 are preferred. Nagelkerke R-squared tests do not measure goodness of fit of the model, rather, they measure the estimate amount of variation in the dependent variable that the model explains. Usually, the closer to 1.00 that this figure comes the better the explanatory power of the model. Dozens of model runs were conducted for each dependent variable, most of which are reported in Appendix pp. A-34-A-38. The likely best models for each dependent variable, based on using the above techniques and others, are discussed herein.

- Households that do not have children are 93.3% less likely to report having been denied rental housing than a household that does have children;
- Persons who do not speak English as their first language are 51.6% less likely to report having been denied rental housing than English speakers; and
- People who were not victims of domestic violence over 5 years ago are 42.3% less likely to report having been denied rental housing than persons who were domestic violence victims over 5 years ago.

b. Evaluation of “Yes” responses to denied mortgage, controlling for the variables in Model #8 of denied mortgage, indicates the following:

- Households that do not have a person with disabilities are 58.5% less likely to report having been denied a mortgage than a household that does have a person with disabilities;
- Households that do not have children are 49.5% less likely to report having been denied rental a mortgage than a household that does have children;
- Persons who do not speak English as their first language are 26.1% less likely to report having been denied a mortgage than English- speakers;
- People who were not victims of domestic violence over 5 years ago are 41.6% less likely to report having been denied a mortgage than persons who were domestic violence victims over 5 years ago;
- Men are 57.5% less likely to report having been denied a mortgage than women; and
- The reference group for “marital status” is “widower” (used here as a gender neutral term). Persons reporting to be married, not married but living with a significant other, and single or divorced are all less likely to report having been denied a mortgage than a widower.⁴⁹

c. Evaluation of “Yes” responses to perceived housing discrimination, controlling for the variables in Model #5 of perceived housing discrimination, indicates the following:

- Households that do not have a person with disabilities are 50.5% less likely to report having perceived housing discrimination than a household that does have a person with disabilities;
- Households that do not have children are 61.0% less likely to report having perceived housing discrimination than a household that does have children;
- For a unit increase in education level there is a 114.6% increase in the likelihood of reporting perceived housing discrimination. In other words, an increase in education, irrespective of the level education level, means an increase in the likelihood of perceiving housing discrimination;

⁴⁹ It should be noted that after many runs and tests that “marital status” was absolutely needed in this model with “denied mortgage” dependant variable in order for reliability of the model.

- Persons who do not speak English as their first language are 34.9% less likely to report having perceived housing discrimination than English speakers;
- People who were not victims of domestic violence over 5 years ago are 37.8% less likely to report having perceived housing discrimination than persons who were domestic violence victims over 5 years ago; and
- Whites are 56.6% less likely than non-Whites to report having perceived housing discrimination.

d. Evaluation of “Yes” responses to eviction for non-payment of rent, controlling for the variables in Model #5 of eviction of nonpayment of rent, indicates the following:

- Persons in households that do not have a person with disabilities are 72.3% less likely to report having been evicted for nonpayment of rent than a household that does have a person with disabilities;
- Persons in households that do not have children are 56.8% less likely to report having been evicted for nonpayment of rent than a household that does have children;
- For a unit increase in income level there is a 57.9% decrease in the likelihood of reporting eviction for nonpayment of rent. In other words, an increase in income, irrespective of the income level, for those on the Section 8 Waiting List means they are less likely to get evicted for nonpayment of rent;
- Latinos are 48.7% less likely than Whites to report having been evicted for nonpayment of rent; and
- People who were not victims of domestic violence over 5 years ago are 51.2% less likely to report having been evicted for nonpayment of rent than persons who were domestic violence victims over 5 years ago.

e. Evaluation of “Yes” responses to eviction for reasons other than non-payment of rent, controlling for the variables in Model #6 of evictions for other reasons, indicates the following:

- Persons in households that do not have a person with disabilities are 51.0% less likely to report having been evicted for something other than nonpayment of rent than a household that does have a person with disabilities;
- Men are 61.4% less likely than women to report having been evicted for something other than nonpayment of rent;
- Latinos are 30.4% less likely than Whites to report having been evicted for something other than nonpayment of rent;
- People who were not victims of domestic violence over 5 years ago are 42.0% less likely to report having been evicted for something other than nonpayment of rent than persons who were domestic violence victims over 5 years ago; and
- Persons reporting to be married, not married but living with a significant other, and single or divorced are all less likely to report having been evicted for a reason other than nonpayment of rent than a widower.

f. Evaluation of “Yes” responses to perceived discrimination, controlling for the variables in Model #8 of perceived housing discrimination (including the “denied rental” housing), indicates the following:

- Households that do not have a person with disabilities are 59.8% less likely to report having perceived housing discrimination than a household that does have a person with disabilities;

- For a unit increase in education level there is a 125.4% increase in the likelihood of reporting perceived housing discrimination. In other words, more education, for those on the waiting list, means an increase in the likelihood of perceiving housing discrimination;

- People who were not victims of domestic violence over 5 years ago are 48.2% less likely to report having perceived housing discrimination than persons who were domestic violence victims over 5 years ago; and

- Blacks are about 2 times more likely than Whites to report perceiving housing discrimination, Native Americans 8.8 times more likely, Asians 5 times more likely, and all other races 2.2 times more likely than Whites to report perceiving housing discrimination.

D. FOCUS GROUP RESULTS

The goal of the focus groups was to explore, in a more detailed way, the housing experiences of Latinos here in Manchester and of refugees here in Concord. Diego Cataño of Latinos on the Move recruited Latinos for the group in Manchester, and Augustine Ntabaganyimana of Lutheran Social Services recruited members of the refugee community for the group in Concord. The focus group results are not quantitative nor do they produce anything of inferential value. Questions, including follow-up questions, were limited to neutral questions like: “Why did you feel that way? Who? What? Where?” Each focus group followed the same format, with the same questions. The questions for each group and raw responses can be found in Appendix pp. A-47 – A-59. Sections 1 and 2 below provide summaries provides of the findings of each group. Section 3 discusses general conclusions about the focus groups.

1. Latino Focus Group – Manchester, NH (March 24, 2010)

The sixteen participants in this group comprised a diverse mix in terms of age, family composition, gender, source-of-income and neighborhood. Three participants were home owners, the rest were renters.

Only three of the sixteen participants did not perceive discrimination against Latinos in New Hampshire. Those three did not fit any one demographic category and were from varied backgrounds. Thirteen participants reported a variety of discrimination, including discrimination in housing by landlords and other tenants, and also overt “unwelcoming” racially related comments. At least two participants commented that they

do not know who to trust/do not know how to come forward. All expressed an interest in learning more about their rights.

Greater education and outreach in the Latino communities could help combat discrimination incidence by increasing knowledge and awareness.

2. Refugee Focus Group – Concord, NH (April 12, 1010)

There were eight participants in this group. All participants were male. All participants rented at either Royal Concord Gardens or Morning Star Apartments in Concord, New Hampshire. One participant was older, five participants were middle-aged, and two participants younger. Six participants were Bhutanese refugees. Two Participants were Burundi refugees. Four participants worked at Wal-Mart, and one at Target. The remaining participants were either unemployed and/or receiving Temporary Aid to Need Families (“TANF”).

Overall, there was a general sense of community amongst both the Burundi and the Bhutanese refugees. No participant identified discrimination against himself in housing, however all expressed, verbally or nonverbally, some concern for members of their community, be it getting eviction notices when they are trying to make ends meet, unfairly getting blamed for bedbugs, or having police called for minor reasons. Some participants sensed discrimination in employment.

A number of Bhutanese participants expressed concern over the occupancy policies of their housing complex. The participants said that their families are often large and usually stick together, but the housing developments’ policies and staff make them split up, and usually do not allow the families to live next to each other. Apparently, the Bhutanese first reside in one complex, and then they try to get the other development for cheaper rent.

Some Bhutanese expressed concern over retaining their cultural norms, including access to temple, right to organize a community group and the ability to practice their funeral rituals (cremation by a river). All participants expressed concern over getting/keeping a job, particularly with limited English skills.

The two salient features of this discussion were the impact of occupancy policies on family/cultural norms, and also access to opportunity (e.g. quality jobs and income). Occupancy policies may need to be evaluated to determine whether certain groups are afforded the ability to truly use and enjoy their housing.

3. General Conclusions

The qualitative results of the Latino focus group in Manchester on housing discrimination does not match the quantitative results from Latino Fair Housing Survey respondents in Manchester. In all likelihood, there are probably a number of factors that explain the difference between a person that has been recruited and willing to go to a focus group, and a person simply signing up for a housing voucher through New Hampshire Housing. Nevertheless, the results of the Fair Housing Survey, coupled with the results of both focus groups, show that minority groups that perceive discrimination do not feel comfortable/don’t know how/don’t think it is worth it to complain about housing discrimination when it occurs.

PART III

FAIR HOUSING LAW UPDATE

Since publication of the 2004 Update, there have been several important legal developments at both the state and federal level which either directly or indirectly affect fair housing law or protected class members.

A. FEDERAL LAW DEVELOPMENTS

1. United States ex rel. Anti-Discrimination Center v. Westchester County, New York

The obligation of recipients of federal housing and community development funds to affirmatively further fair housing principles was made dramatically and abundantly clear in this case.⁵⁰ In 2006, a fair housing organization sued Westchester County, New York alleging that its officials falsely certified that the County was in compliance with its obligations to affirmatively further fair housing. The United States government joined the lawsuit supporting the plaintiff's assertions that, in fact, instead of advancing integration and fair housing, Westchester County policies were actively promoting racial segregation by concentrating affordable housing developments in areas where African-Americans were already highly segregated and avoiding development in traditionally White communities.

→ In a preliminary decision, the U.S. District Court for the Southern District of New York held that a “government entity that certifies to the federal government that it will affirmatively further fair housing as a condition to its receipt of federal funds must consider the existence and impact of race discrimination on housing and opportunities and choice in its jurisdiction.”⁵¹ The case subsequently settled with damages and attorneys fees totaling in the millions; a temporary suspension of federal funds to the County; and detailed requirements to use the funds to promote integration.⁵²

→ This case will impact states and municipalities throughout the United States. As HUD Deputy Secretary Ron Sims declared, grantees are now “on notice.”⁵³ Before they certify compliance for affirmatively furthering fair housing, recipients of federal funds should take care to conduct meaningful analyses of impediments well beyond articulation of affordable housing strategies.

2. HUD Final Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin

⁵⁰ U.S. ex rel. *Anti-Discrimination Center v. Westchester County*, 495 F. Supp. 2d 375 (S.D.N.Y. 2007).

⁵¹ *Id.* at 375.

⁵² Michael Allen, *No Certification, No Money*, 78 PLANNING COMMISSIONERS J. 16 (2010). The County was required “to develop 750 units of affordable housing in the whitest towns in Westchester and to affirmatively market them to people of color.” *Id.* at 17.

⁵³ Rob Breyemaier & Justin Massa, *Putting CDBG Recipients on Notice*, 18 POVERTY & RACE RES. ACTION COUNCIL 5, at 11 (2009).

Discrimination Affecting Limited English Proficient Persons

In January 2007, HUD issued its final guidance (“Final LEP Guidance”) to grantees that receive HUD funding either directly or as sub-grantees. The Final LEP Guidance explains obligations toward persons who have limited English proficiency⁵⁴ (“LEP individuals”). The basis for these duties is Section 601 of Title VI of the Civil Rights Act of 1964, which provides that no person “on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.”⁵⁵

The Final LEP Guidance follows federal case law,⁵⁶ an Executive Order,⁵⁷ a U.S. Department of Justice regulation and later guidance,⁵⁸ and HUD’s own proposed guidance issued in 2003,⁵⁹ all of which have required recipients of federal funds to provide, when indicated, information in appropriate languages to LEP individuals in order to allow equal access to information, services and programs. Failure to provide such language-appropriate information may constitute national origin discrimination under Title VI of the Civil Rights Act, and for federally funded housing providers, may also constitute violations of the federal Fair Housing Act.

Recipients are required to conduct a four-pronged analysis in order to decide what obligations they may have to speakers of different languages as well as to determine the extent and methods of providing information in languages other than English. Recipients are then required to draft a Language Access Plan which describes the results of the analysis and sets forth policies and practices consistent with the Final LEP Guidance. (See Appendix p. A-4 for links to HUD Final LEP Guidance.)

3. 2005 Amendments to the Federal Violence Against Women Act

Effective January 2006, the 2005 amendments to the federal Violence Against Women Act (“VAWA”) incorporated new protections into several HUD funded housing programs for victims of domestic violence, dating violence, stalking, and sexual assault.⁶⁰ These changes, although gender neutral, were implemented in recognition of the fact that

⁵⁴ Final Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 72 Fed. Reg. 2732 (Jan. 22, 2007).

⁵⁵ 42 U.S.C. 2000d (1964).

⁵⁶ *Lau v. Nichols*, 414 U.S. 563 (1974)

⁵⁷ Executive Order 13166 (2000)

⁵⁸ 28 C.F.R. § 42.405(d)(1) (1976), Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficiency Persons, 67 Fed. Reg. 41455 (June 18, 2002).

⁵⁹ Proposed Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 68 Fed. Reg. 70968 (Dec. 19, 2003).

⁶⁰ Violence Against Women Act of 2005, Pub. L. 109-162, 119 Stat. 2960.

domestic violence is a significant causative factor of homelessness, particularly for women.⁶¹

The VAWA provisions affect the Public Housing Program, Section 8 Housing Choice Voucher Program and Project-Based Section 8 Funding Programs and are designed to prevent negative housing decisions based on a person's status as a victim of violence as defined by VAWA. Among the many protections, applicants to these housing programs may not be denied housing or be evicted based on the status of their victimization. The legislation requires that federally subsidized housing providers notify program participants of VAWA protections and Section 8 Housing Choice Voucher Program Administrators must notify participating landlords of their obligations to covered victims of violence. (*See* Appendix pp. A-3 and A-4 for a list of protections and links to more information on the VAWA Amendments.)

B. STATE LAW DEVELOPMENTS

1. New Tenancy Protections for Victims of Domestic Violence, Sexual Assault, or Stalking

In July 2010, new tenancy protections for certain victims of violence were signed into law. Effective on October 6, 2010, RSA 540:2 has been amended to include certain restrictions on the landlord's ability to terminate the tenancy of a victim of domestic violence, sexual assault or stalking solely on that basis as long as the victim provides verification of the existence of a protective order against the perpetrator of the violence. Among its protections, the amendment also allows the landlord to bifurcate the eviction and evict only the perpetrator of the violence.

2. Equal Access to Marriage

New Hampshire lawmakers advanced the civil rights of same-sex couples first by legalizing civil unions in 2008⁶² and then by enacting legislation recognizing same-sex marriages.⁶³ In June 2009, Gov. Lynch signed legislation making same-sex marriage legal in New Hampshire effective January 1, 2010. The new legislation also recognizes out-of state marriages not otherwise prohibited by New Hampshire law,⁶⁴ recognizes foreign legal civil unions as marriages under New Hampshire law⁶⁵ and as of January 1, 2011 will allow conversion of existing civil unions into marriages.⁶⁶

3. Amendments to RSA 130-A Lead Paint Poisoning Prevention

⁶¹ NAT'L LAW CENTER ON HOMELESSNESS & POVERTY, THE IMPACT OF THE VIOLENCE AGAINST WOMEN ACT 2005 (VAWA) ON THE HOUSING RIGHTS AND OPTIONS OF SURVIVORS OF DOMESTIC AND SEXUAL VIOLENCE.

⁶² N.H. REV. STAT. ANN. § 457-A (repealed by 2009, 59:9, eff. Jan. 1, 2011).

⁶³ N.H. REV. STAT. ANN. § 457:1-a Equal Access to Marriage (Act effective Jan. 1, 2010). Several other sections of the chapter on marriages were amended for consistency with this expansion of N.H. marriage laws.

⁶⁴ N.H. REV. STAT. ANN. § 457:3.

⁶⁵ N.H. REV. STAT. ANN. § 457:45.

⁶⁶ N.H. REV. STAT. ANN. § 457:46.

Amendments to RSA 130-A in 2007 and 2009 increased protections for children affected by lead exposure and poisoning. Key changes focused on lowering the blood lead level that triggers mandatory investigation of lead poisoning⁶⁷ and reductions of the blood lead levels required to make notifications to building owners of lead exposure of child residents.⁶⁸ The changes also expand the scope of inspections to the entire multiple unit building once a lead exposure hazard has been established in one unit.⁶⁹

4. Workforce Housing Law

In 2008, the New Hampshire legislature codified *Britton v. Town of Chester*, 134 N.H. 434 (1991) when it enacted its new Workforce Housing Law.⁷⁰ In *Britton*, the New Hampshire Supreme Court “ruled that all New Hampshire municipalities have an obligation to afford reasonable opportunities for the development of housing for low and moderate income families, including fair share of the regional need for such housing.”⁷¹ Unfortunately, most municipalities continued to ignore their responsibilities under *Britton* with significant consequences for families with children.⁷² The new Workforce Housing sections of Chapter 674 (Local Land Use Planning and Regulatory Powers) mandate that local governments provide meaningful opportunities for the development of Workforce Housing, including rental units. Workforce Housing, by its definition, refers to affordable homes and rental units for low and moderate income families.⁷³

5. Protection for Homeowners Against Predatory Foreclosure Schemes

As predatory and unethical lending practices helped fuel the housing crisis,⁷⁴ foreclosure “prevention” schemers preyed on distressed homeowners facing foreclosure thereby completing the victimization of many borrowers, particularly those who were low-income and unsophisticated. Schemes included charging high fees for offers to intervene with foreclosing lenders or for referrals to bankruptcy attorneys; situations where the homeowner believes she is refinancing but unknowingly transfers ownership of her home to another party; and lease/buyback deals with terms that all but ensure that the homeowner will never be able to regain title to his home.⁷⁵ Members of many protected class groups were specifically targeted.

In 2007, New Hampshire enacted new laws regulating foreclosure consultants and pre-foreclosure conveyances.⁷⁶ An important feature of the new law is the required

⁶⁷ N.H. REV. STAT. ANN. § 130-A:5.

⁶⁸ N.H. REV. STAT. ANN. § 130-A:6-a.

⁶⁹ N.H. REV. STAT. ANN. § 130-A:6, I.

⁷⁰ N.H. REV. STAT. ANN. § 674:58-61 (Act effective Jan. 1, 2010).

⁷¹ N.H. Hous. and Fin. Auth., Analysis of Impediments to Fair Housing in New Hampshire 49 (2004).

⁷² *Id.* at 50-51.

⁷³ N.H. REV. STAT. ANN. § 674:58, IV.

⁷⁴ *Victimizing the Borrowers: Predatory Lending’s Role in the Subprime Mortgage Crisis*, Knowledge@Wharton, Feb. 20, 2008.

⁷⁵ L.L. SAUNDERS ET AL., COMBATING FORECLOSURE RESCUE SCAMS 3-8 (National Consumer Law Center 2006).

⁷⁶ N.H. REV. STAT. ANN. § 479-B (2007).

execution of a foreclosure contract prior to provision of any services.⁷⁷ The contract must fully disclose the terms, describe the services to be provided, set out the costs of the contract, be notarized, and be accompanied by a notice of the right to cancel the contract.⁷⁸ In addition, if the homeowner is a person who is not proficient in English, the contract must be written in the language of the consumer.⁷⁹ Equally important is the requirement that in any arrangement where the foreclosure consultant will take title of the homeowner's home, the consultant must provide a "notice of the loss of ownership" which describes the terms of the transfer of ownership and notice of the right to cancel the contract.⁸⁰

6. Amendments to the Law Against Discrimination

In 2006, RSA 354-A, the Law Against Discrimination was amended in several important ways. A number of definitions pertaining to employment discrimination issues were amended including the definitions of "employer" (now includes non-profit charitable and educational employees), "a qualified individual with a disability," "reasonable accommodation," and "undue hardship."⁸¹ In addition, the amended law now provides for the possibility of enhanced compensatory damages for cases removed to state court,⁸² and requires that the Human Rights Commission pay the costs of transcription for indigent persons in those cases which are appealed to the Superior Courts.⁸³ Lastly, the statute expanded the scope of coverage in housing discrimination cases to include "access to, or membership or participation in, any multiple-listing service, real estate brokers' organization or other service, organization, or facility relating to the business of selling or renting dwellings . . ."⁸⁴

PART IV

2009 ANALYSIS OF FAIR HOUSING IMPEDIMENTS

This Section reviews fair housing resources; fair housing complaint data; information on protected class groups; additional impediments; and a review of actions on the recommendations published in the 2004 Update.

A. REVIEW OF FAIR HOUSING RESOURCES

In the past several years, the internet has gained even more importance as a portal to information and resources on housing discrimination. A Google search of the phrase "housing discrimination in New Hampshire" produced in 83,000 results with the first page listing links to the New Hampshire Commission on Human Rights, the U.S.

⁷⁷ N.H. REV. STAT. ANN. § 479-B:2.

⁷⁸ *Id.*

⁷⁹ N.H. REV. STAT. ANN. § 479-B:2, I(a).

⁸⁰ N.H. REV. STAT. ANN. § 479-B:3.

⁸¹ N.H. REV. STAT. ANN. § 354-A:2, VII, XIV-a, XIV-b, XIV-d,

⁸² N.H. REV. STAT. ANN. § 354-A:21-a, VIII.

⁸³ N.H. REV. STAT. ANN. § 354-A:21, II(c).

⁸⁴ N.H. REV. STAT. ANN. § 354-A:10, VIII.

Department of Housing and Urban Development’s Office of Fair Housing and Equal Opportunity, the Disabilities Rights Center and New Hampshire Legal Assistance. Posters, pamphlets and other materials may be downloaded from websites. It is clear that access to information via traditional mail, telephone and TTY is being surpassed by internet use.

1. Federal Resources

a. U.S. Department of Housing and Urban Development (“HUD”)

HUD is the federal agency designated by statute to administratively enforce federal housing discrimination laws and provisions including the federal Fair Housing Act, Title VI of the Civil Rights Act of 1964, the Americans With Disabilities Act and Section 504 of the Rehabilitation Act. HUD’s Regional Office of Fair Housing and Equal Opportunity (“FHEO”) is located in Boston, Massachusetts.

HUD maintains a comprehensive website (www.hud.gov) that is fairly easy to negotiate. The website is available in Spanish, as well. The FHEO component of the website is quite extensive and contains a comprehensive list of publications including brochures, policies and guidance statements, recent conciliation agreements, studies and other materials.

Housing discrimination complainants may file federally-based complaints directly with HUD via toll-free voice and TTY numbers, electronically, by fax or mail. The complaint is reviewed within the intake unit of the FHEO and once accepted for investigation is assigned to a team of two Civil Rights Specialists. One specialist will investigate the complaint and the other will make attempts to conciliate the case as required by federal statute.⁸⁵ Although most investigations and conciliation efforts are conducted by telephone and written correspondence, HUD staff may travel to New Hampshire for investigations and conciliation efforts. Most investigations are completed within one hundred (100) days. HUD assumes all costs of processing and investigating complaints.

b. U.S. Department of Justice, Civil Rights Division

The Housing and Civil Enforcement Section of the U.S. Department of Justice (“DOJ”) is responsible for prosecuting civil violations of federal housing discrimination laws. Its website, www.justice.gov/crt/housing/fairhousing, although not as comprehensive as HUD’s, contains useful information including information for contacting its staff by toll-free telephone, written correspondence, email or fax; a tip line; lists of cases prosecuted by DOJ; and links to HUD FHEO for complainants who wish to file a housing discrimination complaint. Much information is also available in Spanish. Website information explains that most of the discrimination cases handled by DOJ are “pattern and practice cases” that are ongoing violations affecting or having the potential to affect many people. There are no costs to complainants whose cases are being prosecuted by DOJ.

⁸⁵ 42 U.S.C. § 3610(b)(1).

c. U.S. Federal District Court, District of New Hampshire

Housing discrimination complainants may bring private lawsuits in the Federal District Court in New Hampshire. The Court's website, www.nhd.uscourts.gov, does not contain any information about housing discrimination. Electronic searching for cases filed with the court is more difficult, requires one to register and obtain a password and there are costs associated with downloading case information if one is not a party to the case. There is a section for *pro se* litigants which explains costs associated with filing a federal lawsuit, as well as forms in English and Spanish to request waiver of fees for indigent litigants.

2. State Resources

a. New Hampshire Commission for Human Rights

The New Hampshire Commission for Human Rights (“HRC”) is a state government department and is vested under RSA 354-A with the responsibility to “receive, investigate and pass upon complaints alleging violations of this chapter”⁸⁶ which covers employment, housing and public accommodations discrimination. It processes relatively few complaints of housing or public accommodations discrimination especially in comparison to the numbers of employment complaints it handles. The numbers discrepancy may be partially attributed to the fact that HRC has achieved “substantial equivalency” with the U.S. Equal Employment Commission (“EEOC”) and receives funding to handle employment discrimination claims based on both state and federal law. Although HRC applied for substantial equivalency status with HUD some years ago, HUD has never acted upon its submission. As a consequence, HRC does not receive HUD funds for housing discrimination work as do many other state and local governments across the nation.

HRC's website (www.nh.gov/hrc/) contains helpful information about discrimination issues in general but does not highlight housing discrimination issues. Persons visiting the site can download case determinations, pamphlets and posters, and find information about how to file a complaint, as well as connect to links to other related sites. At least one poster is available in Spanish.

All state-based housing discrimination cases must be lodged with HRC, at least initially. Complaints may be removed to court with HRC permission which is readily granted. Complainants may file a complaint by telephone, fax or mail. The website has a complaint form that may be downloaded, filled out by the complainant and sent to the HRC.

Callers may contact HRC by telephone or TTY, but there is no toll-free number. HRC's process for filing a complaint is similar to HUD's. Once the complaint has been screened through an intake procedure, it is assigned to an investigator. HRC has two years to complete an investigation and the investigations are often quite extensive. It also

⁸⁶ N.H. REV. STAT. ANN. § 354-A:5, VI.

offers a mediation program using volunteers who are mostly attorneys. HRC assumes the costs of processing discrimination complaints.

HRC publishes brochures in several languages. It also publishes biennial reports of its activities.

b. State of New Hampshire, Office of the Attorney General

Although the Office of the Attorney General (AG's Office) does not directly handle housing discrimination cases, HRC may refer those cases to it for injunctive relief.⁸⁷ In addition, the AG's Office has jurisdiction to investigate and enforce violations of RSA 354-B, the Civil Rights Act, on behalf of members certain protected class groups when they have been subjected to violence or threats of violence due to protected class status. In these cases, private citizens, as well as law enforcement agencies, may file complaints directly with the AG's Office. The website does not specifically list information about civil rights protections or cases, nor do the biennial reports covering the years from 2004 through 2009.

c. State Courts

Housing discrimination complainants may bring complaints based on state law in state court only after first filing the complaint with the HRC and requesting permission to remove the matter to court. Federally-based complaints may also be filed in state court. There are filing fees and other costs associated with court litigation, some of which may be waived for low-income litigants. The New Hampshire Court website has helpful information for litigants, but does not specifically reference housing discrimination cases or information.

3. New Hampshire Non-Profit Resources

a. New Hampshire Legal Assistance

New Hampshire Legal Assistance ("NHLA") is a non-profit statewide law firm serving low-income persons residing in New Hampshire. Housing law is a primary practice area for NHLA and housing discrimination work is a key component of that practice. At this time, NHLA is the only entity in New Hampshire that receives HUD funds for fair housing enforcement activities.

As a result, NHLA has developed an expertise in this area of law and receives more housing discrimination complaints than either HUD or HRC. Its attorneys and advocates investigate and litigate housing discrimination claims at both HUD and HRC and in state and federal court. It operates the only fair housing testing program in the state and engages in outreach initiatives to educate professionals and community members alike about their obligations and rights under state and federal fair housing laws.

Complainants seeking legal assistance for housing discrimination issues are screened for income eligibility where applicable and may contact NHLA via toll-free telephone or TTY or in person at one of its seven branch office locations (Berlin,

⁸⁷ N.H. REV. STAT. ANN. § 354-A:5, XIV.

Claremont, Concord, Littleton, Manchester, Nashua, and Portsmouth). Once the intake process is complete, the caller is interviewed by a legal advocate for more detailed information which is then discussed by the housing law team. Legal services provided by NHLA are free. NHLA also operates a website (www.nhla.org) with general information about the organization and services offered. It publishes a pamphlet on fair housing law available in English, Spanish, Bosnian, and French.

b. Disabilities Rights Center

The Disabilities Rights Center (“DRC”) is a statewide non-profit law firm providing legal services to persons with disabilities, including legal advocacy and representation in housing discrimination cases. The organization does not currently maintain a separate count of the number of housing discrimination cases it has handled. DRC maintains a comprehensive website in English and Spanish (www.drcnh.org) and helpful information on housing discrimination, including several pamphlets in Spanish and English. It offers its services free of charge. Complainants may access DRC via toll-free telephone or TTY.

B. FAIR HOUSING COMPLAINT DATA

This section analyzes housing discrimination complaint data collected by HRC, HUD, and NHLA for the years 2004 through 2009. We specifically chose to review complaint data, rather than dispositional data for a number of reasons. First, complaint data represents the number of people who felt aggrieved by what they perceived to be discrimination in housing. Dispositional data does not necessarily speak to the merit of any particular case and therefore can be misleading. Many complaints are resolved through settlement arrangements without a finding of fault. Complainants may drop out of the process for many reasons including frustration, personal problems, or other priorities. Other cases may be determined to lack sufficient probable cause to make a finding of discrimination. Even then, results may vary greatly depending on the investigator’s level of experience, whether the complainant is represented by counsel, and other factors.

There is some duplication of numbers among the three organizations. Complainants may have filed complaints with both HUD and HRC. NHLA often files complaints they have investigated with HUD or HRC. In addition, complaints may be based on more than one form of discrimination. The data for HUD and NHLA is based on primary category of discrimination. NHLA and HUD reporting periods are by calendar year and HRC data is by fiscal year (October 1 – September 30). In addition, HRC data is inconsistent with HUD and NHLA data in that it combines the categories of race and color and reports familial status discrimination under the age category.

At the end of this section, we also include data on hate crime incidents reported by New Hampshire police departments to the FBI.

TABLE 18

Total Number of Housing Discrimination Complaints Filed by Organization			
Year*	HUD	HRC	NHLA
2004	26	8	161
2005	84	5	88
2006	63	2	29
2007	26	24	27
2008	34	4	41
2009	31	4	125
Total	264	47	471

*(HUD and NHLA data is by calendar year,
HRC numbers based on Oct.1 – Sept. 30 fiscal year)

HRC and HUD’s Regional FHEO in Boston are the primary governmental entities that investigate and enforce fair housing laws in New Hampshire. HUD also provides competitive funding to state and local governments and non-profit organizations to promote and enforce fair housing laws. No governmental unit in New Hampshire is currently eligible for HUD funding because the state has not achieved substantial equivalence.⁸⁸ Lack of substantial equivalence is a likely factor in the small amount of housing discrimination complaints filed with the HRC. *See* Table 19 below for HRC complaint data.

TABLE 19

HRC DATA BY PRIMARY DISCRIMINATION TYPE							
Year*	2004	2005	2006	2007	2008	2009	Totals
Race/Color**	2 (25%)	2 (40%)	0	5 (21%)	0	0	9 (19%)
National Origin	0	0	0	2 (8%)	2 (50%)	1 (25%)	5 (11%)
Familial Status†	0	0	0	0	0	0	0
Disability	5 (63%)	3 (60%)	0	4 (17%)	1 (25%)	2 (50%)	15 (32%)
Religion	0	0	0	0	0	0	0
Gender	0	0	2 (100%)	2 (8%)	0	0	4 (8%)
Age	1 (12%)	0	0	5 (21%)	0	1 (25%)	7 (15%)
Sexual Orientation	0	0	0	2 (8%)	1 (25%)	0	3 (6%)
Marital Status	0	0	0	4 (17%)	0	0	4 (8%)
Retaliation/ Other	0	0	0	0	0	0	0
Total Number of Complaints	8 (100%)	5 (100%)	2 (100%)	24 (100%)	4 (100%)	4 (100%)	47 (100%)

* HRC Reporting Year is From October 1 – September 30

** HRC combines race and color into one category

† HRC reports familial status discrimination under the category of age

⁸⁸ “Substantial equivalence certification takes place when a State or local agency applies for certification and the U.S. Department of Housing and Urban Development (HUD) determines that the agency enforces a law that provides substantive rights, procedures, remedies and judicial review provisions that are substantially equivalent to the federal Fair Housing Act.” U.S. Dept. of Hous. and Urban Dev., Substantial Equivalency Certification, *available at* <http://www.hud.gov/offices/fheo/partners/FHAP/equivalency.cfm>.

HUD, by contrast, seems to be a more well-known resource for those who believe that they have been victimized by discrimination in a housing situation. From 2004 through 2009, a total of 311 complaints were filed with a governmental agency (either HRC or HUD). Of those complaints, 85% (n = 264) were filed with HUD and only 15% with HRC (n = 47). *See* Table 20 below for HUD Complaint data.

TABLE 20

HUD DATA BY PRIMARY DISCRIMINATION TYPE							
Year	2004	2005	2006	2007	2008	2009	Totals
Race	4 (15%)	10 (12%)	9 (14%)	3 (11%)	3 (9%)	4 (13%)	33 (13%)
Color	0	0	0	0	1 (3%)	0	1 (<1%)
National Origin	2 (2%)	4 (5%)	4 (7%)	0	3 (9%)	5 (16%)	18 (7%)
Familial Status	3 (12%)	48 (57%)	9 (14%)	7 (27%)	7 (20%)	9 (29%)	83 (31%)
Disability	15 (57%)	22 (26%)	36 (57%)	13 (50%)	18 (53%)	13 (42%)	117 (44%)
Religion	0	0	0	0	0	0	0
Gender	2 (8%)	0	0	0	1 (3%)	0	3 (1%)
Retaliation/ Other	0	0	5/0(8%/0%)	2/1(8%/4%)	0/1(0%/3%)	0	7/2 (9%)
Total Number of Complaints	26(100%)	84(100%)	63 (100%)	26 (100%)	34 (100%)	31(100%)	264 (100%)

For most of the past fifteen years, NHLA has received HUD Fair Housing Initiatives Program (“FHIP”) Private Enforcement Initiative (“PEI”) funds. This funding allows NHLA to devote resources to investigation of housing discrimination complaints and enforcement of fair housing laws via representation of complainants in housing discrimination cases. This has been a very successful venture evidenced by the fact that NHLA routinely handles more fair housing complaints than either HRC or HUD.

There are many benefits to this arrangement. Complainants receive free legal advice and representation in well-developed cases thereby increasing the likelihood of successful resolution of the matter. Discrimination complaints are screened and analyzed for merit prior to filing with an administrative agency or court and many complaints are resolved without the need for formal process, reducing the use of overburdened governmental resources. *See* Table 21 below for NHLA complaint data.

TABLE 21

NHLA DATA BY PRIMARY DISCRIMINATION TYPE							
Year	2004	2005	2006	2007	2008	2009	Totals
Race	6 (5%)	6 (7%)	0	2 (8%)	3 (7%)	6 (5%)	23 (5%)
Color	0	2 (2%)	0	0	0	0	2 (<1%)
National Origin	0	5 (6%)	3 (10%)	4 (15%)	6 (15%)	7 (6%)	25 (5%)
Familial Status	106 (65%)	17 (19%)	5 (18%)	5 (19%)	4 (10%)	40 (32%)	177 (38%)
Disability	42 (26%)	52 (59%)	17 (59%)	14 (52%)	26 (63%)	65 (52%)	216 (46%)
Religion	1 (.5%)	0	0	0	0	0	1 (<1%)
Gender	3 (2%)	3 (4%)	1 (3%)	0	0	5 (4%)	12 (3%)
Sexual Orientation	0	1 (1%)	0	1 (3%)	1 (2%)	1 (.5%)	4 (1%)
Marital Status	2 (1%)	0	0	0	0	0	2 (<1%)
Age	1 (.5%)	2 (2%)	3 (10%)	1 (3%)	1 (2%)	1 (.5%)	9 (2%)
Retaliation/ Other	0	0	0	0	0	0	0
Total Number of Complaints	163(100%)	88 (100%)	29 (100%)	27 (100%)	41 (100%)	125(100%)	471 (100%)

A review of the average annual number of complaints indicates that there has been an increase in the annual average for all three organizations with HUD showing the most significant increase (from a reporting period average of 17.8 cases in the 2004 Update to 44 cases on average per year during this reporting period). *Compare* Table 22 to Table 23.

TABLE 22

2004 Update: Annual Avg. # of Housing Discrimination Complaints Filed by Organization			
	Average Number of Complaints Filed Per Year	Reporting Period	Total Number of Complaints Filed During Reporting Period
FHP	72.4	1/1/96 – 12/31/03 (8 years)	579
HUD	17.8	1/1/96 – 12/31/03 (8 years)	143
HRC	6.3	7/1/96 – 6/30/03 (7 years)	44

TABLE 23

2009 Update: Average Annual Number of Complaints by Organization			
Agency	Average Number of Complaints Filed Per Year	Reporting Period	Total Number of Complaints Filed During the Reporting Period
NHLA	79	1/1/2004 – 12/31/2009	471
HUD	44	1/1/2004 – 12/31/2009	264
HRC	8	10/1/2003 – 9/30/2009	47

For HUD and NHLA, complaints based on disability and familial status continue to comprise the largest percentages of all complaints filed during this reporting period. Disability complaints totaled 46% of all complaints received by NHLA and 44% of the complaints HUD received. Allegations of familial status discrimination made up 38% of NHLA’s totals and 31% of HUD’s. Complaints based on race and national origin comprise a higher percentage of HUD’s statistics when compared to NHLA complaint data (19% and 11% respectively). However, NHLA actually received more national origin complaints (n = 25) than HUD did (n = 18) during this reporting period. In contrast, HUD took in 33 race-based complaints and NHLA, 23. (See Tables 20 and 21.)

NHLA’s 2004 data and HUD’s 2005 statistics show higher than average numbers in familial status complaint activity. Both number spikes are attributable to an investigation NHLA conducted beginning in 2004 on familial status discrimination in newspaper advertising throughout the state. As a result of its investigation, NHLA filed over forty discrimination complaints with HUD in early 2005 against newspapers and individual landlords.

Disability discrimination accounted for 32% of all complaints filed with the HRC during this reporting period and the combined categories of race and color as the second highest percentage of complaints at 19%. HRC is the only government agency that investigates state-based protections of age, sexual orientation and marital status. Age represented 15% (n = 7) of all complaints filed with HRC but since it includes familial status complaints, it is impossible to know how many complaints were actually based on age alone. Sexual orientation and marital status complaints accounted for 6% (n = 3) and 8% (n = 4) of all complaints. In comparison, from 2004 through 2009, NHLA received 9 complaints based on age, 4 based on sexual orientation and 2 based on marital status (See Tables 19 and 21).

Although not directly related to housing discrimination, we also reviewed hate crime information reported to the FBI by New Hampshire law enforcement. For the years 2004 – 2008 a total of 201 incidents were reported; an average of 40 cases per year. The information is organized by the five categories of “bias motivation:” race, religion, sexual orientation, ethnicity, disability. As can be seen in Table 24 below, race-based incidents count for almost half of all reported incidents, followed by sexual orientation and religion. Disability-based incidents count for the least amount of reports.

TABLE 24

New Hampshire Hate Crime Incidents Bias Motivation 2004-2008						
Year	Race	Religion	Sexual Orientation	Ethnicity	Disability	Totals
2004	22	7	15	4	0	48
2005	17	3	8	4	0	32
2006	10	14	9	1	0	34
2007	19	11	10	2	1	43
2008	26	5	10	2	1	44
Totals	94	40	52	13	2	201

Source: FBI Uniform Crime Reports

C. PROTECTED CLASSES

Pervasive discrimination against persons of African descent in the United States prompted the enactment of the Civil Rights Acts of 1866 and 1964 and led to the development of the legal notion of “protected class.” Black’s Law Dictionary defines this term as: “A class of people who benefit from protection by a statute . . .”⁸⁹ It is usually used in reference to protections found in various anti-discrimination laws, and is used throughout this publication in reference to state and federal housing discrimination laws.

This section discusses the ten protected classes covered by federal and/or New Hampshire housing discrimination laws and discusses impediments for each group.

1. Race

Although civil rights laws prohibiting disparate treatment based on race were initially enacted to combat insidious and historic discrimination against persons of African descent, the laws extend protection to people of all races. For the reporting period of 2004 through 2009, housing discrimination complaints based on race accounted for 5% of NHLA housing discrimination cases (n = 23); 13% of HUD complaints (n = 33); and 19% of the charges filed with HRC (n = 9). (See Tables 19, 20, and 21.)

The vast majority of the state’s residents are non-Latino Whites. Non-White groups in the state account for a very small percentage of the population. (See Part II for more detailed demographic information.) Although the population percentages are still small, distinct demographic patterns emerge that raise cause for concern. In addition, race-based hate crime incidents count for almost half of all incidents reported by police to the FBI from 2004-2008 (see Table 24 on p. 47).

⁸⁹ BLACK’S LAW DICTIONARY 266 (8th ed. 2004)

Black people in New Hampshire account for approximately 1% of the state's population (n = 12,574).⁹⁰ They are economically worse off than any other racial group in the state. This affects their housing opportunities in ways beyond instances of overt bias. Significantly, almost half of all Blacks (46%) who reside in New Hampshire are concentrated in either Manchester or Nashua, the state's two most populated cities.⁹¹ In our state, Black households are more likely to live in poverty than any other racial group. More than a quarter (28%) of all Blacks live in poverty as compared to 15.8% for Latinos, 6.8% for Asians and 8% for Whites.⁹²

In Manchester, the estimated median income for Black families is \$25,253 as compared to the estimated median income of White families in Manchester \$65,643.⁹³ Because of disproportionately lower incomes, Black families are more likely to be renters than homeowners, especially those who live in either Manchester or Nashua.⁹⁴ Black families have more challenges with housing affordability and absent a housing subsidy, spend a higher percentage of their income on rent than other racial groups.⁹⁵

Moving to smaller cities and towns can be difficult for many families who must rent. But municipal policies that thwart the development of multi-family housing contribute to the concentration of racial minorities in our urban centers.

Black home ownership significantly trails that of Whites, Asians and Latinos.⁹⁶ Even for Black and other non-White families who have achieved the American dream of home ownership, disparities and obstacles persist. There is a significant difference, by race and across all incomes, in the type of mortgage applications submitted in New Hampshire from 2004 to 2008. Non-Whites have originated fewer non-conventional, government-backed mortgages and more conventional mortgage loans than their White counterparts. In addition, White applicants were more likely to be approved for mortgage refinancing than members of any other racial groups, even when holding income and area of the state constant. (See HMDA data, Part II.)

2. Color

Discrimination on the basis of skin color is an independent protected class category, but it is most often asserted in conjunction with an allegation of racial or national origin discrimination. In New Hampshire, there are extremely few cases reported where color is the primary or sole basis for a complaint. HRC does not produce separate statistics for complaints made on the basis of color. HUD and NHLA data indicate that less than 1% of housing discrimination complaints are made with the primary basis for discrimination being color.

This should not suggest that skin color is not a factor in discriminatory conduct. Robert Schwemm, a noted fair housing scholar, suggests that skin color is a key ingredient in many national origin cases. "These cases [national origin cases] have been

⁹⁰ U.S. Census American Community Survey 2006-2008 data.

⁹¹ *Id.*

⁹² *Id.*

⁹³ *Supra* at p. 19.

⁹⁴ *Id.*

⁹⁵ *Id.*

⁹⁶ U.S. Census American Community Survey 2006-2008 data.

brought by dark-skinned plaintiffs, such as Mexican-Americans, Pakistanis, and Native Americans.”⁹⁷

There have been several out-of-state studies, mostly in the employment arena, that support findings that darker skin color can result in unfavorable treatment. A recent study on skin color disparities among immigrants found that “darker skin color adversely affects earnings among otherwise comparable legal immigrants.”⁹⁸ Other studies have found similar results with Black Americans.⁹⁹

3. National Origin

Discrimination based on this protected class category usually refers to cases in which the complainant is treated less favorably due to his or her ethnicity or nationality. It is irrelevant whether the targeted person is a U.S. citizen or not. National origin discrimination may also manifest itself in situations where a housing provider has a mandate to provide appropriate language services in certain languages for persons not proficient in English and the housing provider fails to do so.

New Hampshire is slowly becoming more diverse with Americans of non-European heritage and immigrants from many areas of the world settling in the state. The top five countries of origin of the Census-reported foreign-born in New Hampshire are Canada (17 percent), India (6 percent), Vietnam (5 percent), Germany (4 percent) and China (4 percent). The Census data does not account for so-called ‘hidden populations’ of persons who don’t respond to Census inquires [sic]. These are estimated to be disproportionately people of color and from poorer countries, such as immigrants to New Hampshire from Mexico and African nations.¹⁰⁰

In 2005, New Hampshire’s foreign-born residents were estimated at 72,000, about 6% of the state’s population.¹⁰¹ This number is less than half the national average.¹⁰² From 2000 through 2008, 3,409 refugees arrived in the state, most of them initially resettled in Manchester, with smaller numbers in Concord, Laconia and Nashua. Of those numbers, 34% hailed from Europe, 49% from Africa, 9% from Asia, 8% from the Middle East, and less than 1% from the Caribbean (two persons were resettled from Cuba).¹⁰³

Latinos form 2.9% (n = 33,200) of New Hampshire’s population.¹⁰⁴ Forty-five percent (45%) of Latinos live in either Manchester or Nashua. Like Black people, Latinos tend to be economically worse off than White residents of the state: 15.8% of Latinos live in poverty as compared to 8% of the white population. Latinos are more likely to be renters than homeowners and those in the lower income brackets are more likely to use a higher percentage of their income for housing unless they receive a subsidy.

Asians comprise slightly less than 2% of the population (n = 25,313) and as a group, are the most economically well off of all ethnic/racial groups (only 6.8% of Asians

⁹⁷ ROBERT G. SCHWEMM, HOUSING DISCRIMINATION: LAW AND LITIGATION, 11-A5 – 11A-6 (2009).

⁹⁸ Hersch, Joni, *Skin Color Discrimination and Immigrant Pay*, 58 Emory L.J. 358 (2009)

⁹⁹ E.g., Banks, Taunya L., *Colorism: A Darker Shade of Pale*, 47 U.C.L.A. L. Rev. 1705 (2000).

¹⁰⁰ Ross Gittel and Timothy Lord, *Profile of New Hampshire’s Foreign-born Population*, University of New Hampshire, Carsey Institute Issue Brief No. 8, 3 (2008).

¹⁰¹ *Id.* at 2.

¹⁰² *Id.*

¹⁰³ N.H. Office of Energy & Planning, *Refugee Facts*, <http://www.nh.gov/oep/programs/refugee/facts.htm>.

¹⁰⁴ U.S. Census American Community Survey 2006-2008 data.

live in poverty). Thirty-four per cent (34%) of people of Asian heritage live in either Manchester or Nashua, with 24% residing in Nashua and more Asians tend to own homes rather than rent.

National origin complaints are often raised in concert with claims based on race and/or color. As noted above in the discussion on discrimination based on color, at least one prominent fair housing scholar suggests that national origin discrimination occurs more frequently against people with darker-toned skin.

Complaints based on national origin discrimination form a relatively small percentage of cases investigated in New Hampshire. During this reporting period there was no marked variation in the number of complaints filed year to year. Five per cent (5%) of the housing discrimination cases NHLA investigated asserted national origin discrimination as the primary basis (n = 25); 7% of HUD's cases (n = 17); and 11% of HRC's cases (n = 5). The majority of national origin cases investigated by NHLA were made by Latinos, but also included Asian-Americans, Native Americans, recent immigrants from Africa, and others.

From 2004 – 2008, hate crime incidents based on national origin reported by New Hampshire police departments to the FBI comprised only 6% of the reported incidents (n = 13). In at least two cases investigated by NHLA, incidents of violence were part of the discriminatory conduct. In one case, a young Latina mother and her grandmother were physically attacked by another tenant, a middle-aged White woman, expressing animus toward “Mexicans” (the victims were actually of Puerto Rican heritage). In another recent case, a young White woman was physically injured by her White landlord after a series of discriminatory actions stemming from the landlord's expressed bias against the victim because of her husband's ethnicity (Latino).¹⁰⁵ (See Appendix pp. A-3 for link to HUD charge in *HUD v. Riba*.)

The Southern Poverty Law Center reports an incredible increase in hate groups from the radical right.¹⁰⁶ They attribute the increase to “several factors, including anger over major political, demographic and economic changes in America, along with popularization of radical ideas and conspiracy theories by ostensibly mainstream politicians and media commentators.”¹⁰⁷

Much of the anger and fear has focused on recent immigrants, even in New Hampshire where the number of immigrants is quite small. Any article in a local newspaper about immigration prompts a tirade of on-line postings where mostly anonymous writers feel free to make unsubstantiated assertions and hate-filled comments. A recent article in the *Union Leader* entitled: “NH Minority Populations Rose 65% over Decade,” reported on demographic changes based on studies at the University of New Hampshire's Carsey Institute.¹⁰⁸ By Monday, June 14, 2010 there were 19 pages of on-line postings, many with strongly worded expressions of animus toward immigrants and people of color.

Another aspect of national origin discrimination is more structural in nature. Organizational recipients of federal funds are required to provide meaningful access to

¹⁰⁵ Find a link to the HUD charge in *HUD v. Riba* in the Appendix p. A-3.

¹⁰⁶ Southern Poverty Law Center, *Meet the Patriots*, 138 Intelligence Report (2010).

¹⁰⁷ *Id.*

¹⁰⁸ Clynton Namuo, *NH Minority Population Rose 56% over Decade*, UNION LEADER, June 12, 2010, at 1.

their programs and services for persons with limited English proficiency (“LEP”).¹⁰⁹ HUD-funded housing providers must conduct an analysis in order to determine the parameters of their obligations (what languages other than English are spoken by LEP persons within their service areas and what depth and breadth of services must be provided). Failure to provide equal access to services and information may constitute national origin discrimination under both Title VI of the Civil Rights Act of 1964 as well as Title VIII (the Fair Housing Act).

Achieving compliance with these requirements has been a challenge for many federally-funded housing and housing services providers throughout the United States and in New Hampshire. NHLA has investigated several cases involving LEP individuals who have been prejudiced by obstacles to housing access or by risk of losing their housing subsidies because of failure of a housing authority to provide access to vital documents and information in the person’s native language.¹¹⁰ *Rodriguez v. Nashua Housing Authority*, filed by NHLA, became one of the first discrimination cases in the nation investigated by HUD alleging national origin discrimination based on failure to provide adequate language services. (See Appendix pp. A-3 for a link to the HUD Conciliation Agreement.)

4. Religion

Reports of housing discrimination based on religion are negligible in New Hampshire. From 2004 through 2009, neither HUD nor HRC reported any cases in which religion was asserted as the primary basis for discrimination and NHLA only reported one case. (See Tables 19 - 21.) In contrast, between 2004 and 2008, 40 hate crime incidents based on religious bias were reported by local police departments to the FBI’s Uniform Crime Reports program. Most of the incidents occurred in smaller cities and towns in the southern part of the state but no other information was available. (See Table 24.) We were unable to draw any conclusions about any particular obstacles for this class.

5. Gender

Gender or sex discrimination was added as a protected class in 1974 in recognition of the disparities between men and women in American life, including housing. Women constitute slightly over 50% of the state population but still have not reached economic or social equity with their male counterparts. The median income of

¹⁰⁹ The development of this obligation initially stems from Title VI of the Civil Rights Act of 1964 which prohibits discrimination basis on national origin from “any program or activity receiving Federal financial assistance.” *Lau v. Nichols* interpreted the obligation to mean that in some circumstances, the failure of a federally-funded entity to take steps to address the needs of LEP individuals may constitute national origin discrimination. *Lau v. Nichols*, 414 U.S. 563 (1974). Those obligations were further clarified by an Executive Order issued by President Clinton (Executive Order 13166) and subsequent guidance issued by the U.S. Department of Justice in 2002. For HUD recipients, it culminated in HUD’s LEP guidance published in final form in 2007.

¹¹⁰ Federally-funded entities are not required to provide language services and materials to LEP individuals in any and every language, but only those identified via the analysis conducted by the entity (based on presence of certain populations within the service community and the need of those populations for the entity’s services).

New Hampshire women is 63.5% of that of New Hampshire men, even less than the national median income figure (nationally, women's median income is 68.2% of men's income). In 2004, 58% of single mother families (approximately 19,000 families) were low-income.¹¹¹

As in other groups whose housing opportunities are limited by disproportionately lower incomes, women-headed households face obstacles in accessing affordable housing. Single mothers are more likely to be renters and spend half or more of their incomes on housing and tend to experience greater housing instability.¹¹²

Women are at greater risk of victimization by sexual harassment and domestic violence and gender stereotypes than men. Domestic violence is a contributing cause of homelessness for women.¹¹³ A housing provider's decision to treat domestic violence victims differently than other crime victims may also trigger liability under fair housing laws. Sexual harassment in housing is a recognized aspect of housing discrimination based on gender.

Gender discrimination claims are a small percentage of the types of discrimination reported in New Hampshire. They made up 3% of the NHLA housing discrimination cases (n = 12), 8% of those reported to HRC (n = 4), and 1% of the complaints filed with HUD (n = 3). Most of the cases investigated by NHLA involved domestic violence situations where the victim of violence was facing eviction and/or termination of a housing subsidy because of violence perpetrated against her or him (in at least one case, the victim was a man). There were several other cases where former domestic violence victims faced difficulties accessing housing because of poor landlord references rooted in problems caused by the perpetrators. While not a fair housing law protection, the 2005 VAWA amendments provide additional tools to help overcome some of these barriers.

6. Disability

The number of persons have disabilities in this state is estimated to be 12.46% of the population (n = 163,512). Many of the state's residents with disabilities rely on state and/or federal benefit programs as their only sources of income thereby placing them in the lower income strata. Because of housing affordability issues for low-income persons, housing opportunities for persons with physical or mental challenges is more limited. For many, housing opportunities are further limited by accessibility issues.

Discrimination based on disability comprises the largest number of cases in New Hampshire. Forty-six per cent (46%) of NHLA housing discrimination cases are based on disability (n = 216); 44% of HUD cases (n = 117); and 32% of HRC complaints are based on disability (n = 15). (See Tables 19 - 21.)

Disability discrimination is perhaps a more complex area of the law due to enhanced provisions that require housing providers to allow accommodations or

¹¹¹ Allison Churilla, *Low-Income Families in New Hampshire*, University of New Hampshire, Carsey Institute Issue Brief No. 3, 4 (2006).

¹¹² *Id.* at 5.

¹¹³ *The impact of the Violence Against Women Act 2005 (VAWA) on the housing rights and options of survivors of domestic and sexual violence: The Problem and a Remedy*, National Law Center on Homelessness and Poverty (undated).

modifications that would permit the disabled person to fully use and enjoy her home. HUD has issued guidance statements that are very helpful for both housing providers and persons with disabilities.¹¹⁴

Most of the complaints filed in New Hampshire are based on the need for accommodations or modifications. There is no violation of the law until a request is denied. Most of these cases are settled, often before any formal complaint is filed. Direct discrimination against persons with disabilities is less frequently reported, but is not uncommon and often targets persons with mental health disabilities.

Lack of accessibility is another factor in this area of fair housing law. It can take many forms. NHLA recently settled a case against a housing authority in which a Deaf tenant was facing eviction for conduct the housing authority alleged was concerning.

Although the tenant had lived in housing authority property for almost twenty years, the housing authority had never provided any communications with the tenant in American Sign Language (“ASL”), the only language in which the tenant was fully proficient. This lack of appropriate communications led to a misunderstanding that escalated and resulted in an eviction notice to the tenant. The issue was resolved after HUD conciliation efforts resulted in a withdrawal of the eviction action, mandatory training for housing authority staff, a communications plan and required use of certified ASL interpreters for the tenant, and attorneys fees to be paid to NHLA.

Oversight of accessibility compliance for new and rehabilitated housing is another aspect of fair housing law. Although the U.S. Department of Justice has brought several actions on this issue in other parts of the country, none have been filed in New Hampshire and compliance is generally left to local government.

7. Familial Status

Familial status refers to the presence of children under 18 years in a family. Families with foster children; grandparents with grandchildren living with them; families expecting the birth of a child; or a parent awaiting custody are all covered by the protections of fair housing law.

Familial status discrimination is the second largest category of complaints in New Hampshire. Thirty-eight per cent (38%) of NHLA’s housing discrimination cases (n = 177), 31% of HUD’s (n = 83) list familial status discrimination as the primary complaint (HRC groups familial status discrimination with age discrimination).

Not surprisingly, low-income families are most at risk of discriminatory treatment.¹¹⁵ Younger families (young adults with young children) are the most likely to be disproportionately low-income. Low-income families are more likely to be renters and experience instability in their housing situations. They also tend to spend a higher percentage of their income on housing.¹¹⁶

Familial status discrimination is often more overt than other types of discrimination. In 2004, NHLA conducted an investigation of rental housing advertising in newspapers throughout the state. The survey uncovered widespread violations of fair

¹¹⁴ See Appendix p. A-3 for links to HUD/DOJ Joint Statements on Reasonable Accommodations and Reasonable Modifications.

¹¹⁵ Churilla, *supra* note 66, at 3.

¹¹⁶ *Id.*

housing laws in that there were many instances of advertising that expressed a clear preference for tenants without children. As a result of the investigation, NHLA filed over 40 complaints with HUD against both news organizations and individual housing providers. The complaints were resolved by requiring each charged entity to pay damages that funded a conference on familial status discrimination and discriminatory advertising and other prohibited statements. This enforcement action seems to have had a very positive impact on eliminating discriminatory advertising, although in 2009 NHLA brought a familial status complaint against another New Hampshire newspaper based on discriminatory advertising. The case has since settled.

During this period, NHLA has also handled a case in which a housing authority attempted to disqualify a grandmother with guardianship of her grandson from eligibility for a public housing apartment. The case was successfully resolved in favor of the family at an administrative law hearing.

Structural impediments that limit access to housing in many communities remain a problem in New Hampshire. Many New Hampshire communities have limited affordable housing opportunities for families with children through zoning ordinances. Implementation of the Workforce Housing law is a tool to overcome these obstacles.

Proliferation of 55+ housing developments ranging from manufactured housing parks to luxury condo developments that are non-compliant with state law requirements that they provide “significant services” targeting older persons is a serious impediment for families with children. NHLA has successfully brought several claims during this reporting period against 55+ condominium communities, mobile home parks and one town that violated those state law requirements.

8. Age

Age is a protected status only under state law. Unlike in employment discrimination cases, where older persons seem to be subject to unfavorable employment decisions; in housing law, younger people and children seem more likely to be the targets of discriminatory acts. As noted above, many of the cases arise from situations in which a 55+ housing community claims to have the privilege to discriminate against persons because of their age without having complied with state law requirements that allow such an exception. Lack of municipal oversight and enforcement leads to many lost housing opportunities.

Discrimination cases based on age accounted for 2% of NHLA’s housing discrimination cases (n = 9). Age and familial status discrimination cases accounted for 15% of HRC cases (n = 7, and also includes familial status discrimination).

9. Marital Status

Marital status discrimination is prohibited under state law. There is a very low incidence of reports of this type of discrimination. Marital status discrimination accounted for less than 1% of NHLA’s housing discrimination cases (n = 2) and 8% of HRC’s. (n = 4). During this reporting period, there were several complaints filed against a town and a 55+ community within the town that prohibited any persons under 55 years from living in the community unless married to a person 55 years or older. Barring all

household members under 55 years, except spouses, violated state law protections against marital status discrimination.

10. Sexual Orientation

Sexual orientation is also a state-based protection. Few cases are reported in New Hampshire (1% of NHLA housing discrimination cases, n = 4; 6% of HRC complaints, n = 3). But from 2004-2008, hate crimes motivated by sexual orientation bias constituted slightly over a quarter of all incidents reported by New Hampshire police departments to the FBI, and were the second highest category after race. *See* Table 24.

During this period of time, civil rights for same sex couples in New Hampshire advanced from recognition of civil unions in 2008 to recognition of same sex marriages, effective January 1, 2010. (*See* Part III B(1).) It is unclear how this advancement of civil rights for same-sex people may affect housing discrimination activity.

The federal government, while not enacting any new prohibitions in housing law that would specifically protect people based upon sexual orientation, has indicated an interest in increasing protections through its administrative agencies and state and local laws. HUD has announced its intention to pay more attention to discrimination against members of the Lesbian, Gay, Bisexual and Transgender communities (“LGBT”). In March 2010, HUD announced that it planned to undertake a national study of housing discrimination against same-sex couples.

Also in March 2010, the HUD Assistant Secretary for Fair Housing and Equal Opportunity, John Tasviña, held a series of meetings throughout the country with fair housing advocates, local government officials, and LGBT leaders and community advocates to discuss housing issues for these communities. In June 2010, HUD issued a media advisory that it “will require grant applicants seeking HUD funding to comply with state and local anti-discrimination laws that protect lesbian, gay, bi-sexual, and transgender (LGBT) individuals.”¹¹⁷

D. ADDITIONAL IMPEDIMENTS

1. Local Land Use Controls

As identified in the last AI report, municipal land use regulations – zoning, growth controls, and impact fees – place significant obstacles in front of those who wish to develop affordable housing for lower income families. Municipalities control some of the costs of housing development and higher costs lead to higher-priced housing. In particular, unreasonable restrictions on the creation of multifamily housing, strong incentives for the development of multi-unit “housing for older persons” (rather than for families with children), and large lot requirements continue to have the effect of restricting housing options for lower income families.

Such restrictions and incentives also tend to have a disparate impact on minority households. This occurs in two ways. First, Black and Latino households in New

¹¹⁷ Brian Sullivan, *HUD ADDS IMPORTANT CIVIL RIGHTS PROTECTIONS TO ITS GRANT PROGRAMS*, U.S. Dep’t of Hous. and Urban Dev., June 10, 2010, http://portal.hud.gov/portal/page/portal/HUD/press/press_releases_media_advisories/2010/HUDNo.10-119.

Hampshire have a disproportionately high percentage of households living in poverty.¹¹⁸ These households generally need subsidized or below market rate housing, the overwhelming majority of which is provided in multifamily rental form.¹¹⁹ Municipal barriers to the creation of multifamily housing effectively prevent significant segments of minority populations from obtaining housing in New Hampshire's suburban and exurban communities. This can be seen most vividly in data which shows that even though Manchester and Nashua combined are home to only 14.8% of the State's population, they house 45.6% of the State's Blacks and 44.9% of the State's Latinos.¹²⁰ While there are many factors that explain these hugely disproportionate shares, the relatively large supply of multifamily housing in these two communities is clearly a major factor.¹²¹

The second way that municipal land use regulations adversely affect minority populations is by devices such as large lot zoning requirements (2 or more acres per lot) and other common subdivision requirements that unnecessarily drive up the cost of single family development. The median income for Black families in N.H. is approximately 66% that of White families. Latinos have a median income of approximately 78% that of New Hampshire White households.¹²² Such disparities put these minorities at a substantial disadvantage in attempting to purchase housing in higher cost areas outside of established cities.

To the degree that lower priced or affordable housing is not available because of unnecessarily high municipal fees and costs and other unreasonable restrictions mentioned above, municipalities may be exposing themselves to liability, including under the federal Fair Housing Act.

There has however been one major success in statewide efforts to reduce these impediments. After a decade of effort, the New Hampshire Legislature finally succeeded in codifying the N.H. Supreme Court's decision in *Britton v. Town of Chester*¹²³ in the state's zoning and planning statutes. Known as the "Workforce Housing Law" ("WHL"), RSA 674: 58-61, the WHL specifically requires that: 1) municipalities allow workforce housing to be located in a majority of their land area in which residential development is permitted; 2) density and lot size requirements be reasonable; 3) reasonable and realistic opportunities be provided for the development of multifamily rental housing; 4) at least 50% of the units in a workforce development must have 2 or more bedrooms, and 5) no more than 20% of the units in a workforce housing development may be housing for older persons as defined by HUD. It also provides specific definitions and fills in details not provided by the court in the Chester decision. Moreover, the new law provides an aggrieved workforce housing developer with a right to an expedited hearing in the

¹¹⁸ Statewide, 28% of Black households live at or below the poverty level compared to 15.8% for Hispanic households and only 8% of white households.

¹¹⁹ Currently, the major forms of such housing are the Low Income Housing Tax Credit program, the Section 8 Housing Choice Voucher program, the Public Housing program, and various forms of the Section 8 project based rental assistance programs.

¹²⁰ American Community Survey 2006-2008 Census.

¹²¹ Multifamily housing comprised 59% and 47% of the housing stock of Manchester and Nashua respectively, compared to a statewide figure of 26%. American Community Survey 2008.

¹²² The median annual income of black households in N.H. is \$42,500 compared to \$50,343 for Hispanic households and \$64,155 for white households. ACS 2006-2008 Census.

¹²³ *Britton v. Town of Chester*, 134 N.H. 434 (1991) (requiring all N.H. municipalities to provide reasonable and realistic opportunities for the development of housing that is affordable to low and moderate income families).

Superior Court, at which he can seek permission to build a workforce housing development.

Initially effective on January 1, 2009 the Workforce Housing Law set off a flurry of activity by local planning officials in an effort to amend their ordinances to comply with the new law. An amendment which extended the compliance date to January 1, 2010 kept such efforts going. As of March 2010, 54 New Hampshire municipalities attempted to pass ordinances to provide for the development of workforce housing, 44 of which were approved.¹²⁴

The WHL thus provides abundant hope that explicit barriers to housing for families with children, as well as cost generating land use regulations which more subtly restrict access to housing for minority populations, will come down over time.

Still, approximately three-quarters of the state's cities and towns have not taken any action to change their land use regulations to comply with the WHL. Some of the municipalities which have not attempted to amend their land use regulations are major cities which already have more than their "fair share" of workforce housing. Others are smaller rural towns in which there is little demand and few restrictions on development. But the voters in eight municipalities, including developing municipalities where demand for workforce housing would be expected to be high, (such as Windham, New Boston, and Gilford) rejected amendments aimed at complying with the law, and it is likely that many of the municipalities which have taken no action are also not compliant with the WHL.

Perhaps the biggest question, which can only be answered when the severely distressed housing market returns to more normal conditions and developer interest and capacity increases, is whether the opportunities provided for the development of workforce housing in the many newly enacted local land use regulations, are reasonable and realistic enough to significantly expand the stock of housing available to lower income minorities and families with children. The answer will emerge as developers actually try to develop workforce housing within the parameters laid out in the new ordinances.

Until that time it cannot be said that the formidable barriers to housing choice erected by municipal land use regulations over the last 40 years, have been effectively lowered.

¹²⁴ See Table 25.

TABLE 25**Workforce Housing Warrant Articles / Ordinances**

2009	Passed
1. Alton	Yes
2. Amherst	Yes
3. Atkinson	Yes
4. Auburn	Yes
5. Bedford	Yes
6. Brookfield	Yes
7. Brookline	Yes
8. Deerfield	No
9. East Kingston	Yes
10. Epping	No
11. Fitzwilliam	Yes
12. Freedom	Yes
13. Goffstown	Yes
14. Hampton Falls	Yes
15. Hollis	Yes
16. Kensington	Split
17. New London	Yes
18. No. Hampton	Yes
19. Pelham	Yes
20. Rindge	N/A
21. Wolfeboro	Yes

2010	Passed
1. Barrington	Yes
2. Bennington	Yes
3. Bradford	No
4. Brentwood	Yes
5. Canterbury	Yes
6. Chichester	Yes
7. Deerfield	No
8. Dublin	Yes
9. Durham	Pending
10. Effingham	
11. Epping	Yes
12. Gilford	No
13. Hooksett	Pending
14. Jackson	Yes
15. Kensington	
16. Litchfield	No
17. Londonderry	Yes
18. Loudon	Yes
19. Madison	Yes
20. Mason	Yes
21. New Boston	No
22. New Durham	Yes
23. Nottingham	Yes
24. Plainfield	Yes
25. Rye	Yes
26. Salem	Yes
27. Sandown	Yes
28. Sandwich	Yes
29. Sharon	Yes
30. Stratham	Yes
31. Sunapee	Yes
32. Tuftonboro	Yes
33. Warner	Yes
34. Windham	No

Source: NHHFA 2010

2. Housing for Older Persons

New Hampshire has one of the oldest populations in the United States and as of 2008, was tied with Florida as the fourth oldest state with a median age of 40.2 years.¹²⁵ The growing number of private and publicly funded housing developments in New Hampshire that exclude families with children via “age-restricted housing”¹²⁶ is linked to this demographic.

Both federal law and state law permit housing for persons fifty-five years or older (with some exceptions).¹²⁷ These housing developments, if compliant with statutory requirements, are exempt from familial status and age discrimination claims. Under New Hampshire law, age-restricted developments must offer “significant facilities and services specifically designed to meet the physical or social needs of older persons” or establish that “such housing is necessary to provide important housing opportunities for older persons.”¹²⁸

In reality, many age-restricted developments claim to be exempt, but are not compliant with state law requirements. Unfortunately, many municipal government authorities either ignore or are not cognizant of the state law provisions and as a consequence, non-compliant projects are routinely approved. Municipalities are also under pressure from constituents to keep property taxes down and they routinely favor projects that limit opportunities for families with children.

Policies that favor age-restricted housing and developments that do not comply with state law requirements for such housing significantly limit housing opportunities for families with children. “[A]ge-restricted housing in New England has become one of the legal tools (along with large lot zoning) that can be employed to limit, or exclude altogether, the number of affordable units attractive to young families with children. The main reason why age-restricted housing has become so widespread in this region is that it is perceived by municipalities as a way to control the rising cost of public education.”¹²⁹

3. Mortgage Lending and Other Related Housing Services

Review of HMDA data and analysis of the Fair Housing Survey reveals that there are disparities based on race, ethnicity, gender, and disability in mortgage lending approvals and types of lending sources used. (See Part II for discussion of these findings). Lack of data sources limited the scope and depth of the information obtained. In spite of the limitations of data, our analysis identified significant racial disparities in the types of mortgage products used and the rates of mortgage refinancing. The Fair Housing Survey indicated that women and persons with disabilities on the NHHFA Section 8 Waiting List tended to report being denied mortgages more often than other demographic groups.

¹²⁵ Peter Francese, *New Hampshire Growth & Aging Trends*, New England Economic Partnership Fact Sheet (2009).

¹²⁶ *Id.* See also Peter Francese, *Age-Restricted Housing in New England*, New Hampshire Local Government Center (Oct. 2008).

¹²⁷ 42 U.S.C. § 3607(b); N.H. REV. STAT. ANN. 354-A:15.

¹²⁸ N.H. REV. STAT. ANN. 354-A:15, IV(a).

¹²⁹ Peter Francese, *Age-Restricted Housing in New England*, New Hampshire Local Government Center, 1 (Oct. 2008).

4. Economic Factors

The recent recession has had serious consequences for many people in this state including protected class groups. Non-White racial and ethnic minorities, young single mothers, and persons with disabilities are disproportionately situated within lower income brackets. They are more likely to spend more of their incomes on housing, experience instability in their housing, and have more difficulty accessing housing. The recession has caused many who were already economically disadvantaged to fall deeper into poverty.

Most troubling is that many lower income families simply cannot afford safe housing without a subsidy. As noted in Part II, p. 21, “there is one HUD-subsidized housing unit for every five households that may be eligible [for a subsidy].”

5. Structural Impediments

The persistence of economic disadvantage experienced by many protected class groups suggests that factors beyond intentional discrimination are at play. As discussed above, land use regulations and communities’ preference for age-restricted housing limit opportunities for families with children, as well as racial and ethnic minorities. Several other structural features may contribute to disparities that burden protected class members.

a. Source-of-Income Discrimination

New Hampshire and Rhode Island are the only two New England States without statutes prohibiting discrimination on the basis of income. Housing advocates have long articulated that in states that do not bar discrimination on this basis, it is often used as a substitute excuse for racial and other types of illegal discrimination.¹³⁰ HUD has recently issued notice that grant applicants must “meet state and local anti-discrimination laws, including those prohibiting housing discrimination based on a person’s income.”¹³¹ Although this requirement will not be applicable in New Hampshire, it does signal HUD’s acknowledgment of this type of discrimination as a barrier to many.

b. Rigid Admissions Criteria for Federally Subsidized Housing Programs

Federally subsidized housing programs have the authority to develop their own admissions policies as long as they are consistent with federal regulations. Rigid application of credit, criminal history, and poor landlord references policies

¹³⁰ “[M]any housing advocates believe that the acceptability and legality of Section 8 discrimination enables landlords to use it as a proxy for other legally prohibited kinds of discrimination, such as that based on race, ethnicity, national origin, gender, family status [sic], or disability.” Paula Beck, *Fighting Section 8 Discrimination: The Fair Housing Act’s New Frontier*, 31 HARV. C.R.-C.L. L. REV. 155 (1996).

¹³¹ HUD TELLS GRANT APPLICANTS: DON’T DISCRIMINATE BASED ON LEGAL ‘SOURCES OF INCOME’ OR RISK FUNDING, U.S. Dep’t of Hous. and Urban Dev., June 11, 2010, http://portal.hud.gov/portal/page/portal/HUD/press/press_releases_media_advisories/2010/HUDNo.10-121

may have disproportionately negative consequences for domestic violence victims, applicants with mental health issues, and other protected class members.

6. Lack of Information About Fair Housing Laws and Protections

Although several organizations including NHHFA and NHLA have provided many training opportunities on housing discrimination and related topics during this reporting period, lack of knowledge on fair housing laws and protections appears to be an impediment for protected class members. Much of the training provided by NHHFA and NHLA is directed toward housing providers. Renters and buyers are often harder to reach but are perhaps the most in need of education.

The Fair Housing Survey indicated that of those on the Section 8 Waiting List who reported experiencing discrimination, 83% reported they did nothing about it. Participants in the Latino focus group uniformly reported an interest in learning more about fair housing protections. Members of the second focus group also expressed problems with housing issues that appeared to be unresolved. (*See Part II.*)

A review of fair housing resources in New Hampshire indicated that information available to consumers varies. HUD and the U.S. Department of Justice have comprehensive websites and publish the most information about housing discrimination. Except for the DRC website, New Hampshire-based websites do not offer as much information about fair housing issues and published materials are not as easily accessible.

There has been little publicity about the many cases successfully resolved on behalf of protected class members. Although many cases resolved through negotiation include confidentiality clauses, many other cases do not. Publication of successful case results would serve to educate the public and bring attention to the work of organizations in the state that are working to address housing discrimination.

E. REPORT ON PROGRESS ON IMPEDIMENTS/RECOMMENDATIONS IDENTIFIED IN 2004 UPDATE

The 2004 Update identified thirteen impediments to fair housing.¹³² This section provides a progress report.

Impediment 1: Lack of Affordable Housing

This factor has been identified as the most significant impediment, particularly for families with children, in both previous AI documents. The 2010 Update also highlights the impact of lack of affordable housing on racial and ethnic minorities and other protected class members.

Progress Report on Recommendations:

a. Continue to follow Consolidated Plan strategies.

NHHFA and other housing policy advocates were successful in their efforts to win legislative approval of an innovative affordable housing strategy. The Workforce Housing Law (RSA 674:58 *et seq.*) enacted in

¹³² Analysis of Impediments to Fair Housing in New Hampshire, 2004 Update (2005), pp. 21-63.

2008 mandates that local governments provide meaningful opportunities for the development of Workforce Housing, including rental units intended to target low and moderate income families.

b. Convene a state-wide summit.

NHHFA hosts an annual state-wide conference for all stakeholders and publishes many materials that promote affordable housing strategies.

Impediment 2: Source-of Income Discrimination

There appears to be growing acknowledgement that source-of-income discrimination impedes affordable housing efforts and may be used as a proxy for prohibited discrimination. In 2010, HUD acknowledged this by requiring grantees from jurisdictions where this type of discrimination is prohibited to certify adherence to those prohibitions.

Progress Report on Recommendations:

The recommendation to enact legislation to prohibit source-of-income discrimination has not occurred. Housing advocates and policy experts do not believe that the current climate, economic and otherwise, would support passage of this type of legislation.

Impediment 3: Discrimination Against Domestic Violence Survivors

During this reporting period, the federal Violence Against Women Act (VAWA) was amended to include new housing protections for domestic violence survivors, sexual assault victims, victims of dating violence and stalking for public housing and Section 8 programs (both portable vouchers and project-based programs). In 2010, the New Hampshire legislature also made some progress in this area with passage of HB 431.

Progress Report on Recommendations:

Although New Hampshire did not enact legislation that would prohibit discrimination against domestic violence survivors, there has been some important progress. The VAWA amendments have provided an important tool to combat discrimination against survivors of domestic violence in federally subsidized housing. Developments in housing discrimination case law that recognizes that in some cases, discrimination against domestic violence victims may be a form of unlawful gender discrimination have also contributed to progress in this area.

In July 2010, the passage of HB 431 amended RSA 540 (New Hampshire's landlord-tenant statute) to include restrictions on a landlord's ability to terminate a person's tenancy solely based on status as a domestic violence, sexual assault or stalking victim as long as she/he can show that she/he obtained a protective order. It further allows a landlord bifurcate an eviction and evict only the perpetrator of the violence.

Impediment 4: Discrimination Against Families with Children because of Lead in Homes

Initiatives addressing lead paint concerns met with much success during this reporting period.

Progress Report on Recommendations:

a. **Strengthen existing lead paint laws.**

These recommendations have been met with amendments to RSA 130-A. Blood lead levels necessary to trigger mandatory investigation have been lowered, as have the blood lead levels required to make notifications to landlords of lead exposure. In addition, the amendments expand the scope of inspections to the whole building once a lead exposure hazard has been established in one unit.

b. **Increase financial incentives for landlords to abate.**

The RSA 130-A amendments included a plan to establish a window replacement program funded by the lead poisoning prevention fund and to be made available to owners of dwellings. A report to the legislative committee is due by September 1, 2010. In addition, NHHFA received a three million dollar HUD grant for lead hazard control. Working with numerous local partners, the program has funds available to eligible owners to promote and financially support abatement work.

c. **Institute a public initiative to inform landlords and tenants.**

Over the course of this reporting period, both NHHFA and NHLA have held seminars for landlords, tenants, and community members about lead paint issues. Because of new federal EPA regulations, there have been several informational seminars held throughout the country, including in New Hampshire and landlord advocacy groups have publicized the changes to their constituencies. In addition, there are ongoing groups that meet regularly on these issues.

Impediment 5: Municipalities that Discourage Multi-family Development

Passage of the Workforce Housing Law puts municipalities on notice of their obligations to allow development of affordable housing, including multi-family units (see discussion under Impediment 1).

Progress Report on Recommendations:

In addition to passage of the Workforce Housing Law, renewed scrutiny by HUD on grantees commitments to affirmatively further fair housing is hoped to impact municipalities' resistance to multi-family development.

Impediment 6: Discriminatory Advertising

A HUD-funded investigation by NHLA of discriminatory advertising resulted in the filing of over forty discrimination complaints against property owners and newspapers based upon familial status discrimination.

Progress Report on Recommendations:

Although HRC was not a partner in this effort, as recommended, the complaints filed by NHLA with HUD were resolved with a requirement that the respondents fund and participate in training on this topic. Subsequent investigation of discriminatory advertising has produced only one complaint, which has been resolved. It seems that the enforcement action and training had a significant impact on this impediment.

Impediment 7: Lack of Oversight of Age-Restricted Housing

As identified in the 2010 Update, this remains an impediment.

Progress Report on Recommendations:

No legislative progress was made on this issue. However, NHLA brought several discrimination cases before the HRC challenging the right of several age-restricted developments (including a condominium community and a mobile home park) to claim that status based on their failures to provide significant services. In all four cases, the HRC issued a determination that the developments did not meet the statutory requirements.

Impediment 8: Lack of Quantitative Data on Prevalence of Discrimination

Lack of information on the prevalence of discrimination among the protected classes has impeded full analysis of barriers.

Progress Report on Recommendations:

As part of the development of this report, NHHFA and NHLA designed a survey that was sent out to every family on the NHHFA Section 8 Waiting list (7,613 families). This is believed to be the largest survey of housing discrimination conducted in New Hampshire. The results form a significant part of the 2010 Update and are reported in Part II of this document.

Impediment 9: Discrimination in Manufactured Housing Parks

The Community Loan Fund has promoted and supported conversion of many manufactured housing parks to the cooperative ownership model and provides technical assistance in this area. Its program has received national recognition and inspired similar efforts in many other states. Little other organized effort has been made in this area.

Progress Report on Recommendations:

- a. Increase regulation and oversight of manufactured housing parks.
No action has been taken on this recommendation. No further analysis of the problem has been taken or funded.
- b. Offer fair housing training for manufactured housing owners and cooperatives.
Although some individual park owners or cooperative boards may have been required to receive training as part of a settlement agreement in

a housing discrimination case, no concerted effort has been made in this area.

Impediment 10: Lack of Data on Predatory Lending

Predatory lending practices were a major factor in the mortgage lending crisis that has triggered so many foreclosures in New Hampshire and the rest of the nation. It is still difficult to fully evaluate the effects of predatory lending on protected class members. Progress was made with the enactment of RSA 479-B, legislation that placed restrictions on foreclosure consultants and federal regulations implemented after the financial collapse.

Progress Report on Recommendations:

- a. **Initiate a study of unlawful and discriminatory practices.**
No study was conducted although NHLA did convene a group of stakeholders on predatory lending practices that met regularly to discuss this topic and to develop action steps.
- b. **Designate a state agency to collect complaint data.**
No legislative action was taken to implement such a requirement and apparently no New Hampshire department compiles such data (inquiry was made to the New Hampshire Banking Department for this report but no such data was available).

Impediment 11: Lack of Data Collection and Oversight of Progress in Elimination of Impediments

Progress Report on Recommendations:

Although progress on many of the identified impediments is measured and reported upon in the state consolidated plan and other reports, more work is needed on systematic data collection and monitoring of progress. A major step in data collection was accomplished with the initiation of the Fair Housing Survey and efforts to use survey data going forward will be implemented.

Impediment 12: Lack of Substantial Equivalency with HUD

The HRC worked quite diligently to advocate required legislative changes to obtain substantial equivalency with HUD. Achieving substantial equivalency would allow New Hampshire to be eligible for federal funds for housing discrimination enforcement.

Progress Report on Recommendations:

The HRC legislative advocacy efforts resulted in amendments needed to establish substantial equivalency. Several years ago, HRC submitted its application to HUD's Washington, D.C. office. Neither the current HRC Executive Director nor personnel in HUD's FHEO office in Boston had any information on its status. The state's failure to obtain equivalency prevents it from potential receipt of substantial federal dollars.

Impediment 13: Undetected Discrimination


NHLA recently received additional funding from HUD to strengthen and expand its testing program. Testing is one of the most effective tools in rooting out undetected discrimination. NHLA has used testing in the past to investigate individual housing discrimination complaints, as well as to evaluate systemic barriers to access to housing.

Progress Report on Recommendations:

No systemic testing efforts took place during this reporting period.

PART V CONCLUSIONS AND RECOMMENDATIONS

Progress has been made on addressing impediments identified in the 2004 Update. Many impediments require ongoing and long-range strategies in order to effectively eliminate them. Deeper analysis of available data, conversation with focus group members and engagement in a comprehensive survey of the NHHFA Section 8 Waiting List provided invaluable information that identified other impediments.

 The *Westchester County* case makes clear that state and local governments receiving HUD funds must ensure that their ordinances and policies do not unintentionally result in racial segregation or in outcomes that disadvantage other protected class groups. Demographic data establishes that in New Hampshire, racial and ethnic minorities are clustered in the state's two largest cities, Manchester and Nashua. This report attributes land use controls as a significant contributory factor which also affects opportunities for many families with children.

The fact that persons of color are persistently and disproportionately poorer than their White counterparts means that affordable housing is of greater need within those communities. The ability to move into "opportunity areas" where there are good schools, transportation systems ensuring job availability, and safe neighborhoods are keys to addressing economic inequities. Access to housing in those opportunity areas is crucial.

Lending practices that evidence disparities based on race and national origin raise concerns about the presence of discriminatory practices, both intentional and otherwise. There are differences based on race and ethnicity in the types of mortgages originated, as well as in the denial rates in refinancing situations. While there is no information available from HMDA records on gender or disability, the Fair Housing Survey revealed that women and particularly those that had experienced domestic violence, as well as persons with disabilities were more likely to report being denied mortgages than other demographic groups. More study is necessary to fully examine potential protected class disparities in lending practices.

Racial and ethnic minorities are not the only groups that are disproportionately affected by housing obstacles. The proliferation and preference for age-restricted housing in New Hampshire communities diminishes housing opportunities for families with children. This is compounded by the well-grounded suspicion that many of the age-restricted housing developments are not in compliance with state laws and therefore are not actually privileged to exclude persons based on age and/or familial status.

My Note: In Windham, we have Hadleigh Woods, Lakeview Farms, The Villages at Windham Meadows and Wispering Winds. All are 55 yrs and older communities.

Statutory prohibitions against source-of-income discrimination would remove further obstacles to housing opportunities and eliminate the use of source-of-income as a proxy for racial and other types of illegal discrimination. Thus far, there has not been sufficient legislative support for this issue.

The failure of federally funded housing and housing service providers to make available information and services in languages other than English is an impediment that has an impact on access to housing, housing-related services, as well as with LEP tenants' abilities to communicate and comply with their housing providers' rules and regulations.

Domestic violence victims, disproportionately female, also suffer disparate consequences in housing situations. While the 2005 VAWA amendments provided some protections for violence victims living in or applying to some federally-funded housing programs, there are few protections for domestic violence victims in the private housing arena. The New Hampshire legislature acknowledged this when it passed HB 431 this year giving tenants who are victims of domestic violence, sexual assault and stalking which may help them avoid evictions related to the abuse.

Persons with disabilities and families with children seem to suffer the most overt kinds of discrimination. For persons with disabilities it is often difficult to obtain accommodations and modifications without advocacy. In addition, lack of oversight on accessibility features in new and rehabilitated properties affects physical accessibility for many.

The recent economic recession has had a great impact on poor families, increasing the need for affordable housing and putting more at risk of homelessness. Overly rigid admissions criteria of federally-funded housing may have disproportionately negative consequences for domestic violence victims, applicants with mental health issues, and other protected class members.

Because New Hampshire has not achieved substantial equivalency approval from HUD, the state does not have the opportunity to apply for federal funding to combat housing discrimination. The small number of housing discrimination cases filed with the HRC in comparison to the number of housing discrimination cases opened by NHLA (which receives HUD funds for housing discrimination work) underscores the value of federal funding. Achieving substantial equivalency should be pursued with some urgency, especially given the current economic challenges of the state government. The first step would be to clarify the status of the application submitted to HUD several years ago.

Lastly, lack of knowledge about housing discrimination laws and information on fair housing resources limits housing opportunities. Increased collaborative efforts to reach renters and home buyers should be a focus of the coming years.

<u>Impediment</u>	<u>Action</u>	<u>Responsible Agency</u>	<u>Time Frame</u>
1. Lack of Affordable Housing for Families	a) Continue following Consolidated Plan Strategies that improve housing choice, including providing development funding for affordable housing.	CDFA/NHHFA/ BHHS	Ongoing
	b) Continue to convene an annual statewide summit of developers, government officials, community leaders, municipal executives and others to create an aggressive plan to promote development of new and additional strategies for increasing affordable housing opportunities.	NHHFA	Annually
	e) Continue the Housing Awareness public education campaign to promote local acceptance of a variety of housing options.	NHHFA	Ongoing
	d) Continue aggressive oversight of actions taken under Affirmative Fair Housing Marketing Plan.	NHHFA	Ongoing
	e) Conduct a statewide housing needs study.	NHHFA	Within 3 years
2. Source of Income Discrimination	a) If legislation to prohibit source-of-income discrimination is introduced, the agencies will respond to requests for technical assistance and will consider supporting such legislation.	NHHFA/CDFA/ NHLA	Within 5 years
	b) Consider incorporating prohibitions against source-of-income discrimination in housing contracts with private developers.	CDFA/NHHFA	Within 3 year

3. Discrimination against Domestic Violence (DV) Survivors	a) If legislation to prohibit discrimination against DV survivors is introduced the agencies will respond to requests for technical assistance and will consider supporting such legislation.	NHHFA/CDFFA/ NHLA	Within next 2 years
	b) Assess training needs of grant recipients, developers and municipal officials on the Violence Against Women Act (VAWA) and state law protections for DV survivors. Based upon needs identified by the assessment, plan for or sponsor inter-agency VAWA training.	NHHFA/CDFFA/ NHLA	Within next 2 years
4. Municipalities that Discourage Multifamily Development Using Local Land Use Controls	Where available, collect data on the progress of municipalities in complying with Workforce Housing Law.	NHHFA Other partners	Ongoing
5. Non-compliant Age-restricted Housing Claiming Exemptions from Age and Familial Status Discrimination	a) Identify non-compliant housing developments.	HRC/NHLA	Within next 5 years
	b) Provide information and education for municipalities as requested and for mobile home park owners concerning age and familial status discrimination.	NHHFA/CDFFA/ NHLA/HRC	Within 3-5 years
6. Lack of Quantitative Data on Prevalence of Discriminatory Housing Practices in State and Effects on Various Protected Classes	Work with various state and private agencies to inventory the sources of data on the prevalence of discrimination in housing.	CDFFA/NHHFA/ NHLA/various state agencies and private organizations	Within 3-5 years
7. Disparate treatment for Limited English Proficiency Individuals (LEP) in Housing with Federal Subsidies	a) Collect copies of sub-grantees' Language Access Plans (LAP).	CDFFA/NHHFA/ HUD/NHLA	Within 2 years
	b) Provide information and	CDFFA/NHHFA/	Within 2 years

	education to sub-grantees concerning LAPs.	HUD/NHLA	
8. Lending Practices	Review current data on lending practices and where data is sufficient, work with agencies on a more detailed analysis regarding potential discriminatory results.	NHHFA NHLA	Within 5 years
9. Lack of Periodic Data Collection and Oversight of Progress on Eliminating Impediments	Document activities designed to eliminate impediments and report activities and any progress annually during the development of the Action Plan portion of the Consolidated Plan.	NHHFA/CDFA	Within 5 years
10. Lack of “Substantial Equivalency” with HUD	Ascertain status of state application and pursue equivalency	HRC/HUD	Ongoing
11. Lack of Knowledge/Information about Fair Housing Laws and Protections	Provide information to grantees and where applicable, directly to renters and homebuyers regarding Fair Housing Laws and Protections.	NHHFA/CDFA/ HRC/NHLA	Ongoing

APPENDIX

GLOSSARY

2004 Update: Analysis of Impediments to Fair Housing in New Hampshire: 2004 Update (2004)

2010 Update: Analysis of Impediments to Fair Housing in New Hampshire: 2010 Update (2010)

AI: Analysis of Impediments to Fair Housing in New Hampshire (1996)

AG's Office: The New Hampshire Department of Justice

CDFR: New Hampshire Community Development Finance Authority

DOJ: United States Department of Justice

DRC: Disabilities Rights Center

EEOC: United States Equal Employment Opportunity Commission

Fair Housing Survey: Survey designed for the 2010 Update

FHA: 1. Federal Fair Housing Act
2. Federal Housing Administration

FHEO: HUD Office of Fair Housing and Equal Opportunity

FPG: Federal Poverty Guidelines

FSA/RHA: United States Department of Agriculture Farm Services Agency/Rural Housing Services

HMDA: Home Mortgage Disclosure Act

HRC: New Hampshire Commission for Human Rights

HUD: United States Department of Housing and Urban Development

LEP: Limited English Proficiency

LGBT: Lesbian, Gay, Bisexual, Transgender

MSA/MD: Metropolitan Statistical Area/Metropolitan Division

NHHFA: New Hampshire Housing Finance Authority

NHLA: New Hampshire Legal Assistance

RDA: United States Department of Agriculture Rural Development Agency

Section 8 Waiting List: The NHHFA waiting list used to conduct the Fair Housing Survey

TANF: Temporary Aid to Needy Families

TTY: teletypewriter - communication device called that allows someone with speech or hearing difficulties to make or receive telephone calls by typing the message.

VA: Unites States Veterans Administration

VAWA: Federal Violence Against Women Act

WHL: New Hampshire Workforce Housing Law

LINKS TO DOCUMENTS CITED IN THE TEXT:

U.S. Department of Housing and Urban Development

A. Cases

1. Rodriguez v. Nashua Housing Authority, HUD Conciliation Agreement
<http://www.fhasecure.gov/offices/ftheo/enforcement/nha-conciliation.pdf>
2. HUD v. Riba
<http://www.hud.gov/offices/ftheo/enforcement/10-Santana-Charge-of-Discrimination-6-9-10.pdf>

B. Guidance Publications

1. HUD/DOJ Guidance on Reasonable Accommodations
<http://www.hud.gov/offices/ftheo/library/huddojstatement.pdf>
2. HUD/DOJ Guidance on Reasonable Modifications
http://www.hud.gov/offices/ftheo/disabilities/reasonable_modifications_mar08.pdf
3. HUD Final Guidance on Limited English Proficiency Obligations
http://www.justice.gov/crt/lep/guidance/HUD_guidance_Jan07.pdf

U.S. Department of Justice, Office of Violence Against Women

<http://www.ovw.usdoj.gov/>

VAWA Protections for victims of domestic violence, dating violence, stalking and sexual assault (sexual assault not covered under Sec. 8 programs).

- Denial of housing prohibited – covered housing programs may not use the victim’s status as a basis for denying housing opportunities.
- Eviction for criminal activity associated with covered violence is prohibited; an exception to the “one-strike” criminal eviction rule for tenants who are victims.
- Victimization by covered violence does not constitute a serious or repeated violation of the lease or good cause for terminating the assistance, tenancy or occupancy rights of victim.
- Bifurcation of lease permitted to evict, remove, or terminate assistance or tenancy of the offender while allowing victim to retain assistance and/or tenancy.
- Section 8 voucher holders may “port” their vouchers and move from their current location to achieve safety.
- Federally subsidized housing providers must notify program participants and tenants of their rights under VAWA amendments.
- Section 8 Programs must notify landlords of their obligations under VAWA.
- Housing providers may request that an individual certify her status as a victim of the covered violence. (See certification form).
- Housing providers may not disclose information provided by victims without their consent unless required for use in an eviction proceeding or otherwise required by law.
- Federally subsidized housing providers must incorporate strategies to address needs of victims of covered violence into their administrative plans.
- Communities receiving federal housing dollars must incorporate strategies to address needs of victims into their consolidated plans.
- Federal dollars should become available to encourage federally subsidized housing providers to give housing preferences to victims of covered violence and to foster collaborations between domestic violence programs and housing entities on this subject.

Prepared by C. Wellington, NHLA 4.07

**Household Estimates by
Federal Poverty Guidelines,
2004-2008**

			Below 50%	50% to below 100%	100% to below 200%	200% to below 250%	250% and above
2008							
	Households	518,989	13,002	25,893	68,342	34,208	377,543
	Related Children Under 18	292,462	10,182	13,884	40,167	15,655	212,575
2007							
	Households	513,579	13,533	17,461	68,547	38,501	375,536
	Related Children Under 18	290,246	5,353	12,290	30,623	27,929	214,052
2006							
	Households	516,843	10,200	20,213	80,761	38,468	367,201
	Related Children Under 18	295,640	4,833	10,233	46,465	22,711	211,399
2005							
	Households	521,222	13,800	21,873	79,262	49,115	357,173
	Related Children Under 18	291,225	7,273	7,319	40,205	24,122	212,306
2004							
	Households	505,945	11,555	20,723	73,872	51,423	348,372
	Related Children Under 18	301,421	6,609	15,387	40,051	29,921	209,453

*Using CPS Census yearly data estimates

**Sample: "Persons in Poverty Universe"

***Variables: "Household Relationship" by "Income-to-Poverty Ratio"

A Picture of HUD Subsidized Units Across New Hampshire

Geographical Area	Households	Households In Poverty	Perc. of Households in Poverty	Total HUD Subsidized	Housing Vouchers	# of Units Subs. Per HH in Pov.	# of Stationary Subs. Units Per HH In Pov.
Belknap County	24,297	1,965	8.1%	953	553	0.48	0.20
Carroll County	19,447	2,083	10.7%	387	147	0.19	0.12
Cheshire County	29,455	2,967	10.1%	1,254	509	0.42	0.25
Coos County	14,551	1,866	12.8%	960	384	0.51	0.31
Grafton County	33,129	3,002	9.1%	905	323	0.30	0.19
Hillsborough County	150,690	10,313	6.8%	7,253	3708	0.70	0.34
Merrimack County	56,189	4,697	8.4%	2,159	789	0.46	0.29
Rockingham County	112,969	6,100	5.4%	2,816	1356	0.46	0.24
Strafford County	45,451	5,600	12.3%	2,718	1362	0.49	0.24
Sullivan County	17,816	1,689	9.5%	949	207	0.56	0.44
NH Total	503,994	40,282	8.0%	20,354	9,338	0.51	0.27
Concord	17,213	2,036	11.8%	958	464	0.47	0.24
Derry CDP	8,740	810	9.3%	407	304	0.50	0.13
Dover	11,851	1,394	11.8%	1,001	400	0.72	0.43
Keene	8,741	1,284	14.7%	804	312	0.63	0.38
Manchester	43,950	5,422	12.3%	3,897	2211	0.72	0.31
Nashua	34,579	2,402	6.9%	2,422	1048	1.01	0.57
Portsmouth	9,761	965	9.9%	864	261	0.90	0.62
Rochester	11,473	1,138	9.9%	846	520	0.74	0.29

Notes:

*Uses ACS 2006-2008 Census Estimates; B11001 *et seq*

** Uses 2008 HUD data on housing, available at: http://www.huduser.org/portal/picture2008/form_1s4.odt

***Uses HHs in poverty as a proxy indicator of number of HHs possibly eligible for housing assistance

****"Housing vouchers" numbers are included in "Total HUD Subsidized"

Percent of Race in Poverty

X	White	Black	Hispanic	Perc of State Total of Whites in Poverty	Perc of State Total of Blacks in Poverty	Perc of State Total of Hispanics in Poverty
NH - Statewide	8.0%	28.0%	15.8%	N/A	N/A	N/A
Manchester	14.5%	55.0%	21.1%	13.5%	50.7%	30.9%
Nashua	7.0%	N/A	24.8%	5.3%	N/A	32.3%
Non-Nashua and Manchester area	7.5%	N/A	10.3%	81.3%	N/A	36.8%

*ACS Census 2006-2008 Estimates

**B17020A&B

***N/A means not applicable because sample too small and/or calculation inapplicable

Spanish v. English Language in Poverty

Area	English Pov Level	Spanish Pov. Level	Share of State Tot Spanish in Pov.
NH - Statewide	7.2%	11.3%	N/A
Manchester	12.1%	15.8%	31.6%
Nashua	5.8%	14.8%	29.4%

*Using ACS 2006-2008 Census Estimates **C16009 *et seq*

***N/A means not applicable because sample too small and/or calculation inapplicable

Racial Demographics by Area (Tot.)

	Total	Black	Asian	Hispanic	White
NH-Statewide	1,312,298	12,574	25,313	33,200	1,222,754
Manchester	108,160	3,702	2,453	7,804	92,389
Nashua	86,586	2,039	6,141	7,118	69,560
Non-Nashua and Manchester area	1,117,552	6,833	16,719	18,278	1,060,805

Note:

*Uses ACS 2006-2008 Census Estimate

**B03002

***Excludes Not Hispanic 2 or more races and other (which totals 15,524 combined)

2006-2008 Racial Demographics by Area (%)

	Black	Asian	Hispanic	White
NH-Statewide	1.0%	1.9%	2.5%	93.2%
Manchester	3.4%	2.3%	7.2%	85.4%
Nashua	2.4%	7.1%	8.2%	80.3%
Non-Nashua and Manchester area	0.6%	1.5%	1.6%	94.9%

Note:

*Uses ACS 2006-2008 Census Estimate

**B03002

***Excludes Not Hispanic 2 or more races and other (which totals 15,524 combined)

Percent of Race Living At or Below 100% of Poverty

X	White	Black	Hispanic	Perc of State Total of Whites in Poverty	Perc of State Total of Blacks in Poverty	Perc of State Total of Hispanics in Poverty
NH - Statewide	8.0%	28.0%	15.8%	N/A	N/A	N/A
Manchester	14.5%	55.0%	21.1%	13.5%	50.7%	30.9%
Nashua	7.0%	N/A	24.8%	5.3%	N/A	32.3%
Non-Nashua and Manchester area	7.5%	N/A	10.3%	81.3%	N/A	36.8%

*ACS Census 2006-2008 Estimates

**B17020A&B

***N/A means not applicable because sample too small and/or calculation inapplicable

Housing Cost Burden By Race - Renter Households

	Black, Non-Latino Households			Latino Households			All Other Minority Households			White, Non-Latino Households		
	Total	HCB > 30 of MAI	HCB > 50 of MAI	Total	HCB > 30 of MAI	HCB > 50 of MAI	Total	HCB > 30 of MAI	HCB > 50 of MAI	Total	HCB > 30 of MAI	HCB > 50 of MAI
	Est.	Est.	Est.	Est.	Est.	Est.	Est.	Est.	Est.	Est.	Est.	Est.
Belknap Cty	70	0	0	65	0	0	225	155	155	5,250	2,030	1,005
Carroll Cty	55	55	0	20	20	20	90	60	10	3,725	1,455	670
Cheshire Cty	40	25	15	155	30	0	290	70	45	7,595	2,970	1,210
Coos Cty	10	0	0	25	0	0	74	8	4	3,905	1,290	600
Grafton Cty	40	20	20	100	75	35	275	149	69	8,985	3,405	1,180
Hillsborough Cty	1,315	765	375	3,375	1,385	585	1,935	510	250	37,985	16,890	7,770
Merrimack Cty	250	145	115	230	120	45	580	225	15	14,005	5,580	2,495
Rockingham Cty	205	195	20	375	275	145	825	130	105	22,470	9,950	4,005
Strafford Cty	80	0	0	170	20	10	740	270	120	13,895	6,530	3,615
Sullivan Cty	60	0	0	110	80	80	275	210	65	4,460	1,625	745
Total	2,125	1,205	545	4,625	2,005	920	5,309	1,787	838	122,275	51,725	23,295
Perc > 30 of MAI	82.35%			63.24%			49.44%			61.35%		

Manchester	880	560	225	1,625	780	395	535	180	90	18,480	8,395	4,150
Nashua	420	190	135	1,285	540	190	1,160	200	80	10,440	4,785	1,985
Total	1,300	750	360	2,910	1,320	585	1,695	380	170	28,920	13,180	6,135
Perc > 30 of MAI	85.38%			65.46%			32.45%			66.79%		

Source: U.S. Census, CHAS Data: Table 9: Housing Cost Problem by Race (Using 2006-2008 ACS data)

Poverty Status by Native v. Foreign Born

	Total Pop	Total Pop in Pov.	Native Pop in Pov.	Foreign Born Pop in Pov.	Total Pop Above Pov.	Native Pop Above Pov.	Foreign Born Pop Above Pov.
Manchester	105,565	14,352	13,217	1,135	91,213	81,049	10,164
Nashua	83,904	4,998	3,842	1,156	78,906	68,594	10,312
NH-Statewide	1,277,397	97,158	92,166	4,992	1,180,239	1,121,648	58,591

Note:

*Using ACS 2006-2008 Census Estimates

**Population data estimates for persons with poverty status determined

Nashua & Manch Pov Share for Foreign Born

	Perc In Pov.	Share of State Pop. in Pov.	Share of State's Foreign Born Pop. in Pov.
Nashua	5.1%	6.6%	23.2%
Manchester	14.8%	8.3%	22.7%

Note:

*Using ACS 2006-2008 Census Estimates

**Population data estimates for persons with poverty status determined

Demographics In Subsidized Housing, by Area

	<i>All HUD subsidized housing</i>					<i>Public Housing</i>					<i>Vouchers</i>				
	Hisp	Black	Asian	Dis	62+	Hisp	Black	Asian	Dis	62+	Hisp	Black	Asian	Dis	62+
Manchester	10	5	1	25	36	9	9	1	25	44	12	4	0	26	23
Nashua	18	4	1	30	38	24	3	1	30	36	23	6	1	26	16
NH-Statewide	3	5	0	26	42	7	4	1	25	49	6	3	0	28	20

Note:

* Uses 2008 HUD data on housing, available at:http://www.huduser.org/portal/picture2008/form_1s4.odt

**All numbers in percentages

Median Household Income By Race and Area

Geographical Area	All Races	White	Black	Hispanic
NH-Statewide	\$63,989	\$64,155	\$42,500	\$50,343
Manchester	\$52,911	\$54,694	\$25,704	\$38,691
Nashua	\$66,009	\$64,444	\$49,231	\$42,896

*ACS Census 2006-2008 Estimates

**B19013 *et seq* (using 2008 inflation adjusted dollars)

NH Gender & Age Over 60

	Total Pop	Male Perc	Female Perc	Total Percent over 60
2008	1,315,809	16.9%	20.5%	18.7%
2007	1,315,828	16.4%	19.4%	17.9%
2006	1,314,895	15.8%	19.1%	17.5%
2005	1,272,486	15.4%	17.8%	16.6%
2004	1,261,970	14.9%	17.5%	16.2%
2003	1,251,572	14.7%	17.2%	16.0%

Note:

*ACS Census yearly data estimates

**B01001 *et seq*

Median Household Income By Race and County

	<i>All Races</i>		<i>White</i>		<i>Black</i>		<i>Hispanics</i>	
	Raw Est.	MOE*	Raw Est.	MOE*	Raw Est.	MOE*	Raw Est.	MOE*
NH- Statewide	\$63,989	+/-596	\$64,155	+/-613	\$42,500	+/-11,098	\$50,343	+/-4,032
Belknap	\$53,906	+/- 1,917	\$54,214	+/- 1,946	\$51,462	+/-38,365	\$47,667	+/-13,355
Carroll	\$50,270	+/- 2,293	\$50,741	+/- 2,276	N/A	N/A	N/A	N/A
Cheshire	\$54,742	+/- 2,212	\$54,829	+/- 2,244	\$62,734	+/-40,251	\$63,381	+/-20,613
Coos	\$43,037	+/- 2,032	\$43,186	+/- 1,973	\$11,520	+/-8,234	N/A	N/A
Grafton	\$54,171	+/- 2,225	\$54,237	+/- 2,238	\$45,591	+/-2,003	\$68,516	+/-56,968
Hillsborough	\$70,009	+/- 1,212	\$70,295	+/- 1,330	\$36,081	+/-10,424	\$48,051	+/-6,832
Merrimack	\$62,530	+/- 2,045	\$62,770	+/- 2,131	\$22,835	+/-18,784	\$45,375	+/-21,337
Rockingham	\$76,663	+/- 1,398	\$77,306	+/- 1,544	\$73,934	+/-47,859	\$84,212	+/-19,589
Strafford	\$59,330	+/- 1,799	\$59,979	+/- 1,756	\$54,732	+/-16,470	N/A	N/A
Sullivan	\$50,581	+/- 2,623	\$50,696	+/- 2,469	\$101,204	+/-17,211	N/A	N/A

*MOE (margin of error) in 90% confidence included in this chart b/c of large fluctuation by county

**ACS Census 2006-2008

Estimates

***B19013 *et seq* (using 2008 inflation adjusted dollars)

***N/A means Census

unable/not confident in providing
estimate

Median Family v. Nonfamily Household Income by Race, by Area

	White Families		White, Nonfamily		Black Families		Black, Nonfamily		Hispanic Families		Hispanic, Nonfamily	
	Raw Est.	MOE	Raw Est.	MOE	Raw Est.	MOE	Raw Est.	MOE	Raw Est.	MOE	Raw Est.	MOE
NH- Statewide	\$76,972	+/-690	\$36,283	+/-878	\$38,750	+/-17,247	\$37,375	+/-9,364	\$53,813	+/-5,497	\$33,328	+/-7,790
Belknap	\$64,936	+/-4,042	\$33,492	+/-4,826	N/A	N/A	N/A	N/A	\$47,667	+/-13,355	N/A	N/A
Carroll	\$60,772	+/-3,474	\$29,112	+/-4,871	N/A	N/A	N/A	N/A	\$126,467	+/-121,619	\$4,341	+/-2,539
Cheshire	\$65,428	+/-2,263	\$32,227	+/-1,793	\$63,008	+/-30,986	N/A	N/A	\$64,460	+/-49,057	\$48,443	+/-12,427
Coos	\$53,722	+/-3,108	\$22,496	+/-2,202	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Grafton	\$66,922	+/-3,069	\$31,717	+/-2,918	N/A	N/A	N/A	N/A	\$51,979	+/-19,497	\$115,068	+/-87,337
Hillsborough	\$83,155	+/-1,404	\$39,532	+/-1,901	\$35,619	+/-9,607	N/A	N/A	\$50,861	+/-7,463	\$28,666	+/-5,328
Merrimack	\$75,146	+/-3,000	\$36,628	+/-3,161	\$24,863	+/-23,545	\$6,727	+/-1,982	N/A	N/A	\$41,489	+/-16,820
Rockingham	\$91,190	+/-1,885	\$43,215	+/-2,300	\$123,054	+/-33,249	\$38,090	+/-3,425	\$80,617	+/-35,598	\$59,526	+/-37,084
Strafford	\$71,905	+/-1,655	\$32,378	+/-2,884	\$93,476	+/-32,321	\$52,946	+/-22,396	\$89,097	+/-19,090	N/A	N/A
Sullivan	\$62,004	+/-4,021	\$29,985	+/-3,817	N/A	N/A	N/A	N/A	\$56,250	+/-41,677	\$3,979	+/-640
Concord	\$66,250	+/-5,306	\$35,668	+/-5,023	\$24,131	+/-3,703	\$6,217	+/-582	N/A	N/A	\$40,806	+/-40,160
Derry CDP	\$84,089	+/-7,805	\$45,170	+/-5,433	N/A	N/A	N/A	N/A	\$66,786	+/-51,789	N/A	N/A
Dover	\$82,495	+/-10,303	\$35,215	+/-4,450	N/A	N/A	\$53,795	+/-3,399	\$86,046	+/-44,900	N/A	N/A
Keene	\$71,735	+/-6,666	\$29,929	+/-4,269	N/A	N/A	N/A	N/A	N/A	N/A	\$49,057	+/-40,072
Manchester	\$65,643	+/-2,746	\$35,668	+/-2,943	\$25,253	+/-10,547	\$25,099	+/-11,870	\$43,542	+/-14,241	\$27,807	+/-8,989
Nashua	\$78,572	+/-3,005	\$38,247	+/-3,343	\$35,662	+/-18,646	N/A	N/A	\$42,815	+/-16,642	\$26,357	+/-10,965
Portsmouth	\$86,103	+/-12,079	\$47,902	+/-7,479	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Rochester	\$60,178	+/-5,191	\$36,853	+/-6,294	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

*MOE (margin of error) in 90% confidence included in this chart b/c of large fluctuation by area

**ACS Census 2006-2008 Estimates

***B19113 *et seq* and B19202 *et seq*

***N/A means Census unable/not confident in providing estimate

Housing Tenure by Race, by Area

X	White Owner Occupied	White Renter Occupied	Black Owner Occupied	Black Renter Occupied	Hispanic Owner Occupied	Hispanic Renter Occupied
NH- Statewide	356,497	126,909	1,596	2,470	4,396	4,884
Manchester	21,190	19,435	142	1,009	538	1,535
Nashua	18,895	11,480	366	648	677	1,562
Non-Nashua and Manchester area	316,412	95,994	1,088	813	3,181	1,787

*ACS Census 2006-2008 Estimates

**B25003 *et*

seq

Housing Tenure by Race, by Area, Ratio of Owner Occupied to Rented

	White Ratio	Black Ratio	Hispanic Ratio
NH-Statewide	2.81	0.65	0.90
Manchester	1.09	0.14	0.35
Nashua	1.65	0.56	0.43
Non-Nashua and Manchester area	3.30	1.34	1.78

*ACS Census 2006-2008 Estimates

**B25003 *et seq*

Household Food Stamp Receipt, for 2006-2008

		Total HHs	HHs with FS	Perc of HHs with FS	FS HHs with One Person 60+ yrs of age	Non-FS HHs with One Person 60+ yrs of age	Perc of HHs with One Person 60+ with FS	Perc Inc for HHs from Previous Yr	Perc Inc for HHs with One Person 60+ from Previous Yr
2008	NH	505,286	26,480	5.2%	7,039	156,269	4.3%	15.0%	44.2%
	Manch	43,461	5,285	12.2%	1,283	11,407	10.1%	11.6%	2.7%
	Nash	34,349	2,465	7.2%	556	9,221	5.7%	16.4%	18.3%
2007	NH	501,505	22,515	4.5%	4,880	149,712	3.2%	-2.7%	-11.6%
	Manch	45,481	4,671	10.3%	1,249	10,972	10.2%	25.6%	123.4%
	Nash	33,365	2,061	6.2%	470	8,479	5.3%	25.5%	-18.1%
2006	NH	504,503	23,127	4.6%	5,523	146,410	3.6%	n/a	n/a
	Manch	43,449	3,475	8.0%	559	11,055	4.8%	n/a	n/a
	Nash	35,381	1,536	4.3%	574	10,410	5.2%	n/a	n/a

*Using ACS Census yearly data estimates

**B22001 *et seq*

***Use extreme caution drawing conclusions on percent changes

New Hampshire Householder Disability

	Households	Disability	No Disability	% Disabled
2009	518,989	64,675	454,314	12.46%
2008	513,579	58,446	455,133	11.38%
2007	516,843	61,914	454,929	11.98%
2006	521,222	75,185	446,038	14.42%
2005	505,945	57,311	448,634	11.33%

*Using CPS Census yearly data estimates

**Sample: "Persons in Poverty Universe"

***Variables: "Household Relationship" by "Work Disability"

United States HH Disabled = 15.84%

Comparison of Elder Share of Subsidies

	% Age 62 + (Public Housing)	% Age 62 + (Voucher)
United States	31	18
Massachusetts	42	15
Vermont	49	22
New Hampshire	49	20
Maine	40	19

* Uses 2008 HUD data on housing, available at:http://www.huduser.org/portal/picture2008/form_1s4.odt

Travel Time to Work, by Area

	0-15 min	15-45 min	45 min +
NH-Statewide	31.1%	52.6%	16.4%
Concord	42.7%	46.2%	11.1%
Derry CDP	22.7%	55.7%	21.6%
Dover	30.1%	57.4%	12.5%
Keene	65.4%	29.9%	4.7%
Manchester	37.7%	52.1%	10.2%
Nashua	34.9%	50.1%	15.0%
Portsmouth	47.2%	39.5%	13.4%
Rochester	29.5%	55.6%	14.8%

*ACS 2006-2008 Census Estimate

**B08303 *et seq*

Percent Change In Median Gross Rental Cost

STATE: New Hampshire

	All Units	0 Bedroom Units	1 Bedroom Units	2 Bedroom Units	3 Bedroom Units	4+ Bedroom Units
1999 to 2009 Avg per Year	45.70%	44.80%	43%	42.60%	59.90%	76.90%
	4.60%	4.50%	4.30%	4.30%	6%	7.70%
2008 to 2009	0%	5.70%	1%	-0.30%	1%	-2.30%
2007 to 2008	2.40%	-3%	2.80%	1.50%	0.40%	2%
2006 to 2007	1.90%	5.70%	-2%	2.60%	0.10%	2.60%
2005 to 2006	3%	2.60%	5.90%	1.40%	7%	4.90%
2004 to 2005	0.60%	-1.20%	-0.50%	1.10%	2%	4.80%
2003 to 2004	4.90%	7.60%	2.40%	4.90%	6.70%	6.20%
2002 to 2003	5.40%	3.80%	6.70%	5.40%	6.70%	19.60%
2001 to 2002	9.80%	11.60%	11.50%	8.10%	9.70%	0.60%
2000 to 2001	5.90%	5.60%	5.50%	5.70%	7.70%	8.60%
1999 to 2000	4.80%	0.20%	3.90%	6%	7.30%	13.30%

Source: NHHFA Residential Rental Cost Survey

Note: Calculations based on Sample Size of less than 20 are highly volatile and not considered valid.

2009 Median Rental Prices, by County

County	Overall	One bdr	Two bdrs
Belknap	\$879	\$722	\$929
Cheshire	\$949	\$800	\$1,027
Carroll	\$868	\$740	\$903
Coos	\$645	\$550	\$680
Hillsborough	\$1,019	\$827	\$1,077
Grafton	\$822	\$650	\$922
Merrimack	\$941	\$827	\$1,009
Rockingham	\$1,047	\$894	\$1,188
Strafford	\$928	\$801	\$961
Sullivan	\$861	\$780	\$897

*NHHFA Residential Cost Survey, 2009

**3 bdr and greater excluded b/c of low sample sizes

Price Per Gallon of Non-Regulated Fuels in New Hampshire, 2004-2010

Type	2010	2009	2008	2007	2006	2005	2004
Heating Oil	\$2.82	\$2.42	\$3.37	\$2.37	\$2.45	\$2.06	\$1.60
Propane	\$2.99	\$2.69	\$3.09	\$2.41	\$2.36	\$2.07	\$1.75
Kerosene	\$3.23	\$3.10	\$3.81	\$2.83	\$2.84	\$2.32	\$1.89

Note:

*All prices listed the last January estimate provided for each year

**N.H. OEP data: <http://www.nh.gov/oep/programs/energy/fuelprices.htm>

***Propane average price estimates based on 900-1000 gallons of consumption in 2004, 900 gallons for years 2005-2009, and 925 gallons for 2010 estimates

Primary Source of Heat, by Household, 2008

Utility gas	19.7%
Utility electricity	7.1%
Bottled, tank, or LP gas	12.9%
Fuel oil, kerosene, etc.	52.5%
Wood	6.1%

*2008 ACS Census yearly data est.

**B25040 *et seq*

New Hampshire Population by Foreign Born

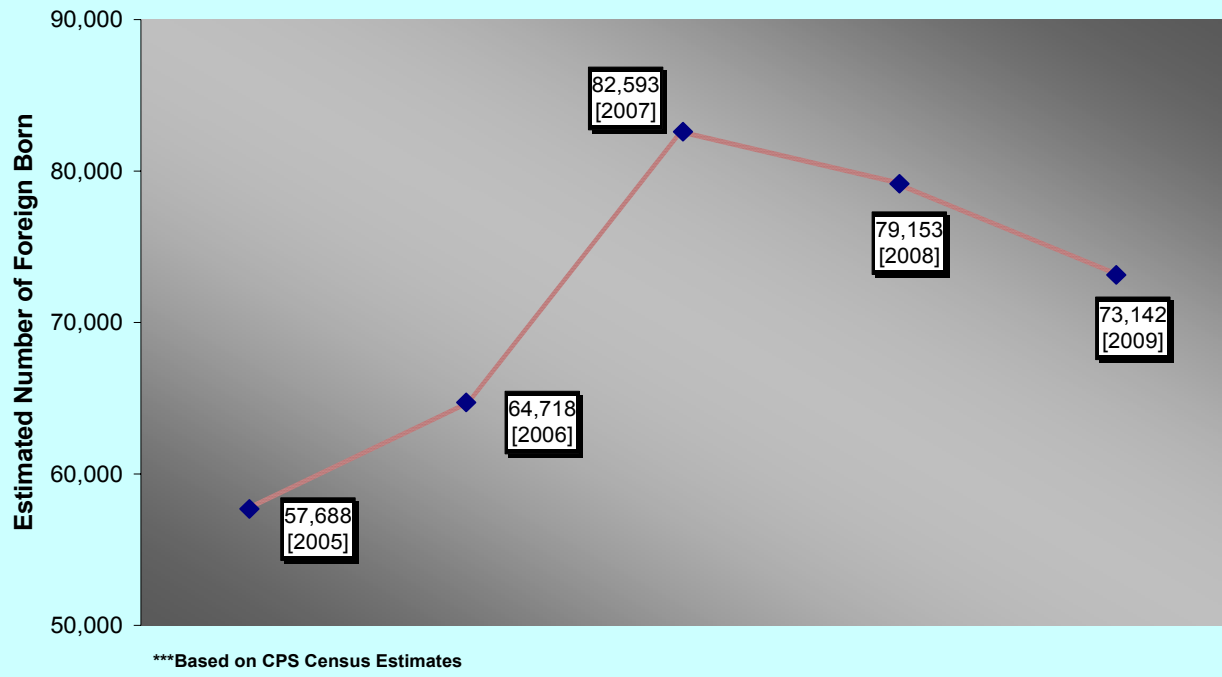
	2009	2008	2007	2006	2005
Total	1,300,315	1,312,281	1,308,379	1,298,052	1,291,305
Native	1,227,173	1,233,127	1,225,786	1,233,334	1,233,616
Foreign Born	73,142	79,153	82,593	64,718	57,688
% Foreign Born	5.6%	6.0%	6.3%	5.0%	4.5%

*Using CPS Census yearly data estimates

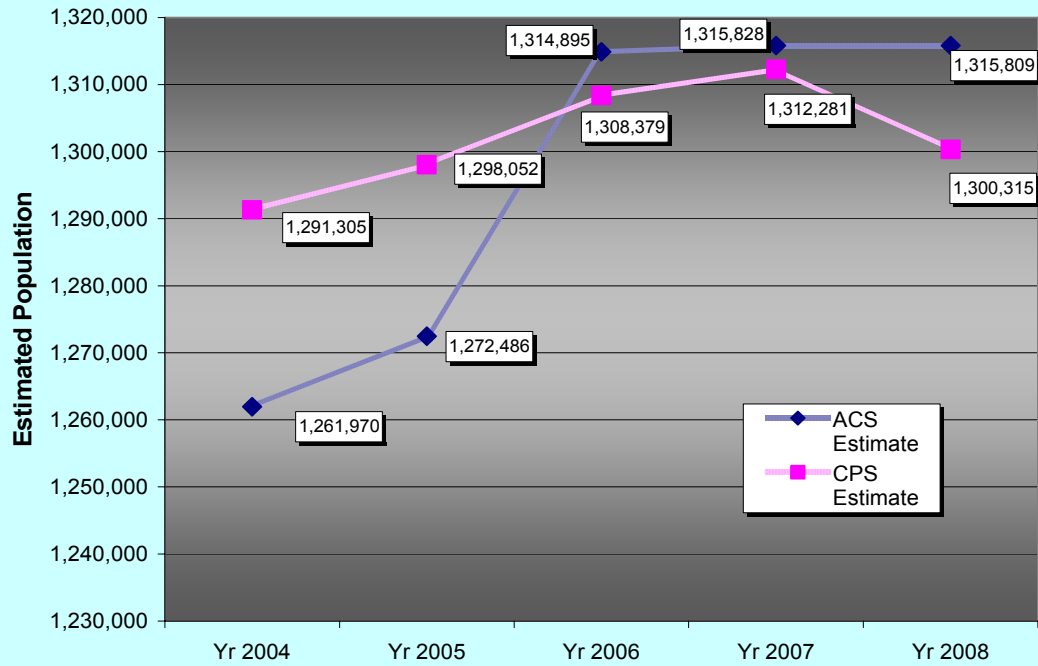
**Sample: "Persons in Poverty Universe"

***Variables: "Household Relationship" by "Nativity"

New Hampshire Foreign Born, 2005-2009



New Hampshire Population Estimates



New Hampshire Total Unemployment Estimates

	2009	2008	2007
Total unemployed	60,724	34,133	33,708

*Using CPS Census yearly data estimates

**Sample: "Persons in Poverty Universe"

***Variables: "Household Relationship" by "Employment Status Recode"

New Hampshire Labor Force Estimates

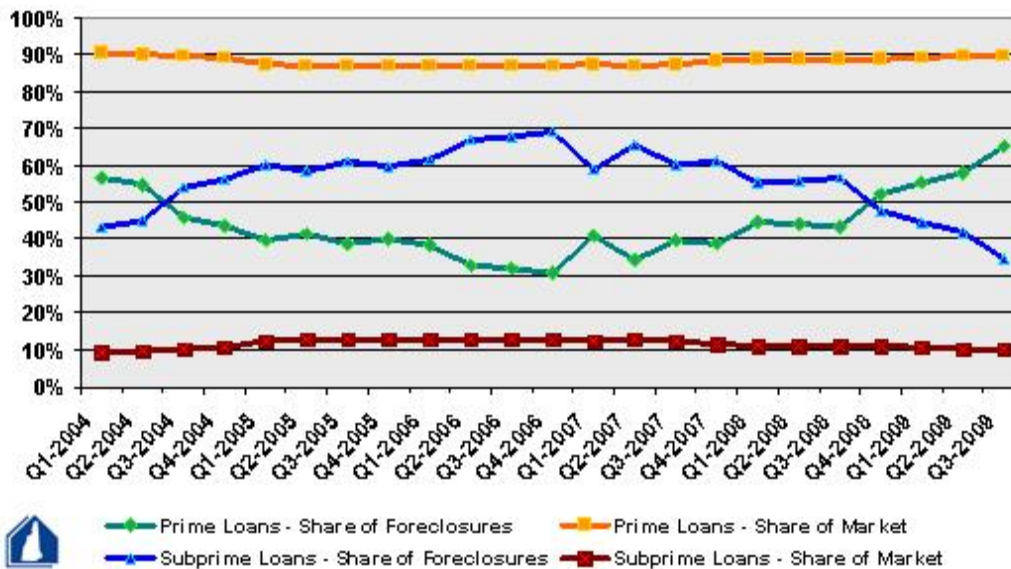
	2009	2008	2007
Children or Armed Forces	236,024	236,020	240,035
Working	664,569	700,344	695,385
With Job, Not at Work	30,203	30,676	23,647
Unemployed, Looking for Work	47,989	29,314	28,057
Unemployed, On Layoff	12,735	4,819	5,651
Not in Labor Force	308,795	311,108	315,603
Totals	1,300,315	1,312,281	1,308,379

*Using CPS Census yearly data estimates

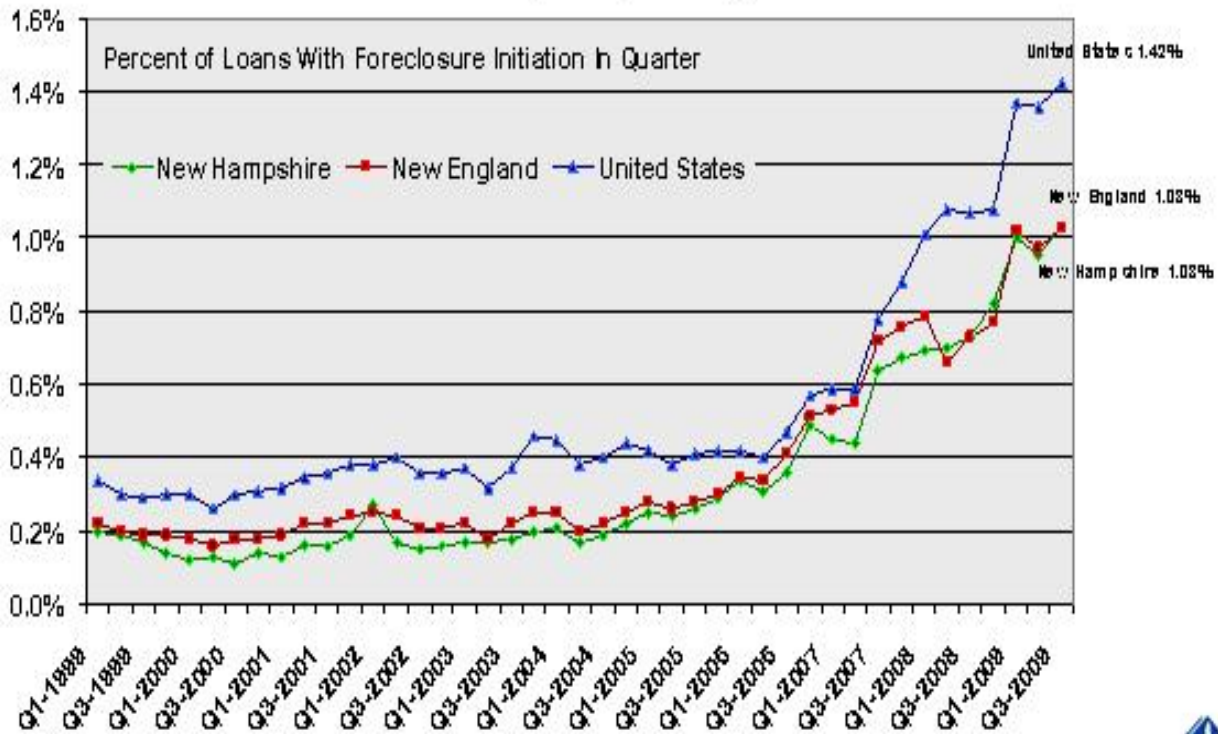
**Sample: "Persons in Poverty Universe"

***Variables: "Household Relationship" by "Labor Status Recode"

New Hampshire Mortgage Market Share and Foreclosure Initiation Share for Prime and Subprime Loan Categories



Foreclosure Rates For United States, New England and New Hampshire, through Q3-2009



Source: Mortgage Bankers Association, National Delinquency Survey

Prepared by New Hampshire Housing



Foreclosure Deeds In New Hampshire by Month

Month	2005		2006		2007		2008		2009	
	Number	Year/Year %Change	Number	Year/Year %Change	Number	Year/Year %Change	Number	Year/Year %Change	Number	Year/Year %Change
January	20	295%	79	99%	157	60%	251	5%		
February	35	23%	43	205%	131	69%	221	-3%		
March	35	97%	69	103%	140	102%	283	17%		
April	30	103%	61	115%	131	151%	329	-8%		
May	40	78%	71	96%	139	109%	291	2%		
June	48	50%	72	144%	176	90%	334	-22%		
July	39	100%	78	96%	153	99%	305	-2%		
August	47	130%	108	93%	208	60%	332	-13%		
September	40	93%	77	90%	146	77%	259	11%		
October	41	212%	128	65%	211	58%	333	8%		
November	33	267%	121	104%	247	19%	295			
December	54	178%	150	55%	232	42%	330			
Total	462	129%	1,057	96%	2,071	72%	3,563	2,902		

Source: Real Data Corp, Compiled by New Hampshire Housing

NH Estimated Foreclosure Rates, by Municipality, 2007-2008

County	Place	Estimated Foreclosure Rate
Coos County	Groveton CDP	10.9%
Coos County	Berlin city	9.8%
Coos County	Lancaster CDP	8.2%
Coos County	Whitefield CDP	7.8%
Sullivan County	Claremont city	7.7%
Sullivan County	Newport CDP	7.6%
Sullivan County	Charlestown CDP	7.4%
Cheshire County	Winchester CDP	7.2%
Grafton County	Woodsville CDP	7.1%
Cheshire County	Hinsdale CDP	6.9%
Strafford County	Farmington CDP	6.9%
Merrimack County	Franklin city	6.7%
Hillsborough County	Hillsborough CDP	6.7%
Cheshire County	Marlborough CDP	6.1%
Merrimack County	Pittsfield CDP	5.7%
Grafton County	Littleton CDP	5.7%
Hillsborough County	Antrim CDP	5.6%
Cheshire County	Jaffrey CDP	5.3%
Strafford County	Rochester city	5.3%
Grafton County	Lisbon CDP	5.3%
Rockingham County	Derry CDP	5.2%
Rockingham County	Raymond CDP	5.2%
Strafford County	Somersworth city	5.0%
Rockingham County	Epping CDP	5.0%
Belknap County	Tilton-Northfield CDP	4.8%
Belknap County	Laconia city	4.7%
Grafton County	Plymouth CDP	4.7%
Merrimack County	Tilton-Northfield CDP	4.7%
Hillsborough County	Manchester city	4.6%
Grafton County	Bristol CDP	4.6%
Hillsborough County	East Merrimack CDP	4.6%
Hillsborough County	Greenville CDP	4.4%
Cheshire County	West Swanzey CDP	4.1%
Hillsborough County	Pinardville CDP	4.0%
Hillsborough County	Hudson CDP	4.0%
Coos County	Gorham CDP	3.9%
Grafton County	Enfield CDP	3.9%
Merrimack County	Suncook CDP	3.9%
Hillsborough County	Nashua city	3.8%
Cheshire County	Keene city	3.7%
Hillsborough County	Peterborough CDP	3.6%

County	Place	Estimated Foreclosure Rate
Carroll County	Conway CDP	3.6%
Rockingham County	Londonderry CDP	3.6%
Merrimack County	Henniker CDP	3.4%
Hillsborough County	Milford CDP	3.3%
Merrimack County	Concord city	3.2%
Belknap County	Meredith CDP	3.0%
Hillsborough County	Wilton CDP	3.0%
Carroll County	North Conway CDP	2.8%
Strafford County	Dover city	2.5%
Rockingham County	Exeter CDP	2.2%
Carroll County	Wolfeboro CDP	2.2%
Merrimack County	Hooksett CDP	2.2%
Rockingham County	Newmarket CDP	2.1%
Merrimack County	South Hooksett CDP	1.9%
Rockingham County	Hampton CDP	1.9%
Grafton County	Lebanon city	1.5%
Merrimack County	Contoocook CDP	1.5%
Rockingham County	Portsmouth city	1.3%
Strafford County	Durham CDP	1.0%
Grafton County	Hanover CDP	0.0%

*Using HUD NSP data from:

http://www.huduser.org/portal/datasets/nsp_foreclosure_data.html

**Excludes towns with very low samples, although caution should still be used in making generalizations about the rate in smaller towns

***Data appears to capture est. foreclosures from Jan. 1, 2007 to October of 2008

Refinancing in Manch-Nash, 2004-2008

	Applications	Approved	Percentage
Native	552	166	30.1%
Asian-Pacific Island	2572	1330	51.7%
Black	2206	754	34.2%
Latino	3886	1410	36.3%
White	144130	73378	50.9%
Joint White/Minority	1392	612	44.0%
Not Available	33606	10538	31.4%

*Across All Income Categories

**Excludes 2 or More Race Data (data almost non-existent)

**HMDA Data Set

Refinancing in Rock-Straff, 2004-2008

	Applications	Approved	Percentage
Native	568	184	32.4%
Asian-Pacific Island	1636	648	39.6%
Black	1180	378	32.0%
Latino	1992	766	38.5%
White	163254	86914	53.2%
Joint White/Minority	1556	744	47.8%
Not Available	45392	12500	27.5%

*Across All Income Categories

**Excludes 2 or More Race Data (data almost non-existent)

***HMDA Data Set

Refinancing Statewide, 2004-2008

	Applications	Approved	Percentage
Native	1120	350	31.3%
Asian-Pacific Island	4208	1978	47.0%
Black	3386	1132	33.4%
Latino	5878	2176	37.0%
White	307384	160292	52.1%
Joint White/Minority	2948	1356	46.0%
Not Available	78998	23038	29.2%

*Across All Income Categories

**Excludes 2 or More Race Data (data almost non-existent)

***HMDA Data Set

Refinancing Statewide, 2004-2008

Income	Race	Refinancing Perc
Less than 50%	Native	23.3%
	Asian-Pacific Island	25.7%
	Black	15.2%
	Latino	38.0%
	White	42.0%
	Joint	
	White/Minority	39.3%
	Not Available	18.3%
50-79%	Native	32.2%
	Asian-Pacific Island	32.1%
	Black	35.8%
	Latino	32.4%
	White	51.4%
	Joint	
	White/Minority	39.7%
	Not Available	25.5%
80-99%	Native	36.1%
	Asian-Pacific Island	43.0%
	Black	31.4%
	Latino	35.2%
	White	52.6%
	Joint	
	White/Minority	38.4%
	Not Available	28.2%
100-119%	Native	30.8%
	Asian-Pacific Island	45.0%
	Black	23.8%
	Latino	37.6%
	White	54.4%
	Joint	
	White/Minority	51.7%
	Not Available	29.5%
Greater than 120%	Native	36.7%
	Asian-Pacific Island	44.3%
	Black	36.9%
	Latino	45.1%
	White	57.1%
	Joint	
	White/Minority	54.1%
	Not Available	31.1%

*Excludes 2 or More Race Data (data almost non-existent)

**HMDA Data Set

Ratio of White to Non-White Mortgage Applications, 2004- 2008

Type of Loan	Area	Ratio
Non- Conventional	Manch-Nash	5.0
	Rock-Straff	7.6
	<i>State Total</i>	5.9
Conventional	Manch-Nash	4.0
	Rock-Straff	5.9
	<i>State Total</i>	4.9

*Across All Income Categories

**Excludes 2 or More Race Data (data almost non-existent)

***HMDA Data Set

Government Loan Applications by Area, 2007- 2008

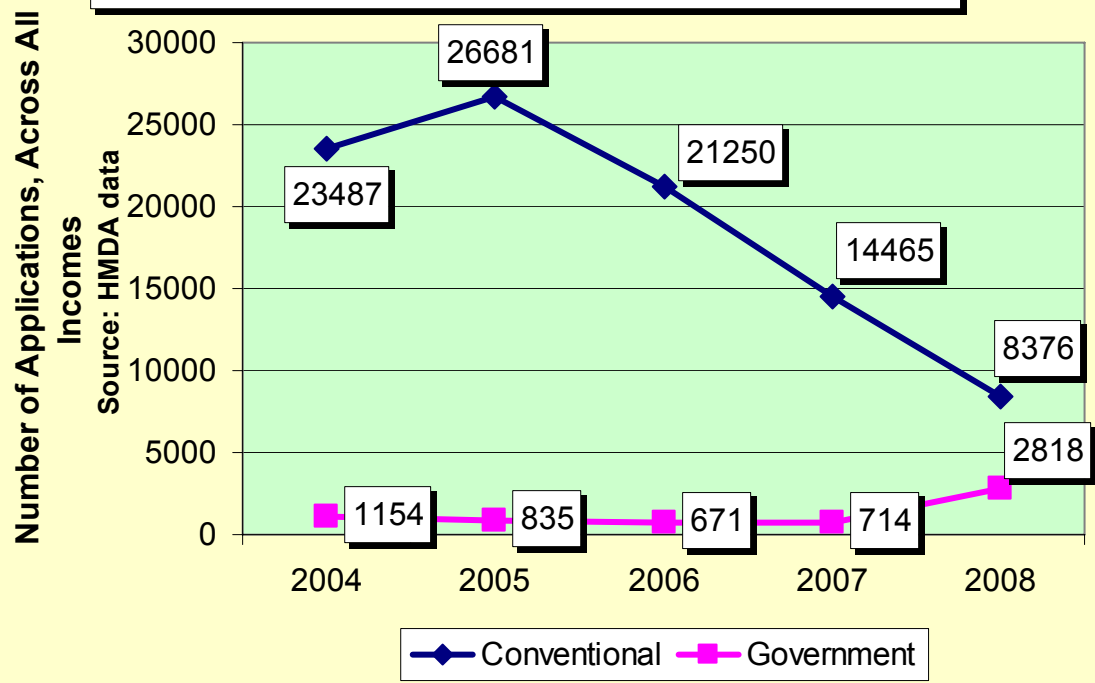
	2008		2007	
	Applications	Originations	Applications	Originations
Manch-Nash	1436	1026	382	261
Rock-Straff	1382	955	332	223

*Across All Income Categories

**Excludes 2 or More Race Data (data almost non-existent)

***HMDA Data Set

Applications for Mortgages by Type



Statewide Conventional Origination Perc, 2004-2008

Income	Race	Origination Perc
Less than 50%	Native	0.0%
	Asian-Pacific Island	59.7%
	Black	41.7%
	Latino	50.7%
	White	56.9%
	Joint White/Minority	34.5%
	Not Available	34.5%
50-79%	Native	52.3%
	Asian-Pacific Island	65.9%
	Black	55.6%
	Latino	58.8%
	White	68.5%
	Joint White/Minority	61.1%
	Not Available	50.8%
80-99%	Native	44.0%
	Asian-Pacific Island	70.6%
	Black	63.3%
	Latino	61.4%
	White	71.0%
	Joint White/Minority	75.7%
	Not Available	57.9%
100-119%	Native	28.6%
	Asian-Pacific Island	73.3%
	Black	66.5%
	Latino	64.3%
	White	74.7%
	Joint White/Minority	63.7%
	Not Available	60.6%
Greater than 120%	Native	57.9%
	Asian-Pacific Island	68.9%
	Black	52.9%
	Latino	63.6%
	White	70.2%
	Joint White/Minority	73.9%
	Not Available	64.6%

*Excludes 2 or More Race Data (data almost non-existent)

**HMDA Data Set

Statewide Government Loan Origination Perc, 2004-2008

Income	Race	Origination Perc
Less than 50%	Native	0.0%
	Asian-Pacific Island	75.0%
	Black	33.3%
	Latino	50.0%
	White	58.0%
	Joint White/Minority	50.0%
	Not Available	51.4%
50-79%	Native	50.0%
	Asian-Pacific Island	68.4%
	Black	76.0%
	Latino	72.9%
	White	69.7%
	Joint White/Minority	55.6%
	Not Available	59.9%
80-99%	Native	100.0%
	Asian-Pacific Island	87.5%
	Black	56.0%
	Latino	74.4%
	White	76.8%
	Joint White/Minority	86.7%
	Not Available	67.6%
100-119%	Native	100.0%
	Asian-Pacific Island	62.5%
	Black	53.3%
	Latino	81.8%
	White	77.5%
	Joint White/Minority	88.9%
	Not Available	67.6%
Greater than 120%	Native	0.0%
	Asian-Pacific Island	80.0%
	Black	65.0%
	Latino	84.2%
	White	76.7%
	Joint White/Minority	84.6%
	Not Available	75.5%

*Excludes 2 or More Race Data (data almost non-existent)

**HMDA Data Set

Conventional Loans, 2004-2008, For All Incomes

Race	Applications	Originations	Origination Perc
Native	204	96	47.1%
Asian-Pacific Island	2332	1610	69.0%
Black	979	560	57.2%
Latino	2079	1261	60.7%
White	78148	54442	69.7%
Joint White/Minority	866	597	68.9%
Not Available	9651	5560	57.6%

*Across All Income Categories

**Excludes 2 or More Race Data (data almost non-existent)

***HMDA Data Set

Government Loans, 2004-2008, For All Incomes

Race	Applications	Originations	Origination Perc
Native	8	5	62.5%
Asian-Pacific Island	61	46	75.4%
Black	91	56	61.5%
Latino	185	136	73.5%
White	5298	3881	73.3%
Joint White/Minority	66	51	77.3%
Not Available	483	317	65.6%

*Across All Income Categories

**Excludes 2 or More Race Data (data almost non-existent)

***HMDA Data Set

All Loan Applications, 2004-2008, For All Incomes

Race	Applications	Originations	Origination Perc
Native	212	101	47.6%
Asian-Pacific Island	2393	1656	69.2%
Black	1070	616	57.6%
Latino	2264	1397	61.7%
White	83446	58323	69.9%
Joint White/Minority	932	648	69.5%
Not Available	10134	5877	58.0%

*Across All Income Categories

**Excludes 2 or More Race Data (data almost non-existent)

***HMDA Data Set

New Hampshire Median Income by Gender

	Median Income	Men	Women	Women Perc of Men
2008	\$32,330	\$40,880	\$25,961	63.5%
2007	\$31,596	\$40,974	\$24,987	61.0%
2006	\$31,014	\$38,719	\$24,457	63.2%
2005	\$31,054	\$38,832	\$24,385	62.8%
2004	\$30,128	\$37,283	\$22,275	59.7%

*ACS Census yearly data estimates

**B20002 *et seq*

Ratio of White to Non-White Mortgage Applications, 2004- 2008

Type of Loan	Area	Ratio
Government	Manch-Nash	5.0
	Rock-Straff	7.6
	<i>State Total</i>	<i>5.9</i>
Conventional	Manch-Nash	4.0
	Rock-Straff	5.9
	<i>State Total</i>	<i>4.9</i>

*Across All Income Categories

**Excludes 2 or More Race Data (data almost non-existent)

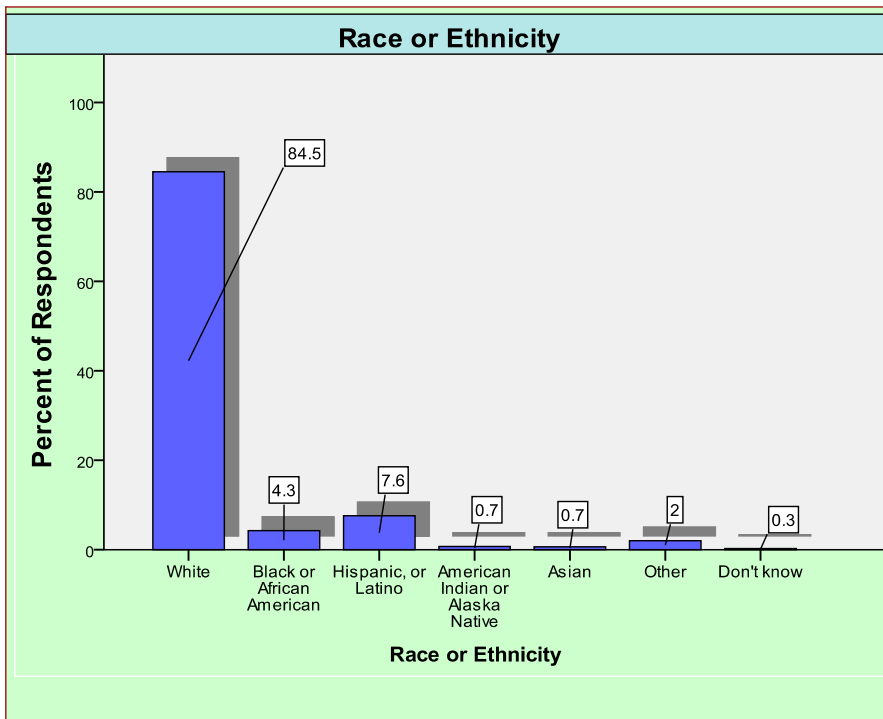
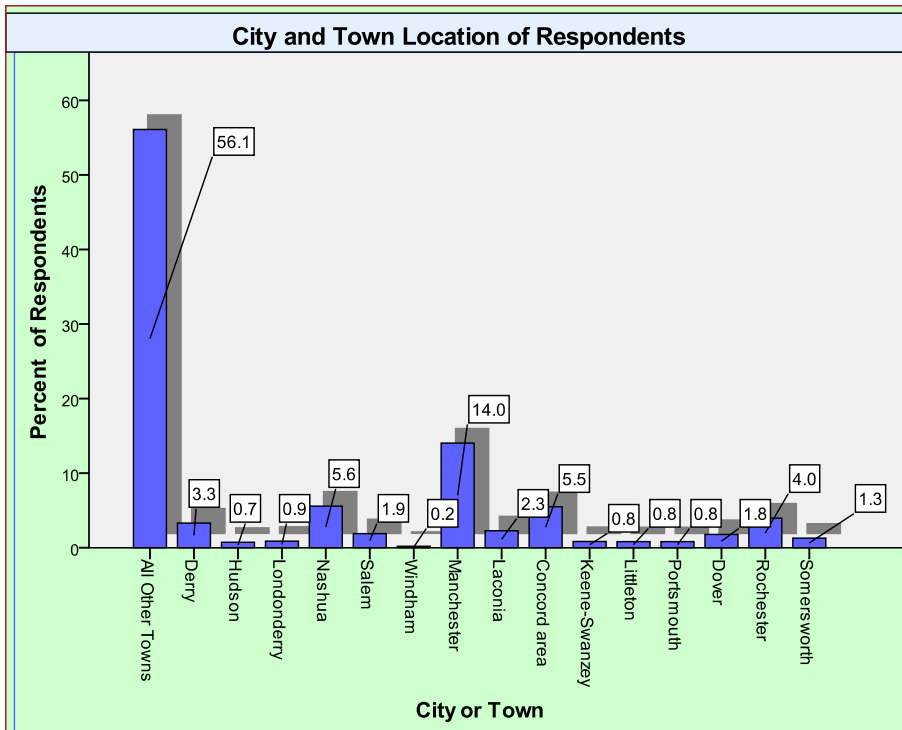
***HMDA Data Set

Perceived Housing Discrimination				
	No		Yes	
	Count	% within	Count	% within
All Other towns	1359	84.4%	251	15.6%
Derry	79	85.9%	13	14.1%
Hudson	18	81.8%	4	18.2%
Londonderry	20	87.0%	3	13.0%
Nashua	133	83.6%	26	16.4%
Salem	43	81.1%	10	18.9%
Windham	6	100.0%	0	0.0%
Manchester	347	88.3%	46	11.7%
Laconia	54	81.8%	12	18.2%
Concord	139	82.2%	30	17.8%
Keene-Swanzey	25	92.6%	2	7.4%
Littleton	14	82.4%	3	17.6%
Portsmouth	18	85.7%	3	14.3%
Dover	49	83.1%	10	16.9%
Rochester	110	85.9%	18	14.1%
Somersworth	32	80.0%	8	20.0%
	2446	84.8%	439	15.2%

*Source: 2010 New Hampshire Fair Housing Survey

**Excludes "Don't know" and missing responses from perceived housing disc question

***Sample sizes and various chi-square analyses reveal it is not possible to draw any conclusions from this data about the level of perc disc by city or town

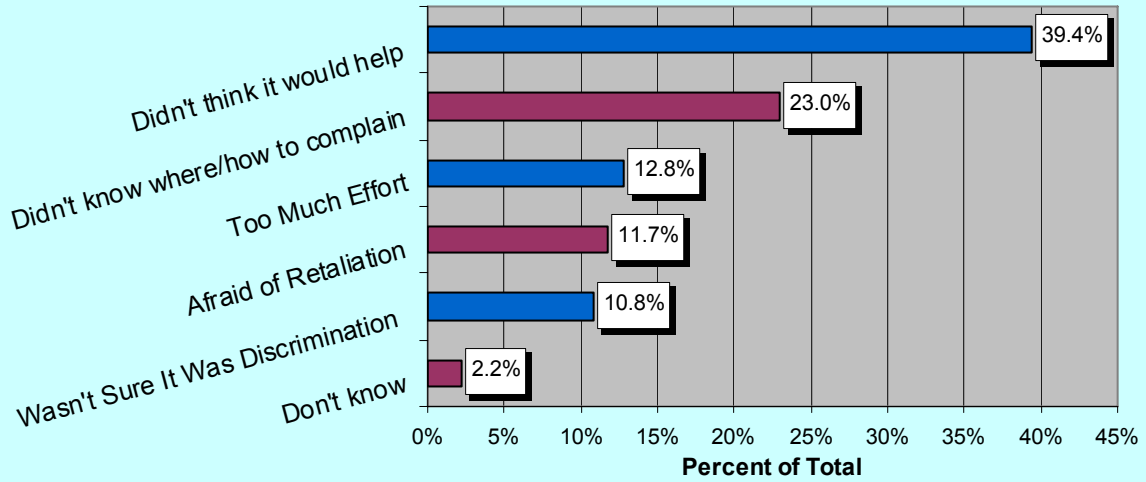


Comparison of Response Rates, by Percent of Total

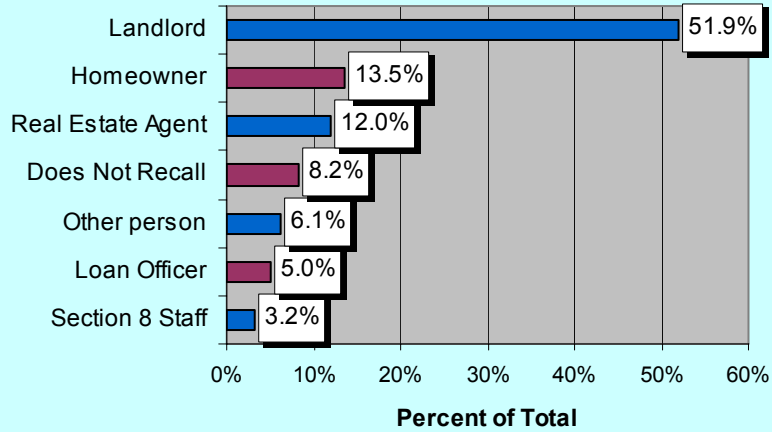
	Respondents	NHHFA universe
Disabled	50.4	34.7
Men	21.4	26.5
Black	4.3	3.1
Latino	7.6	5.6
Asian/PacIsl	0.8	0.6
Native Am	0.7	0.9
18-24	12.3	12.1
25-34	24.7	28.1
35-44	21	21.3
45-64	32.3	30.2
65+	9.6	8.3
Less than 20k	79	81.7
20k to 40k	19.2	17.2

*NHHFA universe based on information initially provided NHHFA by those on the waiting list

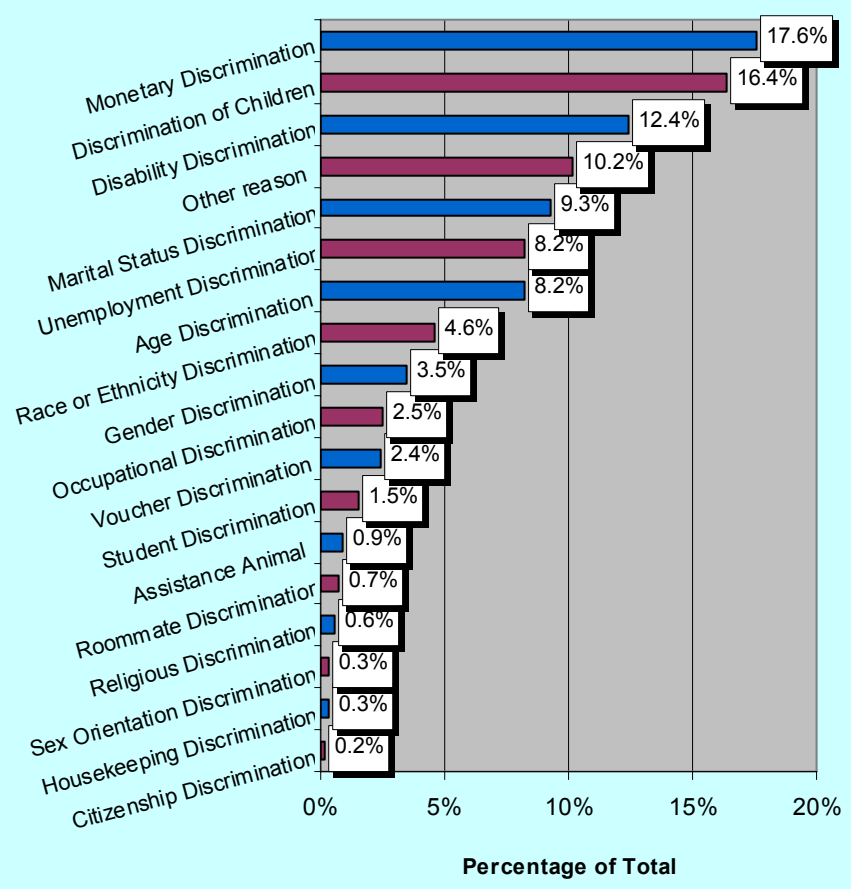
The Reasons Why No Action Was Taken In Response to Perceived Discrimination



The Reported Job Title of the Discriminator



Reported Reasons for Discrimination





New Hampshire Housing
Bringing You Home

Could you please help us out?

New Hampshire Housing and New Hampshire Legal Assistance are researching the housing problems that people face, and would like some information about this from the head of your household.

- Participation is optional.
- Completing this brief questionnaire and returning it with the Section 8 waiting list update we will have a clearer picture of fair housing issues in New Hampshire.
- All of your responses are strictly confidential.

Participation in this survey will not have any effect on your status on the Section 8 program waiting list, and information provided will not be attributed to you.

If you have any questions, please call toll-free English speaker Dan Feltes @-1-800-291-1115 ext. 2806. Si usted tiene alguna pregunta en español, por favor llame a Rose Lamerand @ 1-800-517-0577 ext. 2901. Thank you for participating in this important survey.

Please check off the best single answer for each question.

1) Have you ever been denied an application to rent an apartment or house?

Yes No Don't know (If "no" or "don't know" skip to question #3.)

2) If you answered "Yes" to question 1, when was your rental application denied?

In the last 5 years More than 5 years ago In both time frames

3) Have you ever been denied an application for a mortgage?

Yes No Don't know (If "no" or "don't know" skip to question #5)

4) If you answered "Yes" to question #3, when was your mortgage application denied?

In the last 5 years More than 5 years ago In both time frames

5) Do you think you have ever been discriminated against in New Hampshire when you were trying to buy or rent a house or apartment?

Yes No Don't know (If "no" or "don't know" skip to question #11)

6) If you answered "Yes" to question #5, when did this happen?

In the last 5 years More than 5 years ago In both time frames

7) If you answered “Yes” to question #5, please mark the main reason why you think you were discriminated against?

- | | |
|--|--|
| <input type="checkbox"/> Race or ethnicity | <input type="checkbox"/> Religion |
| <input type="checkbox"/> Gender | <input type="checkbox"/> Sexual orientation |
| <input type="checkbox"/> I have children | <input type="checkbox"/> I was single/not married |
| <input type="checkbox"/> Disability | <input type="checkbox"/> I had an assistance animal (i.e. guide dog) |
| <input type="checkbox"/> Age | <input type="checkbox"/> Non-citizen status |
| <input type="checkbox"/> I was a student | <input type="checkbox"/> I had roommates |
| <input type="checkbox"/> My occupation | <input type="checkbox"/> I was not employed |
| <input type="checkbox"/> I did not have enough money | <input type="checkbox"/> My housekeeping habits |
| <input type="checkbox"/> I had a Section 8 Voucher | <input type="checkbox"/> Other reason: _____ |

8) What was the job of the person who specifically discriminated against you?

- | | |
|---|--|
| <input type="checkbox"/> Loan officer | <input type="checkbox"/> Real Estate Agent |
| <input type="checkbox"/> Apartment Building Owner or Landlord | <input type="checkbox"/> Homeowner |
| <input type="checkbox"/> Section 8 staff | <input type="checkbox"/> Other person: _____ |
| <input type="checkbox"/> Don't recall | |

9) If you believe you were discriminated against, did you do anything about it?

- Yes, I filed a complaint with a government agency.
 Yes, I filed a lawsuit.
 Yes, I complained to the person I thought discriminated against me, but I did not file a complaint or lawsuit.
 Yes, I went to a lawyer or fair housing group, but I did not file a complaint or lawsuit.
 No

10) If you answered “No” to question #9, please check off the main reason why you did not do anything?

- I didn't think it would help.
 I wasn't sure that I was being discriminated against.
 I didn't know where/how to complain.
 Too much effort (i.e. too busy, too much time, thought it might cost too much)
 I was afraid I might be retaliated against.
 Don't know.

11) Do you or someone in your immediate household have a disability?

- Yes No (If “no” skip to question #14)

12) If you answered “Yes” to question #11, have you ever been denied a “reasonable accommodation” (flexibility) in rules, policies or practices to accommodate the disability?

- Yes No Don't know (If “no” or “don't know” skip to question #14)

13) If you answered "Yes" to question #12, when were you denied this accommodation?

In the last 5 years More than 5 years ago In both time frames

14) Have you ever been evicted for non-payment of rent?

Yes No Don't know (If "no" or "don't know" skip to question #16)

15) If you have answered yes to #14, when was your eviction for non-payment?

In the last 5 years More than 5 years ago In both time frames Don't know

16) Have you ever been evicted for something other than non-payment of rent?

Yes No Don't know (If "no" or "don't know" skip to question #19)

17) If you have answered yes to #16, when was this eviction?

In the last 5 years More than 5 years ago In both time frames

18) If you have answered yes to #16, please mark the main reason for eviction:

Unauthorized Pet Unauthorized roommate(s)
 Criminal activity Damage
 Domestic violence police calls Noise
 Conflict with neighbor(s) Landlord refused to renew expiring lease
 Other reason: _____

19) How many people live in your household?

One Two Three Four More than four

20) Are there children under the age of 18 who live with you? Yes No

21) Are you male or female? Male Female

22) How old are you? 18-24 25-34 35-44 45-64 65 or older

23) What is your race or ethnicity?

White Black or African American Hispanic, or Latino
 American Indian or Alaska Native Asian Pacific Islander
 Other: _____ Don't know

24) What is the highest degree or level of school you have completed?

Less than 8th grade High school and some college
 8th Grade College degree
 8th Grade and some high school Advanced degree
 High school graduate or equivalent (GED)

25) Do you speak English as your first language? ___Yes ___No

26) Do you or anyone in your household have a sensory or physical disability, such as blindness, deafness, or a condition that limits one or more basic activity such as walking, climbing stairs, reaching, lifting or carrying?

___Yes ___No

27) Do you or anyone in your household have a mental or cognitive disability such as a learning disability, dyslexia, autism, ADD, ADHD, schizophrenia, bipolar disorder?

___Yes ___No

28) Approximately what was your household's total income last year?

___Less than \$20,000 ___\$20,000 to \$39,999 ___\$40,000 to \$59,999 ___More than \$60,000

29) What best describes your main personal source of income?

___I receive disability income only

___I work part-time and receive some disability income

___I work part-time

___I work full-time

___I receive Temporary Assistance to Needy Families

___I receive unemployment compensation only

___I work part-time and receive unemployment compensation

___Other income source: _____

30) What is your current marital status?

___Married

___Not married but living with a significant other

___Single/Divorced

___Widowed

31) Were you the victim of domestic violence within the past five years? ___Yes ___No

32) Were you the victim of domestic violence over five years ago? ___Yes ___No

33) What is your zip code? _____

Thank you for participating in this survey



New Hampshire Housing
Bringing You Home

¿Podría usted ayudarnos?

New Hampshire Housing y New Hampshire Legal Assistance están haciendo una encuesta sobre los problemas de vivienda que las personas enfrentan y gostaríamos de obtener información sobre su vivienda.

- Participación es opcional.
- Completando este breve cuestionario y devolviéndolo con la actualización de la lista de espera de Sección 8, tendremos una comprensión más clara de asuntos de la vivienda justa en New Hampshire.
- Todas las respuestas son completamente confidenciales.

La participación en esta encuesta no tendrá ningún efecto en su estado en la lista de espera del programa de Sección 8 y la información proporcionada no será atribuida a usted.

Si usted tiene alguna pregunta, por favor llamar a la línea gratuita en inglés para hablar con Dan Feltes al 1-800-291-1115 ext. 2806. Si usted tiene alguna pregunta en español, por favor llame a Rose Lamerand al 1-800-517-0577 ext. 2901. Gracias por participar en esta encuesta tan importante.

Por favor marque la mejor respuesta para cada pregunta.

1) ¿Ha sido usted alguna vez negado una aplicación para alquilar un apartamento o casa?

Sí No No sé (Si "no" o "no sé" prosiga a la pregunta # 3.)

2) Si respondió "Sí" a la pregunta # 1, ¿cuándo fue negada su aplicación de alquiler?

En los último 5 años Hace más de 5 años En ambos plazos

3) ¿Ha sido usted alguna vez negado una aplicación de una hipoteca?

Sí No No se (Si "no" o "no sé" prosiga a la pregunta # 5)

4) Si respondió "Sí" a la pregunta # 3, ¿cuándo fue negada su aplicación de hipoteca?

En los último 5 años Hace más de 5 años En ambos plazos

5) ¿Cree que alguna vez usted ha sido víctima de discriminación en New Hampshire cuando usted intentaba comprar o alquilar una casa o apartamento?

Sí No No sé (Si "no" o "no sé" prosiga a la pregunta # 11)

6) Si respondió "Sí" a la pregunta # 5, ¿hace cuanto tiempo pasó esto?

En los último 5 años Hace más de 5 años En ambos plazos

7) Si respondió "Sí" a la pregunta # 5, por favor marque la razón principal porque usted cree que fue víctima de discriminación.

- | | |
|---|---|
| <input type="checkbox"/> Raza u origen étnico | <input type="checkbox"/> Religión |
| <input type="checkbox"/> Sexo | <input type="checkbox"/> Orientación Sexual |
| <input type="checkbox"/> Tengo hijos | <input type="checkbox"/> Estaba soltero(a)/ no casado(a) |
| <input type="checkbox"/> Incapacidad | <input type="checkbox"/> Tenía un animal de asistencia (como un perro guía) |
| <input type="checkbox"/> Era un estudiante | <input type="checkbox"/> Tenía compañeros de habitación |
| <input type="checkbox"/> Mi ocupación | <input type="checkbox"/> No tenía empleo |
| <input type="checkbox"/> No tenía suficiente dinero | <input type="checkbox"/> Mis hábitos de limpieza |
| <input type="checkbox"/> Tenía un bono de Sección 8 | <input type="checkbox"/> Otra Razón: _____ |

8) ¿Cuál era la ocupación/responsabilidad de la persona que específicamente discrimino contra usted?

- | | |
|---|--|
| <input type="checkbox"/> Corredor de préstamos | <input type="checkbox"/> Otro tipo de prestamista |
| <input type="checkbox"/> Propietario de bienes raíces | <input type="checkbox"/> Dueño de apartamento o Arrendador |
| <input type="checkbox"/> Dueño de hogar | <input type="checkbox"/> Otra persona: _____ |
| <input type="checkbox"/> Empleado de Sección 8 | <input type="checkbox"/> No recuerdo |

9) Si usted cree que era víctima de discriminación, ¿hizo algo al respecto?

- Sí, presenté una denuncia ante una agencia gubernamental.
- Sí, presenté una acción legal.
- Sí, me quejé con la persona que yo creí discriminó contra mí, pero no presenté una denuncia o acción legal.
- Sí, solicite ayuda con un abogado o a un programa de vivienda justa, pero no presenté una denuncia o acción legal.
- No

10) Si respondió "No" a la pregunta # 9, por favor marque la razón principal por qué usted no hizo nada.

- No creí que podría ayudar o que haría una diferencia
- No estaba seguro(a) de que estaba siendo discriminado(a)
- No sabía dónde/cómo presentar una denuncia
- Demasiado esfuerzo (es decir, demasiado ocupado, demasiado tiempo, creí que podría costar demasiado)
- Tenía miedo de que podría tener represalias contra mí
- No sé

11) ¿Usted o alguien en su inmediata familia tiene una incapacidad?

Sí No (Si "no" prosiga a la pregunta # 14)

12) Si respondió "Sí" a la pregunta # 11, ¿ha sido usted alguna vez negado una "acomodación razonable" (flexibilidad) en normas, políticas o prácticas para acomodar a la incapacidad?

Sí No No sé (Si "no" o "no sé" prosiga a la pregunta # 14)

13) Si usted respondió "Sí" a la pregunta # 12, ¿cuando fue negado esta acomodación?

En los últimos 5 años Más de 5 años En ambos plazos

14) ¿Ha sido usted alguna vez desalojado por falta de pago de la renta?

Sí No No sé (Si "no" o "no sé" prosiga a la pregunta # 16)

15) Si usted respondió "Sí" a la pregunta # 14, ¿cuando fue su desalojo por falta de pago?

En los últimos 5 años Más de 5 años En ambos plazos No sé

16) ¿Ha sido usted alguna vez desalojado por otra cosa que la falta de pago de la renta?

Sí No No sé (Si "no" o "no sé" prosiga a la pregunta # 19)

17) Si ha respondido "Sí" a la pregunta # 16, ¿cuando fue este desalojo?

En los últimos 5 años Más de 5 años En ambos plazos

18) Si usted respondió "Sí" a la pregunta # 16, marque la razón principal para este desalojo:

Animal domestico sin autorización Compañero(s) de habitación sin autorización
 Actividad criminal Daños
 Violencia domestica Ruido
 Conflicto con vecino(s) Arrendador se negó a renovar el contrato de alquiler
 Otra razón: _____

19) ¿Cuántas personas viven en su hogar?

Una Dos Tres Cuatro Más de Cuatro

20) ¿Hay niños menores de 18 años que viven con usted? Sí No

21) ¿Es usted hombre o mujer? Hombre Mujer

22) ¿Qué edad tienes? 18-24 25-34 35-44 45-64 65 o más

23) ¿Que es su raza o origen étnico?

Blanco(a) Negro(a) O Africano(a) Americano(a)
 Hispano(a) o Latino(a) Indio(a) Americano(a) o Nativo de Alaska
 Asiático(a) De las Islas Pacifica
 Otro: _____ No sé

24) ¿Cuál es el más alto grado o nivel escolar que ha completado?

Menos de octavo grado Algunos universitarios
 Octavo Grado Título universitario
 Algunos estudios de escuela secundaria Título avanzado
 Graduado de escuela secundaria o su equivalente (GED)

25) ¿Habla inglés como su primer idioma? Sí No

26) ¿Usted o alguien en su familia inmediata tienen una incapacidad sensorial o física, tales como ceguera, sordera, o una condición que limita una o más actividades básicas como caminar, subir escaleras, alcanzar, levantar o cargar?

Sí No

27) ¿Usted o alguien en su familia inmediata tienen una incapacidad mental o cognitiva, tales como una incapacidad de aprendizaje, dislexia, autismo, ADD, ADHD, esquizofrenia, trastorno bipolar?

Sí No

28) Aproximadamente, ¿qué fue el ingreso total de su hogar el año pasado?

Menos de \$ 20,000 \$ 20,000 a \$ 39,999 \$ 40,000 a \$ 59,999 Más de \$ 60,000

29) ¿Qué describe mejor su fuente principal de ingresos personales?

- Yo recibo los beneficios por incapacidad solamente
- Yo trabajo tiempo parcial y recibo algún ingreso por incapacidad
- Yo trabajo tiempo parcial
- Yo trabajo tiempo completo
- Yo recibo Asistencia Temporal para Familias Necesitadas (TANF)
- Yo recibo compensación por desempleo solamente
- Yo trabajo tiempo parcial y recibo compensación por desempleo
- Otro fuente de ingresos: _____

30) ¿Cuál es su estado civil actual?

- Casado(a) No Casado(a) pero vive con una pareja
- Soltero(a) / Divorciado(a) Viudo(a)

31) ¿Usted fue víctima de violencia doméstica durante los últimos cinco años?

Si No

32) ¿Usted fue víctima de violencia doméstica más de cinco años atrás? Si No

33) ¿Cuál es su código postal? _____

¡Gracias por participar en esta encuesta!

FOCUS GROUP DISCUSSION GUIDE:

Here is the discussion guide that was used at each focus group:

1.) Introduction:

- “Thank yous”
- Introduce self (moderator) and note-taker
- Describe NHLA
- Describe NHHFA
- Briefly describe the Analysis of Impediments work
- Tell them their housing experiences and their stories are very important to this work
- All responses completely confidential. No personal identifying information to go in report.
- Establish general ground rules/roles.
 - a.) Moderator asks questions,
 - b.) Note-taker here to take notes,
 - c.) Please everyone be respectful. Please no interrupting others or commenting on their stories. If something to share, please raise hand.
 - d.) Some of you may know each other. Everyone should feel comfortable telling their story here tonight. Please do not to tell other people’s stories outside of this room to other people.
 - e.) Sometimes I will ask for a “show of hands.” If I do, and you raise your hand, that means you would answer “yes” to my question.

2.) Background/Demographic Information:

- We’ll start out with some very brief background questions, just to get to know a bit more about who is here.
- By show of hands, how many of you are homeowners?
- By show of hands, how many of you are renters?
- By show of hands, how many have children that live with them?
- Now let’s go around the room, and each person tell me two things: a) where do you live, by town and neighborhood, please no exact address, and b.) what do you do for income. When we go around the room, you do not have to tell me your name. [Note taker writes down two additional pieces of information: gender and approximate age (e.g. younger, middle-age, elderly) by observation, if apparent.]

3.) Warm-up Question:

- By show of hands, how many people think there is discrimination in New Hampshire[for refugees]/discrimination against Hispanics and Latinos in New Hampshire?
- [Call on 3 or 4 people: Why do you think so? Possible follow-ups.]

4.) Experiences Getting Housing:

-Now I am going to ask you questions about your trying to get a house or apartment:

-By show of hands, do you think you have ever been discriminated against in New Hampshire when you were trying to buy a house?

[Call on 3 or 4 people: Why do you think so? Who discriminated (e.g. mortgage broker, lender, real estate agent)? Other Possible follow-ups.]

-By show of hands, do you think you have ever been discriminated against in New Hampshire when you were trying to rent an apartment?

[Call on 3 or 4 people: Why do you think so? Who discriminated (e.g. landlord)? Other Possible follow-ups.]

-By show of hands, of the people who were discriminated against, did you do anything about it?

[Call on 2 or 3 people: What did you do (e.g. file a complaint, nothing, call NHLA)? Why or why not? Other Possible follow-ups.]

5.) Experiences Keeping Quality Housing:

-Now I am going to ask you questions about your experiences keeping quality housing.

-By show of hands, have you ever been evicted from an apartment?

[Call on 3 or 4 people: Why do you think you were evicted? Other Possible follow-ups.]

-By show of hands, have you ever been foreclosed on and lost a house?

[Call on 3 or 4 people: Why do you think you were foreclosed on? Other Possible follow-ups.]

-By show of hands, who has had problems with the conditions of their housing?

[Call on 3 or 4 people: What problems? What was the landlord response, if any? Other Possible follow-ups.]

6.) Conclusion:

-If time remains, ask: Does anyone have anything else they'd like to share?

-“Thank yous”

Hispanic Focus Group Data: 3/24/10

1. By show of hands, how many people think there is discrimination against Hispanics in New Hampshire?

Specific Participants: 1,2,3,5,7,8,9,10,12,13,14,15,16

Total Number of Participants: (13)

Why do you think so?

Participant #: 8

Explanation: States that she does not feel welcome in her apartment complex and that she feels that neighbors and the landlord look at her differently because she is young, Latina and has a child.

Participant #: 7

Explanation: States that she never got the opportunity to apply for Section 8. She would continuously request the application paperwork and they would always tell her it was in the mail but she would never receive it. Also stated that when she did go to housing and try to communicate with them they would not provide an interpreter, she had to bring her own translator/interpreter.

Participant #: 2

Explanation: She states that she applied for housing 5 years ago and still has not heard anything. She calls housing all the time to try and get information about where she is on the list and is never able to get any clear answers. She feels that she is talked to differently because she has a recognizably Spanish sounding last name.

Participant #: 3

Explanation: This gentleman states that as an outside observer he sees a trend specifically with young, single, Latina mothers being treated poorly in the schools, in housing, by local welfare and hospitals. He specifically invited two young women facing these problems to this group tonight,

Participant #: _____

Explanation: _____

2. By show of hands, do you think you have ever been discriminated against in New Hampshire when you were trying to buy a house?

Specific Participants: N/A

Total Number of Participants: N/A

Why do you think so? Who discriminated?

Participant #: N/A

Explanation: _____

Participant #: _____

Explanation: _____

Participant #: _____

Explanation: _____

3. By show of hands, do you think you have ever been discriminated against in New Hampshire when you were trying to rent an apartment?

Specific Participants: 1, 2, 4, 5, 8, 15, 16

Total Number of Participants: (7)

Why do you think so? Who discriminated?

Participant #: 5

Explanation: She states that when she came to live in NH-she wanted to look at apartments in the north end of Manchester because she used to live in Colonial Village in north end. When she contacted the realtor, the realtor sent her to a run down building on Bridge Street that she did not reside in and realtor told her that was all she had available. Participant believes that the realtor sent her there because she was Latina and therefore “belonged in the hood.”

Participant #: 7

Explanation: She states that her neighbor told her that “Puerto Ricans should go back to their country.”

Participant #: 8

Explanation: She states that when her landlord saw her and her boyfriend going into her apartment, the landlord inquired if her boyfriend was Spanish and when she replied “yes,” the landlord stated “we don’t want any Spanish-Speaking people living in this building.”

On a separate occasion when the participant was having trouble paying entire rent, her landlord commented “You only get money from the State, I could rent this apartment to a white person who is willing to work and get way more money for it.” Then the landlord handed her an eviction notice.

4. By show of hands, of the people who were discriminated against, did you do anything about it?

Specific Participants: n/a

Total Number of Participants: n/a

What did you do? Why or why not?

Participant #: 8

Explanation: She states why bother, she does not know who to trust and has no confidence that anything will change.

Participant #: 15

Explanation: Explained that when her and her boyfriend were having trouble with the upstairs neighbor (being unreasonably loud) they complained over 20 times and the police were called multiple times and she feels that because she is Bosnian and her boyfriend is Latino they don't take their complaints seriously and she is afraid to push the issue because she is pregnant and does not want to loose her housing when she is about to have a baby.

Participant #: _____

Explanation: _____

5. By show of hands, have you ever been evicted from an apartment?

Specific Participants: 1, 2, 8

Total Number of Participants: 3

Why do you think you were evicted?

Participant #: 8

Explanation: When she got behind on rent she owed \$900.00. She paid \$500.00 and told the landlord she would pay another \$500.00 the following week. Then the landlord raised her rent making it impossible for her to catch up on her payment plan. She feels they made it so she could not make the rent because she is Latina and they wanted her out.

Participant #: 1

Explanation: She states she was sanctioned for not paying rent on time. She asked the landlord if she could pay the \$500.00 she owed after the first of the month. They agreed to give her time and then raised her rent to \$600.00 so she could not make the payments on time.

Participant #: _____

Explanation: _____

6. By show of hands, have you ever been foreclosed on and lost a house?

Specific Participants: n/a

Total Number of Participants: n/a

Why do you think you were foreclosed on?

Participant #: _____

Explanation: _____

Participant #: _____

Explanation: _____

7. By show of hands, who has had problems with the conditions of their housing?

Specific Participants: 8, 6

Total Number of Participants: 2

What problems? What was the landlord response, if any? Other

Participant #: 8

Explanation: She stated that she feels that she is responsible for everything that needs repairs in the apartment. The landlord never fixes anything or responds to her requests.

Participant #: 6

Explanation: She stated she had a friend who moved into an apartment on the west side and she was not made aware of bug infestation issues. And when she complained they would not assist her.

Participant #: _____

Explanation: _____

8. Does anyone have anything else they would like to share?

Participant #: 3

Explanation: Commented that people in the Latino community are often scared to come forward due to the fact that they cannot afford to loose what little they have if they do complain about conditions problems or the way they are treated. Don't know who to trust.

Participant #: _____

Explanation: _____

Participant #: _____

Explanation: _____

Participant #: _____

Explanation: _____

Refugee Focus Group Data 4/12/10

1. By show of hands, how many people think there is discrimination in New Hampshire?

Specific participants: 5, 6

Participant 5: Feels members of his community who cannot speak English are discriminated against when applying for jobs. Feels that even if a person cannot speak English they should still be able to find work.

Participant 6: Some white neighbors in his apartment complex (Royal Gardens) complain to the police and to the management about the African residents. Various noise complaints – even when no noise is being made. One white neighbor complain that the participant had too many computers in his apartment. Also, before he was fired from his job, a white coworker would complain about the participants work to the supervisors without any cause.

2. By show of hands, do you think you have ever been discriminated against in New Hampshire when you were trying to buy a house?

No participants.

3. By show of hands, do you think you have ever been discriminated against in New Hampshire when you were trying to rent an apartment?

No participants.

4. By show of hands, of the people who were discriminated against, did you do anything about it?

No participants.

5. By show of hands, have you ever been evicted from an apartment?

Specific Participants: 1, 4, 8

Participant 1: Participant has friends who have gotten eviction notices but never actually been evicted. Local welfare assisted before they were evicted. Believes that it is unfair to threaten eviction if the residents are trying to find work/pay rent. It is unfair to put people through the threat of eviction, if they are not actually going to evict them.

Participant 4: Same story as number 1. New some people who were given eviction notices but were never evicted.

Participant 8: Friend who had to leave an apartment because of cockroaches. The cockroaches were in the apartment before they moved in, but the current residents were blamed for the problem. They were asked to transfer apartments when the complaint was made – were eventually asked to leave Concord Royal Gardens. Did not. No eviction ensued.

6. By show of hands, have you ever been foreclosed on and lost a house?

No Participants.

7. By show of hands, who has had problems with the conditions of their housing?

Specific Participants: 1,6

Participant 1: Heat was broken – the management fixed the problem the next day. Heard from other residents that there was water shortages, but those never lasted for more than one day.

Participant 6: Heat was broken – Down stairs was very cold and the upstairs was too hot. The management also fixed this within two days.

8. Does anyone have anything else they would like to share?

Specific Participants: 1, 2, 6, 7, 8

Participant 1: When a family is applying for housing they are often split up because there aren't apartments large enough to house all of the family members. Royal Concord Gardens usually does not allow them to live next to each other if needed to be split up [Other Bhutanese participants then agreed with concern about family break up.] One apartment will come to the front of the waiting list sooner than the other apartments and only some of the family members will be asked to move. The families do not want to split up so they do not move into the new apartment. Also, the participant would like more 3-4 bedroom apartments, better English classes to help refugees become US citizens, and a temple to worship.

Participant 2: Participant 2 is concerned that even with TANF, there is not enough assistance to pay the rent because no one can find jobs.

Participant 6: Many of the refugees would like to continue their education, but have no way to pay for the schooling. They do not want to take out education loans because they are scared they will not be able to find jobs after school and won't be able to pay back their loans. Also some concern that the rent is more than 30% of income.

Participant 7: Participants parents live on Cherry Street – the parents were visited three times by the police for unknown reasons. The participant thinks there was a problem with the previous tenant.

Participant 8: Four issues – 1) TANF requires that you participate in volunteer work from 8-4pm and this leaves very little time to find a job. 2) The participant was concerned that the state government might have an issue with the refugees forming a type community group. 3) There is some concern over the language requirements to get a drivers license. Without a working knowledge of English, it is very difficult to pass the drivers test. 4) Finally, in the participants religion (Hindu), when someone passes away it is customary to cremate the body by a river and allow the ashes to flow into the water. The participant was concerned that this would not be allowed by the Merrimack River.



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Document Prepared by New Hampshire Legal Assistance