



Assessment of Fair Housing

City of Santa Fe

FINAL REPORT

Final Report

October 3, 2017

Assessment of Fair Housing

Prepared for

City of Santa Fe

Prepared by

BBC Research & Consulting
1999 Broadway, Suite 2200
Denver, Colorado 80202-9750
303.321.2547 fax 303.399.0448
www.bbcresearch.com
bbc@bbcresearch.com

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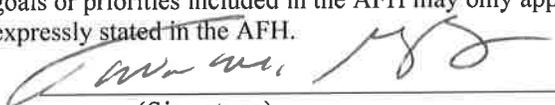
SECTION I.

Cover Sheet

I. Cover Sheet

1. Submission date:
2. Submitter name: City of Santa Fe Office of Affordable Housing
3. Type of submission (e.g., single program participant, joint submission): Single
4. Type of program participant(s) (e.g., consolidated plan participant, PHA): Consolidated Plan Participant
5. For PHAs, Jurisdiction in which the program participant is located:
6. Submitter members (if applicable):
7. Sole or lead submitter contact information:
 - a. Name: Javier M. Gonzales
 - b. Title: Mayor
 - c. Department: Office of Affordable Housing
 - d. Street address: PO Box 909/200 E. Lincoln Ave
 - e. City: Santa Fe
 - f. State: NM
 - g. Zip code: 87501
8. Period covered by this assessment: July 1, 2018 – June 30, 2023
9. Initial, amended, or renewal AFH: initial
10. To the best of its knowledge and belief, the statements and information contained herein are true, accurate, and complete and the program participant has developed this AFH in compliance with the requirements of 24 C.F.R. §§ 5.150-5.180 or comparable replacement regulations of the Department of Housing and Urban Development;
11. The program participant will take meaningful actions to further the goals identified in its AFH conducted in accordance with the requirements in §§ 5.150 through 5.180 and 24 C.F.R. §§ 91.225(a)(1), 91.325(a)(1), 91.425(a)(1), 570.487(b)(1), 570.601, 903.7(o), and 903.15(d), as applicable.

All Joint and Regional Participants are bound by the certification, except that some of the analysis, goals or priorities included in the AFH may only apply to an individual program participant as expressly stated in the AFH.

 8/31/17
(Signature) (date)

(Signature) (date)

(Signature) (date)

Departmental acceptance or non-acceptance:

(Signature) (date)

Comments

SECTION II.

Executive Summary

SECTION II.

Executive Summary

This section summarizes the main findings from the City of Santa Fe Assessment of Fair Housing (AFH). Pursuant to HUD's requirements, this Executive Summary:

- Summarizes the primary fair housing issues, significant contributing factors, and goals; and
- Provides an overview of the process and analysis used to reach goals.

It begins with a brief background on the AFH and continues to an overview of the process.

What is an AFH?

An Assessment of Fair Housing, or AFH, is a new approach to identifying fair housing challenges in a city and region. This document differs from the formerly required Analysis of Impediments to Fair Housing Choice (AI) in that embraces a more comprehensive planning process, focusing on economic, as well as housing, barriers. The AFH is required by the U.S. Department of Housing and Urban Development (HUD) of communities that accept federal housing and community development funding.¹

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

The “access to opportunity” focus of the AFH is rooted in the text of the 1968 Fair Housing Act (FHA). According to the July 2015 Final Rule establishing the AFH, “The Fair Housing Act not only prohibits discrimination, but, in conjunction with other statutes, directs HUD’s program participants to take significant actions to overcome historical patterns of segregation, achieve truly balanced and integrated living patterns, promote fair housing choice, and foster inclusive communities that are free from discrimination.”² Many court decisions have supported this interpretation of the FHA.

The City of Santa Fe began migration to the AFH format when it completed its 2016 Analysis of Impediments to Fair Housing Choice (AI) last fall. Although that document was not organized in

¹¹ It is important to note that a jurisdiction can be found in violation of the Federal Fair Housing Act independent of receiving HUD funding. While the obligation to further fair housing is a condition of receiving federal housing and community development funds, all other provisions in the Fair Housing Act apply to all residents, businesses, and state and local governments.

² https://www.huduser.gov/portal/affht_pt.html#final-rule.

the AFH format, the analysis of impediments was conducted through an “access to opportunity” lens.

Fair Housing Law and Enforcement

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

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

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

Santa Fe residents who feel that they might have experienced a fair housing violation have a number of organizations they can contact for assistance and ways to access information about their fair housing rights. These include:

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

The City’s Fair Housing Ordinance directs that the following procedures be followed in the event that the City receives a fair housing complaint.

- The City Manager or the designated investigator conducts the complaint investigation;
- The City Manager or investigator notifies the person against whom the complaint is made and identifies the aggrieved person;
- The City Manager or investigator dismisses the complaint if the investigation finds that it has no merit. Alternatively, if the complaint is determined to have merit, an attempt is made to eliminate the alleged discriminatory practice by “conference and conciliation.”
- The City is also required to advise the complainant that they may also file a complaint with HUD and provide information to the complainant on how to do so.

Community Engagement

The City of Santa Fe's AFH community participation process resulted in meaningful engagement of residents and stakeholders representing local organizations and coalitions.

Leading up to the AFH, the City conducted the Analysis of Impediments (AI) to Fair Housing Choice in 2016. Community participation was a fundamental component of the AI. The data and public comments obtained through this community engagement process helped inform the AFH. The City conducted additional outreach in 2017 for the AFH including a resident survey and public meeting.

Methods of engagement. The AFH engagement methods included opportunities for residents and stakeholders to participate in the development of the AFH. Some of these activities began as part of the 2016 AI and continued through July 2017 as the AFH was being prepared. Engagement opportunities included:

- **Resident survey.** The resident survey was available in online and postage-paid printed formats. Residents could take the survey in English and Spanish. A total of 569 surveys were completed.
- **Stakeholder survey.** By participating in the survey, stakeholders had the opportunity to consider the fair housing landscape in Santa Fe, including the extent to which particular public and private actions create or exacerbate fair housing issues in the city of Santa Fe. A total of 18 stakeholders participated.
- **Focus group with residents with disabilities.** The Life Link, a local nonprofit organization providing addiction and mental health services to Santa Fe's most vulnerable residents hosted a focus group with 13 member clients at the Santa Fe Clubhouse. Participants described their experience seeking housing in Santa Fe and accessing community assets— jobs, education, transportation, public amenities.
- **Two community open house meetings.** At each community open house, attendees reviewed and discussed key findings from the demographic and segregation/integration analyses and maps; prioritized housing and community needs; shared their stories of housing in Santa Fe; and identified community needs, potential fair housing issues and aspirational ideas for Santa Fe. All materials were available in English and Spanish and interpretation was available; a total of 40 residents and stakeholders participated.
- **Public comment period.** The AFH was made available for public comment between September 1 and September 30, 2017. Residents had the opportunity to submit comments via email, by phone, and in person at the public hearing (see below).



Stakeholder consultation. Stakeholder consultation to developing the draft AFH took several forms, including:

- Advising the AFH team on the planned community engagement process, focus group scheduling and logistics through a series of conference calls;
- Hosting and recruiting focus group participants;
- Participating in in-depth interviews and providing the study team with program data and studies to inform the AFH elements;
- Participating in a kickoff meeting open to all interested stakeholders;
- Participating in the community open house meeting;



Public outreach. The City of Santa Fe promoted the stakeholder survey to local CDBG recipients and applicants, housing and human service providers, and advocates for members of protected classes. Outreach and promotion for the resident survey and community open house meetings combined social media, traditional news media, and stakeholder engagement. The resident survey and community open house meetings were promoted in English and Spanish and included information to request reasonable accommodations. The most recent Open House was held from 5:00 p.m. to 7:00 p.m. on August 16, 2017 in the Santa Fe Public Library Southside Branch. The location was selected for its accessibility to public transit and proximity to publicly-supported housing. Spanish interpretation was provided.

- The City of Santa Fe and individual City Council members promoted the open house on their respective Facebook pages;
- Media relations included a press release to local media, postings on the city's website, and public radio announcements; and
- English and Spanish language flyers advertising the resident survey and open house meetings were distributed to 38 nonprofit organizations, social service providers, and governmental departments.



CITY OF SANTA FE
THE CITY DIFFERENT

¿Cuál es su experiencia con la vivienda?

¿Cuál es su historia viviendo en Santa Fe?

SESIONES ABIERTAS PARA HABLAR SOBRE LA VIVIENDA JUSTA

¡Todos son bienvenidos! Invitamos a toda persona que viva en cualquier parte del Santa Fe para que nos acompañe asistir a la reunión.

Miércoles, 16 de Agosto de 2017

Southside Branch of Santa Fe Public Library
Large Community Room
6599 Jaguar Dr.
Santa Fe, NM 87507
de 4:00 a 6:00 pm

¡Venga en cualquier momento! Los niños son bienvenidos. Se habla Español.

Cuente sus experiencias. Comparta sus ideas.

Ayuda a priorizar los problemas y a identificar las soluciones.

Contribuya al estudio para Evaluar la Vivienda Justa.

¿Necesita una adaptación razonable debido a una discapacidad? Por favor comuníquese con Mehgie Tabar llamando al 303-321-2547 o enviando un mensaje por correo electrónico a mtabar@bbcresearch.com.



CITY OF SANTA FE
THE CITY DIFFERENT

What is your housing story?

What is your story of living in Santa Fe?

FAIR HOUSING OPEN HOUSE

All are Welcome! We invite anyone living anywhere within Santa Fe to join us.

Wednesday August 16, 2017

Southside Branch of Santa Fe Public Library
Large Community Room
6599 Jaguar Dr.
Santa Fe, NM 87507
4:00 - 6:00 pm

Drop in anytime! Kids are welcome. Se habla Español.

Tell your story. Share your ideas.

Prioritize issues. Identify solutions.

Contribute to the Assessment of Fair Housing Study.

Need a reasonable accommodation for a disability? Contact Mehgie Tabar at 303-321-2547 or mtabar@bbcresearch.com.

Partner outreach. Local stakeholders, including organizations, agencies and coalitions, promoted the AFH survey directly to their members, residents, consumers, and clients. Figure II-1 recognizes those groups that helped make the AFH community participation process a success. In addition to lending their subject-matter expertise, participating organizations promoted resident engagement opportunities, recruited focus group participants, and encouraged residents to attend the community open house events. Not all organizations may be included below, as participating organizations were identified through sign-in sheets and other communications and not all organizations chose to include their information.

Figure II-1. Participating Stakeholder Organizations

Note:

Participating organizations were identified through participation in conference calls, focus group hosts or recruiting support, and focus group participants. As such, some organizations that participated in the AFH development may not be recognized in the figure.

Source:

BBC Research & Consulting.

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

Summary of AFH Findings

The findings from the AFH analysis are summarized below. The Goals and Strategies matrix which follows shows how the City plans to address the primary fair housing issues.

The AFH found many positive aspects of fair housing in Santa Fe. The city has very low levels of racial/ethnic segregation according to the Dissimilarity Index (DI), although segregation has been on a slight upward trend. The analysis did find some segregation by national origin, which stakeholders attribute to the concentration of market-provided affordable housing in certain areas (discussed below under the Housing Issues heading). Publicly-assisted housing is located throughout the City, but concentrated in some neighborhoods. Most areas in the City offer good access to employment. HUD indices show an environmentally healthy City.

Residents surveyed for the City corroborate these findings from the data analysis: Residents are happy with their neighborhoods and describe good access to fresh and healthy food, health care services, and support networks similar to other neighborhoods. Residents worry about the price of housing, crime in high poverty areas, and would like more equitable distribution of quality parks and recreation facilities.

Housing Issues

Lack of affordable housing located throughout Santa Fe is a major challenge and disproportionately affects some residents, especially individuals who need supportive services (persons with mental illness, persons with disabilities), persons with disabilities who have accessibility needs and low incomes, and other residents with relatively low incomes (new immigrants, refugees). Among the possible fair housing issues considered by stakeholders, the concentration of affordable housing in high-poverty, low-opportunity areas is a very serious issue, rating this factor a 7.6 on a 10 point scale (with higher ratings indicating more serious issues).

Difficulty using Housing Choice Vouchers in high opportunity areas. The ability to use Section 8 assistance is segregated to specific locations and not utilized in high opportunity areas. Landlords that accept Section 8 assistance are largely located in central Santa Fe, often in higher poverty, lower opportunity areas. Survey respondents identified the inability to use vouchers in high-opportunity areas as a primary housing issue (average rating of 7.5).

Challenges with housing condition. The City of Santa Fe has some of the oldest housing stock in the Western U.S. Some landlords have not kept up their properties leading to low income renters who cannot access publicly-assisted housing living in substandard units. Many owners cannot afford repairs.

Specifically, the resident survey found, among residents' top concerns—among all respondents and non-White respondents—were:

- “My home needs repairs that I cannot afford to make” (42% of all respondents and 55% of non-White respondents); and

- “My landlord refuses to make repairs despite my requests” (23% of all respondents and 20% of non-White respondents).

Rising rents causing disproportionate housing needs. The economic burden of rent increases is more of a concern for non-White respondents:

- “I worry about my rent going up to an amount I can’t afford” (74% of all respondents and 65% of non-White respondents);
- “I worry that if I request a repair it will result in a rent increase or eviction” (33% of all respondents and 30% of non-White respondents); and
- “I worry about being evicted” (25% of all respondents and 26% of non-White respondents).

Lack of affordable, accessible housing for persons with disabilities. Residents with disabilities living in the City are particularly impacted by the lack of affordable housing. Finding housing that is accessible and that provides good access to transit stops in safe neighborhoods with accessible sidewalks is challenging. In the past five years, 63 percent of survey respondents whose household includes a member with a disability looked seriously for housing to rent or buy in Santa Fe. When asked to rate the relative ease of finding safe, quality housing that they could afford on a scale from 0 to 9, with 0 meaning “extremely difficult” and 9 meaning “extremely easy”, 42 percent rated their experience “extremely difficult” (rating of 0) compared to 28 percent of all respondents who had looked seriously for housing.

In addition, 28 percent said their home does not meet their accessibility needs and 2 percent weren’t sure. The most common accessibility improvements needed were:

- Grab bars in the bathroom (46%);
- Wider doorways (35%);
- Service or emotional support animal allowed in the home (22%); and
- Reserved accessible parking space near entrance (16%).

Access to Opportunity Issues

Challenges accessing high performing schools. The HUD provided Opportunity Indices show that Hispanic residents experience some of the lowest access to opportunity, particularly in the low poverty, school proficiency, and labor market indexes. The indicators in Santa Fe that are of most concern are poverty and school proficiency, both of which show considerably low access to opportunity. Lack of public transportation to higher opportunity areas can make it challenging for residents who seek high performing schools to access them.

Lack of lack of well-paying, stable, full time jobs limits economic opportunity for lower skilled residents and persons with disabilities.

Resident survey respondents that had a household member with a disability were asked specifically “what is needed in Santa Fe to help the person with a disability in your household to get a job or get a better job?” Common responses centered around:

- Flexibility (hours and accommodations);
- Transportation/improved para-transit services;
- Job training; and
- Education for employers about ADA compliance, reasonable accommodations, and sensitivity training.

Figure II-2. Goals and Strategies

GOAL	CONTRIBUTING FACTORS	FAIR HOUSING ISSUES	PRIORITIZATION	ACTION ITEM	METRIC/MILESTONE FOR ACHIEVEMENT	TIMEFRAME FOR ACHIEVEMENT	RESPONSIBLE PROGRAM PARTICIPANT(S)
1. Create more affordable, quality housing, that is equitably distributed throughout the City	High housing costs, especially in high opportunity areas. NIMBYism. Difficulty using Section 8 voucher in high opportunity neighborhoods. Some restrictive land use codes	Disproportionate housing needs. Disproportionate use of publicly-supported housing. Limited rental housing for very low income residents, including those with Section 8 vouchers. Lower access to high quality schools	High	1) Incentivize construction of affordably-priced rental units through donations of city-owned land, fee waivers, regulatory exemptions and other municipal resources.	Support min. 60 units/year	Ongoing	City of Santa Fe, nonprofit and private housing partners
				2) Require LIHTC projects that receive City donations to set aside a percentage of units for households earning less than 50% of the AMI, including those who have recently experienced homelessness.	Revise SFCC 26-1 to include req'm; Support min. 15 units/year	June 30, 2018; ongoing program	City of Santa Fe, nonprofit and private housing partners
				3) Re-instate tenant-based rental assistance that is short-term, flexible, with low-barrier for qualification.	Dedicate City-controlled funding source; support 40 - 60 renters/year	June 30, 2018; ongoing program	City of Santa Fe, nonprofit and private housing partners
				4) Support the capacity of low- and moderate-wage workforce to purchase homes in geographically varied locations in the city through the provision of down payment assistance and help with becoming "mortgage ready".	Serve 30 - 40 households per year	Ongoing	City of Santa Fe, nonprofit and private housing partners, lenders
				5) Make regulatory changes to support a variety of housing choices: <ul style="list-style-type: none"> a. Modify the Santa Fe Homes Program (SFHP) so that the rental requirement is financially viable from the prospective of a multifamily development proforma. b. Revise the density bonus incentive so that rental projects that exceed the minimum SFHP requirements get a higher bonus than those that offer the minimum. c. Convert existing and support the development of new ADUs into affordable rental stock through the modification of Chapter 14 restrictions (eg. allow greater diversity of placement on the site - on top of garages or other outbuildings-and eliminate architectural consistency standards if under a certain size, allow existing ADUs to be nonconforming uses). d. Increase low-density limits for multi-family residential construction and/or modify zoning categories to allow interim zone between R-12 and R-21. e. Raise the square footage threshold that triggers a development plan requirement on residential projects from 10,000 square feet to over 30,000 square feet when the proposed project meets redevelopment and mixed use goals. 	Revise SFCC 26-1, SFCC 14 to include req'm with long term goal of creating 100 additional affordable rental units/year	SFCC Ch.26 code amendments (June 30, 2018); SFCC Ch.14 code amendments (June 30, 2019)	City of Santa Fe

Goals and Strategies, Continued

2. Preserve and improve existing housing occupied by low and moderate income renters and owners	Very old housing stock. Absentee landlords. Low incomes of owners.	Disproportionate housing needs. Further limited stock for Section 8 voucher holders (who can only rent in housing that meets HUD standards)	High	1) Continue to support emergency repair grant programs targeted toward very-low income homeowners (less than 50% AMI).	Serve 15 - 30 households/year	Cont. implementation of current program; ongoing	City of Santa Fe, nonprofit and private sector partners
				2) Continue to support rehabilitation loan programs targeted toward low to moderate income homeowners (50%-80% AMI), which includes home renovations and energy conservation measures.	Serve 10 - 15 households/year	Cont. implementation of current program; ongoing	City of Santa Fe
				3) Design a rehabilitation program for homeowners living in historic districts to offset the higher cost of improvements to historic homes	Develop criteria for eligibility; serve 3-5 households/year	Establish program by June 30, 2018; ongoing	City of Santa Fe, nonprofit and private sector partners
				4) Develop rehab program for low-income landlords so that units can meet HQS and rent-assisted tenants can live in their units.	Develop criteria for eligibility; rehab 3-5 rental units/year	Establish program by June 30, 2018; ongoing	City of Santa Fe, nonprofit and private sector partners
3. Continue to work to improve economic conditions of persons with disabilities	Lack of flexible and accommodating work environments	Access to Opportunity in Employment	High	Work with trade associations and area employers to explore solutions to creating job opportunities for persons with disabilities. Educate area employers about needs and how they can better accommodate residents with disabilities who are under-employed. Align efforts with existing workforce training/support programs.	Align efforts with existing workforce training/support programs, especially those already funded by City.	Establish program by June 30, 2019; ongoing	City of Santa Fe, private sector partners; nonprofit services providers, other gov't entities
4. Create more accessible, affordable, quality housing, to accommodate persons with disabilities	Older housing stock. Disconnect in where housing and services are located	Disproportionate housing needs; lack of accessible, affordable housing	High	1) Continue multifamily and owner-occupied housing rehabilitation programs that include accessibility improvements.	Direct additional funding toward rehab programs to serve 10 - 15 households/year	Cont. implementation of current program; ongoing	City of Santa Fe; nonprofit sector partners; PHA
				2) Coordinate the provision of services, including the development of a shared resource database that provides referral information for those seeking services as well as listing information for homes that are for rent or sale.	Expand current efforts of homeless/special needs providers to expand resource and info database; also align with current data gathering (HMIS, etc.)	Establish resource/technology for alignment by June 30, 2018; ongoing	City of Santa Fe; nonprofit sector partners; PHA
5. Improve access to high quality schools and public transportation	Gaps in educational proficiency among schools in higher poverty areas. Lack of public transportation and/or accessible routes and times	Access to Opportunity in Education	High	1) Prioritize the use of appropriate City resources to support the school district's efforts to implement best practices from high-performing schools into all schools.	Align efforts with existing programs receiving City funds serving at risk young people.	Cont. implementation of current programming; prioritize alignment; ongoing	City of Santa Fe Youth and Family Services; SFPS school district; support services providers, other gov't entities
				2) Work to ensure that every school has adequate mentoring/tutoring, mental health care, and, for high schools, job skill building and training opportunities.	Align efforts with existing school-based social services and workforce training/support programs, especially those already funded by City.	Cont. implementation of current programming; prioritize alignment; ongoing	City of Santa Fe Youth and Family Services; SFPS school district; SFCC; support services providers, other gov't entities
				3) Educate school staff and public transportation providers on access to opportunity concepts and work to expand public transportation access.	Align efforts with the MPO and the City's Transit Division to improve access on current routes when feasible; support expansion of routes if proposed.	Cont. implementation of current programming; prioritize alignment; ongoing	City of Santa Fe Transit Division, Metropolitan Planning Organization; SFPS school district; support services providers, other gov't entities

Goals and Strategies, Continued

6. Strengthen access to fair housing and knowledge of fair housing among residents and landlords	Lack of local information on fair housing	Fair Housing Enforcement and Capacity	Moderate	1) Continue to support fair housing training.	Provide City-owned meeting space; assist provider with marketing, invite lists, hire training providers under professional services agreements.	Cont. implementation of current program; ongoing	City of SF, HUD, providers of low-cost legal services
				2) Provide access to landlord/tenant counseling service that is free of charge, bi-lingual, and locally accessible. Focus on residents in R/ECAPs who are living in private sector housing in poor condition, persons with disabilities, refugees/immigrants.	Secure funding through City's General Fund budgeting process	Establish program by June 30, 2018; ongoing	City of Santa Fe
				3) Educate landlords--both those living in the City and owners outside of the City--about their obligations as landlords and compliance with the Fair Housing Act, NM UORRA, and Mobile Home Act.	Provide City-owned meeting space; assist provider with marketing, invite lists, hire training providers under professional services agreements.	Cont. implementation of current program; ongoing	City of Santa Fe

SECTION III.

Community Participation Process

SECTION III.

Community Participation Process

Section III of the AFH follows the organization of the Community Participation Process requirement of HUD's AFH Tool. It describes outreach activities, methods to encourage and broaden meaningful community participation in the AFH, organizations consulted, and residents' participation in the AFH.

- 1. Describe outreach activities undertaken to encourage and broaden meaningful community participation in the AFH process, including the types of outreach activities and dates of public hearings or meetings. Identify media outlets used and include a description of efforts made to reach the public, including those representing populations that are typically underrepresented in the planning process such as persons who reside in areas identified as R/ECAPs, persons who are limited English proficient (LEP), and persons with disabilities. Briefly explain how these communications were designed to reach the broadest audience possible. For PHAs, identify your meetings with the Resident Advisory Board.*
- 2. Provide a list of organizations consulted during the community participation process.*
- 3. How successful were the efforts at eliciting meaningful community participation? If there was low participation, provide the reasons.*
- 4. Summarize all comments obtained in the community participation process. Include a summary of any comments or views not accepted and the reasons why.*

Outreach Activities

The City of Santa Fe's AFH community participation process resulted in meaningful engagement of residents and stakeholders representing local organizations and coalitions.

Leading up to the AFH, the City conducted an Analysis of Impediments (AI) to Fair Housing Choice in 2016. Community participation was a fundamental component of the AI. The data and public comments obtained through this community engagement process helped inform the AFH. The City also conducted outreach in 2017 for the AFH including a resident survey and public meeting.

Methods of engagement. The AFH engagement methods included opportunities for residents and opportunities for stakeholders to participate in the development of the AFH. Community engagement opportunities included:

- **Resident survey.** In the resident survey, participants were asked a series of questions to better understand their housing decisions and their experiences living, working, or going to school in Santa Fe. The resident survey was available in both online and postage-paid

printed formats. Residents could take the survey in English or Spanish. A total of 569 surveys were completed.

- **Stakeholder survey.** By participating in the survey, stakeholders had the opportunity to consider the fair housing landscape in Santa Fe, including the extent to which particular public and private actions create or exacerbate fair housing issues in the city of Santa Fe. A total of 18 stakeholders participated.
- **Focus group with residents with disabilities.** The Life Link, a local nonprofit organization providing addiction and mental health services to Santa Fe’s most vulnerable residents hosted a focus group with 13 member clients at the Santa Fe Clubhouse. Participants described their experience seeking housing in Santa Fe and accessing community assets— jobs, education, transportation, public amenities.
- **Two community open house meetings.** At each community open house, attendees reviewed and discussed key findings from the demographic and segregation/integration analyses and HUD AFFH maps; prioritized housing and community needs; shared their stories of housing in Santa Fe; and identified community needs, potential fair housing issues and aspirational ideas for Santa Fe. All materials were available in English and Spanish and interpretation was available; a total of 40 residents and stakeholders participated.
- **Public comment period.** The AFH was made available for public comment between September 1 and September 30, 2017. Residents had the opportunity to submit comments via email, by phone, and in person at the public hearing (see below).



Stakeholder consultation. Stakeholder consultation to developing the draft AFH took several forms, including:

- Advising the AFH team on the planned community engagement process, focus group scheduling and logistics through a series of conference calls;
- Hosting and recruiting focus group participants;
- Participating in in-depth interviews and providing the study team with program data and studies to inform the AFH elements;
- Participating in a kickoff meeting open to all interested stakeholders; and
- Participating in the community open house meetings.

Public outreach. To promote resident participation, BBC provided the City with public relations tools—press release and outreach email content—that could be adapted to a broad range of audiences.

The City of Santa Fe promoted the stakeholder survey to local CDBG recipients and applicants, housing and human service providers, and

advocates for members of protected classes. Outreach and promotion for the resident survey and community open house meetings combined social media, traditional news media, and stakeholder engagement. The resident survey and community open house meetings were promoted in English and Spanish and included information to request reasonable accommodations. The most recent Open House was held from 5:00 p.m. to 7:00 p.m. on August 16, 2017 at the Santa Fe Public Library Southside Branch. The location was selected for its accessibility to public transit and proximity to publicly-supported housing. Spanish interpretation was provided.

- The City of Santa Fe and individual City Council members promoted the open house on their respective Facebook pages;
- Media relations included a press release to local media, postings on the city’s website, and public radio announcements; and
- English and Spanish language flyers advertising the resident survey and open house meetings were distributed to 38 nonprofit organizations, social service providers, and governmental departments.





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¿Cuál es su historia viviendo en Santa Fe?

SESIONES ABIERTAS PARA HABLAR SOBRE LA VIVIENDA JUSTA

¡Todos son bienvenidos! Invitamos a toda persona que viva en cualquier parte del Santa Fe para que nos acompañe asistir a la reunión.



CITY OF SANTA FE
THE CITY DIFFERENT

What is your housing story?

What is your story of living in Santa Fe?

FAIR HOUSING OPEN HOUSE

All are Welcome! We invite anyone living anywhere within Santa Fe to join us.

Miércoles, 16 de Agosto de 2017

Southside Branch of Santa Fe Public Library

Large Community Room
6599 Jaguar Dr.
Santa Fe, NM 87507

de 4:00 a 6:00 pm

¡Venga en cualquier momento! Los niños son bienvenidos. Se habla Español.

Cuente sus experiencias. Comparta sus ideas.

Ayude a priorizar los problemas y a identificar las soluciones.

Contribuya al estudio para Evaluar la Vivienda Justa.

¿Necesita una adaptación razonable debido a una discapacidad? Por favor comuníquese con Mehgie Tabar llamando al 303-321-2547 o enviando un mensaje por correo electrónico a mtabar@bbcresearch.com.

Wednesday August 16, 2017

Southside Branch of Santa Fe Public Library

Large Community Room
6599 Jaguar Dr.
Santa Fe, NM 87507

4:00 - 6:00 pm

Drop in anytime! Kids are welcome. Se habla Español.

Tell your story. Share your ideas.

Prioritize issues. Identify solutions.

Contribute to the Assessment of Fair Housing Study.

Need a reasonable accommodation for a disability? Contact Mehgie Tabar at 303-321-2547 or mtabar@bbcresearch.com.

Partner outreach. Local stakeholders, including organizations, agencies, and coalitions, promoted the AFH survey directly to their members, residents, consumers, and clients.

Stakeholder Consultation Summary

Figure III-1 recognizes the organizations, agencies, and coalitions that participated in making the AFH community participation process a success. In addition to lending their subject-matter expertise to the AFH development, participating organizations promoted resident engagement opportunities to their clients, consumers, and coalition members, recruited focus group participants, and encouraged residents to attend the community open house events. Not all organizations that contributed to resident outreach are recognized in Figure III-1; participating organizations were identified through sign-in sheets and other communications.

Figure III-1 Participating Stakeholder Organizations

Note:

Participating organizations were identified through participation in conference calls, focus group hosts or recruiting support, and focus group participants. As such, some organizations that participated in the AFH development may not be recognized in Figure III-1.

Source:

BBC Research & Consulting.

Participating Organizations

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

Efforts to Elicit Broad Community Participation

More than 600 residents and stakeholders participated in the AFH community engagement process. The resident survey, community meeting activity materials, and all survey and meeting flyers were provided in English and Spanish in an effort to reach the most amount of Santa Fe residents. A local Spanish interpreter was present at all community meetings to allow Spanish-speaking residents the opportunity to participate in the activities.

The resident survey opened on July 26, 2017. Although many surveys were completed within the first few weeks, the number of Spanish surveys taken remained low. In an effort to reach residents that were more representative of the population in Santa Fe, BBC contracted the Spanish interpreter who worked at the public meetings to do conduct additional outreach to the Spanish-speaking community. The Interpreter, who lives and works in the community, spent more than 10 hours going to Zumba classes, Al-Anon meetings, the Farmers Market, taco stands, restaurants, and visiting with friends and neighbors. He introduced them to the AFH process and the opportunities to participate, answered questions, provided assistance with understanding and taking the resident survey, and invited others to complete the survey through either the online or mail-in options. He passed out flyers for the community meeting, flyers for the survey, and paper copies of the survey. Thirteen Spanish-speaking residents took the paper survey during these outreach efforts and many others mailed them back at a later time.

The AFH successfully engaged traditionally underserved residents in the development of the AFH through the resident survey. Respondents included:

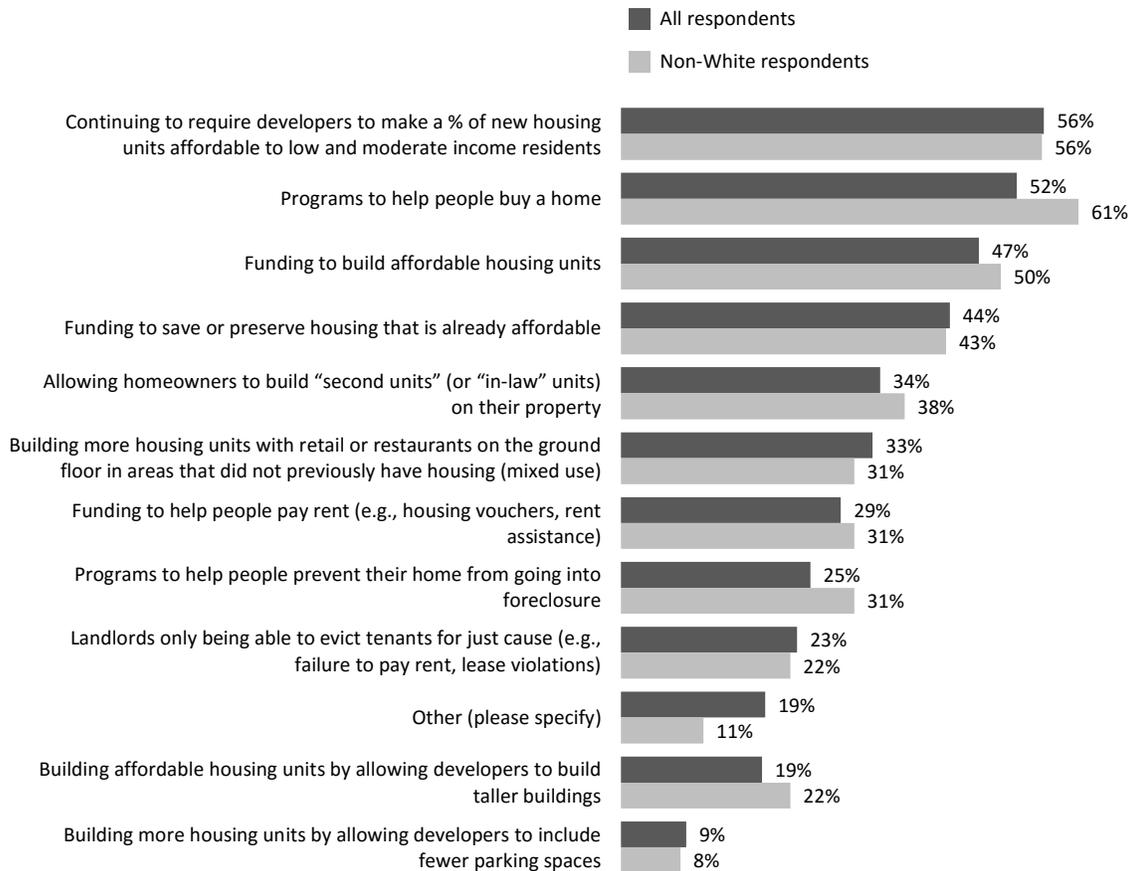
- One third of residents who identified as non-White;
- Almost twenty people with limited English proficiency who participated in Spanish;
- Eighteen percent of residents with incomes less than 30 percent of AMI;
- Ninety households that include a member with a disability;
- Twenty two percent of families with children under the age of 18; and
- Fifteen Section 8 voucher holders.

Resident Survey Summary

More than 550 Santa Fe residents participated in the AFH community engagement process through the resident survey. Residents responded to a number of questions about their housing experiences in Santa Fe including housing choice and affordability; housing and neighborhood preferences; desire to move; neighborhood characteristics and access to opportunity; and experience with housing denial and discrimination. Findings from the survey analysis are incorporated throughout Section V of this report.

Residents also identified policies they think would be most effective in creating more housing choice in Santa Fe. Results for all survey respondents and non-White survey respondents are highlighted below.

Figure III-2.
What policies do you think would be most effective in creating more housing choice in Santa Fe?
Select up to three.



Source: BBC Research & Consulting from the 2017 Santa Fe AFH Resident Survey.

Community Open House Findings

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

Priorities. Open House attendees (in both 2016 and 2017) had the opportunity to allocate limited resources (10 beans, or "votes") across a number of housing and community development issues to demonstrate how they would like to see the City of Santa Fe allocate its resources. As shown in Figure III-3, rental housing priced below \$500, expanded transit, and housing to buy priced at or below \$100,000 received the greatest number of votes (beans).

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

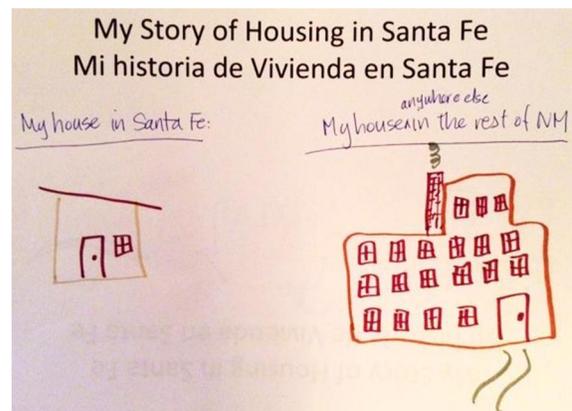
Issue for Santa Fe to Prioritize	# of Votes
Rental housing priced below \$500	30
Expanded transit services, hours, routes, service days	20
Housing to buy priced at or below \$100,000	18
Rental housing priced between \$500 and \$750	18
Housing options for people with severe mental illness	16
Housing to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

Source: BBC Research & Consulting from 2016 City of Santa Fe AI Open House and 2017 City of Santa Fe AFH Open House.

Affordable housing. Open House attendees also shared their stories of housing in Santa Fe by writing or drawing about their experiences. Nearly every story identified affordable housing in Santa Fe as a challenge, especially when compared to other New Mexico communities. Two participants shared how a local nonprofit, Homewise, helped them become homeowners. Two other participants described how they had purchased Airstream trailers in the hopes of living an affordable “tiny home” lifestyle, but have had great difficulty finding safe and legal places to park their homes. These attendees suggested that the City of Santa Fe should review its zoning code to determine what changes should be made to incentivize creation of affordable “tiny home” communities, including nontraditional “mobile” homes such as those created in Airstream or other trailer/camper arrangements.

Some attendees expressed a need for the City to allocate resources to integrate affordable housing with market rate housing; others focused on the need for housing immigrants that may not qualify for Section 8 or other subsidies. Others expressed concerns about housing for seniors on a fixed income and affordable/accessible units for people with serious mental illness.

While some attendees struggled to find affordable housing anywhere in Santa Fe, others indicated the need for affordable rental and homeownership products in northern Santa Fe, in the neighborhoods surrounding the Plaza and downtown. One resident explicitly noted that Santa Fe seems like a segregated city with white, wealthy residents living in the north part of the city and people of color in the south.



Some residents expressed concern about the lack of affordable development and cited NIMBYism as a primary barrier. At least one resident also commented that existing units that used to be affordable are being converted to short term rentals, which creates a neighborhood of tourists instead of providing housing for residents.

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

Some residents reported landlords refusing or significantly delaying repairs and were concerned about retaliation if they reported code issues or failure to make repairs. There was also concern that landlords need more training on how to respond appropriately to residents with serious mental illness and/or reasonable accommodation requests.

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

Open house attendees also suggested the City provide incentives for businesses to address food deserts.

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

Focus Group Findings

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

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

Criminal history tenant screening policies. The group had a lively discussion about the challenges they or their friends/family with criminal histories experience when trying to obtain housing in Santa Fe. Staff shared the need, based on their experience working with clients, for more advocates for people with mental illness to educate landlords about mental illness and expand the network of landlords willing to rent to residents with mental illness and criminal histories. Some shared that crimes committed when experiencing untreated mental illness

should not be given as much weight in housing decisions, particularly when the person applying is not experiencing mental illness symptoms.

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

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

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

Stakeholder Survey Findings

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

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

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

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

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

Source: BBC Research & Consulting from 2016 City of Santa Fe Stakeholder Survey and 2017 City of Santa Fe AFH Open House.

Public Comment Period

The public comment period for the draft AFH began September 1, 2017.

On September 20, 2017, the Community Development Commission held a meeting to discuss the AFH and whether to recommend approval to the governing body. BBC participated via phone to answer any questions about the data, AFH process, and implications of the findings.

Summary of comments from Community Development Commission meeting.

The Community Development Commission contributed the following concerns and recommendations relating to the Assessment of Fair Housing:

- Concern regarding the specificity of the metrics, milestones, and timelines for the goals and strategies
- Recommendation to incorporate a land use analysis and a discussion of the any fair housing barriers (also incorporating a brief discussion of the City's inclusionary zoning)
- Recommendation to add recent City efforts such as the overlay district and support for school programs to the Assessment of Past Goals
- Concern regarding the way the AFH discusses segregation (prefer a more robust analysis that includes economic segregation patterns)

Summary of how comments were addressed. Although no letters from residents were received during the public comment period, the comments and concerns from the Community Development Commission were incorporated in the final draft. Edits were made to the goals and strategies matrix, Fair Housing Analysis, Assessment of Past Goals, and the segregation analysis.

SECTION IV.

Assessment of Past Goals, Actions and Strategies

SECTION IV.

Assessment of Past Goals, Actions and Strategies

This section describes how the City of Santa Fe has addressed the fair housing impediments identified in the last two fair housing analyses, conducted in 2011 and 2016. It provides an overview of activities and achievement of goals, evaluates the success of those goals, and describes how past experience helped inform the goals in this AFH.

City Efforts to Address Barriers

Given the impediments identified in the 2011 AI, the City's efforts to address barriers have focused on improving access to fair housing information, enhancing resident knowledge of fair housing rights, and empowering residents to take action when they perceive a fair housing violation. These are combined with continued efforts to increase the inventory of affordable housing stock in Santa Fe.

These efforts have included:

- Hosting fair housing training for residents and nonprofit partners.
- Preparation of outreach materials regarding housing laws including the Federal Fair Housing Act, the New Mexico Uniform Owner Resident Relations Act (UORRA), and the state Mobile Home Act. The outreach materials consist of Fair Housing Frequently Asked Questions brochures in English and Spanish and a tenant rights "Novella, Tito the Tenant" both in Spanish and English with ongoing distribution throughout the year. These are distributed predominantly in Spanish-speaking and lower income neighborhoods as well as through school liaisons with the Santa Fe Public Schools and community facilities throughout the City.
- The Office of Affordable Housing (OAH) has worked with Santa Fe Public Schools to establish a distribution plan for fair housing materials. City staff met with the Communities in Schools of New Mexico School Outreach Coordinators of 11 schools at their annual retreat to present fair housing activities and distribute literature. The OAH conducted an outreach campaign to educate the public about affordable housing and fair housing issues and continues to distribute the Fair Housing Frequently Asked Questions brochure in Spanish along with the "Tino el Inquilino" Novella, a story in Spanish and English about a tenant who shares his own discrimination experiences with a group of acquaintances. Distribution is an ongoing effort to public schools, public libraries, City facilities, private non-profits, and bilingual local businesses.

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

Efforts to address NIMBYism and lending disparities include:

- Community campaigns have been launched to support proposed high-density mixed affordable and market rate infill apartment developments.
- The City also closely monitors national best practices to address NIMBYism—a difficult challenge in all communities—and implements best practices in education and outreach as needed.
- The City has site monitored three non-profit partners that provide downpayment assistance and home improvement loans to low-to moderate income households and has verified that lending occurred to LMI recipient households within the program year. The City’s sub-recipient service providers offer varying degrees of credit counseling, homebuyer education classes, and training in order for their clients to qualify for and receive loans.

Efforts to address affordability and access to opportunity challenges in the City include:

- Supplemented federal housing and community development funds with Housing Trust Funds to assist in housing rehabilitation, downpayment assistance, and new construction. The City is unusual in that it uses these funds for rehabilitation of multifamily, as well as owner-occupied, housing.
- Allocated federal funds to housing. The Community Development Commission, which reviews allocation of the federal Community Development Block Grant (CDBG), puts its highest priority on housing activities.
- Continued to inventory and consider donations of City-owned land for affordable housing development, as allowed under the New Mexico Affordable Housing Act. The City recently made a 5-acre parcel on Siler Road available for at least 50 units of affordable and live/work housing.
- Set goals for addressing housing needs in the Annual Action Plan and measured performance against those goals. For example, the City’s homeownership assistance program exceeded its goal for downpayment assistance in PY2016, attesting to its popularity and effectiveness.
- Made surplus funds available to fund rental assistance programs.
- Created the Midtown Local Innovation Corridor Overlay District. This corridor divides a low-income neighborhood from schools and shopping, making access to local amenities difficult. The new overlay district incentives and accommodates revitalization efforts to better fit the needs of the nearby residents and increase access to community amenities and jobs.

- Worked with Santa Fe Public Schools to bring the same enrichment and educational programming that exists in the high opportunity schools to the lower opportunity schools through Children and Youth grants. Communities in Schools, the nation's largest and most effective organization dedicated to keeping kids in school, has recently expanded to almost all Santa Fe Public Schools. This additional support tool for students in high poverty areas places site coordinators inside schools to assess students' needs and provides resources to help them succeed.
- Continued support of Adelante, a program that helps students in schools whose families are experiencing homelessness or housing instability. This program assists in connecting families with needed services such as food, clothing, housing, and academic support. The City's goal is to reach people in need wherever they are and improve access to opportunities for all residents.

SECTION V.

Fair Housing Analysis

SECTION V.

Fair Housing Analysis

Section V of the AFH follows the organization of the Fair Housing Analysis requirement of HUD's AFH Tool. It includes the following subsections:

A. Demographic Summary

B. General Issues

i. Segregation/Integration

ii. Racially and Ethnically Concentrated Areas of Poverty (R/ECAPs)

iii. Disparities in Access to Opportunity

iv. Disproportionate Housing Needs

C. Publicly Supported Housing Analysis

D. Disability and Access Analysis

E. Fair Housing Enforcement, Outreach Capacity, and Resources Analysis

Demographic Summary

This section provides an overview of demographic patterns in the City and the region, including the history of segregation patterns. This history is important not only to understand how residential settlement patterns came about—but also, and more importantly, to explain differences in housing opportunity among residents today. In sum, not all residents had the ability to build housing wealth or achieve economic opportunity. This historically unequal playing field in part determines why residents have different housing needs today.

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

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

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

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

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

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

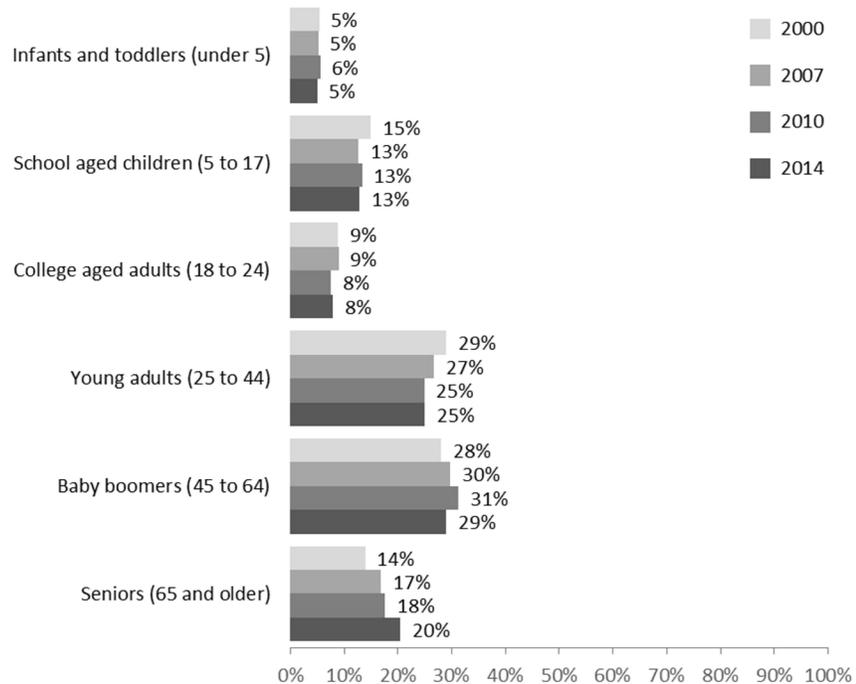
Population growth between 2010 and 2014 (3.4% excluding the annex; 21.9% including the annex) in the city exceeded the rate of growth both in the county (2.8%) and the state (1.3%) overall.

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

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

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

Source:
2013 HNA and 2014 ACS.



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

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

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

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

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

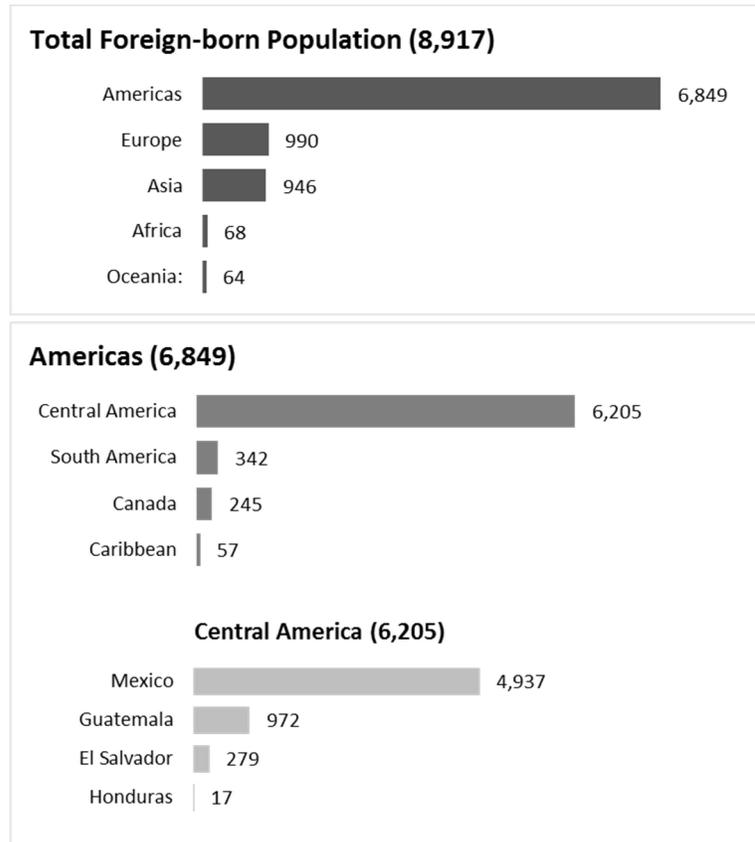
National origin. National origin, a protected class in Federal Fair Housing Law, can be based either on the country of an individual’s birth or where his or her ancestors originated. Census data available to analyze segregation by national origin are more limited in definition, however—they represent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

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

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

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

Source:
 2010-2014 ACS 5-year estimates.



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

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

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

Source: 2010-2014 ACS 5-year estimates.

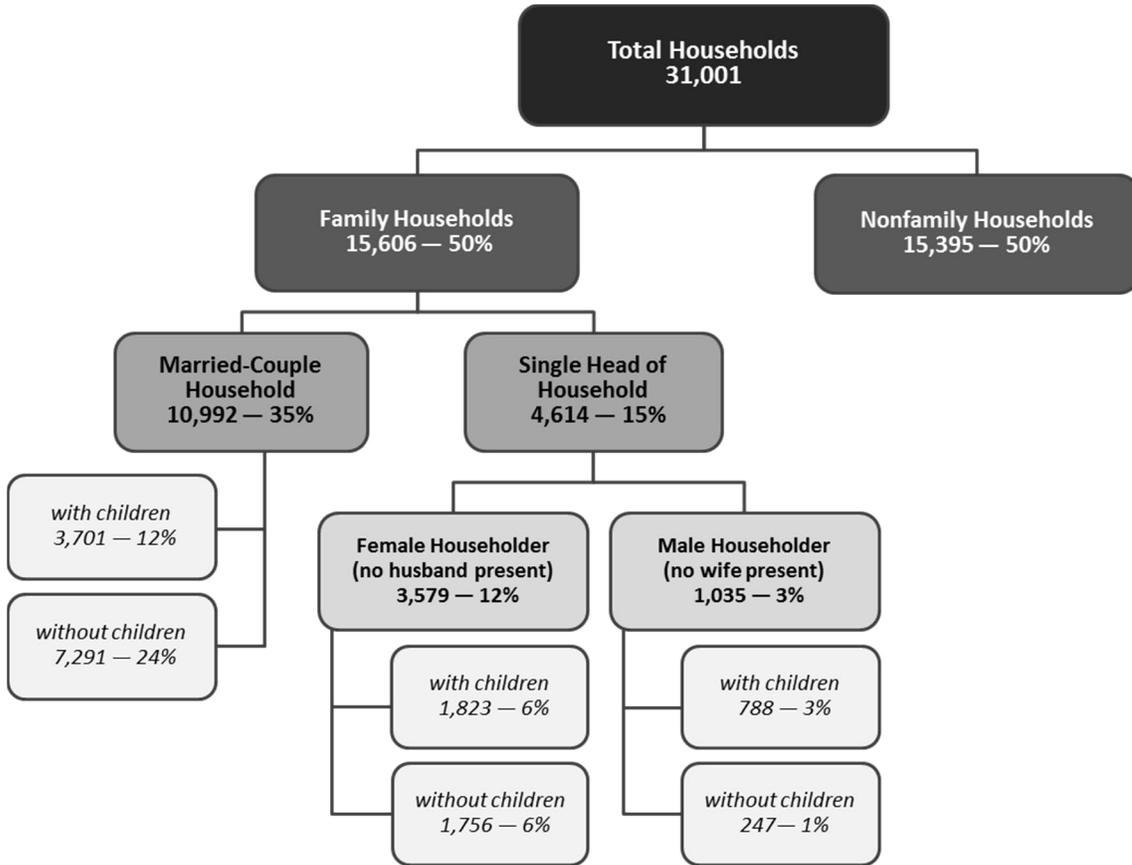
Single parents and large families. Federal familial status protections apply to families with children, a person who is pregnant and anyone in the process of securing legal custody of any individual who has not attained the age of 18 years. Although all families with children are protected under federal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

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

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

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

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



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

Source: 2014 ACS 1-year estimates.

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

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

Figure V-7.
Median Household Income by Tenure, City of Santa Fe 1999, 2006, 2010 and 2014

Source:
 2013 HNA and 2014 ACS.

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

Nearly 12,000 Santa Fe residents (17% of the population) are living in poverty. Children are the most likely age group to be living in poverty (30%) and seniors are the least likely to be living in poverty (6%). The city has a lower poverty rate than the state (21%) but a higher rate than Santa Fe County (14%). Figure V-8 displays poverty by age for Santa Fe residents in 2014.

Figure V-8.
Poverty by Age, City of Santa Fe, Santa Fe County and New Mexico, 2014

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

Source: 2014 ACS.

Demographic trends. The HUD Demographic Trends tables below show demographic trends between 1990 and 2010 for the City and the Region (Santa Fe County). Overall the City of Santa Fe and Santa Fe County are very similar—both have similar proportion of non-white residents, foreign born residents and limited English proficient residents. They also have a similar age distribution and proportion of households that are families with children.

As a historically minority majority community, the racial/ethnic distribution of the city has not changed substantially since 1990. However, the proportion of residents that are foreign-born has nearly tripled—from 5 percent to 14 percent. A similar trend is evident in the region as a whole. Despite the substantial increase in foreign born residents, the proportion of residents with limited English proficiency has only increased by two percentage points in the city and one percentage point in the region since 1990.

Figure V-9.
Table 2 – Demographic Trends, Santa Fe and Region, 1990, 2000, and 2010

	(Santa Fe, NM CDBG) Jurisdiction							
	1990 Trend		2000 Trend		2010 Trend		Current	
	#	%	#	%	#	%	#	%
Race/Ethnicity								
White, Non-Hispanic	27,206	49.33%	29,863	46.58%	31,151	45.84%	31,151	45.84%
Black, Non-Hispanic	264	0.48%	481	0.75%	740	1.09%	511	0.75%
Hispanic	26,179	47.46%	31,061	48.44%	33,437	49.21%	33,437	49.21%
Asian or Pacific Islander, Non-Hispanic	294	0.53%	922	1.44%	1,185	1.74%	918	1.35%
Native American, Non-Hispanic	978	1.77%	1,365	2.13%	1,193	1.76%	866	1.27%
National Origin								
Foreign-born	2,592	4.68%	7,192	11.22%	8,814	12.97%	9,301	13.69%
LEP								
Limited English Proficiency	5,110	9.23%	7,209	11.25%	7,740	11.39%	7,295	10.74%
Sex								
Male	26,258	47.44%	30,603	47.74%	32,185	47.37%	32,185	47.37%
Female	29,092	52.56%	33,503	52.26%	35,766	52.63%	35,766	52.63%
Age								
Under 18	12,997	23.48%	13,408	20.92%	12,914	19.00%	12,914	19.00%
18-64	35,509	64.15%	41,770	65.16%	43,053	63.36%	43,053	63.36%
65+	6,844	12.36%	8,928	13.93%	11,983	17.63%	11,983	17.63%
Family Type								
Families with children	6,708	48.36%	4,957	43.44%	6,578	40.66%	6,578	40.66%
	(Santa Fe, NM) Region							
	1990 Trend		2000 Trend		2010 Trend		Current	
	#	%	#	%	#	%	#	%
Race/Ethnicity								
White, Non-Hispanic	46,429	46.92%	58,779	45.46%	63,291	43.90%	63,291	43.90%
Black, Non-Hispanic	485	0.49%	923	0.71%	1,349	0.94%	947	0.66%
Hispanic	48,916	49.43%	63,391	49.02%	73,015	50.65%	73,015	50.65%
Asian or Pacific Islander, Non-Hispanic	419	0.42%	1,491	1.15%	2,117	1.47%	1,628	1.13%
Native American, Non-Hispanic	2,261	2.28%	3,856	2.98%	3,968	2.75%	3,271	2.27%
National Origin								
Foreign-born	4,042	4.09%	13,075	10.11%	18,283	12.68%	19,648	13.63%
LEP								
Limited English Proficiency	9,553	9.66%	13,204	10.21%	16,275	11.29%	15,847	10.99%
Sex								
Male	48,669	49.20%	63,115	48.82%	70,257	48.73%	70,257	48.73%
Female	50,259	50.80%	66,177	51.18%	73,913	51.27%	73,913	51.27%
Age								
Under 18	25,660	25.94%	31,823	24.61%	30,236	20.97%	30,236	20.97%
18-64	63,263	63.95%	83,596	64.66%	92,130	63.90%	92,130	63.90%
65+	10,005	10.11%	13,873	10.73%	21,804	15.12%	21,804	15.12%
Family Type								
Families with children	13,231	52.51%	11,203	47.96%	14,853	41.05%	14,853	41.05%

Note: All % represent a share of the total population within the jurisdiction or region for that year, except family type, which is out of total families.

Refer to the Data Documentation for details (www.hudexchange.info).

Source: Decennial Census; ACS.

General Issues

This section addresses additional demographic patterns, which fall under the heading of “General Issues” in the AFH Tool. These include:

- Segregation and Integration;
- Racially and Ethnically Concentrated Areas of Poverty (R/ECAPs);
- Disparities in Access to Opportunity—Education, Employment, Transportation, Low Poverty Environments, and Environmentally Healthy Neighborhoods; and
- Disproportionate Housing Needs.

Segregation/Integration

- a. *Describe and compare segregation levels in the jurisdiction and region. Identify the racial/ethnic groups that experience the highest levels of segregation.*
- b. *Identify areas in the jurisdiction and region with relatively high segregation and integration by race/ethnicity, national origin, or LEP group, and indicate the predominant groups living in each area.*
- c. *Explain how these segregation levels and patterns in the jurisdiction and region have changed over time (since 1990).*
- d. *Consider and describe the location of owner and renter occupied housing in the jurisdiction and region in determining whether such housing is located in segregated or integrated areas, and describe trends over time.*
- e. *Discuss whether there are any demographic trends, policies, or practices that could lead to higher segregation in the jurisdiction in the future. Participants should focus on patterns that affect the jurisdiction and region rather than creating an inventory of local laws, policies, or practices.*

The first step in segregation analysis is to map concentrations of residents of different races and ethnicities.

Concentrations are identified as:

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

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

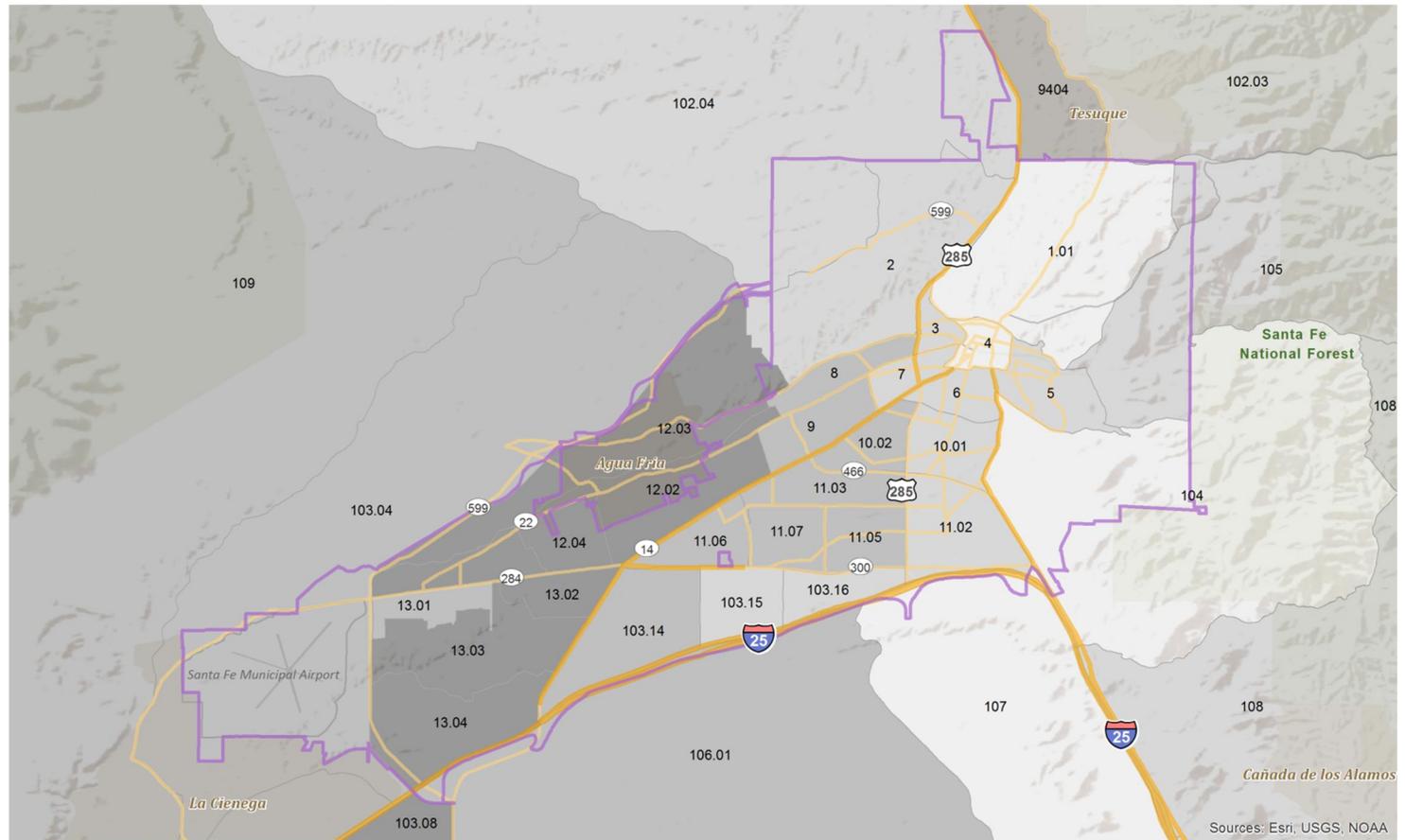
American Indian concentrations occur when the proportion of American Indian residents exceeds 23 percent. There are two American Indian concentrated Census tracts in Santa Fe.

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

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

**Figure V-10.
Minority
Concentrations by
Census Tract**

Source:
2009-2013 American
Community Survey

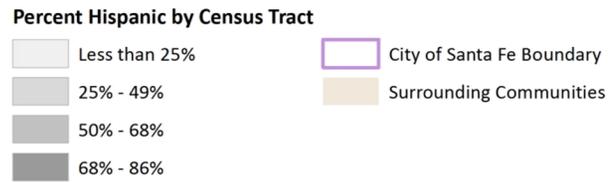
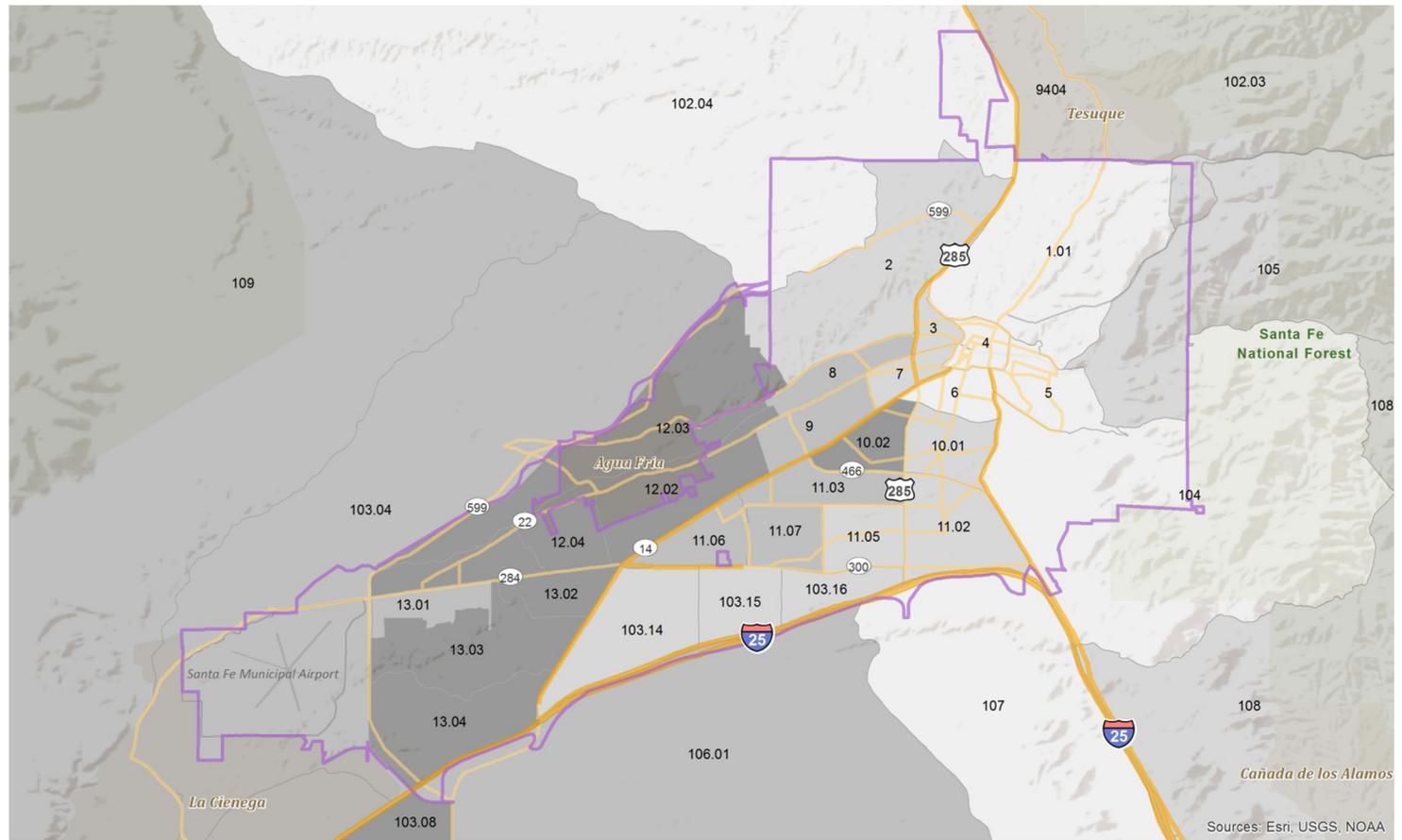


Percent Racial/Ethnic Minorities by Census Tract



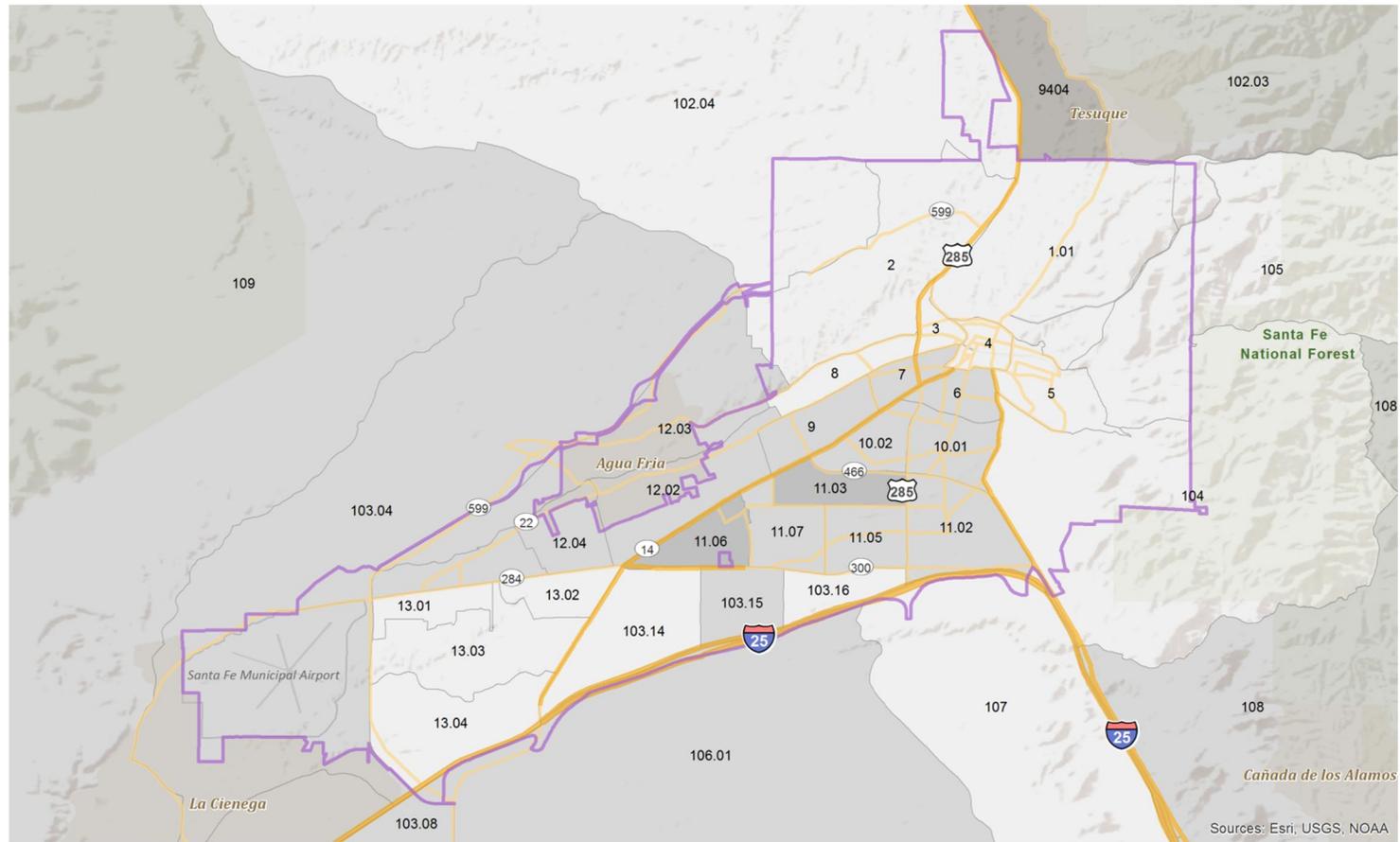
**Figure V-11.
Concentrations of
Persons of
Hispanic Descent
by Census Tract**

Source:
2009-2013 American
Community Survey



**Figure V-12.
Concentrations of
Persons of
American Indian
Descent by Census
Tract**

Source:
2009-2013 American
Community Survey

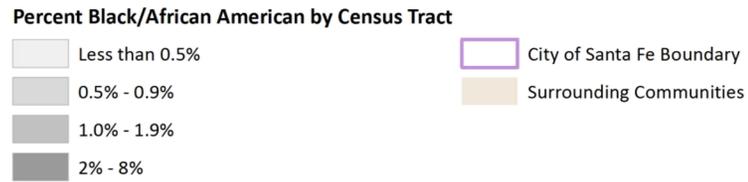
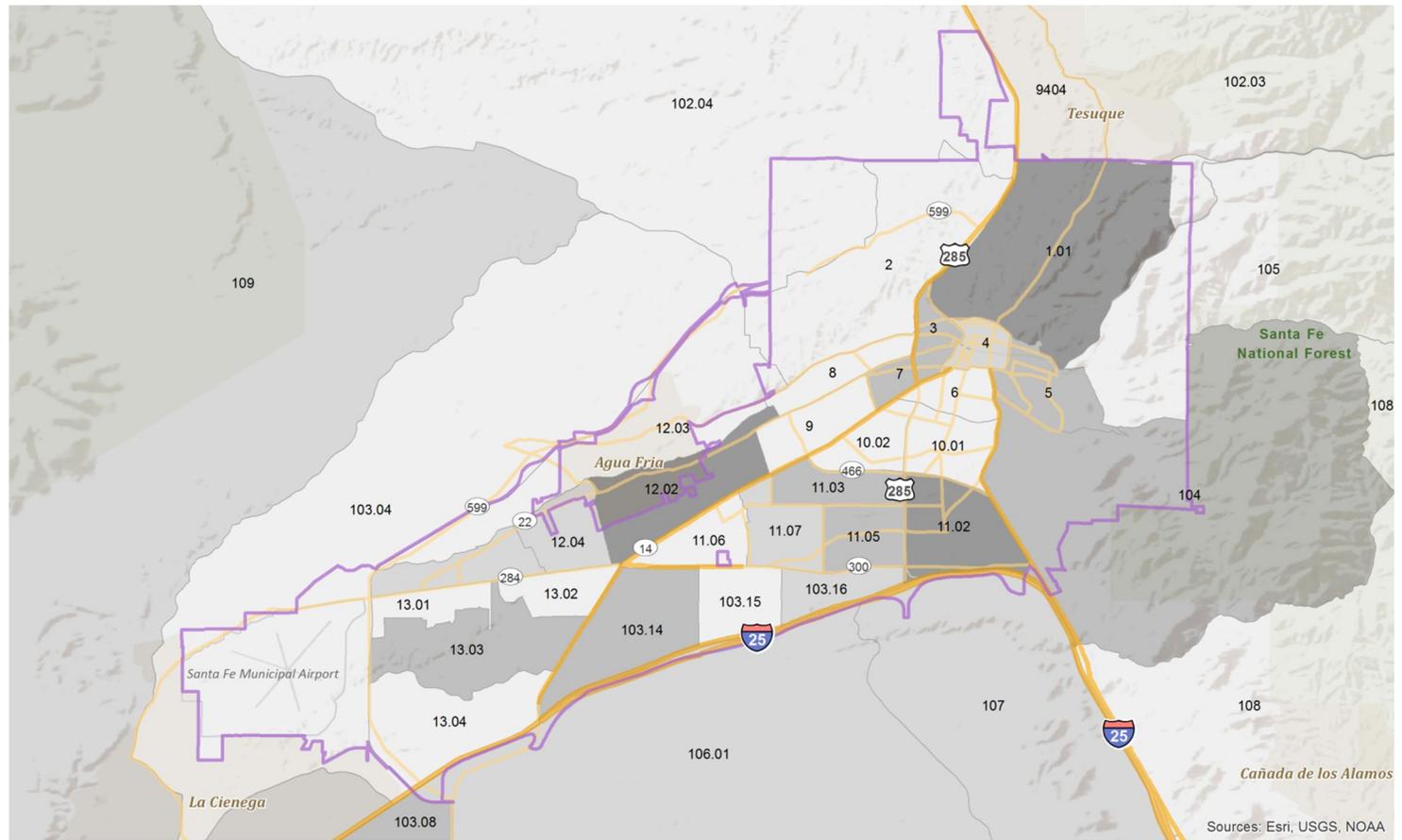


Percent American Indian/Alaska Native by Census Tract



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

Source:
2009-2013 American
Community Survey



Segregation levels and patterns. The Dissimilarity Index, or DI, is a common tool that measures segregation in a community. The DI is an index that measures the degree to which two distinct groups are evenly distributed across a geographic area, usually a county. DI values range from 0 to 100—where 0 is perfect integration and 100 is complete segregation. Dissimilarity index values between 0 and 39 generally indicate low segregation, values between 40 and 54 generally indicate moderate segregation, and values between 55 and 100 generally indicate a high level of segregation.

It is important to note that the DI that HUD provides for AFH completion uses non-Hispanic white residents as the primary comparison group. That is, all DI values compare a particular racial group’s distribution in the City or Region against the distribution of non-white Hispanic residents.

Figure V-14, below, shows the DI for Santa Fe. Overall, the index is “low” for all minority groups—both collectively and individually. However, the index does indicate near moderate levels of segregation for Hispanic residents. Over the past several years, overall segregation (non-white/white dissimilarity index) declined in the city, as did segregation for Hispanic residents. However, the dissimilarity index for black residents and Asian residents indicate increasing levels of segregation. The dissimilarity trends for Hispanic residents are similar to the demographic patterns depicted in Map 1 and 2 in the HUD AFFH Data and Mapping Tool (see Figures V-15 through 17).

The region overall has slightly higher levels of segregation than the city. The regional index is “moderate” for all minority groups collectively and for Hispanic residents individually. Current trends indicate that regional segregation has increased over the past few years for all groups.

Figure V-14.
Table 3 – Dissimilarity Index of Segregation, 2014

Racial/Ethnic Dissimilarity Index	(Santa Fe, NM CDBG) Jurisdiction			
	1990 Trend	2000 Trend	2010 Trend	Current
Non-White/White	32.14	37.32	39.08	37.82
Black/White	26.51	26.57	24.92	27.52
Hispanic/White	32.32	38.73	40.87	38.86
Asian or Pacific Islander/White	27.62	25.00	22.60	32.03
Racial/Ethnic Dissimilarity Index	(Santa Fe, NM) Region			
	1990 Trend	2000 Trend	2010 Trend	Current
Non-White/White	34.40	40.21	42.10	44.40
Black/White	33.46	29.21	25.89	31.86
Hispanic/White	34.24	41.22	43.46	45.23
Asian or Pacific Islander/White	24.98	27.55	24.41	31.37

Note: Refer to the Data Documentation for details (www.hudexchange.info).

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

While the dissimilarity index may indicate a level of segregation between whites and minority residents, it does not identify the underlying causes for the segregation. It is plausible that some minority residents actively seek housing in neighborhoods (Census tracts) where individuals

with similar backgrounds as themselves are living and where familiar cultural amenities can be found (religious centers, specialized supermarkets, etc.). On the other hand, discriminatory practices could be occurring that result in minority residents concentrating in certain neighborhoods regardless of their actual preferences.

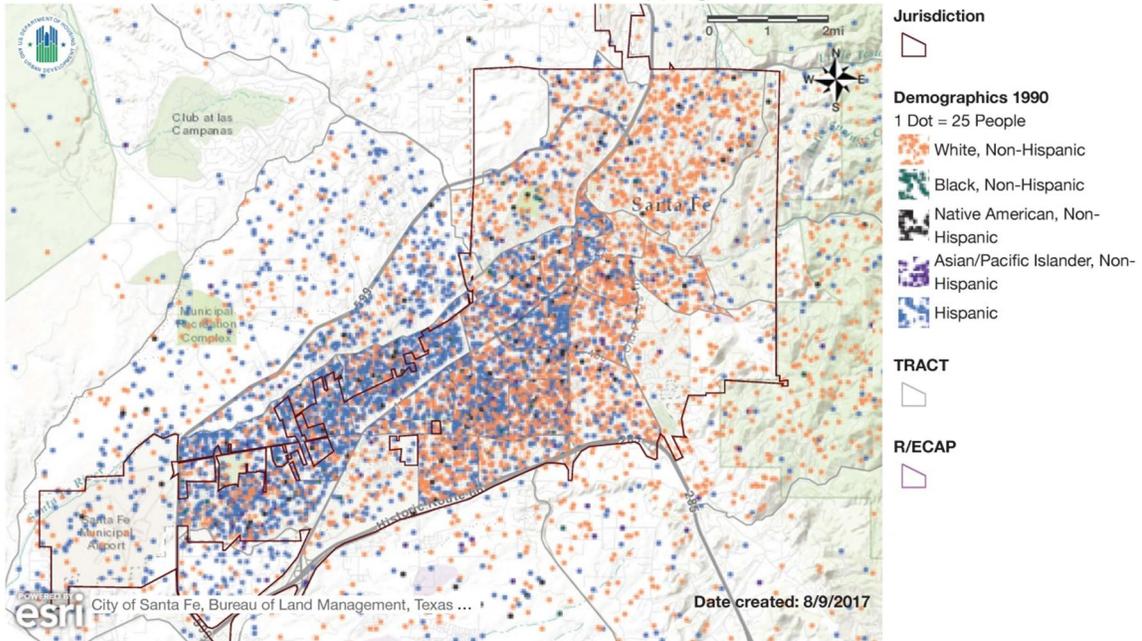
In general, Figure V-14 reveals that the City is relatively well integrated—particularly given its racial and ethnic diversity.¹

The following maps provide additional detail about the racial/ethnic distribution of residents in Santa Fe in 1990, 2000 and 2010. It is important to note that all of the maps are set to the same dot renderer (1 dot = 75 people) to allow an equal comparison among racial and ethnic categories. The maps reveal many neighborhoods that reflect the diversity of the city overall; however the maps also indicate a higher proportion of Hispanic residents in the south and southwest parts of the city.

¹ More diverse communities usually have higher dissimilarity indices—and less diverse communities, lower indices. This is due to a number of factors, including settlement patterns and formation of ethnic enclaves, historical practices and policies leading to segregation, and limited housing choices.

Figure V-15. Map 2 – Race/Ethnicity Trends, Santa Fe, 1990

HUD Affirmatively Furthering Fair Housing Data and Mapping Tool



Name: Map 2 - Race/Ethnicity Trends

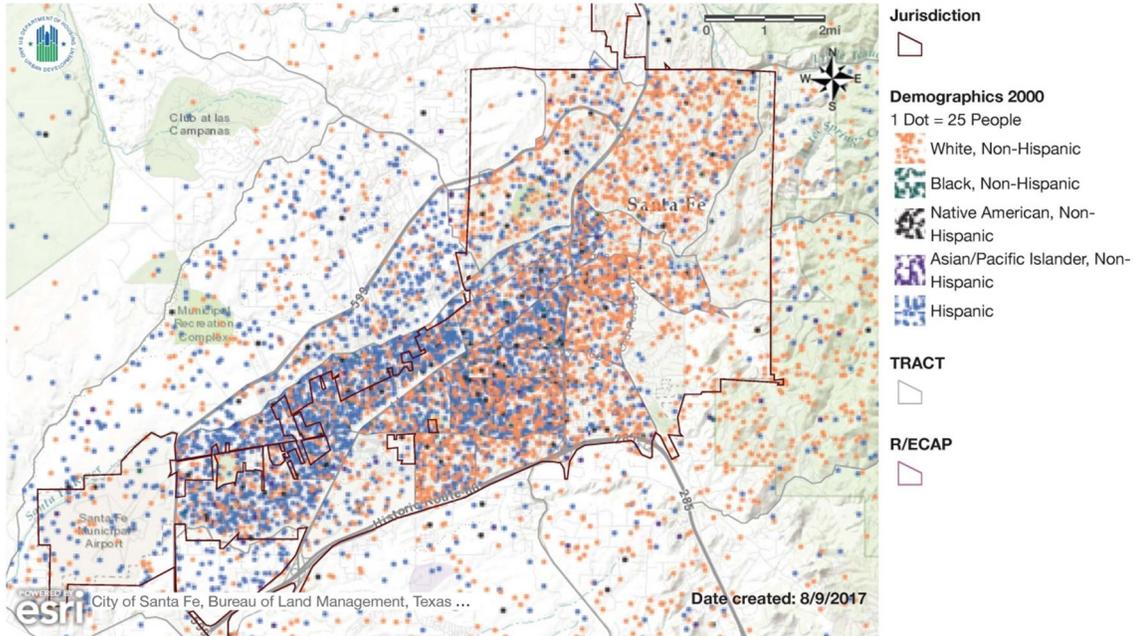
Description: Past race/ethnicity dot density map for Jurisdiction and Region with R/ECAPs

Jurisdiction: Santa Fe (CDBG)

Region: Santa Fe, NM

Figure V-16. Map 2 – Race/Ethnicity Trends, Santa Fe, 2000

HUD Affirmatively Furthering Fair Housing Data and Mapping Tool



Name: Map 2 - Race/Ethnicity Trends

Description: Past race/ethnicity dot density map for Jurisdiction and Region with R/ECAPs

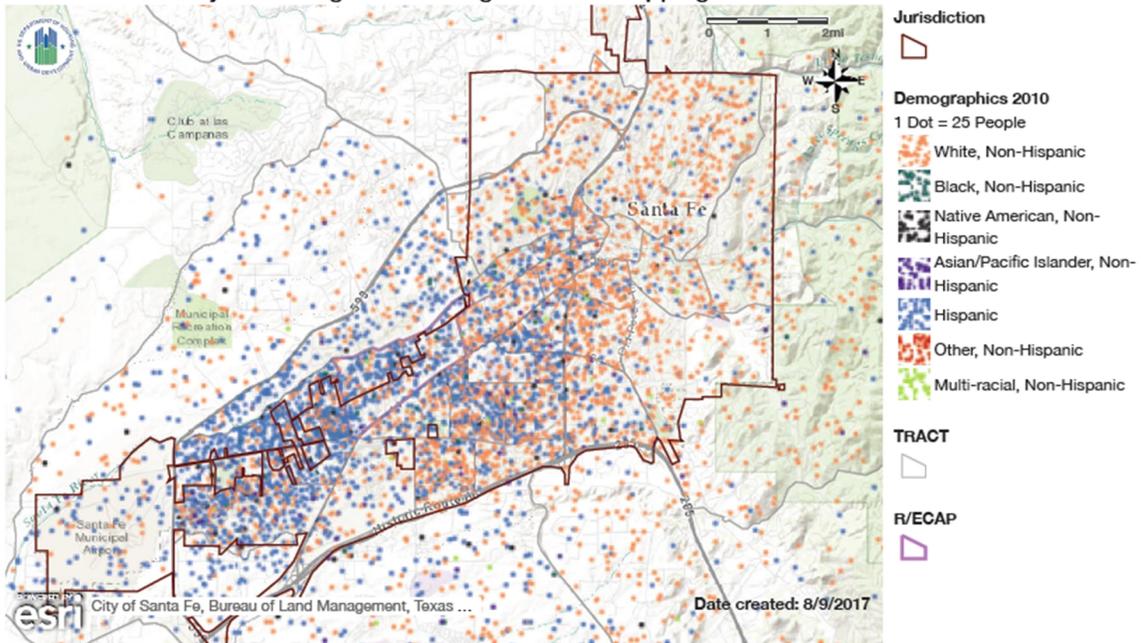
Jurisdiction: Santa Fe (CDBG)

Region: Santa Fe, NM

Source: HUD Affirmatively Furthering Fair Housing Data and Mapping Tool. <https://egis.hud.gov/affht/>

Figure V-17.
Map 1 – Race/Ethnicity, Santa Fe, 2010

HUD Affirmatively Furthering Fair Housing Data and Mapping Tool



Name: Map 1 - Race/Ethnicity

Description: Current race/ethnicity dot density map for Jurisdiction and Region with R/ECAPs

Jurisdiction: Santa Fe (CDBG)

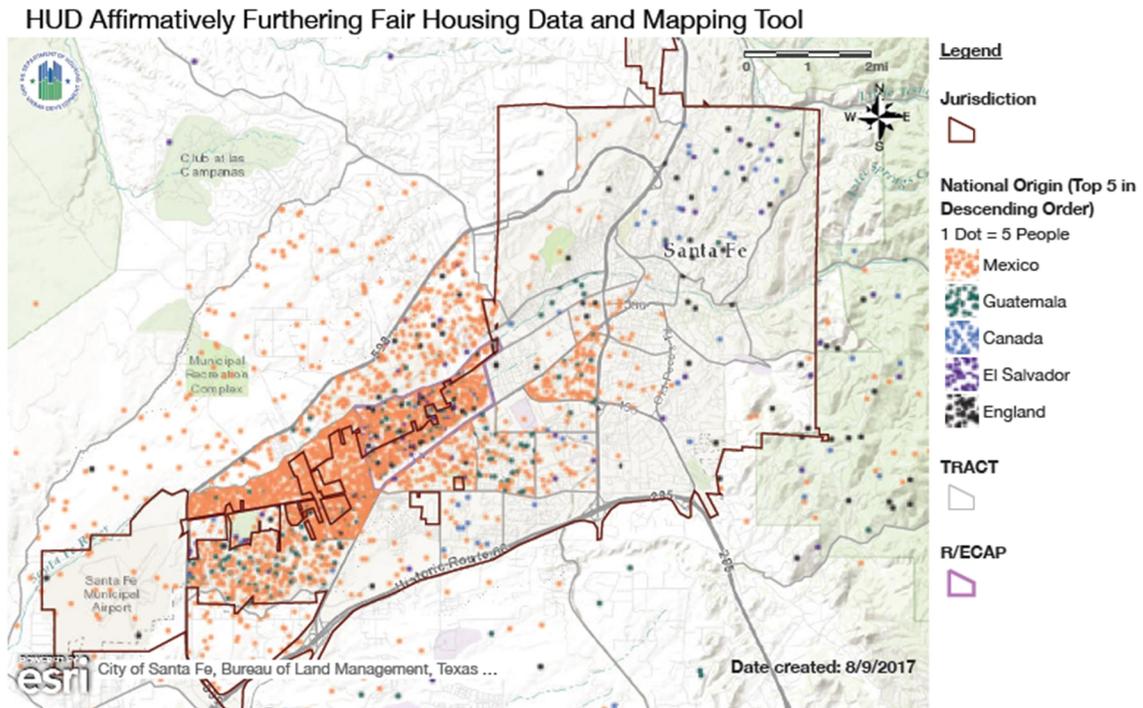
Region: Santa Fe, NM

Source: HUD Affirmatively Furthering Fair Housing Data and Mapping Tool. <https://egis.hud.gov/affht/>.

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

Figure V-18 shows where the cultural groupings exist within the city. Clusters of residents of Mexican and Guatemalan origin are located in central and northwest Santa Fe Census tracts.

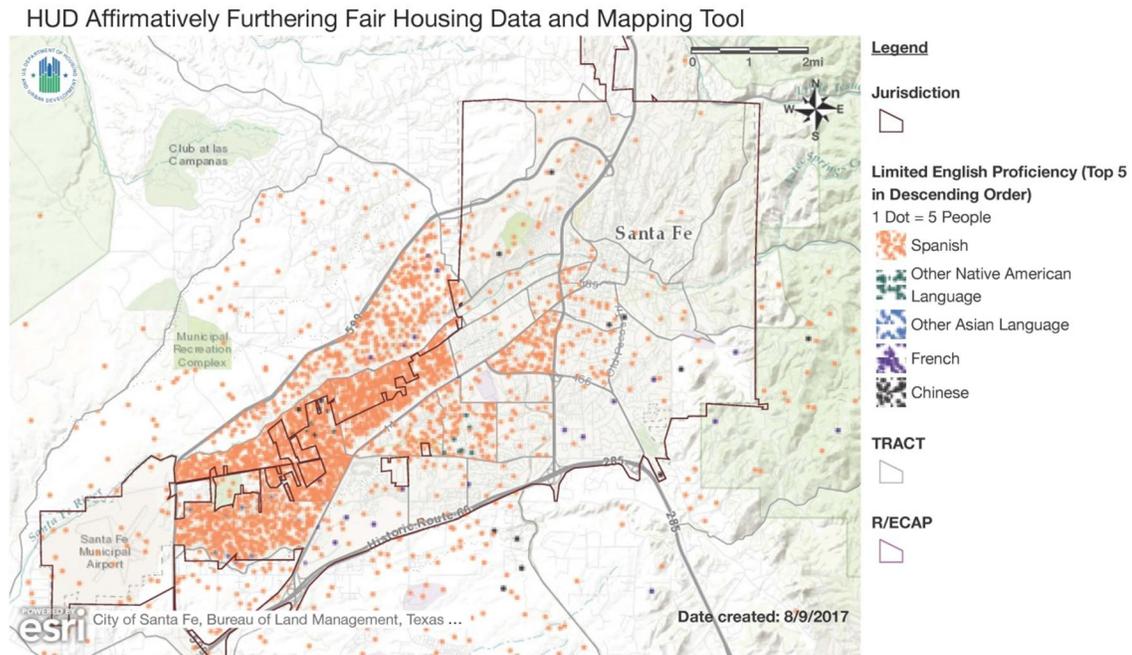
Figure V-18.
HUD AFFH Tool Jurisdiction Map of Santa Fe, Map 3, National Origin, 2010



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

National origin, particularly those of Mexican and Guatemalan origin, are distinctly located in central parts of the city and not in the northeast and southwest census tracts. This segregation by national origin could be attributed to a number of factors including the desire or need to reside with or in close proximity to family, affordable housing options, access to jobs, or access to public transportation. The ability to speak English and the degree to which one can speak may also impact where an individual resides. Figure V-19 shows the distribution of Limited English Proficiency (LEP) by language in Santa Fe.

Figure V-19.
HUD AFFH Tool Jurisdiction Map of Santa Fe, Map 4, LEP, 2010



Name: Map 4 - LEP

Description: LEP persons (5 most commonly used languages) for Jurisdiction and Region with R/ECAPs

Jurisdiction: Santa Fe (CDBG)

Region: Santa Fe, NM

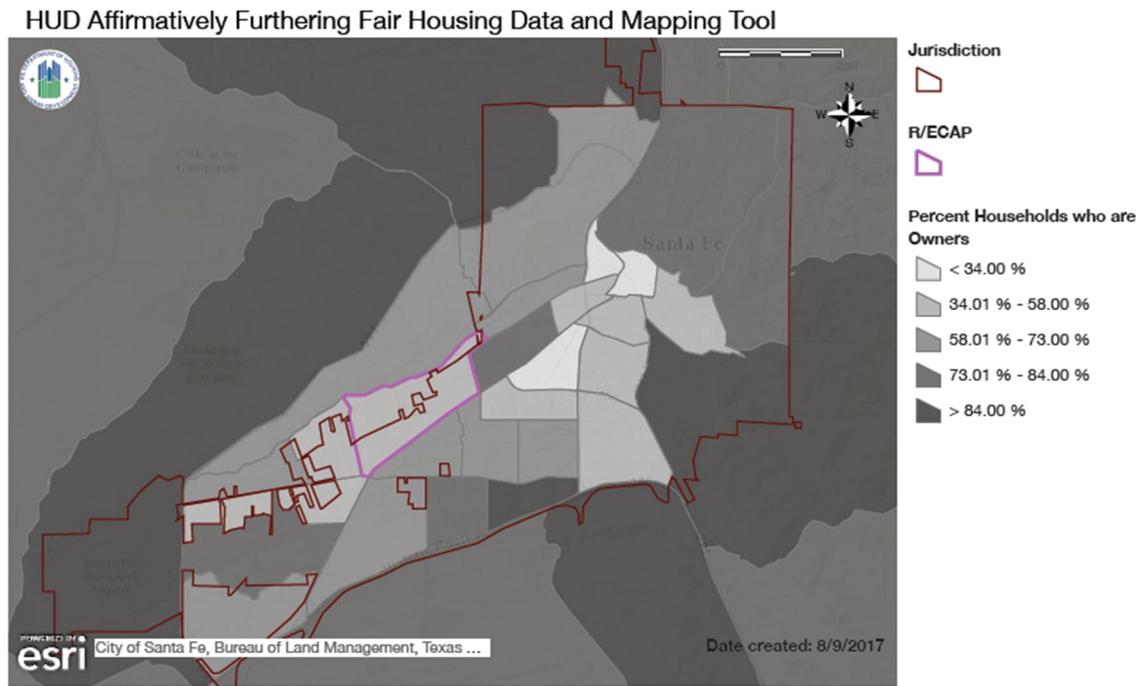
Source: HUD AFFH Data and Mapping Tool. <https://egis.hud.gov/affht/>.

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

Tenure and segregation. Limiting the ability of certain residents to own homes—particularly in fast-growing and high-demand markets—prevents wealth creation and widens economic gaps. These limitations also prevent residents from accessing neighborhoods with high quality schools and other community amenities (e.g., recreational facilities and parks), because these are often funded by builders and homeowners’ associations as part of master development agreements and/or fees paid by owners.

The maps below show the location of owner and renter occupied housing in Santa Fe. The areas with the highest rental rates—and, inversely, lowest ownership rates—are some of the same areas in which Hispanic residents are most concentrated, particularly in the R/ECAP in the City.

Figure V-20. Map 16 – Housing Tenure, Owners, 2010



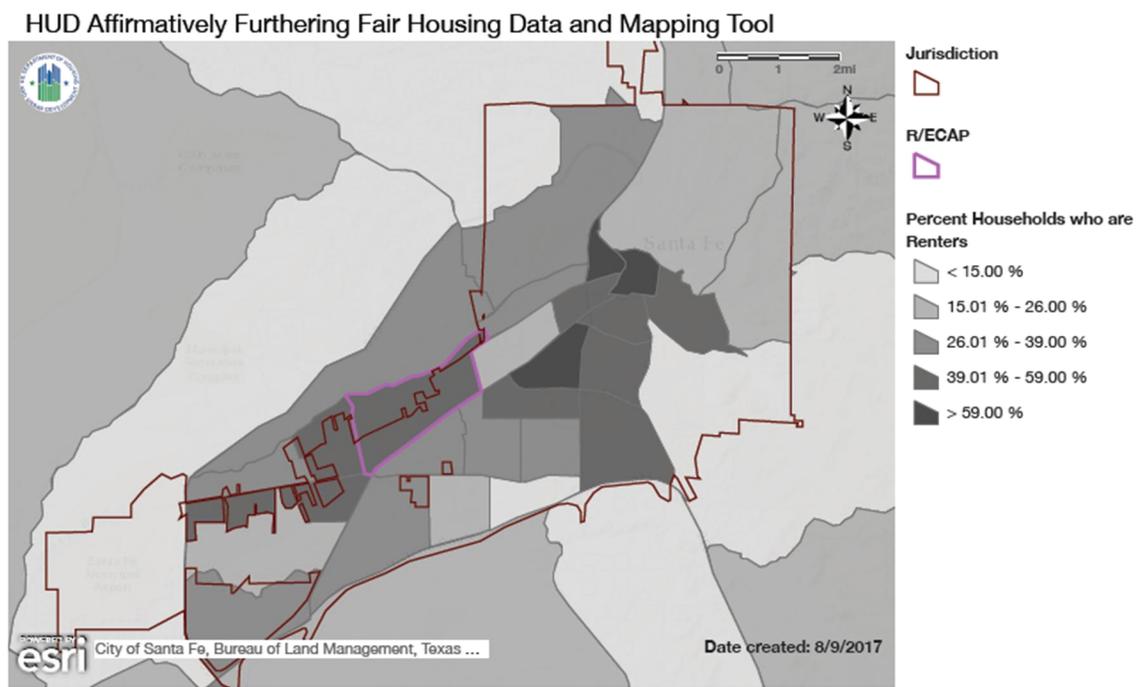
Name: Map 16 - Housing Tenure

Description: Housing Tenure by Owners with R/ECAPs

Jurisdiction: Santa Fe (CDBG)

Region: Santa Fe, NM

Figure V-21. Map 16 – Housing Tenure, Renters, 2010



Name: Map 16 - Housing Tenure

Description: Housing Tenure by Renters with R/ECAPs

Jurisdiction: Santa Fe (CDBG)

Region: Santa Fe, NM

Source: HUD Affirmatively Furthering Fair Housing Data and Mapping Tool. <https://egis.hud.gov/affht/>.

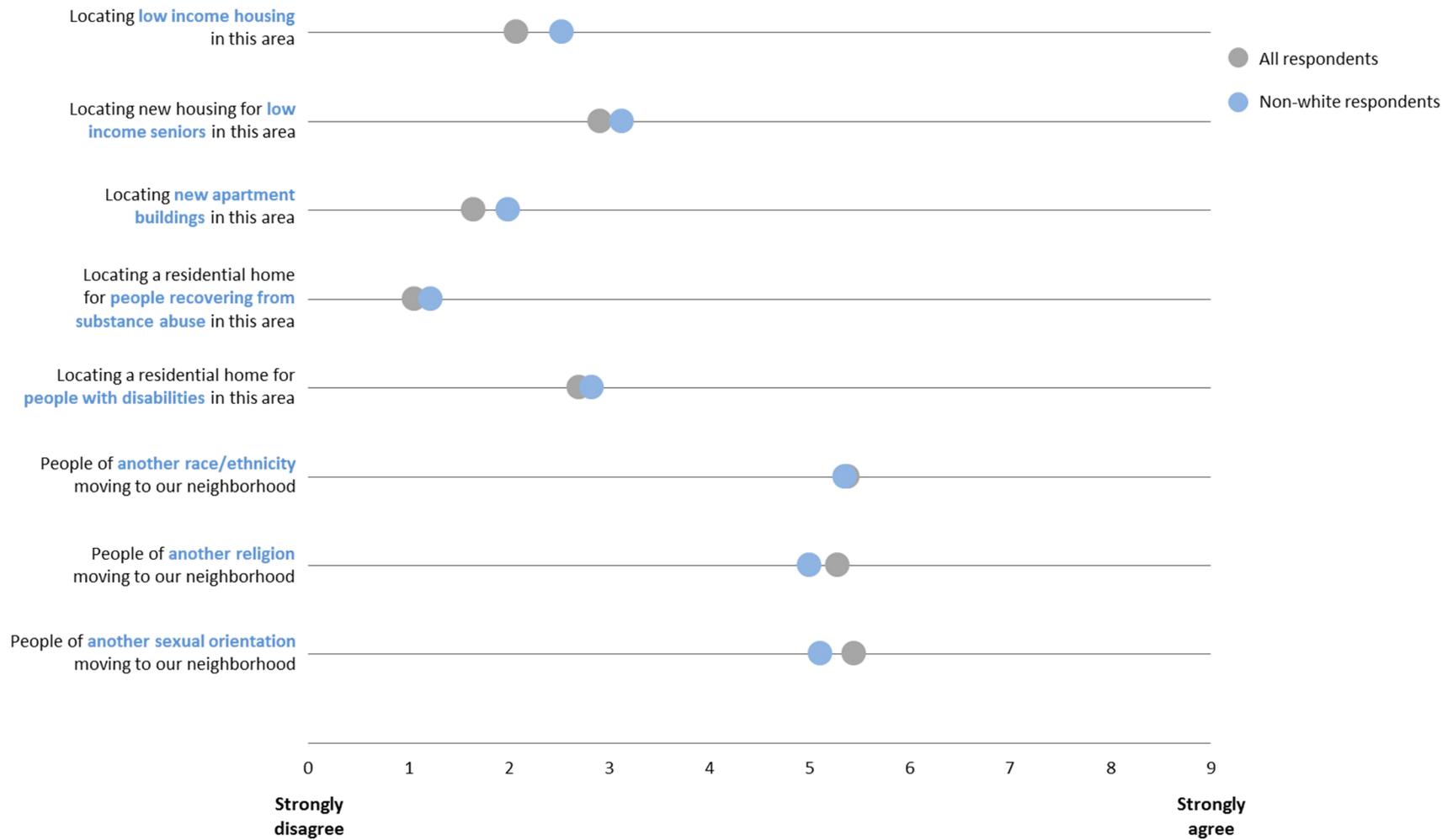
Segregation—stakeholder and resident perspectives. Respondents to the stakeholder survey suggest that segregation in Santa Fe is due to the concentration of affordable housing and the resistance of some neighborhoods to affordable housing developments (i.e., NIMBYism). Among the possible fair housing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

- *“Working class and poor Latinos, young families of color, immigrants, and people on Section 8 all are pushed into certain poorer, run-down areas of town. Limited access to affordable fresh groceries, transportation and poor police-community relationships are issues too.” (Stakeholder survey respondent)*
- *“The location is dependent on the affordability of the housing in that area. The easiest way to segregate is to have higher rates, and not accept any housing vouchers.” (Stakeholder survey respondent)*
- *“I work with immigrants, which significantly complicates access to affordable housing as the parents often lack a valid social. Because they are low-income they need affordable housing and can often not find it. Often families I work with are doubled up or living in very substandard housing. They remain segregated in a large part in the trailer colonies around Airport Road.” (Stakeholder survey respondent)*

Residents participating in the public outreach efforts also acknowledged the existence of segregation in Santa Fe and associated that segregation with affordability and NIMBYism. Figure V-22 displays resident perceptions about neighborhood openness to diversity. Results are shown for respondents overall and for non-white respondents.

Figure V-22.
Neighborhood Attitudes Toward Diversity

Most of my neighbors would be supportive of...



Source: BBC Research & Consulting from the 2017 Santa Fe AFH Resident Survey.

Racially or Ethnically Concentrated Areas of Poverty (R/ECAPs)

1. Analysis

- a. *Identify any R/ECAPs or groupings of R/ECAP tracts within the jurisdiction and region.*
- b. *Describe and identify the predominant protected classes residing in R/ECAPs in the jurisdiction and region. How do these demographics of the R/ECAPs compare with the demographics of the jurisdiction and region?*
- c. *Describe how R/ECAPs have changed over time in the jurisdiction and region (since 1990).*

A Racially Concentrated Area of Poverty or an Ethnically Concentrated Area of Poverty (R/ECAP) is a neighborhood with a poverty rate of 40 percent and a racial and ethnic concentration.

It is very important to note that R/ECAPs are not areas of focus because of racial and ethnic concentrations alone. This study recognizes that racial and ethnic clusters can be a part of fair housing choice if they occur in a non-discriminatory market. Rather, R/ECAPs are meant to identify areas where residents may have historically faced discrimination and continue to be challenged by limited economic opportunity.

HUD's definition of a Racially/Ethnically Concentrated Area of Poverty is:

- A census tract that has a non-white population of 50 percent or more (majority-minority) or, for non-urban areas, 20 percent, AND a poverty rate of 40 percent or more; OR
- A census tract that has a non-white population of 50 percent or more (majority-minority) AND the poverty rate is three times the average tract poverty rate for the County, whichever is lower.

According to HUD, Santa Fe has a single racially and ethnically concentrated area of poverty, Census tract 12.02 that has ranged in poverty from 38 to 40 percent during the past 15 years. The tract is highly ethnically concentrated; 75 percent of residents are Hispanic. About one-fourth of residents are of Mexican descent, followed by Guatemalan (7%), and El Salvadoran (3%).

Figure V-23 shows the demographics of residents living in the City's sole R/ECAP. The residents in the R/ECAP are predominately Hispanic (77%) and a large portion were born in Mexico. More than half of the residents in this Census tract are families with children. The demographics of the protected classes that disproportionately reside in the City's R/ECAP are almost identical to those in the Region.

**Figure V-23.
Table 4 –
Demographics of
Residents Living
in R/ECAPs**

Note:

10 most populous groups at the jurisdiction level may not be the same as the 10 most populous at the Region level, and are thus labeled separately.

Source:

HUD AFFH Tables 1 and 4.

(Santa Fe, NM CDBG) Jurisdiction			
		#	%
R/ECAP Race/Ethnicity			
Total Population in R/ECAPs		3,341	-
White, Non-Hispanic		630	18.86%
Black, Non-Hispanic		32	0.96%
Hispanic		2,567	76.83%
Asian or Pacific Islander, Non-Hispanic		23	0.69%
Native American, Non-Hispanic		52	1.56%
Other, Non-Hispanic		8	0.24%
R/ECAP Family Type			
Total Families in R/ECAPs		725	-
Families with children		409	56.41%
R/ECAP National Origin			
Total Population in R/ECAPs		3,282	-
#1 country of origin	Mexico	708	21.56%
#2 country of origin	Guatemala	231	7.03%
#3 country of origin	El Salvador	100	3.05%
#4 country of origin	Ireland	24	0.72%
#5 country of origin	Canada	22	0.68%
#6 country of origin	Moldova	17	0.52%
#7 country of origin	Pakistan	15	0.46%
#8 country of origin	India	12	0.36%
#9 country of origin	England	10	0.32%
#10 country of origin	Japan	10	0.30%
(Santa Fe, NM) Region			
		#	%
R/ECAP Race/Ethnicity			
Total Population in R/ECAPs		5,100	-
White, Non-Hispanic		961	18.84%
Black, Non-Hispanic		49	0.96%
Hispanic		3,919	76.84%
Asian or Pacific Islander, Non-Hispanic		35	0.69%
Native American, Non-Hispanic		80	1.57%
Other, Non-Hispanic		12	0.24%
R/ECAP Family Type			
Total Families in R/ECAPs		1,107	-
Families with children		624	56.37%
R/ECAP National Origin			
Total Population in R/ECAPs		5,100	-
#1 country of origin	Mexico	1,080	21.18%
#2 country of origin	Guatemala	352	6.90%
#3 country of origin	El Salvador	153	3.00%
#4 country of origin	Ireland	36	0.71%
#5 country of origin	Canada	34	0.67%
#6 country of origin	Moldova	26	0.51%
#7 country of origin	Pakistan	23	0.45%
#8 country of origin	India	18	0.35%
#9 country of origin	England	16	0.31%
#10 country of origin	Japan	15	0.29%

Concentrated areas of poverty—stakeholder and resident perspectives. Stakeholders, open house attendees and disability focus group participants all identified a need for affordable housing in higher opportunity lower poverty areas of Santa Fe. Through three interactive exercises, Open House attendees expressed the need for more affordable housing in Santa Fe, particularly in the neighborhoods surrounding the downtown Plaza area. Figure V-24 shows where Open House attendees indicated a need for affordable housing, and most of these comments focus around downtown Santa Fe as well as the St. Michael’s revitalization area. These include rents lower than \$500, homes to purchase for less than \$100,000, increased density and protections for lower income renters.

Figure V-24.
“I wish there was…” Open House Mapping Exercise—Affordable Housing Comments



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

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

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

Disparities in Access to Opportunity

The Access to Opportunity framework in the AFH expands the fair housing analysis beyond housing. It examines barriers that more broadly affect economic opportunity.

How does economic opportunity relate to fair housing? The Federal Fair Housing Act requires that HUD programs and activities be administered in a manner that affirmatively furthers (AFFH) the policies of the Fair Housing Act. Federal courts have interpreted this to mean doing more than simply not discriminating: The AFFH obligation also requires recipients of federal housing funds to take meaningful actions to overcome historic and current barriers to accessing housing and economically stable communities.

Recent research has demonstrated that fair housing planning has benefits beyond complying with federal funding obligations:

- Dr. Raj Chetty's well known Equality of Opportunity research found economic gains for adults who moved out of high poverty neighborhoods when they were children. The gains were larger the earlier the children were when they moved.²
- A companion study on social mobility isolated the neighborhood factors that led to positive economic mobility for children: lower levels of segregation, lower levels of income inequality, high quality education, greater community involvement ("social capital"), greater family stability.
- A 2016 study by the National Bureau of Economic Research (NBER) found positive economic and social outcomes for children raised in publicly subsidized housing, regardless of the poverty level of the neighborhood.³

² <http://www.equality-of-opportunity.org> and http://www.equality-of-opportunity.org/images/mto_exec_summary.pdf

³ <http://www.nber.org/papers/w19843.pdf>

This has been articulated by HUD as: “the obligations and principles embodied in the concept of fair housing are fundamental to healthy communities...and...actions in the overall community planning and development process lead to substantial positive change.”

This segment of the AFH examines Access to Opportunity in education, employment, transportation, low poverty environments, and environmentally healthy neighborhoods. It draws from data and maps provided by HUD and findings from the community engagement process.

AFH requirements:

Education

- 1. For the protected class groups HUD has provided data, describe any disparities in access to proficient schools in the jurisdiction and region.*
- 2. For the protected class groups HUD has provided data, describe how the disparities in access to proficient schools relate to residential living patterns in the jurisdiction and region.*
- 3. Informed by community participation, any consultation with other relevant government agencies, and the participant’s own local data and local knowledge, discuss whether there are programs, policies, or funding mechanisms that affect disparities in access to education.*

Employment

- 1. For the protected class groups HUD has provided data, describe any disparities in access to jobs and labor markets by protected class groups in the jurisdiction and region.*
- 2. For the protected class groups HUD has provided data, describe how disparities in access to employment relate to residential living patterns in the jurisdiction and region.*
- 3. Informed by community participation, any consultation with other relevant government agencies, and the participant’s own local data and local knowledge, discuss whether there are programs, policies, or funding mechanisms that affect disparities in access to employment.*

Transportation

- 1. For the protected class groups HUD has provided data, describe any disparities in access to transportation related to costs and access to public transit in the jurisdiction and region.*
- 2. For the protected class groups HUD has provided data, describe how disparities in access to transportation related to residential living patterns in the jurisdiction and region.*
- 3. Informed by community participation, any consultation with other relevant government agencies, and the participant’s own local data and local knowledge, discuss whether there*

are programs, policies, or funding mechanisms that affect disparities in access to transportation.

Access to Low Poverty Neighborhoods

- 1. For the protected class groups HUD has provided data, describe any disparities in access to low poverty neighborhoods in the jurisdiction and region.*
- 2. For the protected class groups HUD has provided data, describe how disparities in access to low poverty neighborhoods relate to residential living patterns of those groups in the jurisdiction and region.*
- 3. Informed by community participation, any consultation with other relevant government agencies, and the participant's own local data and local knowledge, discuss whether there are programs, policies, or funding mechanisms that affect disparities in access to low poverty neighborhoods.*

Access to Environmentally Healthy Neighborhoods

- 1. For the protected class groups HUD has provided data, describe any disparities in access to environmentally healthy neighborhoods in the jurisdiction and region.*
- 2. For the protected class groups HUD has provided data, describe how disparities in access to environmentally healthy neighborhoods relate to residential living patterns in the jurisdiction and region.*
- 3. Informed by community participation, any consultation with other relevant government agencies, and the participant's own local data and local knowledge, discuss whether there are programs, policies, or funding mechanisms that affect disparities in access to environmentally healthy neighborhoods.*

Patterns in Disparities in Access to Opportunity

- 1. For the protected class groups HUD has provided data, identify and discuss any overarching patterns of access to opportunity and exposure to adverse community factors. Include how these patterns compare to patterns of segregation, integration, and R/ECAPs. Describe these patterns for the jurisdiction and region.*
- 2. Based on the opportunity indicators assessed above, identify areas that experience: (a) high access; and (b) low access across multiple indicators.*

To facilitate the Assess to Opportunity analysis, HUD provides a table that measures access to opportunity by an index. This table is shown below. The index allows comparison of opportunity indicators by race and ethnicity, for households below and above the poverty line, among jurisdictions, and to the region. These tables are referenced in the opportunity indicators discussions that follow.

To interpret the indices in the tables, use the rule that a higher number is always a better outcome. The index should not be thought of as a percentage—but as an “opportunity score.”

Figure V-25.
Table 12 — Opportunity Indicators, by Race/Ethnicity, Santa Fe and Region

(Santa Fe, NM CDBG) Jurisdiction	Low Poverty Index	School Proficiency Index	Labor Market Index	Transit Index	Low Transportation Cost Index	Jobs Proximity Index	Environmental Health Index
Total Population							
White, Non-Hispanic	48.14	40.87	72.41	44.14	55.50	57.59	73.67
Black, Non-Hispanic	39.90	24.55	63.69	46.31	57.28	53.28	67.24
Hispanic	32.91	16.87	56.29	47.27	58.31	48.90	63.53
Asian or Pacific Islander, Non-Hispanic	41.65	31.44	71.28	43.42	53.73	52.54	74.28
Native American, Non-Hispanic	38.09	20.50	60.46	46.81	57.86	52.34	64.21
Population below federal poverty line							
White, Non-Hispanic	40.17	31.67	65.70	46.75	57.85	56.14	68.68
Black, Non-Hispanic	42.68	23.35	47.51	53.27	63.06	51.99	64.45
Hispanic	23.58	14.77	48.59	50.57	62.66	49.31	61.32
Asian or Pacific Islander, Non-Hispanic	37.65	14.68	54.95	51.34	58.89	38.73	60.54
Native American, Non-Hispanic	49.15	47.28	69.57	48.62	61.61	63.82	64.21
(Santa Fe, NM) Region	Low Poverty Index	School Proficiency Index	Labor Market Index	Transit Index	Low Transportation Cost Index	Jobs Proximity Index	Environmental Health Index
Total Population							
White, Non-Hispanic	54.13	39.56	69.18	27.43	41.91	56.93	82.24
Black, Non-Hispanic	48.81	23.49	56.11	31.62	46.37	52.54	76.09
Hispanic	36.17	15.85	49.90	37.65	47.29	48.91	77.04
Asian or Pacific Islander, Non-Hispanic	46.67	29.73	66.06	31.89	44.54	51.74	81.73
Native American, Non-Hispanic	45.39	19.48	47.75	29.80	37.60	52.34	80.77
Population below federal poverty line							
White, Non-Hispanic	44.81	37.79	64.32	33.43	47.47	52.99	77.89
Black, Non-Hispanic	42.55	25.09	47.39	52.92	62.13	52.25	71.46
Hispanic	25.09	19.64	43.12	42.58	51.82	46.57	75.46
Asian or Pacific Islander, Non-Hispanic	30.53	12.28	56.37	51.37	59.68	39.90	67.84
Native American, Non-Hispanic	43.50	55.16	48.14	35.55	38.73	43.81	78.53

Note: Refer to the Data Documentation for details (www.hudexchange.info).

Source: Decennial Census; ACS; Great Schools; Common Core of Data; SABINS; LAI; LEHD; NATA.

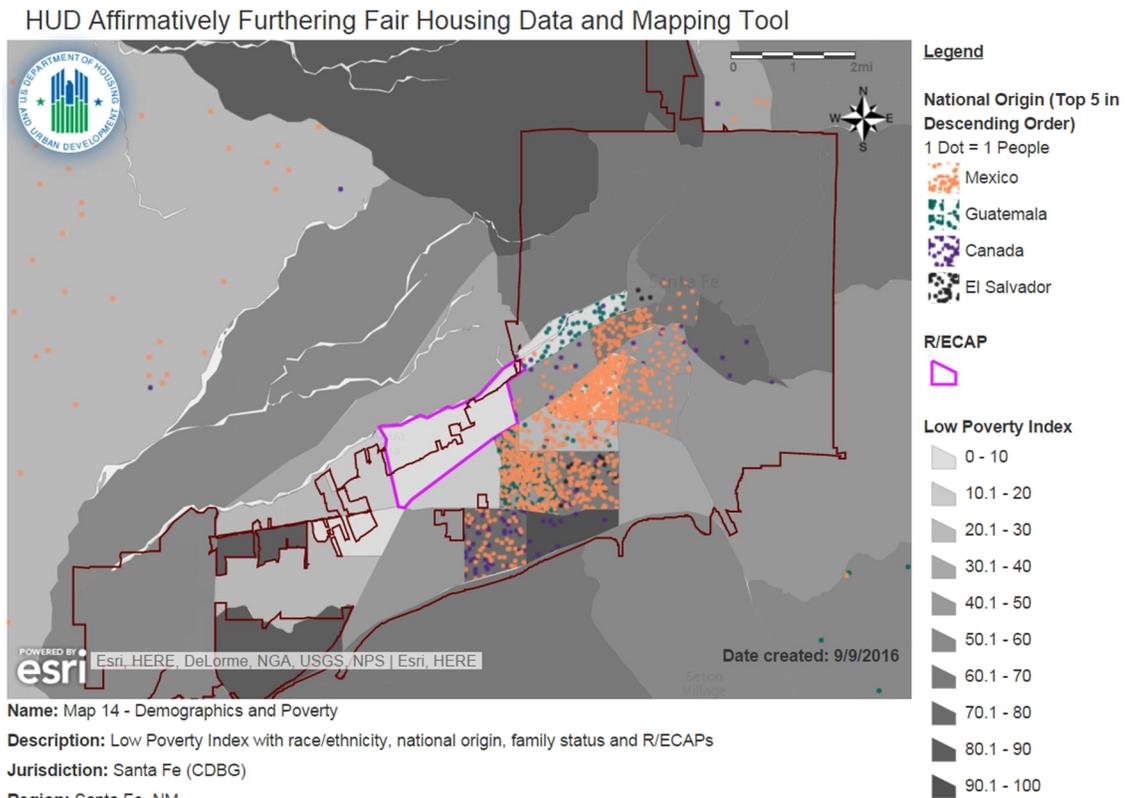
Across all racial and ethnic groups, exposure to employment, transportation, and environmental health opportunities are relatively high. Populations in poverty experience less opportunity within the low poverty, school proficiency and labor market indexes, with the exception of Native Americans. These differences are modest, however, suggesting that below-poverty residents do not face major barriers to opportunity amenities. Native Americans in poverty have higher exposure to every opportunity indicator compared to those in the total population. Hispanic populations experience some of the lowest access to opportunity, particularly in the low poverty, school proficiency and labor market indexes. The indicators in Santa Fe that are of

most concern are poverty and school proficiency, both of which show considerably low access to opportunity.

Similar trends are evident in the region overall. Compared to the City, the region has higher exposure to low poverty areas and higher exposure to environmental health but lower access to jobs, transit and low cost transportation. For the regional population as a whole, access to quality schools is similar but residents living in poverty in the region have higher access to good schools than residents living in poverty in the city.

Access to Low Poverty Neighborhoods. Figure V-26 shows the Low Poverty Index, which is simply a measure of the poverty rate. A higher value indicates the likelihood that a resident lives in a low poverty neighborhood and a lower value indicates the likelihood that a resident does not live in a low poverty neighborhood. In Figure V-26, the areas with a high poverty rate are located along the north central border of the city and overlap with the Census tracts that have a high proportion of residents with Mexican and Guatemalan origin. The Census tracts with the Canadian origin residents, along with a few Mexican origin residents, live in a low poverty neighborhood.

Figure V-26.
Map 12 – National Origin and Poverty, 2010



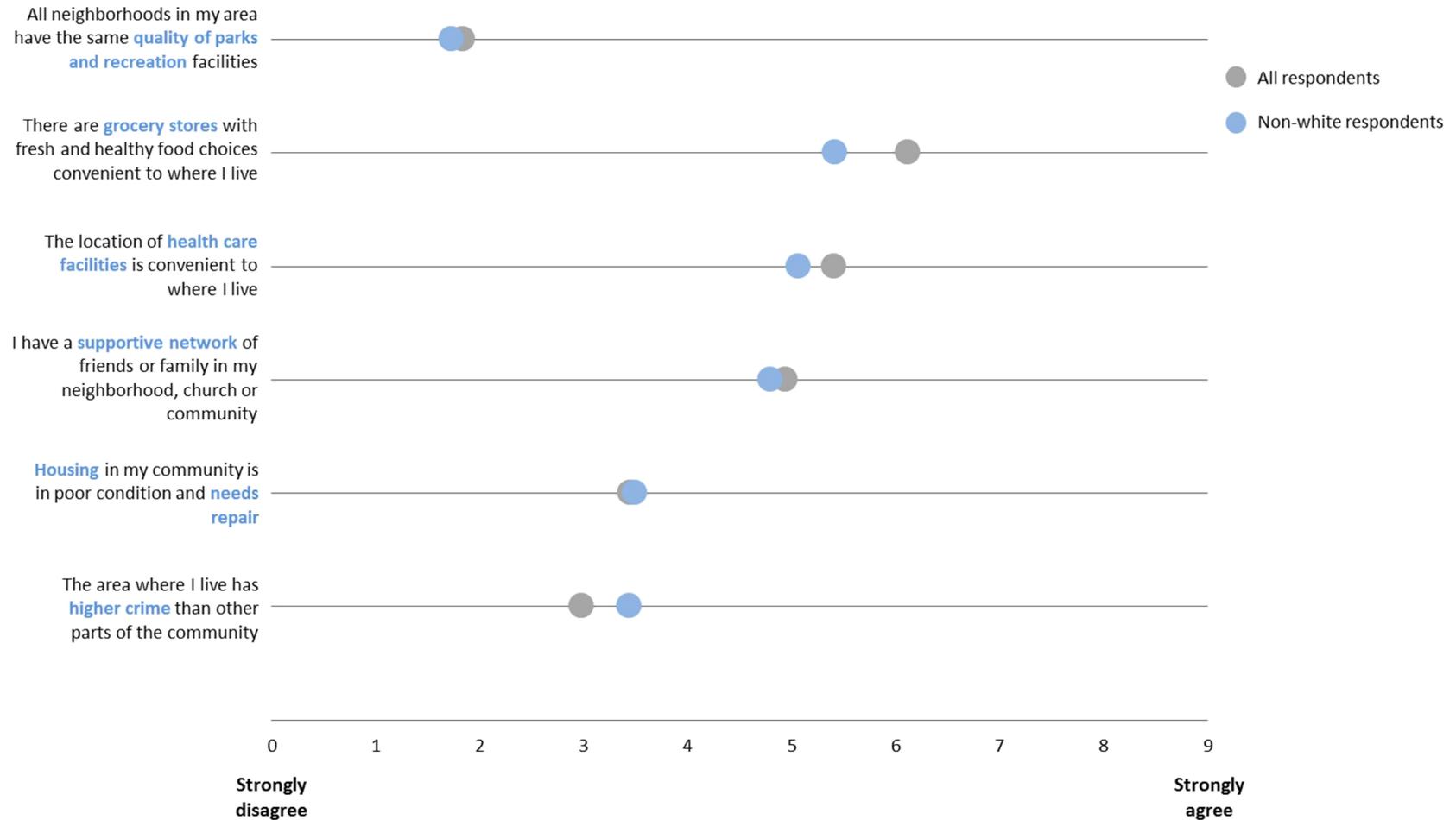
Source: HUD Affirmatively Furthering Fair Housing Data and Mapping Tool. <https://egis.hud.gov/affht/>.

Stakeholder and resident perspectives on access to low poverty neighborhoods. As discussed earlier in this report both stakeholders and residents expressed concern about the concentration

of affordable housing in the city. Residents and stakeholders both highlighted how the city's economic segregation contributes to racial/ethnic segregation, segregation by national origin and disparities in access to community assets.

The AFH survey solicited resident perspectives on key indicators of low poverty neighborhoods—access to grocery stores with fresh and healthy food, access to health care services, quality of neighborhood public park and recreation facilities, housing condition and crime, as well as a measure of social isolation. As shown in the figure below, residents' survey responses demonstrate that in general, their neighborhoods provide access to fresh and healthy food, health care services, and support networks similar to other neighborhoods. However, respondents were less confident that their neighborhood was similar to others in terms of access to quality parks and recreation facilities, housing stock in good condition and levels of crime.

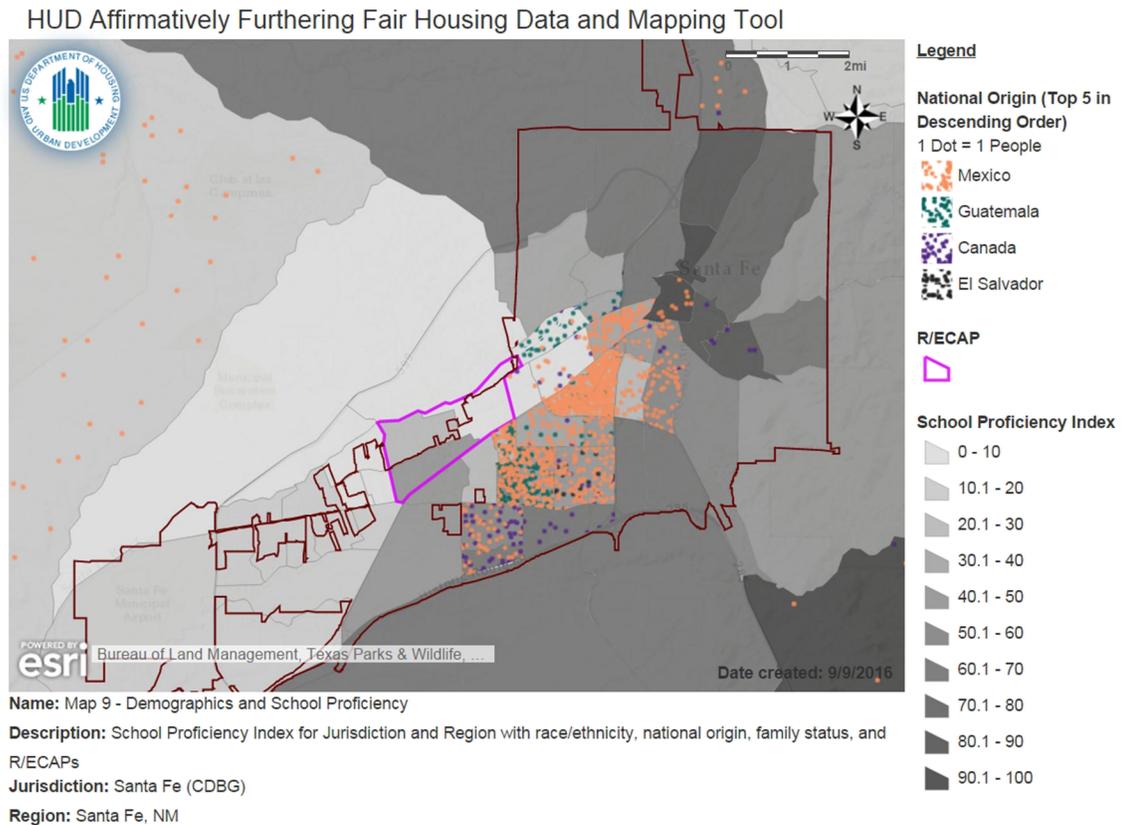
Figure V-27.
Resident Perspectives on Access to Low Poverty Neighborhood Indicators



Source: BBC Research & Consulting from the 2017 Santa Fe AFH Resident Survey.

Education. The HUD map below shows access to proficient schools for children of different races and ethnicities. The Census tracts with the highest access to school proficiency are in the north and northeast areas of the city. The relationship between the residency patterns of national origin and their proximity to proficient schools is distinct. Residents of Mexican and Guatemalan origin are disproportionately located in Census tracts with some of the lowest access to proficient schools. Residents of Canadian origin, which are far fewer in number than other national origins, are located in the south central part of the city, where access to school proficiency is much higher.

Figure V-28.
Map 7 – National Origin and School Proficiency, 2010



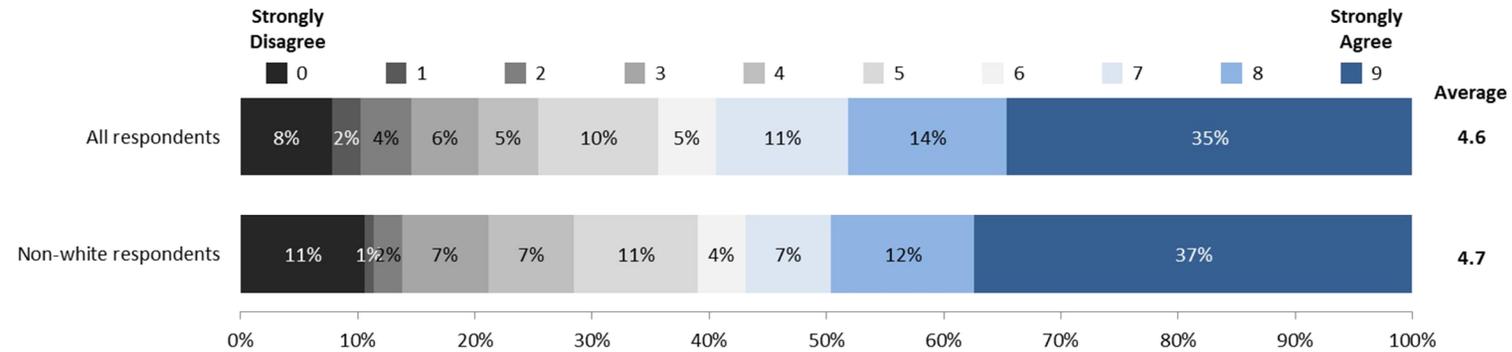
Source: HUD Affirmatively Furthering Fair Housing Data and Mapping Tool. <https://egis.hud.gov/affht/>.

Resident perspectives on access to proficient schools. As part of the AFH survey, residents were asked about difficulty in finding housing that is affordable near quality schools. Over half of all residents agreed that it is difficult (rating of 7 or higher). Figure V-29 displays the results of the survey question about access to proficient schools. Results are shown for all respondents and for non-white respondents.

Non-white respondents were only slightly more likely to *strongly agree* that it is difficult to live near high quality schools than respondents overall (37% compared to 25%) However, non-white respondents were also more likely to strongly disagree that it is difficult to live near high quality schools: 11 percent of non-white respondents strongly disagreed, compared to 8 percent of all respondents.

Figure V-29.
Resident Perspective on Access to Good Quality Schools

Please rate your level of agreement with the following statement:
In this area it is difficult to find housing people can afford that is close to good quality schools.

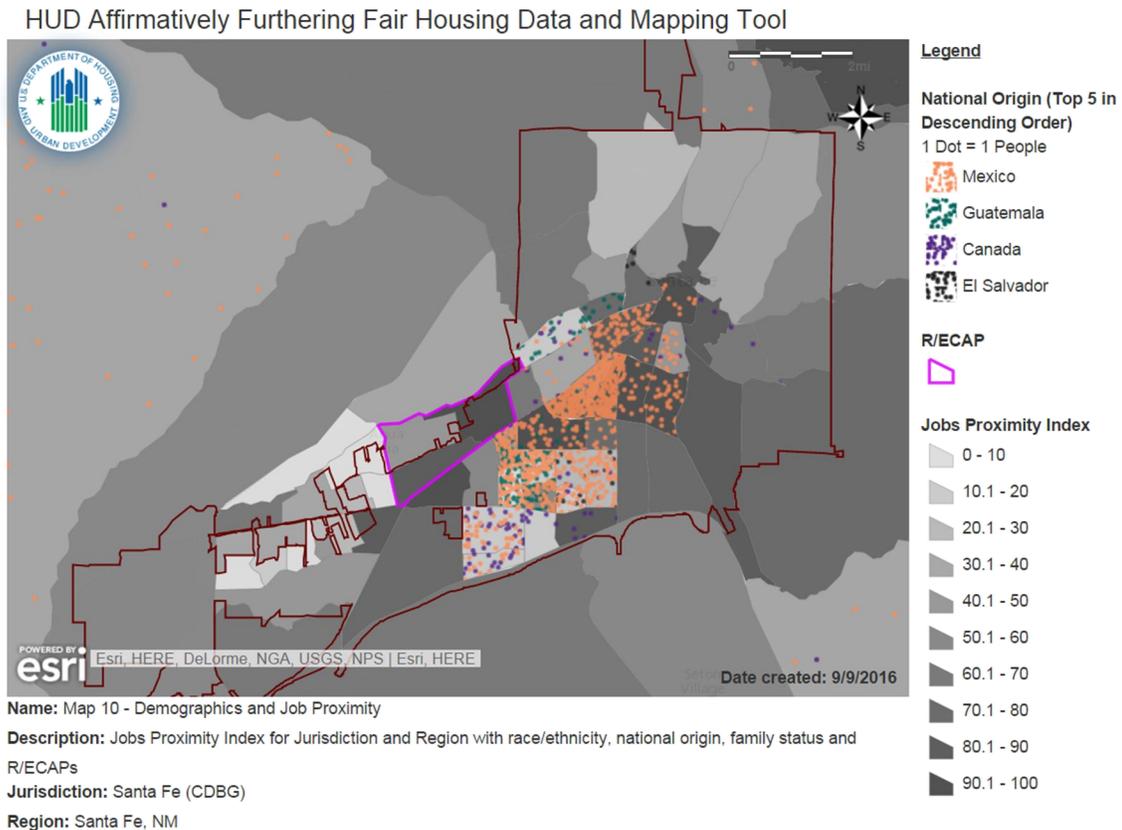


Source: BBC Research & Consulting from the 2017 Santa Fe AFH Resident Survey.

Employment. The employment opportunities analysis examines disparities that may exist in access to jobs and labor markets.

The relationship of national origin and low access to proficient schools does not occur in the same manner for proximity to jobs. The job proximity index measures the distance between a residency and jobs. Figure V-30 shows residents by national origin and their proximity to jobs. Residents of Mexican origin are located in Census tracts with some of the highest opportunities for job proximity. Only a few Census tracts, primarily in the southern part of the city, have low proximity to jobs. Overall, Santa Fe provides decent access to opportunities for proximity to jobs.

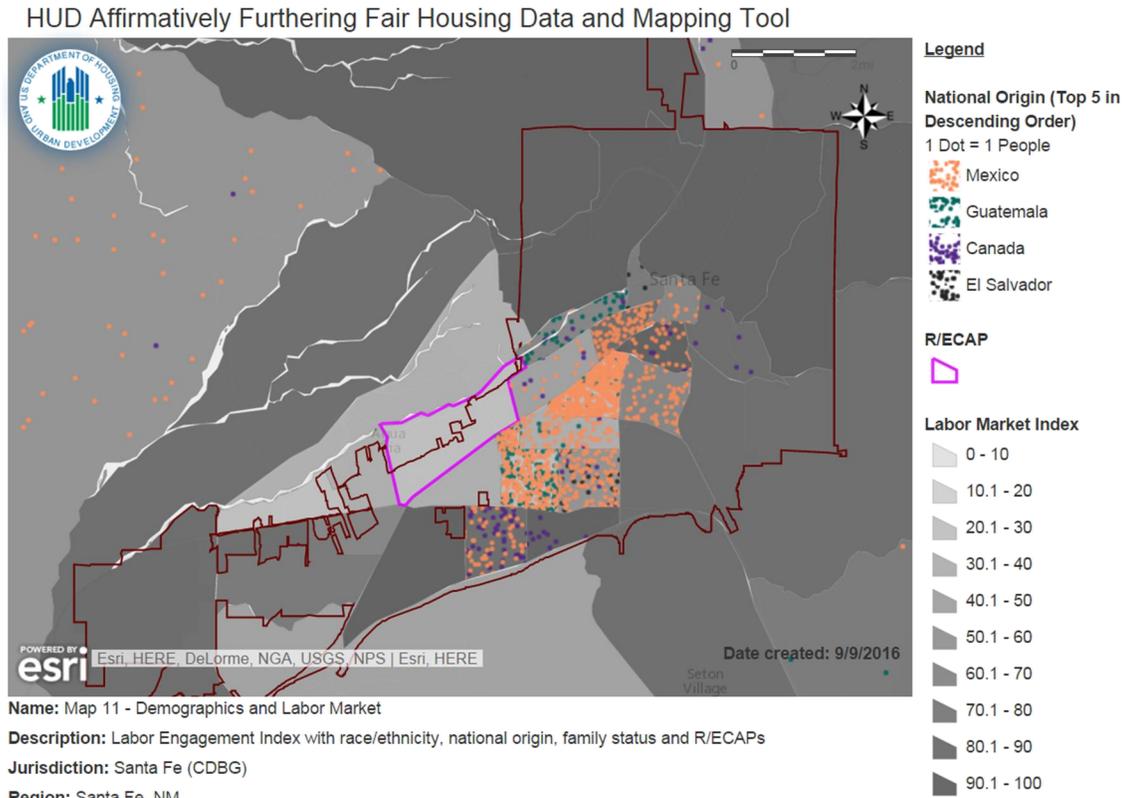
Figure V-30.
Map 8 – National Origin and Job Proximity, 2010



Source: HUD Affirmatively Furthering Fair Housing Data and Mapping Tool. <https://egis.hud.gov/affht/>.

The other indicator in the employment opportunity analysis is access to labor markets, as seen in Figure V-31. The labor market indicator measures unemployment rate, participation rate in the labor-force, and the percent of the population with a bachelor’s degree aged 25 and above. Unlike job proximity, the Census tracts with a high amount of Mexican and Guatemalan origin residents have disproportionately lower access to labor markets, likely due to high unemployment rates and lower levels of skilled labor among these groups. These low access Census tracts are distinctly located in the central part of the city. In comparison, the remaining Census tracts in the city have fairly high access to labor markets, as indicated by the darker shades of gray.

Figure V-31.
Map 9 – National Origin and Labor Market, 2010

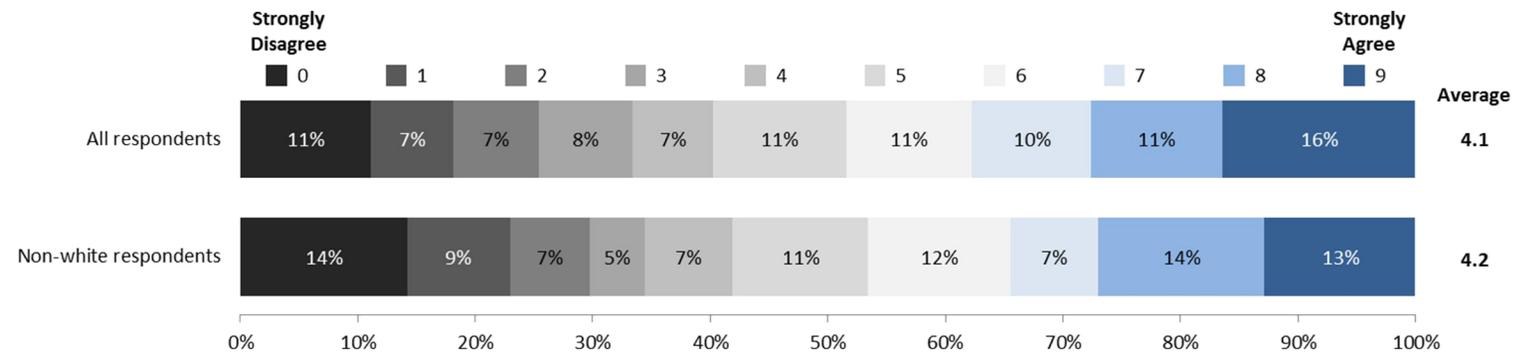


Source: HUD Affirmatively Furthering Fair Housing Data and Mapping Tool. <https://egis.hud.gov/affht/>.

Resident perspectives on access to employment opportunities. Figure V-32 shows resident perspective on access to job opportunities in Santa Fe. Respondents rated access to jobs a fairly low 4.1 out of 9.0 where 0 means the location of job opportunities is NOT convenient to where they live and 9 means the location of job opportunities is convenient to where they live. Non-white respondents indicated somewhat higher levels of convenience relative to respondents overall (average rating of 4.2 compared to 4.1).

Figure V-32.
Resident Perspective on Access to Jobs

Please rate your level of agreement with the following statement:
The location of job opportunities is convenient to where I live.



Source: BBC Research & Consulting from the 2017 Santa Fe AFH Resident Survey.

Transportation. Figure V-33 presents the Santa Fe Trails—Santa Fe’s city-operated fixed route bus system—route map. Routes 5, 6, 21 and 22 do not offer Sunday service and routes 21 and 22 do not offer Saturday service. During the weekdays, routes 1, 2, 4, 6, 24, and M start service between 5:00 to 7:00 am and routes 5, 21, 22, and 26 start service between 7:00 to 9:00 am. Weekday nights, routes 1, 2, 4, 21, and 24 end service between 9:00 to 10:00 pm and routes 5, 6, 22, 26, and M end service between 5:00 to 8:00 pm. Most routes run every 30 to 60 minutes, with the exception of route 2, which runs every 15 minutes during the busiest weekday times, and routes 24 and 26, which run every 70 minutes. For routes running on Saturday and Sunday, service starts between 8:00 to 10:00 pm and ends between 5:00 to 7:00 pm. In general, service on the weekends is offered for less hours of the day and runs less frequently, a common trend for most city bus systems.

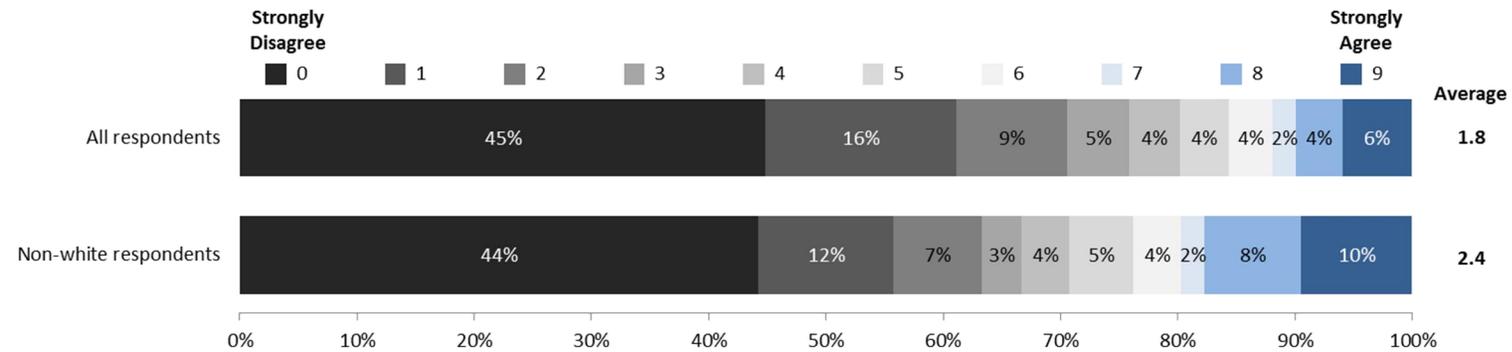
In the focus group with residents with addiction or mental illness disabilities, participants characterized Santa Fe’s public transit system positively, with a few exceptions. Nearly all of the participants rely on Santa Fe Trails for transportation and report that the system has good geographic coverage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

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

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

**Figure V-34.
Resident Perspective on Transportation**

Please rate your level of agreement with the following statement:
I have difficulty getting to the places I want to go because of transportation problems.



Source: BBC Research & Consulting from the 2017 Santa Fe AFH Resident Survey.

Patterns in Disparities in Access to Opportunity. The HUD provided Opportunity Indices show that Hispanic populations experience some of the lowest access to opportunity, particularly in the low poverty, school proficiency, and labor market indexes. The indicators in Santa Fe that are of most concern are poverty and school proficiency, both of which show considerably low access to opportunity.

According to stakeholders and residents, lack of access to opportunity is affected by infrequent public transportation services to higher opportunity neighborhoods and destinations outside of core service areas (e.g., county social services office), limited hours and days of operation of some routes, lack of holiday service, etc.

Access to opportunity barriers are created by lack of well-paying and stable job opportunities.

Disproportionate Housing Needs

This section examines which protected classes experience the highest rates of housing problems compared to other groups and for the region, examines how housing burden varies geographically, and examines the needs of families with children. It begins with a discussion of housing affordability trends and challenges in general.

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

- Overall affordability has improved for Santa Fe residents since 2011, due to increasing incomes and stable home prices. However, the rental gaps analysis reveals a persistent shortage 2,435 rental units priced below \$625 per month. This compares to 3,074 in 2011. The smaller gap in 2014 is primarily due to increasing renter incomes.
- Rental affordability is a particular challenge for the 47 percent of renters earning less than 50 percent of AMI due to mismatch of supply and demand of units priced in that affordability range (28% of units compared to 47% of renters).
- Renters' ability to purchase has also improved over the past several years, though there remains a need for down payment assistance for renters moving into homeownership. Only 44 percent of renters earning between 80 and 120 percent of AMI can afford the median value home in the city.
- Over 400 homes are in substandard condition (incomplete kitchen/plumbing facilities) and are in need of rehabilitation.

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

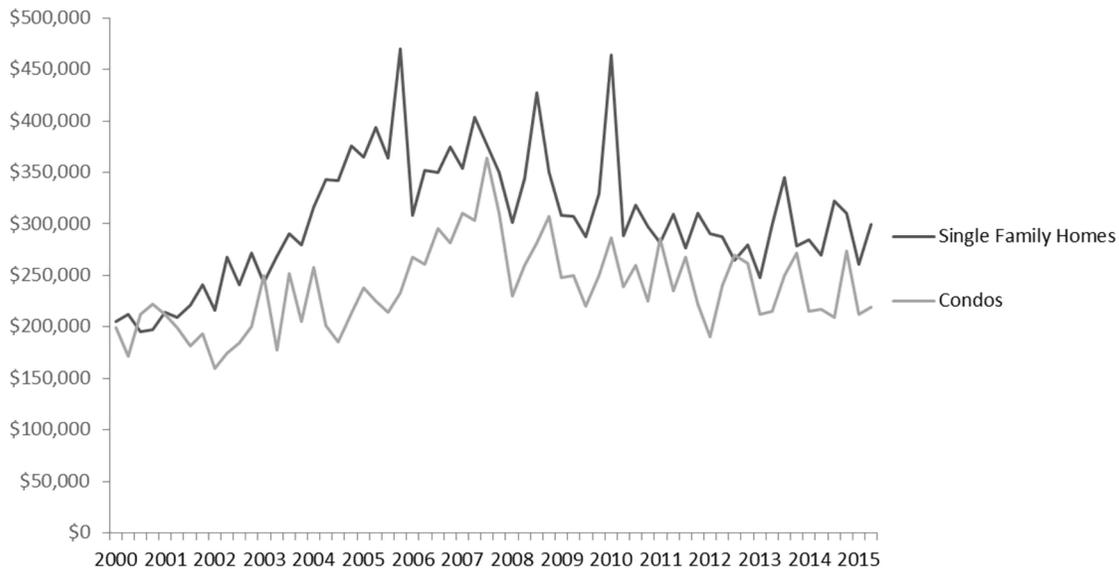
Figure V-35.
Median Home Value, City of Santa Fe, 2000 to 2014

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

Source: 2000 Census, 2011 ACS and 2014 ACS.

There have been some affordability improvements in Santa Fe’s ownership market since 2011 as residents benefit from increasing incomes and stable home prices. As displayed in Figure V-36, sale prices of single family homes experienced steep increases in the early 2000s followed by steady declines between 2007 and 2012, excluding a few quarter spikes. Data for 2013 and 2014 (along with the first two quarters of 2015) suggest that home prices are leveling out or even rising slightly. A similar sale price trend is evident in condo sales in Santa Fe; since a decline in 2008 and 2009, condo prices seem to have stabilized in recent years.

Figure V-36.
Quarterly Median Sale Price of Single Family Homes and Condos, City of Santa Fe, 2000 through Q2 2015



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

Source: 2013 HNA and Santa Fe Association of Realtors.

Figure V-37 compares median home values and sale prices with household incomes in 2000, 2011 and 2014. Between 2000 and 2011, residential affordability in the housing market in Santa Fe declined as increases in home prices and values outpaced income gains. However, that trend was reversed between 2011 and 2014 as sale prices and values declined at a higher rate than incomes. Affordability increased most notably for renters who may wish to buy as they experienced the highest income gains, gaining purchasing power in the for-sale market.

**Figure V-37.
Residential
Affordability,
City of Santa
Fe, 2000 to
2014**

Source:
2013 HNA and 2014
ACS.

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

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

Trends in rents. As shown in Figure V-38, median contract rent (that is, rent excluding utilities) increase by 8 percent between 2011 and 2014; median income for renters increased by 19 percent over the same period.

**Figure V-38.
Median Contract Rent, City of Santa Fe, 2000 through 2014**

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

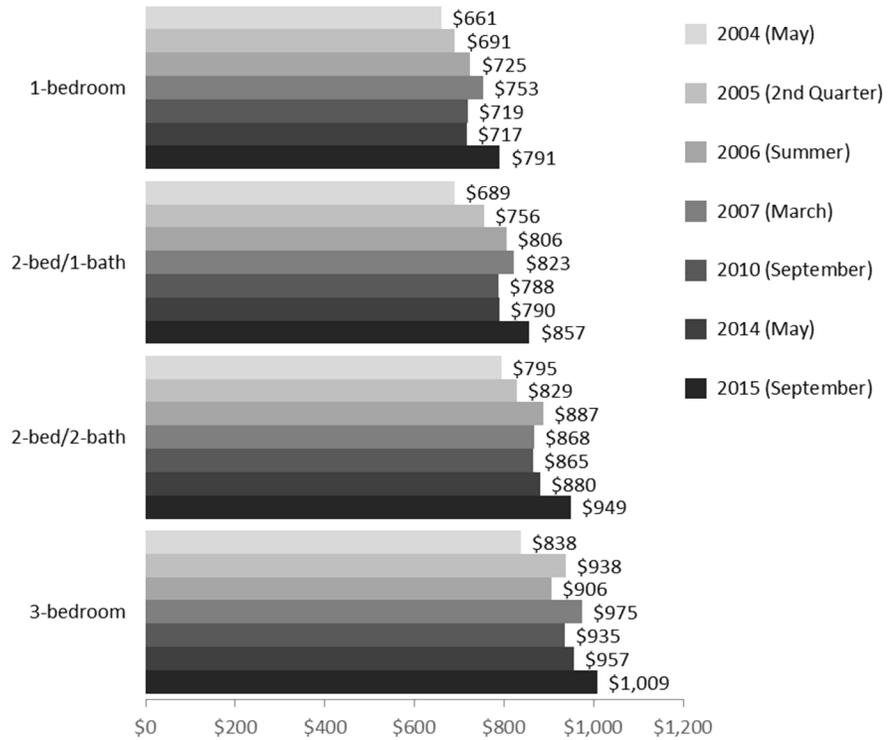
Source: 2013 HNA and 2014 ACS.

Figure V-39 displays the average rent by unit type in Santa Fe from 2004 to 2015. Average rents in 2015 for all sizes increased substantially over the past year, surpassing the peak rent levels of 2006 and 2007. These trends are consistent with increased rental demand (low rental vacancy rates and declining homeownership) and increasing renter incomes.

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

Figure V-39.
Average Rent
by Unit Type,
City of Santa Fe,
2004 through
2015

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



Differences in housing problems. HUD provides data tables as a starting point in assessing the differences in housing needs among household groups. These tables are supplemented by local data in this section.

Table 9 below shows the percentage of households with housing needs in the City and the Region. “Housing problems” are defined as units having incomplete kitchen facilities, incomplete plumbing facilities, more than 1 person per room, and households with cost burden greater than 30 percent. “Severe” housing problems include all of the above except that cost burden is greater than 50 percent.

**Figure V-40.
Table 9 -
Demographics
of Households
with
Disproportionate
Housing
Needs**

Note:

The four housing problems are: incomplete kitchen facilities, incomplete plumbing facilities, more than 1 person per room, and cost burden greater than 30%. The four severe housing problems are: incomplete kitchen facilities, incomplete plumbing facilities, more than 1 person per room, and cost burden greater than 50%.

All % represent a share of the total population within the jurisdiction or region, except household type and size, which is out of total households.

Source:

2015 1-year American Community Survey, CHAS, and BBC Research & Consulting.

Households experiencing any of 4 housing problems		(Santa Fe, NM CDBG) Jurisdiction		
		# with problems	# households	% with problems
Race/Ethnicity				
White, Non-Hispanic	6,730	17,840	37.72%	
Black, Non-Hispanic	113	251	45.02%	
Hispanic	5,400	12,170	44.37%	
Asian or Pacific Islander, Non-Hispanic	184	509	36.15%	
Native American, Non-Hispanic	95	324	29.32%	
Other, Non-Hispanic	73	306	23.86%	
<i>Total</i>	<i>12,585</i>	<i>31,410</i>	<i>40.07%</i>	
Household Type and Size				
Family households, <5 people	4,540	14,530	31.25%	
Family households, 5+ people	800	1,425	56.14%	
Non-family households	7,245	15,450	46.89%	
Households experiencing any of 4 Severe Housing Problems		# with severe problems	# households	% with severe problems
Race/Ethnicity				
White, Non-Hispanic	3,810	17,840	21.36%	
Black, Non-Hispanic	73	251	29.08%	
Hispanic	3,340	12,170	27.44%	
Asian or Pacific Islander, Non-Hispanic	114	509	22.40%	
Native American, Non-Hispanic	70	324	21.60%	
Other, Non-Hispanic	29	306	9.48%	
<i>Total</i>	<i>7,435</i>	<i>31,410</i>	<i>23.67%</i>	
Households experiencing any of 4 housing problems		(Santa Fe, NM) Region		
		# with problems	# households	% with problems
Race/Ethnicity				
White, Non-Hispanic	11,370	32,890	34.57%	
Black, Non-Hispanic	174	377	46.15%	
Hispanic	10,440	25,245	41.35%	
Asian or Pacific Islander, Non-Hispanic	254	712	35.67%	
Native American, Non-Hispanic	264	1,183	22.32%	
Other, Non-Hispanic	218	626	34.82%	
<i>Total</i>	<i>22,715</i>	<i>61,010</i>	<i>37.23%</i>	
Household Type and Size				
Family households, <5 people	9,560	31,875	29.99%	
Family households, 5+ people	1,880	3,890	48.33%	
Non-family households	11,270	25,250	44.63%	
Households experiencing any of 4 Severe Housing Problems		# with severe problems	# households	% with severe problems
Race/Ethnicity				
White, Non-Hispanic	6,340	32,890	19.28%	
Black, Non-Hispanic	109	377	28.91%	
Hispanic	6,225	25,245	24.66%	
Asian or Pacific Islander, Non-Hispanic	145	712	20.37%	
Native American, Non-Hispanic	193	1,183	16.31%	
Other, Non-Hispanic	127	626	20.29%	
<i>Total</i>	<i>13,140</i>	<i>61,010</i>	<i>21.54%</i>	

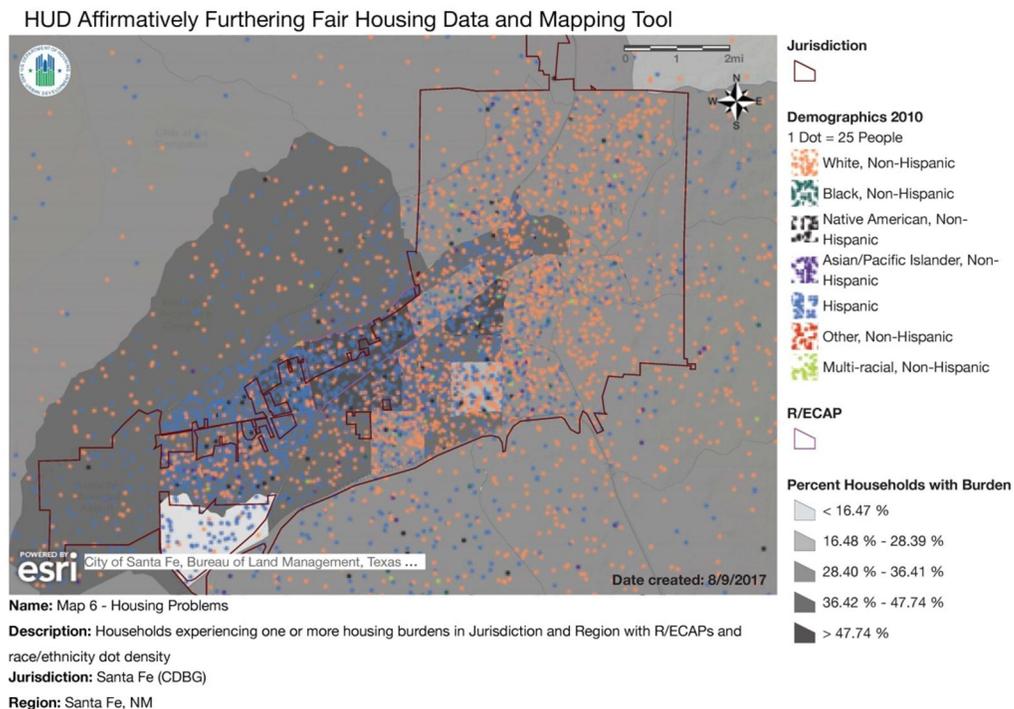
Overall, 41 percent of Santa Fe households experience one of the four housing problems and 21 percent are severely cost burdened—spending at least half of their income on housing.

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

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

The map below shows where the neighborhoods with the highest housing burdens exist and how these relate to where households of different races and ethnicities live. In general, housing burden is moderate to high in Santa Fe. The highest rates of housing burden exist in the south eastern Census tracts, where there are higher clusters of Hispanic residents.

Figure V-41.
Map 6 – Housing Problems, Santa Fe, 2010



Source: HUD Affirmatively Furthering Fair Housing Data and Mapping Tool. <https://egis.hud.gov/affht/>.

Resident perceptions. As discussed in the low poverty neighborhoods discussion, resident survey respondents identified neighborhood differences in housing condition in the City. Residents were also asked about their top housing concerns. Common concerns among both renters and owners were related to condition/repairs and affordability.

Among owners top concerns—among all respondents and non-white respondents—were:

- “My home needs repairs that I cannot afford to make” (42% of all respondents and 55% of non-white respondents); and
- “I am concerned about being able to afford to pay my property taxes” (20% of all respondents and 31% of non-white respondents).

Top concerns among renters were:

- “I worry about my rent going up to an amount I can’t afford” (74% of all respondents and 65% of non-white respondents);
- “I want to buy a house but can’t afford the down payment” (69% of all respondents and 69% of non-white respondents);
- “I worry that if I request a repair it will result in a rent increase or eviction” (33% of all respondents and 30% of non-white respondents);
- “I worry about being evicted” (25% of all respondents and 26% of non-white respondents); and
- “My landlord refuses to make repairs despite my requests” (23% of all respondents and 20% of non-white respondents).

Differences in tenure. HUD’s AFH Table 16 provides information on the race and ethnicity of renters and owners for the City and Region. Non-Hispanic white residents have the highest homeownership rates in the city (62%) and the region (72%), though Hispanic residents are close behind (61% ownership in the city and 67% ownership in the region). Black residents and Native American residents have significantly lower ownership rates than other racial/ethnic groups in both the city and the region overall.

Figure V-42.

Table 16 - Homeownership and Rental Rates by Race/Ethnicity, Santa Fe and Region

Race/Ethnicity	(Santa Fe, NM CDBG) Jurisdiction			
	Homeowners		Renters	
	#	%	#	%
White, Non-Hispanic	11,115	62%	6,730	38%
Black, Non-Hispanic	85	33%	170	67%
Hispanic	7,390	61%	4,780	39%
Asian or Pacific Islander, Non-Hispanic	275	55%	225	45%
Native American, Non-Hispanic	80	25%	245	75%
Other, Non-Hispanic	225	70%	95	30%
<i>Total Household Units</i>	<i>19,170</i>	<i>61%</i>	<i>12,240</i>	<i>39%</i>

Race/Ethnicity	(Santa Fe, NM) Region			
	Homeowners		Renters	
	#	%	#	%
White, Non-Hispanic	23,760	72%	9,135	28%
Black, Non-Hispanic	185	48%	200	52%
Hispanic	16,945	67%	8,290	33%
Asian or Pacific Islander, Non-Hispanic	444	63%	260	37%
Native American, Non-Hispanic	655	56%	520	44%
Other, Non-Hispanic	485	78%	140	22%
<i>Total Household Units</i>	<i>42,475</i>	<i>70%</i>	<i>18,535</i>	<i>30%</i>

Note: Data presented are numbers of households, not individuals.

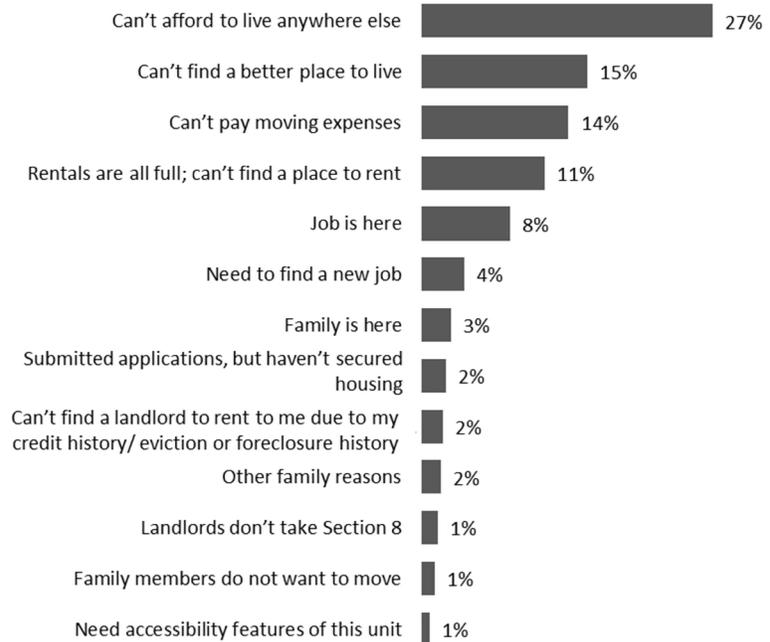
Refer to the Data Documentation for details (www.hudexchange.info).

Source: CHAS.

Desire to move and interest in homeownership. To understand differences in tenure, renters were asked about their desire to move in general. Overall, nearly two-thirds of renters responding to the survey would move from their current home or apartment if they had the opportunity. Most common reasons for wanting to move were desire to purchase a home and desire to save money or find something more affordable. The biggest barriers to moving among renter respondents are affordability and availability (see Figure V-43).

Figure V-43.
What are the top three reasons you haven't moved yet?

Source:
 BBC Research & Consulting
 from the 2017 Santa Fe AFH
 Resident Survey.



Displacement. Seventeen percent of survey respondents indicated they have had to move out of a home or apartment in Santa Fe when they didn't want to (in the past five year). A similar proportion of non-white respondents (18%) indicated they had been displaced in the past five years. Figure V-44 shows the reasons those residents had to move. Santa F

Figure V-44.
What were the reasons you had to move?

Source:
 BBC Research & Consulting from the
 2017 Santa Fe AFH Resident Survey.

	Rent increased more than I could pay	Evicted for any reason	Personal reasons
Race/ethnicity			
African American	31%	13%	16%
Asian	24%	18%	18%
Hispanic	53%	14%	10%
White	35%	3%	11%
Spanish language	68%	22%	1%
Children under 18	46%	9%	12%
Large family	48%	13%	11%
Disability	30%	12%	11%
Section 8	42%	17%	14%
Household Income			
Less than \$25,000	38%	15%	18%
\$25,000 up to \$50,000	53%	21%	6%
\$50,000 up to \$100,000	39%	19%	12%
\$100,000 or more	34%	12%	8%

Private Sector Actions

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

The most common private sector barriers to housing choice identified by stakeholders include:

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

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

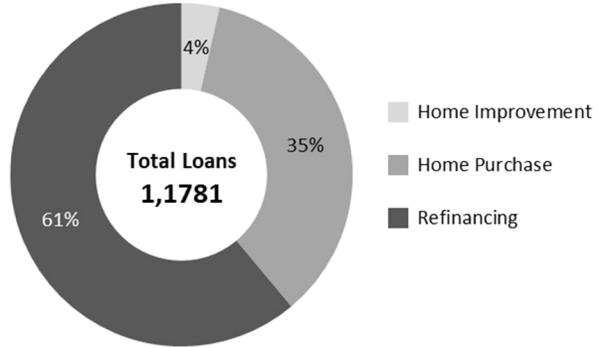
This section uses the analysis of HMDA data to determine if disparities in loan approvals and terms exist for loan applicants of different races and ethnicities. The HMDA data analyzed in this section reflect loans applied for by residents in 2014, the latest year for which HMDA were publicly available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

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

**Figure V-45.
Purpose of Loan Applications, City of Santa Fe, 2014**

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

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



Outcome of loan applications. Figure V-46 shows the result of loan applications by loan type. Home improvement and refinance loans have much lower rates of origination than do home purchase loans, 38 percent of improvement loans and 44 percent of refinance loans originated compared to 68 percent of home mortgage loans.

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

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

**Figure V-46.
Action Taken on Loan Applications, City of Santa Fe, 2014**

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

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

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

Figure V-47 shows the denial rate by Census tract in the City of Santa Fe. Denial rates are the highest in central neighborhoods. Several of these areas are also locations of Hispanic, national origin and LEP concentrations.

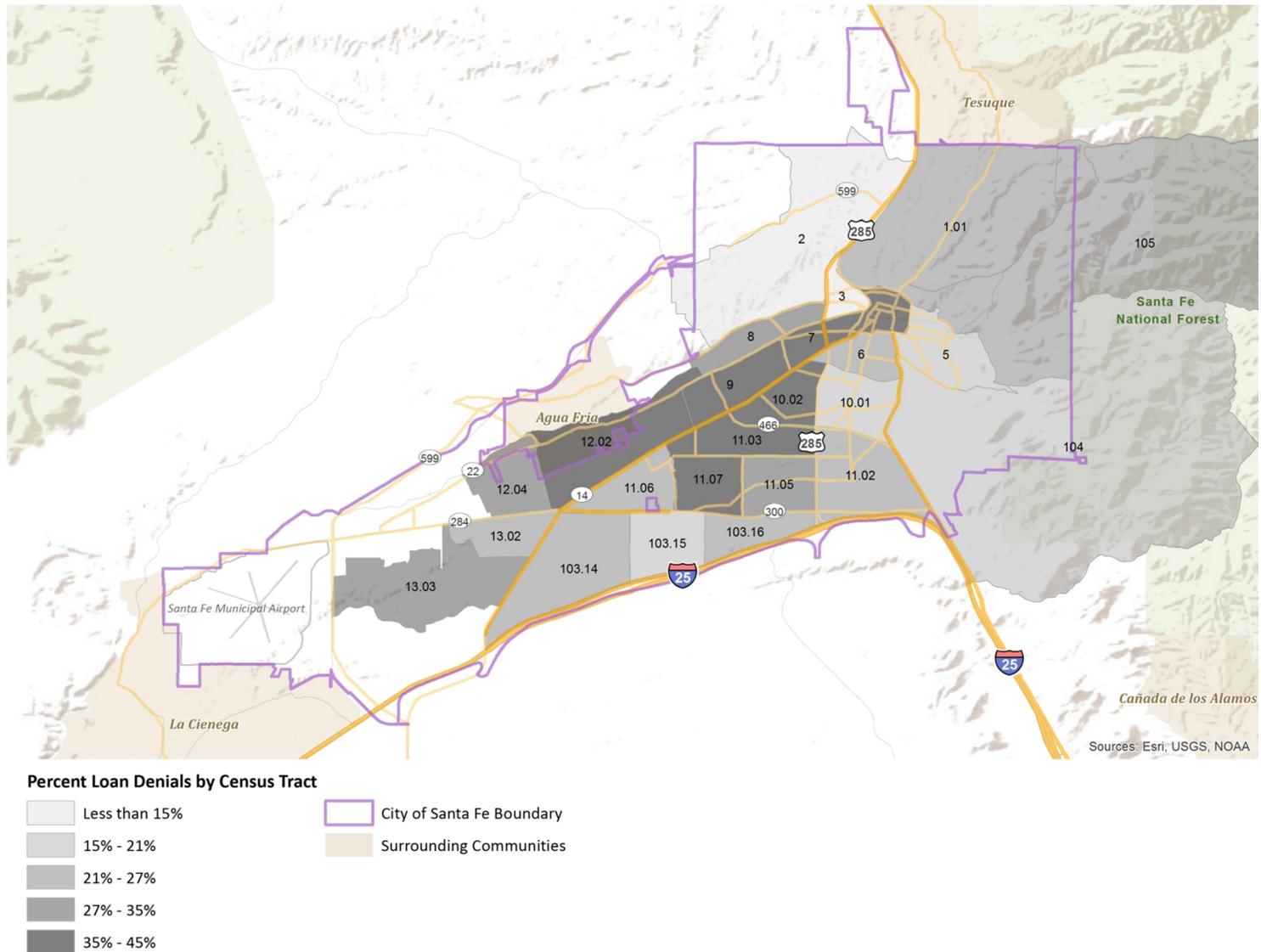
**Figure V-47.
Denial Rate by
Census Tract,
City of Santa Fe,
2014**

Note:

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

Source:

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



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

Figure V-48 shows the outcome of applications, along with the denial rate, by race and ethnicity. Among applicants that disclosed their race/ethnicity, denial rates were highest for Hispanics (34%), followed by other minority groups (31% collectively). The denial rate for non-Hispanic white applicants was about 10 percentage points lower at 23 percent.

Figure V-48.
Action Taken on Loan Applications by Race/Ethnicity, City of Santa Fe, 2014

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

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

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

Reasons for differences and trends. There are many reasons why denial rates may be higher for certain racial and ethnic groups. First, some racial and ethnic groups are very small, so the pool of potential borrowers is limited and may skew towards lower income households, since minorities typically have lower incomes. Figure V-49 examines differences in loan origination and denial rates by income range. Loan applicants were grouped into one of three income ranges:

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

As shown by Figure V-49, the disparity in denial rates persists for Hispanic and non-Hispanic minority applicants, even at higher incomes.

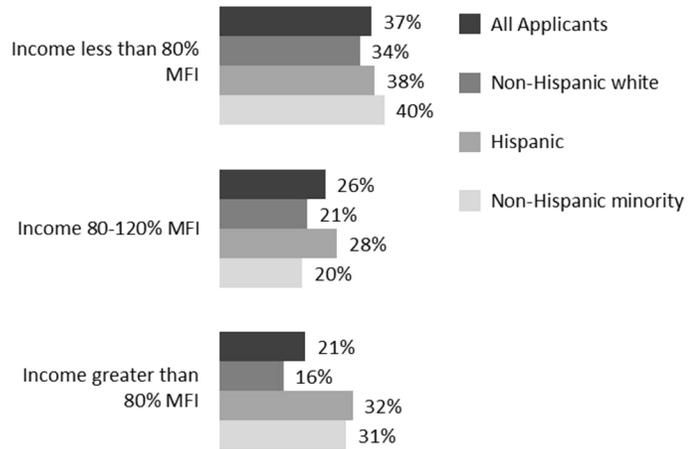
Figure V-49.
Denial Rate by Race/Ethnicity and
Income, City of Santa Fe, 2014

Note:

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

Source:

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



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

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

Figure V-50 displays the denial rate by race and ethnicity and loan purpose. Denial rates for home purchases are very low across racial and ethnic groups but are highest for Hispanics. Both Hispanics and other minority groups experience higher rates of denial for refinancing applications than non-Hispanic whites.

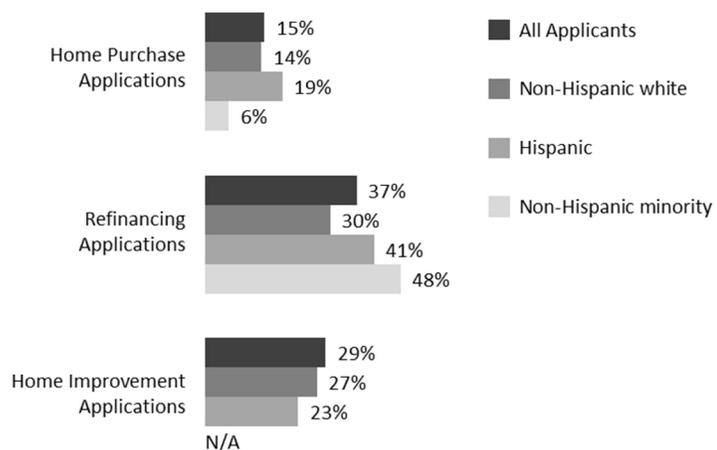
Figure V-50.
Denial Rate by Race/Ethnicity
and Loan Purpose, City of
Santa Fe, 2014

Note:

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

Source:

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



HMDA data contain some information on why loans were denied, which can help to explain differences in denials among racial and ethnic groups. Figure V-51 shows the reasons for denials in Santa Fe, by race/ethnicity.

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

Figure V-51.
Reasons for Denial by Race/Ethnicity, City of Santa Fe, 2014

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

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

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

Subprime analysis. The subprime lending market declined significantly following the housing market crisis. Nationally, in 2014, only about 3 percent of conventional home purchases and 2 percent of refinance loans were subprime. Interestingly, nationally, small banks and credit unions were much more likely to originate subprime loans than were mortgage companies or large banks in 2014.^{4,5}

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

⁴ For the purposes of this section, “subprime” is defined as a loan with an APR of more than three percentage points above comparable Treasuries. This is consistent with the intent of the Federal Reserve in defining “subprime” in the HMDA data.

⁵ http://www.federalreserve.gov/pubs/bulletin/2015/pdf/2014_HMDA.pdf

**Figure V-52.
Subprime Loans by
Race/Ethnicity, City of
Santa Fe, 2014**

Note:

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

Source:

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

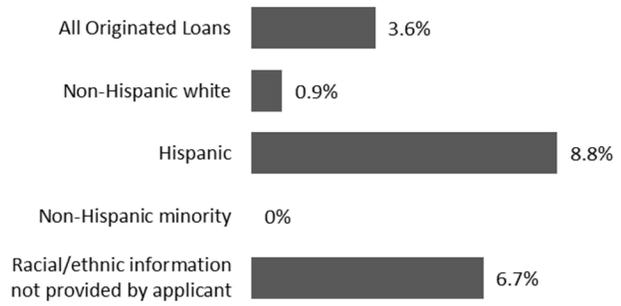


Figure V-53 shows where subprime lending is most common—in Census tract 12.02, which is also the city’s highest poverty Census tract and the only R/ECAP tract in the city.

Publicly Supported Housing Analysis

The AFH requires the following analysis of publicly-supported housing, which is covered in this section:

a. Publicly Supported Housing Demographics

- i. Are certain racial/ethnic groups more likely to be residing in one category of publicly supported housing than other categories (public housing, project-based Section 8, Other HUD Multifamily Assisted developments, and Housing Choice Voucher (HCV)?*
- ii. Compare the demographics, in terms of protected class, of residents of each category of publicly supported housing (public housing, project-based Section 8, Other HUD Multifamily Assisted developments, and HCV) to the population in general, and persons who meet the income eligibility requirements for the relevant category of publicly supported housing. Include in the comparison, a description of whether there is a higher or lower proportion of groups based on protected class.*

b. Publicly Supported Housing Location and Occupancy

- i. Describe patterns in the geographic location of publicly supported housing by program category (public housing, project-based Section 8, Other HUD Multifamily Assisted developments, HCV, and LIHTC) in relation to previously discussed segregated areas and R/ECAPs.*
- ii. Describe patterns in the geographic location for publicly supported housing that primarily serves families with children, elderly persons, or persons with disabilities in relation to previously discussed segregated areas or R/ECAPs?*
- iii. How does the demographic composition of occupants of publicly supported housing in R/ECAPS compare to the demographic composition of occupants of publicly supported housing outside of R/ECAPS?*
- iv. (A) Do any developments of public housing, properties converted under the RAD, and LIHTC developments have a significantly different demographic composition, in terms of protected class, than other developments of the same category? Describe how these developments differ.*

(B) Provide additional relevant information, if any, about occupancy, by protected class, in other types of publicly supported housing.
- v. Compare the demographics of occupants of developments in the jurisdiction, for each category of publicly supported housing (public housing, project-based Section 8, Other Multifamily Assisted developments, properties converted under RAD, and LIHTC) to the demographic composition of the areas in which they are located. For the jurisdiction, describe whether developments that are primarily occupied by one race/ethnicity are located in areas occupied largely by the same race/ethnicity. Describe any differences for housing that primarily serves families with children, elderly persons, or persons with disabilities.*

c. Disparities in Access to Opportunity

- i. *Describe any disparities in access to opportunity for residents of publicly supported housing in the jurisdiction and region, including within different program categories (public housing, project-based Section 8, Other Multifamily Assisted Developments, HCV, and LIHTC) and between types (housing primarily serving families with children, elderly persons, and persons with disabilities) of publicly supported housing.*

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

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

Resident demographics. The households who reside in publicly supported housing in Santa Fe reflect the racial and ethnic composition of the city. Figure V-54 shows the residents of publicly supported housing by race/ethnicity. Residents of Hispanic ethnicity are the largest ethnic group occupying every type of publicly supported housing, ranging from 60 to 74 percent of the total residents. The percent of Hispanic residents are highest in Project-based Section 8 and Public Housing units. The largest racial group in publicly supported housing is non-Hispanic white residents, making up 23 to 38 percent of the total residents depending on the type of housing. Non-Hispanic white residents are most prevalent in the other HUD Multifamily housing. Both Black and Asian or Pacific Islander households make up a small portion of publicly supported housing residents, which coincide with the racial makeup of the total Santa Fe population.

Figure V-54.
Table 6 – Publicly Supported Housing Residents by Race/Ethnicity, 2010

(Santa Fe, NM CDBG) Jurisdiction	Race/Ethnicity							
	White		Black		Hispanic		Asian or Pacific Islander	
	#	%	#	%	#	%	#	%
Housing Type								
Public Housing	106	25.67%	3	0.73%	288	69.73%	1	0.24%
Project-Based Section 8	83	24.56%	3	0.89%	250	73.96%	0	0.00%
Other Multifamily	23	48.94%	0	0.00%	22	46.81%	0	0.00%
HCV Program	198	28.01%	10	1.41%	482	68.18%	2	0.28%
Total Households	17,840	56.80%	251	0.80%	12,170	38.75%	509	1.62%
0-30% of AMI	1,435	38.22%	22	0.59%	2,190	58.32%	55	1.46%
0-50% of AMI	2,640	36.85%	37	0.52%	3,765	52.55%	115	1.61%
0-80% of AMI	5,070	43.67%	137	1.18%	5,560	47.89%	184	1.58%

(Santa Fe, NM CDBG) Jurisdiction	Race/Ethnicity							
	White		Black		Hispanic		Asian or Pacific Islander	
	#	%	#	%	#	%	#	%
Housing Type								
Public Housing	106	25.67%	3	0.73%	288	69.73%	1	0.24%
Project-Based Section 8	83	24.56%	3	0.89%	250	73.96%	0	0.00%
Other Multifamily	23	48.94%	0	0.00%	22	46.81%	0	0.00%
HCV Program	257	27.40%	14	1.49%	647	68.98%	2	0.21%
Total Households	32,890	53.91%	377	0.62%	25,245	41.38%	712	1.17%
0-30% of AMI	2,360	33.88%	22	0.32%	4,300	61.74%	55	0.79%
0-50% of AMI	3,965	29.71%	42	0.31%	7,790	58.37%	120	0.90%
0-80% of AMI	7,985	36.86%	172	0.79%	11,650	53.77%	189	0.87%

Note: Numbers presented are of households not individuals.

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

Figure V-54 not only shows residents of publicly supported housing by race/ethnicity, but also by income eligibility. Hispanic residents make up the largest percentage of household within the 0 to 30 percent Area Median Income (AMI) range, the lowest income households. Households that fall within the 0 to 80 percent AMI range are comprised of almost equal percentages of White Non-Hispanic and Hispanic residents. Black and Asian or Pacific Islander households are almost equally distributed among all AMI levels.

When the distribution of households by AMI and race/ethnicity is compared to household representation in publicly-supported housing, the data suggest that Hispanic households are disproportionately likely to occupy publicly-assisted housing and white households are less likely to occupy publicly-supported housing. This could be due to discrimination in the private rental market, comfort with utilizing publicly-assisted housing, and/or differences in when households entered the rental market (longer-term residents may have secured more affordable private rents when the market was less tight).

HUD also provides data on the location of publicly supported housing by demographic characteristics, shown in Figure V-55. The majority of publicly supporting housing units is not located in the single R/ECAP that exists in the city of Santa Fe. Out of all the categories, public housing is the most prevalent in the R/ECAP tract, with a total of 190 occupied units. In contrast, no Project-based Section 8 exist in the R/ECAP tract.

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

Figure V-55.
R/ECAP and Non-R/ECAP Demographics by Publicly Supported Housing Program Category, 2010

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

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

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

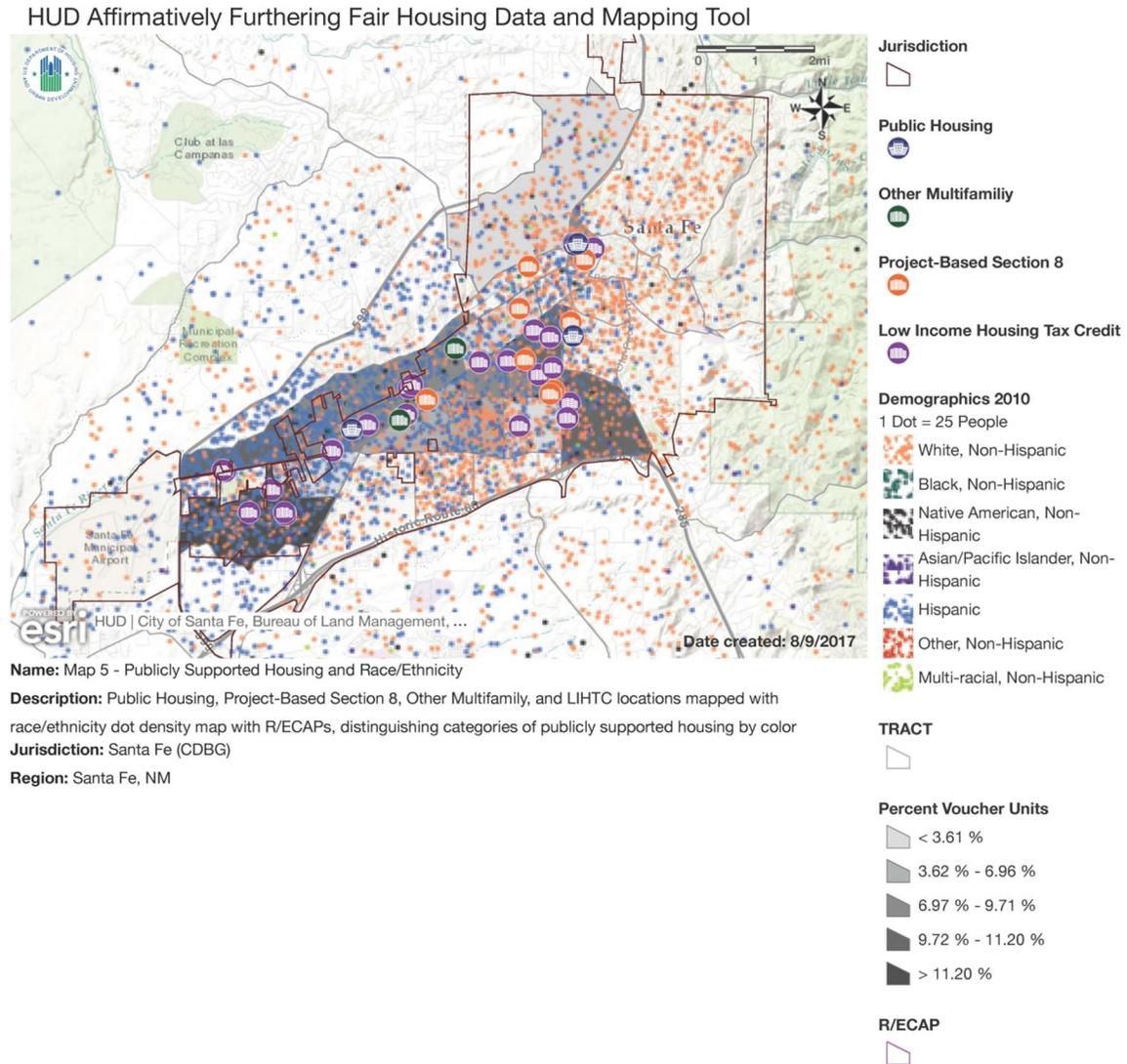
Patterns in location by program. The map below shows the distribution of publicly supported housing relative to where residents of different races and ethnicities live. The icons represent different types of publicly supported housing:

- Blue icons indicate housing that is owned and operated by a public housing authority.
- Orange icons represent affordable rental housing that offers Housing Choice Voucher/Section 8 subsidies.

- Purple icons represent Low Income Housing Tax Credit (LIHTC) developments.
- Green icons show other types of publicly supported rental housing.
- Grey shading shows the percentage of rental units that house Housing Choice Voucher holders. This shading is also shown separately in the second map.

Figure V-56 depicts publicly supported housing categories overlaid with dot densities of race/ethnicity. All publicly supported housing categories cluster in the central and western areas of the city. The three Public Housing sites are located in close proximity to each other, as well as Project-based Section 8, all of which are located in Central Santa Fe. Publicly supported housing is distributed in a similar pattern to the distribution of Hispanic residents. At least seven publicly supported housing sites are located within or on the border of the single R/ECAP tract. The Low Income Housing Tax Credit projects are the only category that is more evenly distributed among all publicly supported housing.

Figure V-56.
Map 5 – Publicly Supported Housing and Race/Ethnicity, 2010



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

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

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

account when there is an increase in the family's earned income. When the family completes the program, they receive the balance in the escrow account. The Housing Authority also provides the families with monthly training on healthcare, parenting, finances, job training, homeownership, and life-skills.

Disability and Access Analysis

Population Profile

- 1. How are persons with disabilities geographically dispersed or concentrated in the jurisdiction and region, including R/ECAPs and other segregated areas identified in previous sections?*
- 2. Describe whether these geographic patterns vary for persons with each type of disability or for persons with disabilities in different age ranges for the jurisdiction and region.*

Housing Accessibility

- 1. Describe whether the jurisdiction and region have sufficient affordable, accessible housing in a range of unit sizes.*
- 2. Describe the areas where affordable accessible housing units are located in the jurisdiction and region. Do they align with R/ECAPs or other areas that are segregated?*
- 3. To what extent are persons with different disabilities able to access and live in the different categories of publicly supported housing in the jurisdiction and region?*

Integration of Persons with Disabilities Living in Institutions and Other Segregated Settings

- 1. To what extent do persons with disabilities in or from the jurisdiction or region reside in segregated or integrated settings?*
- 2. Describe the range of options for persons with disabilities to access affordable housing and supportive services in the jurisdiction and region.*

Disparities in Access to Opportunity

- 1. To what extent are persons with disabilities able to access the following in the jurisdiction and region? Identify major barriers faced concerning:*
 - i. Government services and facilities*
 - ii. Public infrastructure (e.g., sidewalks, pedestrian crossings, pedestrian signals)*
 - iii. Transportation*
 - iv. Proficient schools and educational programs*
 - v. Jobs*

2. *Describe the processes that exist in the jurisdiction and region for persons with disabilities to request and obtain reasonable accommodations and accessibility modifications to address the barriers discussed above.*
3. *Describe any difficulties in achieving homeownership experienced by persons with disabilities and by persons with different types of disabilities in the jurisdiction and region.*

Disproportionate Housing Needs

1. *Describe any disproportionate housing needs experienced by persons with disabilities and by persons with certain types of disabilities in the jurisdiction and region.*

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

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

Figure V-57 shows the ages of persons living with disabilities in Santa Fe, along with the disability types. Seniors make up 45 percent of the population of persons with disabilities in Santa Fe compared to 20 percent of residents overall.

Of seniors, one-third have some type of disability. The most common types of disabilities are ambulatory and hearing. Thirteen percent of non-senior adult residents have a disability; their most common types of disabilities are ambulatory and cognitive. Just one percent of children under 18 are disabled, with the most common types of disability hearing and cognitive.

**Figure V-57.
Incidence of Disability by
Age, Santa Fe, 2014**

Source:
2014 ACS 1-year estimates.

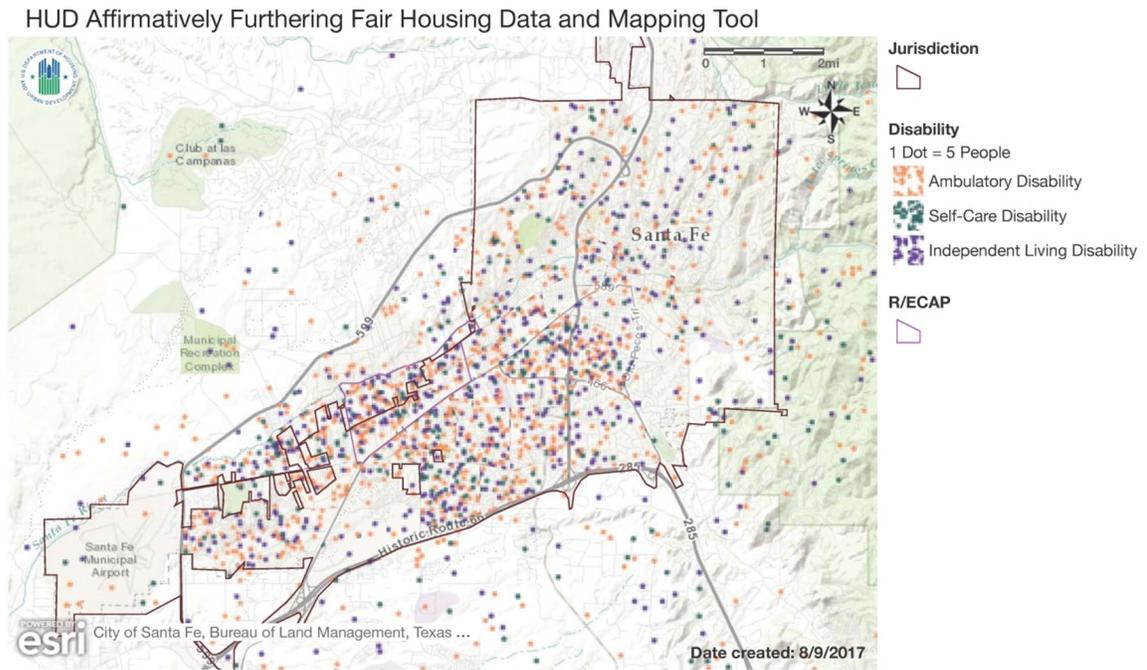
	Number with a Disability	Percent of Age Cohort with Disability
Total Population with a Disability	10,359	15%
Population Under 18 years	116	1%
Hearing	47	0%
Vision	27	0%
Cognitive	42	0%
Ambulatory	0	0%
Self-care	0	0%
Population 18 to 64 years	5,536	13%
Hearing	1,310	3%
Vision	1,559	4%
Cognitive	2,481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

It is important to note that, just like any household, not all persons with disabilities need or desire the same housing choices. Fair housing analyses often focus on how zoning and land use regulations govern the siting of group homes. Although group homes should be an option for some persons with disabilities, other housing choices—particularly scattered site units—must be available to truly accommodate the variety of needs of residents with disabilities.

The following maps show where persons with disabilities reside in Santa Fe.

Figures V-58 and V-59 present where Santa Fe’s residents with disabilities live based on disability type. The maps do not suggest that residents with disabilities are segregated by type of disability. Respondents to the stakeholder survey did not consider concentrations of accessible housing to be a serious fair housing issue or contributing factor to the segregation of residents with disabilities in Santa Fe.

Figure V-58.
Map 14a – Disability by Type: Ambulatory, Self-Care, and Independent Living Disabilities



Name: Map 14 - Disability by Type

Description: Dot density map of the population of persons with disabilities by persons with vision, hearing, cognitive, ambulatory, self-care, and independent living difficulties with R/ECAPs for Jurisdiction and Region

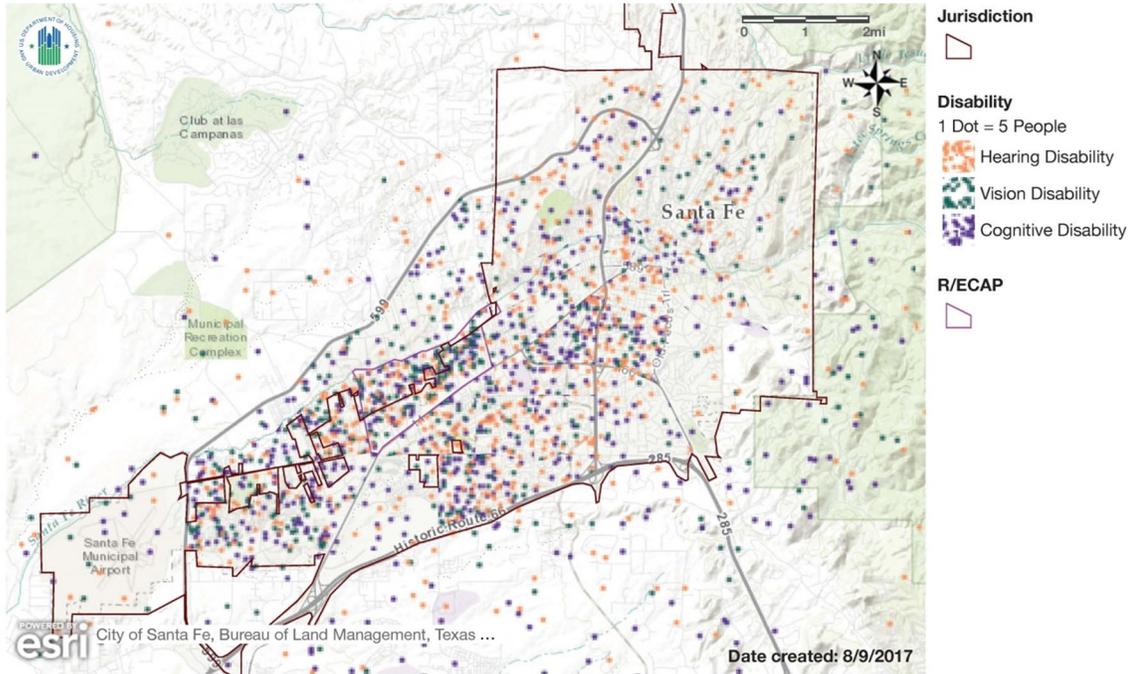
Jurisdiction: Santa Fe (CDBG)

Region: Santa Fe, NM

Source: HUD Affirmatively Furthering Fair Housing Data and Mapping Tool. <https://egis.hud.gov/affht/>

Figure V-59.
Map 14b – Disability by Type: Hearing, Vision, and Cognitive Disabilities

HUD Affirmatively Furthering Fair Housing Data and Mapping Tool



Name: Map 14 - Disability by Type

Description: Dot density map of the population of persons with disabilities by persons with vision, hearing, cognitive, ambulatory, self-care, and independent living difficulties with R/ECAPs for Jurisdiction and Region

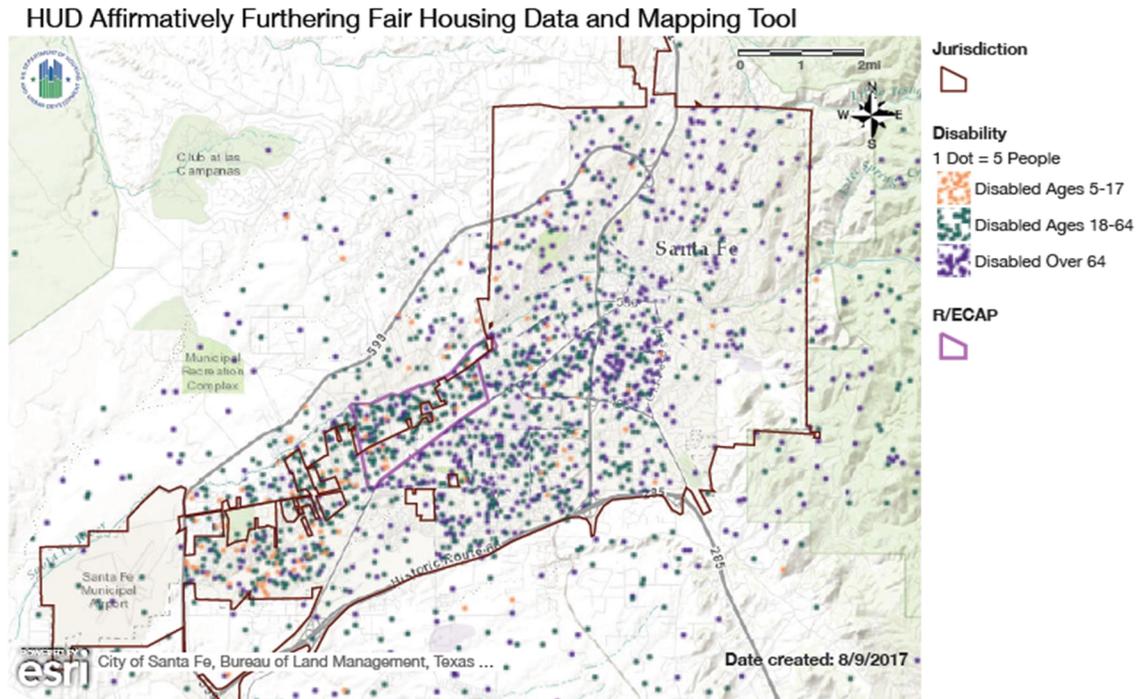
Jurisdiction: Santa Fe (CDBG)

Region: Santa Fe, NM

Source: HUD Affirmatively Furthering Fair Housing Data and Mapping Tool. <https://egis.hud.gov/affht/>

Figure V-60 maps the distribution of residents with disabilities by age in Santa Fe. A significant proportion of children and youth (ages 5 to 17) with disabilities live in Santa Fe’s R/ECAP neighborhood and in the Census tract immediately southwest of the R/ECAP. Residents with disabilities between the ages of 18 and 64 are most densely populated south of downtown and to the southwest. Seniors with disabilities (age 65 and older) are more likely than other residents with disabilities to live near downtown Santa Fe and are much less likely to live in the city’s R/ECAP neighborhood.

Figure V-60.
Map 15 – Disability by Type



Name: Map 15 - Disability by Age Group

Description: All persons with disabilities by age range (5-17)(18-64)(65+) with R/ECAPs

Jurisdiction: Santa Fe (CDBG)

Region: Santa Fe, NM

Source: HUD Affirmatively Furthering Fair Housing Data and Mapping Tool. <https://egis.hud.gov/affht/>

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

Availability of accessible housing. In the past five years, 63 percent of survey respondents whose household includes a member with a disability looked seriously for housing to rent or buy in Santa Fe. When asked to rate the relative ease of finding safe, quality housing that they could afford on a scale from 0 to 9, with 0 meaning “extremely difficult” and 9 meaning “extremely easy,” 42 percent rated their experience “extremely difficult” (rating of 0) compared to 28 percent of all respondents who had looked seriously for housing. The cost of housing is by far the most common response when those who had difficulty (rating of 0 to 4) are asked why. Many residents in the region are impacted by lack of affordable housing but for residents with disabilities, finding housing that is accessible and provides good access to transit stops in safe neighborhoods with accessible sidewalks is particularly challenging.

Among households that include a member with a disability, 69 percent said their current home meets their accessibility needs; 28 percent said their home does not meet their accessibility needs and 2 percent weren't sure. The most common accessibility improvements needed were:

- Grab bars in the bathroom (46%);
- Wider doorways (35%);
- Service or emotional support animal allowed in the home (22%); and
- Reserved accessible parking space near entrance (16%).

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

- *“Supportive services for all in need who obtain long term housing—help with accessing public benefits, treatment for mental health and/or substance abuse issues, job training, quality child care, entrepreneurial training, decent public transportation (increase & expand bus schedule and use van size buses to save money).” (Stakeholder survey respondent)*

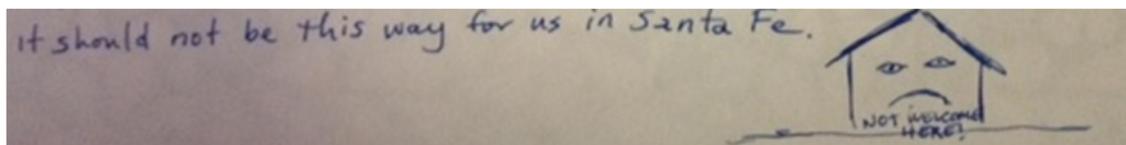
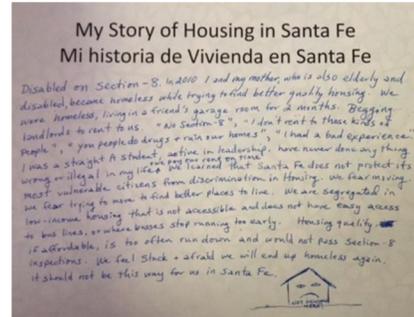
Criminal history. Focus group participants and stakeholders raised the difficulty residents with criminal histories encounter when trying to find a place to rent. Stakeholders rated a lack of landlords willing to rent to individuals with criminal history to be a serious fair housing issue (average rating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

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

Landlord acceptance of Section 8 vouchers. Stakeholders rated “the ability to use Section 8 assistance is segregated to specific locations and not utilized in more expensive parts of town” as

a serious fair housing issue (average rating of 7.5). One attendee at the Open House shared her experience attempting to find appropriate housing for herself and her disabled mother using a Section 8 voucher. She wrote:

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



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

Moving from institutional or segregated settings to community-based settings. Stakeholders identified a “lack of housing available for persons with disabilities transitioning out of institutions and nursing homes” as a serious fair housing issue (average rating of 7.6). Further, Santa Fe stakeholders rate “lack of assistance for individuals with disabilities moving from institutional settings to independent housing in the community” a 7.0, also a serious contributing factor. The State of New Mexico’s Home and Community Based Services waiver program—Mi Via—was developed in 2006 using a person-centered approach.⁶ Statistics are not available to characterize how Mi Via is implemented in Santa Fe and the extent to which residents with disabilities are waiting to transition out of institutional settings. Stakeholders familiar with the housing needs of residents with disabilities characterized how well state and local policies and

⁶<http://www.hsd.state.nm.us/uploads/files/Looking%20For%20Information/Information%20for%20Recipients/Special%20Programs%20and%20Waivers/Home%20and%20Community%20Based%20Waiver/Mi%20Via/NM%20Mi%20Via%20HCB%20Settings%20Transition%20Plan.pdf>

programs facilitate opportunity for residents with disabilities to live in integrated settings as “moderately well.”

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

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

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

Access to Opportunity

As with members of other protected classes, access to opportunity, including school proficiency, employment, transportation, and low poverty neighborhoods for Santa Fe residents with disabilities is examined. The geographic analyses presented in HUD AFFH maps did not reveal appreciable differences in segregation of residents with disabilities (with the exception of children and youth with disabilities),

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

Resident survey respondents that had a household member with a disability were asked specifically “what is needed in Santa Fe to help the person with a disability in your household to get a job or get a better job?” Common responses centered around:

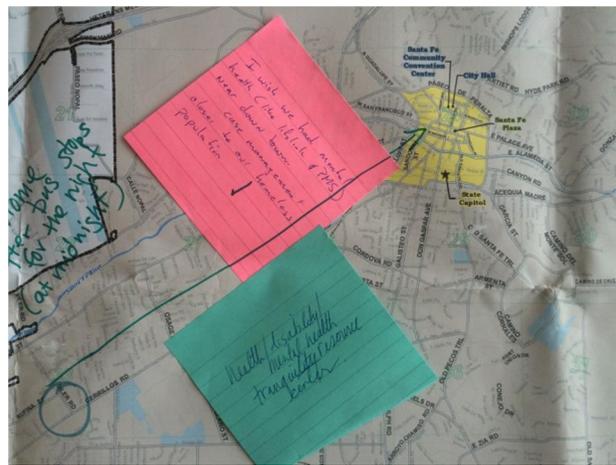
- Flexibility (hours and accommodations);
- Transportation/improved para-transit services;
- Job training; and
- Education for employers about ADA compliance, reasonable accommodations, and sensitivity training.

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

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

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

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



In the AFH survey, resident households that include a person with a disability were asked, “What is needed in Santa Fe to help the person with a disability in your household to access community amenities, facilities or services such as parks, libraries, government buildings, cultural facilities, and festivals/events?” Most responses focused on accessible buildings and infrastructure (ADA compliance and good sidewalks) and transportation options.

Disability and Access Issues Contributing Factors. The AFH template requires an examination of potential contributing factors to each of the fair housing challenges analyzed in this section. The summary below identifies those factors that significantly create, contribute to, perpetuate, or increase the severity of disability and access issues and the fair housing issues, which are Segregation, R/ECAPs, Disparities in Access to Opportunity, and Disproportionate Housing Needs.

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

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

Resources for reasonable accommodation requests. The Americans with Disabilities Act (ADA) provides protections for individuals with disabilities in employment, public accommodations, and municipal services and programs. The City of Santa Fe provides many services that help persons with disabilities request and obtain reasonable accommodations and accessibility modifications to address any barriers.

The City of Santa Fe has an ADA Coordinator who oversees accessibility compliance for the City with respect to ADA Title II, the ADA Amendments Act of 2008, and the 504 Rehabilitation Act. The ADA coordinator receives and responds to ADA grievances and complaints that have been filed both locally and federally. The coordinator also serves as a liaison between disability advocacy groups and the City of Santa Fe with the goal of ensuring that problems are resolved and needed services are received by persons with disabilities.

The City also has a Mayor's Committee on Disability (MCD) which resolves disability issues within the city and provides a guide to accessibility resources. The guide provides legal advice and advocacy, national, state, local, college, transportation, and wellness resources.

Land Use and Zoning

As part of Santa Fe's 2016 Analysis of Impediments to Fair Housing Choice, an assessment of Santa Fe's Land Development Code (LDC) for other potential barriers to fair housing choice and provisions for reasonable accommodation under the requirements of the federal Fair Housing Amendments Act (FHAA) and the Americans with Disabilities Act (ADA) was conducted. Appendix A examines the Santa Fe LDC for specific regulations and procedures that impede access to fair housing and affordable housing choice based on the requirements of and court interpretations of the FHAA.

The AFH tool by HUD specifically identifies land use and zoning laws and occupancy codes and restrictions as potential barriers to fair housing choice:

Zoning and land use laws affect housing choice by determining where housing is built, what type of housing is built, who can live in that housing, and the cost and accessibility of the housing.

Examples of such laws and policies include, but are not limited to:

- *Limits on multi-unit developments, which may include outright bans on multi-unit developments or indirect limits such as height limits and minimum parking requirements.*
- *Minimum lot sizes, which require residences to be located on a certain minimum sized area of land.*
- *Occupancy restrictions, which regulate how many persons may occupy a property and, sometimes, the relationship between those persons.*
- *Inclusionary zoning practices that mandate or incentivize the creation of affordable units.*
- *Requirements for special use permits for all multifamily properties or multifamily properties serving individuals with disabilities.*
- *Growth management ordinances.⁷*

Santa Fe’s LDC was examined in the context of the AFH discussion of zoning as a contributing factor to fair housing issues. Specifically, it reviews limits on multifamily and manufactured housing, dimensional standards (e.g. minimum lot sizes), occupancy restrictions, inclusionary zoning, requirement for special use permits for multifamily properties, and growth management ordinances.

Restrictions on multifamily and manufactured housing. The City of Santa Fe’s residential districts are generally inclusive of many housing types. Even low density residential districts allow multifamily development, manufactured homes, and accessory dwelling units.

Dimensional standards. Dimensional standards, such as lot size, house size, and density have a substantial impact on housing costs. Minimum lot size requirements are the type of regulation most responsible for increasing housing costs.

Santa Fe’s residential districts allow for a variety of densities—from one dwelling unit per acre up to 10 units per acre. The higher density residential districts (R-7, R-8 and R-9) cite affordability in their purpose statement noting that their intent is to “allow a density that enables affordability.” However, 10 units per acre are below the density achieved by many attached single-family (townhouse) projects, and most multifamily projects would require densities higher than 10 units per acre to build efficiently. In Santa Fe, it appears that achieving fairly standard multifamily densities require special approval. The city might consider allowing multifamily construction in some districts at densities higher than 10 units per acre without special development plan approval, perhaps by defining building envelopes based on the

⁷ HUD AFH Tool, online at <https://www.hudexchange.info/resources/documents/Assessment-of-Fair-Housing-Tool.pdf>

surrounding height and scale of development rather than a dwelling unit per acre cap. While taller height limits might allow for more efficient and affordable multifamily development, we understand that low-scale development is a key element of Santa Fe's history, character, and tourist industry, and do not recommend that additional heights should be achievable without special review.

Occupancy restrictions. The code does include some occupancy restrictions. A maximum of five persons who may be unrelated can reside together in a dwelling unit under the code's definition of family. Group homes can have a maximum of eight residents residing in the house in order to be allowed by right in residential districts (larger group homes require a special use permit).

Inclusionary zoning. When implemented effectively, inclusionary zoning ordinances can also contribute to affordability and housing choice. Santa Fe has had an inclusionary zoning program in place since the late nineties and it has been one of the city's most effective tools for spurring the provision of affordable housing. The inclusionary zoning program, now called the Santa Fe Homes Program (SFHP) originally mandated a 30 percent requirement for any application, including annexation, rezoning, creation of a condominium, application for building permit of two or more units, subdivision plat, and increase in density.

In 2010, in response to the economic slowdown, in particular for the building and construction industries, the city modified the requirement so that 20 percent of new homes proposed for construction are sold to income-qualified homebuyers. Three income tiers are served: 50-65 percent AMI; 65-80 percent AMI; and 80-100 percent AMI. Five percent of total units are provided in the highest and lowest income tier, with 10 percent in the middle tier (65-80% AMI). Likewise, fifteen percent of rental homes are required to be set-aside for income certified renters, a requirement with a temporary modification to allow multi-family developers to pay a fee-in-lieu of providing units on-site. Three income tiers are served: less than 50 percent AMI; 50-65 percent AMI; and 65-80 percent AMI. The fee-in-lieu provision, an effort to jumpstart the construction of market rate multifamily housing, will sunset in 2020.

While the Santa Fe LDC does not make specific reference to the need to comply with the accessibility requirements referenced in FHAA or ADA, it does reference and require compliance with the SFHP. The LDC also contains incentives for affordable housing for projects that must comply with the SFHP. Incentives include density bonus, fee waivers, and fee reductions for all projects complying with the SFHP requirements. The increase in density does not require any additional approval by the governing body. This is a positive step in alleviating any undue attention created by an additional public review based of increased density and/or affordable housing requirements.

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

individuals. In light of this probable correlation, any city regulations encouraging or requiring the provision of affordable housing are likely to have the indirect effect of increasing the supply of housing for FHAA protected groups.

Special use permits and multifamily developments. Multifamily developments are allowed by right in all residential districts (except the Single Family Residential Infill district) and do not require a special use permit.

Growth management ordinance. The City of Santa Fe does not have a growth management ordinance but does outline principles for growth management in the Santa Fe General Plan (last updated in 1999). One of the key components of Santa Fe's growth management strategy is to promote infill development and a compact urban form at densities that will support the development of affordable housing and provide for a mix of housing densities and products. As such, the growth management strategy does not pose a barrier to fair housing in the City.

Twenty two percent (7,536 acres) of land within the City is vacant and could be used for infill development. In the City's LDC, the R-7 district has the lowest threshold for affordable single family homeownership and the R-14+ district has the lowest threshold for affordable rental development. Despite not having a growth management ordinance, only 4,304 acres (15.7% of the total land) in the City can support affordable homeownership and 1,506 acres (5.5%) are zoned at densities that can support multi-family apartments.

Refer to Appendix A for the full Land Development Code analysis.

Fair Housing Law and Enforcement

The Fair Housing Act (FHA) was part of the federal Civil Rights Act of 1968. The original language in the FHA prohibited discrimination in the sale, rental and financing of dwellings in housing-related transactions based on race, color, national origin, and religion. The FHA was amended 20 years later, in 1988, to prohibit discrimination on the basis of disability or familial status, and to require accessible units in multifamily developments built after 1991.

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

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

Santa Fe residents who feel that they might have experienced a fair housing violation have a number of organizations they can contact for assistance and ways to access information about their fair housing rights. These include:

- HUD: http://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp
- Disability Rights New Mexico: <http://www.drnm.org/>

- New Mexico Legal Aid: <http://www.nmlegalaid.org/>
- The City of Santa Fe: http://www.santafenm.gov/m/fair_housing#leave-site-alert

The City's Fair Housing Ordinance directs that the following procedures be followed in the event that the city receives a fair housing complaint.

- The City Manager or the designated investigator conducts the complaint investigation;
- The City Manager or investigator notifies the person against whom the complaint is made and identifies the aggrieved person;
- The City Manager or investigator dismisses the complaint if the investigation finds that it has no merit. Alternatively, if the complaint is determined to have merit, an attempt is made to eliminate the alleged discriminatory practice by "conference and conciliation."
- The City is also required to advise the complainant that they may also file a complaint with HUD and provide information to the complainant on how to do so.

Resident experience of housing discrimination. Figure V-61 presents the proportion of survey respondents who believe they have experienced housing discrimination and the reasons for the discrimination. By design, no definition of housing discrimination under state or federal law was provided to respondents; these data reflect respondents' perception of discrimination based on their experience and knowledge. Similarly, the question asking the reason for the discrimination was open-ended, so as not to bias the results not to limit responses to only those circumstances defined by law.

Overall, 16 percent of Santa Fe survey respondents report having experienced discrimination when looking to rent or buy housing in Santa Fe. This rate increases substantially for non-white respondents (23%) and doubles for disability respondents (33%).

The top three reasons for the housing discrimination experienced by all respondents are:

- Race, ethnicity or national origin;
- Age; and
- Income.

Non-white respondents attributed the housing discrimination experienced to:

- Race, ethnicity or national origin;
- Age; and
- Family status or children.

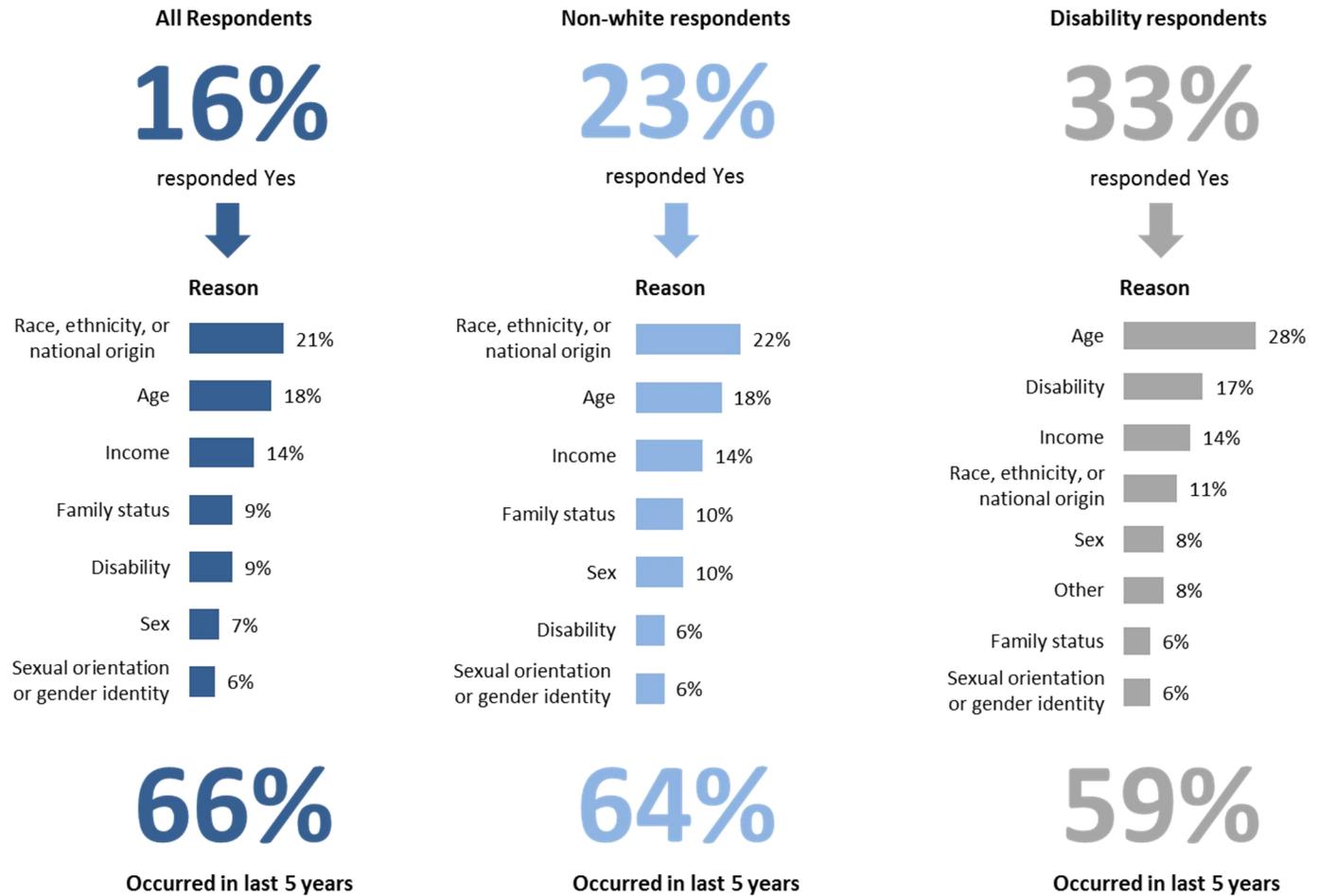
Respondents in the disability sample attribute their housing discrimination experience to:

- Age;
- Disability; and
- Family status or children.

About two-thirds of respondents that experienced housing discrimination said it occurred within the past five years (all respondents). Non-white and disability respondents experiencing discrimination were more likely to say the discrimination occurred more than five years ago.

Figure V-61.
When you looked for housing in your community did you ever feel discriminated against?

Source:
 BBC Research & Consulting from the 2017 Santa Fe AFH Resident Survey.



SECTION VI.

Fair Housing Goals and Priorities

SECTION VI.

Fair Housing Goals and Priorities

This section presents goals for how the City of Santa Fe can address the fair housing challenges identified in this AFH.

Goals Development

The following matrices show the goals and action items the City will employ during the next five years to address priority fair housing challenges.

Following HUD's AFH guidelines, the goals were developed with the SMART acronym in mind:

- S—Specific
- M—Measurable
- A—Actionable
- R—Realistic
- T—Timebound.

Prioritization. Prioritization of the fair housing issues was steered by HUD's guidance in the AFH rule. In prioritizing the contributing factors to address, highest priority was given to those contributing factors that:

- Limit or deny fair housing choice;
- Limit or deny access to opportunity; and
- Negatively impact fair housing or civil rights compliance.

Figure VI-1. Goals and Strategies

GOAL	CONTRIBUTING FACTORS	FAIR HOUSING ISSUES	PRIORITIZATION	ACTION ITEM	METRIC/MILESTONE FOR ACHIEVEMENT	TIMEFRAME FOR ACHIEVEMENT	RESPONSIBLE PROGRAM PARTICIPANT(S)
1. Create more affordable, quality housing, that is equitably distributed throughout the City	High housing costs, especially in high opportunity areas. NIMBYism. Difficulty using Section 8 voucher in high opportunity neighborhoods. Some restrictive land use codes	Disproportionate housing needs. Disproportionate use of publicly-supported housing. Limited rental housing for very low income residents, including those with Section 8 vouchers. Lower access to high quality schools	High	1) Incentivize construction of affordably-priced rental units through donations of city-owned land, fee waivers, regulatory exemptions and other municipal resources.	Support min. 60 units/year	Ongoing	City of Santa Fe, nonprofit and private housing partners
				2) Require LIHTC projects that receive City donations to set aside a percentage of units for households earning less than 50% of the AMI, including those who have recently experienced homelessness.	Revise SFCC 26-1 to include req'm; Support min. 15 units/year	June 30, 2018; ongoing program	City of Santa Fe, nonprofit and private housing partners
				3) Re-instate tenant-based rental assistance that is short-term, flexible, with low-barrier for qualification.	Dedicate City-controlled funding source; support 40 - 60 renters/year	June 30, 2018; ongoing program	City of Santa Fe, nonprofit and private housing partners
				4) Support the capacity of low- and moderate-wage workforce to purchase homes in geographically varied locations in the city through the provision of down payment assistance and help with becoming "mortgage ready".	Serve 30 - 40 households per year	Ongoing	City of Santa Fe, nonprofit and private housing partners, lenders
				5) Make regulatory changes to support a variety of housing choices: a. Modify the Santa Fe Homes Program (SFHP) so that the rental requirement is financially viable from the prospective of a multifamily development proforma. b. Revise the density bonus incentive so that rental projects that exceed the minimum SFHP requirements get a higher bonus than those that offer the minimum. c. Convert existing and support the development of new ADUs into affordable rental stock through the modification of Chapter 14 restrictions (eg. allow greater diversity of placement on the site - on top of garages or other outbuildings-and eliminate architectural consistency standards if under a certain size, allow existing ADUs to be nonconforming uses). d. Increase low-density limits for multi-family residential construction and/or modify zoning categories to allow interim zone between R-12 and R-21. e. Raise the square footage threshold that triggers a development plan requirement on residential projects from 10,000 square feet to over 30,000 square feet when the proposed project meets redevelopment and mixed use goals.	Revise SFCC 26-1, SFCC 14 to include req'm with long term goal of creating 100 additional affordable rental units/year	SFCC Ch.26 code amendments (June 30, 2018); SFCC Ch.14 code amendments (June 30, 2019)	City of Santa Fe

Goals and Strategies, Continued

2. Preserve and improve existing housing occupied by low and moderate income renters and owners	Very old housing stock. Absentee landlords. Low incomes of owners.	Disproportionate housing needs. Further limited stock for Section 8 voucher holders (who can only rent in housing that meets HUD standards)	High	1) Continue to support emergency repair grant programs targeted toward very-low income homeowners (less than 50% AMI).	Serve 15 - 30 households/year	Cont. implementation of current program; ongoing	City of Santa Fe, nonprofit and private sector partners
				2) Continue to support rehabilitation loan programs targeted toward low to moderate income homeowners (50%-80% AMI), which includes home renovations and energy conservation measures.	Serve 10 - 15 households/year	Cont. implementation of current program; ongoing	City of Santa Fe
				3) Design a rehabilitation program for homeowners living in historic districts to offset the higher cost of improvements to historic homes	Develop criteria for eligibility; serve 3-5 households/year	Establish program by June 30, 2018; ongoing	City of Santa Fe, nonprofit and private sector partners
				4) Develop rehab program for low-income landlords so that units can meet HQS and rent-assisted tenants can live in their units.	Develop criteria for eligibility; rehab 3-5 rental units/year	Establish program by June 30, 2018; ongoing	City of Santa Fe, nonprofit and private sector partners
3. Continue to work to improve economic conditions of persons with disabilities	Lack of flexible and accommodating work environments	Access to Opportunity in Employment	High	Work with trade associations and area employers to explore solutions to creating job opportunities for persons with disabilities. Educate area employers about needs and how they can better accommodate residents with disabilities who are under-employed. Align efforts with existing workforce training/support programs.	Align efforts with existing workforce training/support programs, especially those already funded by City.	Establish program by June 30, 2019; ongoing	City of Santa Fe, private sector partners; nonprofit services providers, other gov't entities
4. Create more accessible, affordable, quality housing, to accommodate persons with disabilities	Older housing stock. Disconnect in where housing and services are located	Disproportionate housing needs; lack of accessible, affordable housing	High	1) Continue multifamily and owner-occupied housing rehabilitation programs that include accessibility improvements.	Direct additional funding toward rehab programs to serve 10 - 15 households/year	Cont. implementation of current program; ongoing	City of Santa Fe; nonprofit sector partners; PHA
				2) Coordinate the provision of services, including the development of a shared resource database that provides referral information for those seeking services as well as listing information for homes that are for rent or sale.	Expand current efforts of homeless/special needs providers to expand resource and info database; also align with current data gathering (HMIS, etc.)	Establish resource/technology for alignment by June 30, 2018; ongoing	City of Santa Fe; nonprofit sector partners; PHA
5. Improve access to high quality schools and public transportation	Gaps in educational proficiency among schools in higher poverty areas. Lack of public transportation and/or accessible routes and times	Access to Opportunity in Education	High	1) Prioritize the use of appropriate City resources to support the school district's efforts to implement best practices from high-performing schools into all schools.	Align efforts with existing programs receiving City funds serving at risk young people.	Cont. implementation of current programming; prioritize alignment; ongoing	City of Santa Fe Youth and Family Services; SFPS school district; support services providers, other gov't entities
				2) Work to ensure that every school has adequate mentoring/tutoring, mental health care, and, for high schools, job skill building and training opportunities.	Align efforts with existing school-based social services and workforce training/support programs, especially those already funded by City.	Cont. implementation of current programming; prioritize alignment; ongoing	City of Santa Fe Youth and Family Services; SFPS school district; SFCC; support services providers, other gov't entities
				3) Educate school staff and public transportation providers on access to opportunity concepts and work to expand public transportation access.	Align efforts with the MPO and the City's Transit Division to improve access on current routes when feasible; support expansion of routes if proposed.	Cont. implementation of current programming; prioritize alignment; ongoing	City of Santa Fe Transit Division, Metropolitan Planning Organization; SFPS school district; support services providers, other gov't entities

Goals and Strategies, Continued

6. Strengthen access to fair housing and knowledge of fair housing among residents and landlords	Lack of local information on fair housing	Fair Housing Enforcement and Capacity	Moderate	1) Continue to support fair housing training.	Provide City-owned meeting space; assist provider with marketing, invite lists, hire training providers under professional services agreements.	Cont. implementation of current program; ongoing	City of SF, HUD, providers of low-cost legal services
				2) Provide access to landlord/tenant counseling service that is free of charge, bi-lingual, and locally accessible. Focus on residents in R/ECAPs who are living in private sector housing in poor condition, persons with disabilities, refugees/immigrants.	Secure funding through City's General Fund budgeting process	Establish program by June 30, 2018; ongoing	City of Santa Fe
				3) Educate landlords--both those living in the City and owners outside of the City--about their obligations as landlords and compliance with the Fair Housing Act, NM UORRA, and Mobile Home Act.	Provide City-owned meeting space; assist provider with marketing, invite lists, hire training providers under professional services agreements.	Cont. implementation of current program; ongoing	City of Santa Fe

APPENDIX A.

Land Development Code Analysis

APPENDIX A.

Land Development Code Analysis

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

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

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

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

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

1.1. Organization of Section

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

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

Definitions

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

1.2. Disability

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

1.3. Dwelling

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

1.4. Family

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

“Family:

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

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

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

1.5. Foster Home

“Foster Home” is defined as:

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

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

1.6. Group Home

“Group home” is defined in Article 12 as:

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

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

1.7. Group Residential Care Facility

This use is defined as:

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

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

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

1.8. Group Residential Care Facility, Limited

This use is defined as:

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

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

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

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

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

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

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

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

1.10. Hotels and Boarding Houses

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

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

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

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

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

1.11. Occupancy Restrictions

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

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

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

1.12. Use of Terms

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

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

Permitted Uses and Occupancy

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

1.13. Permitted Uses

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

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

Table 14-6.1-1

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

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

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

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

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

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

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

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

A. Group Residential Care Facility, Limited

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

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

B. Group Residential Care Facility and Continuing Care Community

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

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

C. Sheltered Care Facility

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

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

D. Human Services Establishment

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

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

1.14. Use-Specific Standards

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

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

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

1.15. Residential Districts and Mixed Use

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

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

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

1.16. Neighborhood Conservation Overlay District

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

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

Development Standards

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

1.17. Density

1.17.1. Low-Density Districts

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

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

1.17.2. Medium Density Districts

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

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

1.17.3. High Density Districts

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

1.18. Maximum Building Height

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

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

1.19. Separation of Uses

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

1.20. Open Space Standards

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

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

1.21. Parking Standards

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

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

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

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

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

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

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

1.22. Impact Fees

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

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

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

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

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

Procedures

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

1.23. Early Neighborhood Notification

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

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

1.24. Development Plans

A. Single-Family Dwelling Exemption

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

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

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

B. Approval Criteria and Conditions

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

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

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

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

1.25. Reasonable Accommodation

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

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

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

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

1.26. Family Transfer Subdivisions

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

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

Fair Housing and Inclusionary Zoning

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

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

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

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

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

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

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

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

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

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

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

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

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