2015 State of North Dakota Analysis of Impediments to Fair Housing Choice

Final Report
May 11, 2015

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Analysis of Impediments to Fair Housing Choice

EQUAL HOUSING
OPPORTUNITY

Prepared for the:
North Dakota Department of Commerce

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HAS YOUR RIGHT TO FAIR HOUSING BEEN VIOLATED?

If you feel you have experienced discrimination in the housing industry, please contact:

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Office of Fair Housing and Equal Opportunity
Department of Housing and Urban Development
451 Seventh Street SW, Room 5204
Washington, DC 20410-2000
Telephone: (202) 708-1112
Toll Free: (800) 669-9777
Website: http://www.HUD.gov/offices/fheo/online-complaint.cfm

Denver Regional Office of FHEO
Department of Housing and Urban Development
1670 Broadway
Denver, Colorado 80202-4801
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Toll Free: (800) 877-7353
TTY: (303) 672-5248
Website: http://www.HUD.gov

North Dakota Department of Labor and Human Rights
600 East Boulevard Avenue, Department 406
Bismarck, North Dakota 58505-0340
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Toll Free: 1(800) 582-8032
TTY: 1(800) 366-6888 or 1(800) 366-6889 (Relay ND)
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Website: labor@nd.gov or humanrights@nd.gov

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EXECUTIVE SUMMARY

AI PURPOSE AND PROCESS

As a requirement of receiving funds under the Community Development Block Grant (CDBG), the HOME Investment Partnerships (HOME), and the Emergency Solutions Grant (ESG), entitlement jurisdictions must submit certification of affirmatively furthering fair housing to the U.S. Department of Housing and Urban Development (HUD). This certification has three elements:

Complete an Analysis of Impediments to Fair Housing Choice (AI),
Take actions to overcome the effects of any impediments identified, and
Maintain records reflecting the actions taken in response to the analysis.

In the *Fair Housing Planning Guide*, page 2-8, HUD provides a definition of impediments to fair housing choice as:

1. Any actions, omissions, or decisions taken because of race, color, religion, sex, disability, familial status, or national origin which restrict housing choices or the availability of housing choices [and]
2. Any actions, omissions, or decisions which have [this] effect.[1]

The list of protected classes included in the above definition is drawn from the federal Fair Housing Act, which was first enacted in 1968. However, state and local governments may enact fair housing laws that extend protection to other groups, and the AI is expected to address housing choice for these additional protected classes as well.

The AI process affirmatively furthers fair housing involves a thorough examination of a variety of sources related to housing, the fair housing delivery system, and housing transactions, particularly for persons who are protected under fair housing law.

The development of an AI also includes public input and review via direct contact with stakeholders, public meetings to collect input from citizens and interested parties, distribution of draft reports for citizen review, and formal presentations of findings and impediments, along with actions to overcome the identified impediments.

METHODOLOGY

As part of the consolidated planning process, and as a requirement for receiving HUD formula grant funding, the State of North Dakota is undertaking this AI to evaluate impediments to fair housing choice within non-entitlement areas of the state. Residents of the State of North Dakota are protected from discrimination in housing choice by the federal Fair Housing Act, which includes protections based on race, color, religion, national origin, sex, disability, and familial status[2]. In addition, state residents are protected by North Dakota Century Code, which

[1] U.S. Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity. *Fair Housing Planning Guide*. Vol. 1, p. 2-8. http://www.hud.gov/offices/cpd/about/conplan/fairhousingexs/Module5_TopSevenAFFH.pdf
[2] 42 U.S.C.A. §3601

prohibits discrimination on all of the bases identified in the FHA, as well as discrimination based on age, marital status, or use of public assistance.[3]

The purpose of this report is to determine current impediments to fair housing choice at work in North Dakota and to suggest actions that the local community can consider in order to overcome the identified impediments. Thus, this report represents only the first step in the three-part certification process presented on the previous page.

This AI was conducted through the assessment of a number of quantitative and qualitative sources. Quantitative sources used in analyzing fair housing choice in the State of North Dakota included:

- Socio-economic and housing data from the U.S. Census Bureau,
- Employment data from the U.S. Bureau of Labor Statistics,
- Economic data from the U.S. Bureau of Economic Analysis,
- Investment data gathered in accordance with the Community Reinvestment Act,
- Home loan application data from 2004 through 2013 gathered under the Home Mortgage Disclosure Act, and
- Data concerning the 159 fair housing complaints filed HUD and the 295 filed with the North Dakota Department of Labor and Human Rights.

Qualitative research included evaluation of relevant existing fair housing research and national and state fair housing legal cases. Additionally, this research included the evaluation of information gathered from several public input opportunities conducted in relation to this AI. This also included the 2015 North Dakota Fair Housing Survey, monthly discussions with members of the Public Housing Authority and Grantee Outreach Committee, and a fair housing forum.

Geographic analyses of racial and ethnic distribution were conducted by calculating race or ethnicity as the percentage of total population and then plotting the data on a geographic map of Census tracts in the State of North Dakota. For the purposes of this AI, maps were produced for several racial and ethnic groups based on both 2000 and 2010 Census data in order to examine how the concentrations of these populations changed over time. Five-year ACS estimates from 2013 were also used for select maps.

Ultimately, a list of potential impediments was drawn from these sources and further evaluated based on HUD's definition of impediments to fair housing choice, as presented on the previous page. Potential impediments to fair housing choice present within the State were identified; along with actions the State may consider in attempting to address possible impediments.

OVERVIEW OF FINDINGS

This AI includes a review of both public and private sector housing market contexts in non-entitlement areas of the State of North Dakota to identify practices or conditions that may operate to limit fair housing choice in the State. Analysis of demographic, economic, and housing data included in that review establish the context in which housing choices are made.

[3] N.D.C.C. 24-02.5

Demographic data indicate the sizes of racial and ethnic populations and other protected classes; economic and employment data show additional factors in influencing housing choice; and counts of housing by type, tenure, quality, and cost indicate the ability of the housing stock to meet the needs of the State's residents.

The contextual analysis described above provides a foundation for detailed review of fair housing laws, cases, studies, complaints, and public involvement data. The structure provided by local, state, and federal fair housing laws shapes the complaint and advocacy processes available in the State, as do the services provided by local, state, and federal agencies. Private sector factors in the homeownership and rental markets, such as home mortgage lending practices, have a substantial influence on fair housing choice. In the public sector, policies and practices can also significantly affect housing choice.

Complaint data and AI public involvement feedback further help define problems and possible impediments to housing choice for persons of protected classes, and confirm suspected findings from the contextual and supporting data.

Socio-Economic Context

The population of North Dakota's non-entitlement areas has grown by approximately 41,000 since 2000, or 9.2 percent. Most of that growth has come in the years since 2008; indeed, by 2010 the population was only observed to have grown by 1.4 percent since 2000. Prior to 2008, the population was relatively stable, but since that year the number of residents has grown by approximately 9,000 per year on average. Much of the growth between the 2000 and 2010 decennial Census counts was due to an increase in the population aged 55 to 64 of 46.8 percent, or around 18,700 residents. However, the state's non-entitlement areas also saw a substantial increase in the number of residents aged 20 to 34.

As the population increased, the number of white residents throughout the non-entitlement areas decreased slightly, and the number of black, American Indian, Asian, Native Hawaiian/Pacific Islander residents increased, along with those who identified their race as "Other", or themselves as belonging to two or more racial groups. However, with the exception of the American Indian population, which accounted for 6.8 percent of the population in 2010, and those who considered themselves part of two or more races, no other racial group accounted for more than 0.8 percent of the population. White residents accounted for just under 90 percent of the state's population in that year. In terms of ethnicity, Hispanic residents of all races represented 2 percent of the population in 2010, up from 1.2 percent in 2000.

In most cases, Census tracts with relatively high concentrations of American Indian residents were located in or around tribal reservation areas throughout the state in 2000 and 2010. However, there was an above-average concentration of American Indian residents in a large Census tract to the west of Williston in both years. Meanwhile, Census tracts with relatively high concentrations of Hispanic residents were distributed throughout the state, particularly in more populous areas of the state. The highest concentration of Hispanic residents was observed in one Census tract in Grafton in 2010, where nearly a quarter of residents were Hispanic.

Nearly 70,000 residents of the state's non-entitlement areas were living with disabilities in 2000, or 17.2 percent of the population. These residents accounted for nearly 30 percent of the population in one Census tract in Devil's Lake in that year. An estimated 11.3 percent of the population was living with some form of disability in 2009-2013.[4] In that year, the highest concentration of residents with disabilities was observed in a Census tract in Grafton.

Due in large part to intensive oil production in the Bakken formation, the labor market in the state's non-entitlement areas was, in aggregate, largely spared the worst of the national recession of 2007-2009. In fact, the labor force continued to grow through those years, and though growth in the total number of employed slowed, that number did not decline. Slackening growth in employment did contribute to a spike in the unemployment rate, which reached 4.2 percent in 2009. However, the unemployment rate has declined steadily since that year, thanks to redoubled growth in the labor market.

In the state as a whole, growth in the number of jobs has been dramatic in the years since 2009. As the number of jobs has grown, so has the average paycheck for workers throughout the state. In 2000, the average worker earned $36,963 at his or her job, in real 2013 dollars. By 2012 that figure had topped $55,000. However, growth in real average earnings has been subject to considerable fluctuation: in 2013, the last year for which data were available at the writing of this report, earnings per job had fallen by around $3,000. Real per capita income (PCI) in the state also fell in 2013, after three years of dramatic growth. However, it remained, at $53,182 per year, considerably higher than the national figure of $44,765 per year. Between 2000 and 2013, the share of household with incomes over $50,000 per year increased dramatically.

As a consequence of dramatic growth in earnings and incomes, the share of residents living in poverty fell from 12.0 to 10.7 percent between 2000 and 2013 in the state's non-entitlement areas. Census tracts with relatively high concentrations of poverty in 2000 and 2009-2013 were generally located in and around the state's tribal reservation areas.

The number of housing units in the state's non-entitlement areas increased by 5.9 percent between 2000 and 2010, outpacing growth in the population during that time. Owner-occupied units in 2010 were largely concentrated in and around more populous areas of the state, notably around Bismarck, Minot, and Fargo. Renter occupied units were more heavily concentrated in and around tribal reservation areas, but were most heavily concentrated on the Minot and Grand Forks Air Force bases. There was only a modest increase in the number of vacant housing units, and these units tended to be more highly concentrated in large rural Census tracts near the Fort Berthold and Turtle Mountain reservations. Most residents in the state's non-entitlement areas lived in single-family or apartment units

Most common type of vacant housing unit in 2010 consisted of units classified as "other vacant". These units tend to be more problematic than other types of vacant housing, since they are not available to the market place, and may contribute to blight where they are grouped in close physical proximity. Census tracts with relatively high concentrations of "other vacant" units were distributed throughout the state, but tended to cover large, rural areas. The

[4] It is important to note that the definition of disability employed in the 2009-2013 ACS differed considerably from the definition in use in 2000. For that reason, the Census Bureau discourages direct comparison between the two where disability is concerned.

highest concentration of "other vacant" units in 2010 appeared on the Grand Forks Air Force Base.

The number of smaller households throughout the state's non-entitlement areas grew considerably between the two Censuses as the number of larger households generally declined, contributing to a drop in the number and share of overcrowded units in the state. By 2013, the share of units that were overcrowded had fallen below 2 percent. The share of housing units with incomplete plumbing facilities also fell, while the percentage of units with incomplete kitchen facilities remained the same. There was a slight increase in the percentage of cost-burdened and severely cost-burdened households from 2000 through 2013; together, these households accounted for just under a quarter of all households in the state's non-entitlement areas from 2009-2013.

Finally, median housing costs tended to be higher in and around urban areas of the state, including Minot, Bismarck, Fargo, and Dickinson. Large, rural Census tracts with above-median housing costs tended to be located in the west of the state, though there were several tracts in the east and southeast in which housing costs were relatively high.

Fair Housing Law, Study, and Case Review

Residents of North Dakota are protected from discrimination in the housing market by laws at the federal and state level. The federal Fair Housing Act represents the foundation for fair housing law and policy in the United States, prohibiting discrimination on the basis of race, color, religion, sex, national origin, familial status, and disability. North Dakota housing discrimination law extends additional protections to state residents, prohibiting discrimination on the basis of age, marital status, or use of public assistance.

In spite of the existence of these laws, discrimination persists, though certainly no longer in a form that is as overt and obvious as it was when the laws were passed. Often, housing seekers will not know that they have been subjected to discrimination when a landlord tells them that no apartments are available (only to offer an available room to a prospective tenant of another race or ethnicity a few hours later). Such discrimination often only becomes apparent when properties are subjected to fair housing testing: results of such testing, as reported in national studies, have consistently revealed differences in how applicants are treated when they apply for housing with similar qualifications, but with names that are stereotypically associated with members of different races and ethnicities.

However, it is discrimination on the basis of disability that represents the most common violation of the Fair Housing Act, according to national studies of fair housing complaints. In this connection, it is not surprising that the one fair housing complaint in which the Department of Justice has become involved in the state over the last ten years has concerned alleged discrimination on the basis of disability. In that instance, a large property manager was accused of improperly charging "pet fees" for assistive animals: this practice has also been at issue in complaints filed with the High Plains Fair Housing Center.[5]

[5] Margaret Moore Jackson, High Plains Fair Housing Center (personal communication April 24, 2015). See Appendix E.

Though the laws that shape fair housing policy at the federal level are firmly established, and have been broadened in scope and legal force over the years, legal and regulatory actions that are currently taking place at the national level are likely to considerably impact the manner in which fair housing policy is carried out. In the first place, the Supreme Court is currently considering whether or not individuals or business can be held liable for discrimination by enacting policies that are neutral on their face, but have discriminatory effects. Such "discriminatory effects liability", a long-standing tool in fair housing enforcement, has been upheld in eleven district court decisions but has not yet been considered by the Supreme Court. If the court rules that disparate impact liability is not available under the fair housing act, that decision is likely to change fair housing enforcement profoundly.

The decision may also have an impact, albeit indirect, on HUD's affirmatively furthering fair housing requirement, since many of the cases that trigger an AFFH review by HUD are based on the perceived discriminatory effects of certain policies. However, a rule proposed by HUD in 2013 is likely to have a more direct impact. This proposed rule, which is meant to clarify the AFFH requirement for state and local jurisdictions, would do away with the AI and replace it with the Assessment of Fair Housing, among other changes. A final action on the rule, originally scheduled for December of 2014 and rescheduled for March of 2015, is still forthcoming as of early May of 2015.

Fair Housing Structure

Fair housing services are provided to residents of North Dakota through a variety of agencies and organizations at the federal and state level. Fair housing policy is administered at the federal level by HUD, which promotes outreach and education; provides for fair housing enforcement; accepts complaints from American residents who believe that they have been subjected to unlawful discrimination; and coordinates with local fair housing agencies and organizations, providing funding and expertise. Enforcement of the state and federal fair housing laws is carried out at the state level by the North Dakota Department of Labor and Human Rights, under the auspices of the Fair Housing Assistance Program (FHAP).

Though North Dakota residents were also served in prior years by Fair Housing of the Dakotas, the organization dissolved late in 2010 following a loss of funding from HUD. Prior funding had been awarded to the organization through its participation in the Fair Housing Initiatives Program (FHIP). As of FY 2014, there have been no FHIP grantees in the state since 2010. However, the newly-formed High Plains Fair Housing Center is available to assist residents of the state of who believe that they have been subjected to unlawful discrimination in the housing market by accepting fair housing complaints, advocating for complainants, and providing outreach and education on the subject of fair housing. The Fair Housing Center works in coordination with the Housing and Employment Law Clinic at the University of North Dakota School of Law, which is able to represent a small number of complainants referred by the Fair Housing Center.

Fair Housing in the Private Sector

Financial institutions throughout the state processed 218,000 loans and loan applications from 2004 through 2014. A majority of these were home purchase loans, and most home purchase loans were intended to finance the purchase of units in which the loan applicant intended to

live. Over 51,000 loan applications were approved, and loans originated, while nearly 8,200 were denied, for a loan denial rate of 13.8 percent over the decade. Yearly denial rates fluctuated considerably during that time, peaking in 2006 at 13.9 percent and 2012 at 17.3 percent. Generally, denial rates were highest in the state's rural areas, and tended to be lower in and around more populous areas of the state.

On average, female applicants were denied loans at a rate of 16.4 percent, exceeding the denial rate for male applicants by 3.7 percentage points. However, variation among racial and ethnic groups was more pronounced: 31.8 percent of loan applications submitted by American Indian applicants were denied, compared to a denial rate of 13.0 percent for white applicants. Similarly, Hispanic applicants of all races were denied in 28.3 percent of applications, compared to a denial rate of 13.0 for non-Hispanic applicants.

A large percentage of applications were turned down due largely to credit history or unfavorable debt-to-income ratios; unsurprisingly, denial rates fell as incomes went up. However, discrepancies in denial rates for applicants of different racial and ethnic groups persisted, even among those who were similarly situated with respect to income: 9.3 percent of applications from white residents earning more than $75,000 were denied, compared to a denial rate of 24.5 percent for American Indian applicants in the same income bracket. Similarly, the denial rate for Hispanic residents earning more than $75,000 per year was, at 22.7 percent, more than double the denial rate for non-Hispanic residents in that income range.

Many applicants who were able to secure a home purchase loan were issued a loan with a relatively high interest rate. These high-cost loans, or HALs, represented 9.4 percent of all loans issued in the state's non-entitlement areas from 2004 through 2013. However, HAL rates have declined considerably since 2006, when 17.8 percent of loans were HALs. In recent years, these high cost loans have accounted for fewer than 5 percent of all owner-occupied home purchase loans. Census tracts with relatively high concentrations of HALs tended to be located in and around the state's tribal reservation areas. As one might expect, the HAL rate for American Indian applicants, at 20.5 percent, was considerably higher than the HAL rate for white applicants. Similarly, the HAL rate for Hispanic applicants, at 12.7 percent, exceeded that of non-Hispanic applicants by 9.2 percent.

Small business lending in the state tended to target more populous urban areas, and was highly concentrated in middle- to high-income Census tracts.[6] Such tracts tended to be located in and around more populous areas of the state from 2000 through 2013, especially Bismarck, Fargo, and Grand Forks.

As was noted previously, disability tends to rank as the most common basis for complaints lodged with HUD at the national level. North Dakota was no different: the two most common complaints lodged against housing providers in the state's non-entitlement areas concerned perceived discrimination on the basis of physical and mental disabilities, each cited in 47 complaints. The next most commonly alleged motivation for discrimination was familial status, cited in 37 complaints. According to complaints lodged with HUD, discrimination in terms,

[6] Income levels are defined with reference to the median family income for the metropolitan statistical area or non-metropolitan areas in which the Census tract is located. These areas are designated by the Federal Financial Institutions Examination Council.

conditions, or privileges relating to rental was the most common discriminatory issue identified, followed by failure to make reasonable accommodation. Among complaints considered to have cause, failure to make reasonable accommodation was the most common complaint. Though the state Department of Labor and Human Rights received considerably more complaints over the same time period, the basic overall pattern in those complaints was similar to what was observed in complaints lodged with HUD.[7]

Those fair housing complaints suggest that discrimination was more commonly perceived in rental market transactions; that perception is borne out to some degree in the responses to the private sector portion of the 2015 North Dakota Fair Housing Survey. Though awareness of questionable practices or discriminatory issues in the private housing market was generally limited, nearly a quarter of respondents were aware of such issues in the rental housing market, including refusal or reluctance to rent based on color, race, religion, or language barriers, or to families with children.

Fair Housing in the Public Sector

For the purposes of this AI, assessment of factors in the public sector that impact housing choice involved analysis of the location of publicly funded housing, a survey of local government and planning officials in the state's non-entitlement areas, and the 2015 North Dakota Fair Housing Survey.

Housing projects subsidized through a variety of HUD-funded programs were distributed throughout the state, though they were often located close to more populous areas of the state. There was not a noticeable trend toward the concentration of these units in areas with high concentrations of poverty; the same was true of housing projects funded through Low Income Housing Tax Credits and the Project-based Section 8 program. All three types of units tended to be more common in the eastern part of the state.

The survey of local government officials revealed that local zoning and land-use ordinances commonly included provisions defining "dwelling unit", "residential unit", and "family", though few included a definition for "disability", or any development standards concerning accessibility, beyond building codes. In addition, only four jurisdictions included provisions to promote the development of affordable housing in their local codes, and five noted that there existed potential barriers to the development of such units. Specific examples of such barriers frequently included the high cost of land and construction.

Finally, the presence of potential questionable practices or barriers to fair housing choice in the public sector was evaluated through results of the 2015 Fair Housing Survey. As had been the case with questions concerning discriminatory issues in the private sector, respondents were generally unaware of any such issues in the public sector, though over ten percent of respondents did profess to be aware of areas of concern in property tax policies and housing construction standards. However, the most salient issues for survey respondents were related to the provision of various government services: a quarter of respondents stated that they were aware of barriers to fair housing choice in this area, citing a lack of access to public transportation and the limited hours of government offices as specific examples.

[7] Many of those complaints were the same, having been "dually filed" with HUD and the DOLHR.

Public Involvement

Efforts to promote public involvement in the AI process included the 2015 Fair Housing Survey; a fair housing forum, public agency outreach meetings; and a public comment period, during which the Housing Division sought public feedback on the findings of the AI and the actions proposed to address those findings.

Respondents to the 2015 Fair Housing Survey were largely familiar with, and supportive of, fair housing laws. However, many respondents maintained that these laws are difficult to understand or follow, and a quarter maintained that current laws needed to be changed; many respondents cited the need to expand current protections to prohibit discrimination LGBT orientation, source of income, and gender identity. More than 45 percent of respondents also felt that current enforcement of fair housing laws was insufficient.

In addition, over forty percent of respondents were aware of a process by which they could learn more about fair housing law and policy, and fifty respondents noted that they had participated in fair housing training. Nevertheless, 88 respondents felt that current levels of outreach and education were insufficient. Relatively few respondents were aware of any city or county fair housing ordinance, regulation, or plan.

Finally, in a series of meetings held from January 9th through March 13th of 2015, the Public Housing Agency and Non-Entitlement Grantee Outreach Committee discussed data gathered and compiled during the AI process, the findings based on those data, and the role that participants may play in the ongoing AI process. Participants also discussed methods and avenues by which fair housing challenges in the state might be addressed, concluding that outreach and education should play an integral role in those efforts.

IMPEDIMENTS TO FAIR HOUSING CHOICE AND SUGGESTED ACTIONS

Private Sector Impediments, Suggested Actions, and Measurable Objectives

***Impediment 1*: Discrimination based on disability, familial status, and race.** This impediment was identified through review of complaints lodged with HUD and the North Dakota Department of Labor and Human Rights (DOLHR), and in consultation with the High Plains Fair Housing Center. Discrimination based on familial status was second only to discrimination disability-based discrimination as the most common allegation in complaints lodged with HUD, and was the third most common allegation in complaints lodged with the DOLHR. Discrimination based on race was the third most commonly cited motivation for discrimination among complaints lodged with HUD, and was second most common among DOLHR complaints. In addition, a representative of the High Plains Fair Housing Center noted that the complaints that the organizations receives reveal "continuing evidence of discrimination, particularly against persons with disabilities, Native Americans, New Americans, and families with children."

> *Action 1.1*: Partner with the High Plains Fair Housing Center (HPFHC) and other non-profit organizations to conduct outreach and education to professionals in the housing

industry on the subject of disability, familial status, and legal prohibitions on discrimination against families with children.
Measurable Objective 1.1: The number of outreach and education activities conducted by the HPFHC and other organizations.
Action 1.2: Partner with the DOLHR to conduct education activities to professionals in the housing industry on the subject of disability, familial status, and legal prohibitions on discrimination against families with children.
Measurable Objective 1.2: The number of education activities conducted.
Action 1.3: Partner with the HPFHC and other non-profit organizations to conduct outreach and education to professionals in the housing industry on the subject of disability, familial status, and racial forms of discrimination.
Measurable Objective 1.3: The number of outreach and education activities conducted.
Action 1.4: Partner with the DOLHR to conduct education activities to professionals in the housing industry on the subject of disability, familial status, and racial forms of discrimination.
Measurable Objective 1.4: The number of education activities conducted.

***Impediment 2*: Failure to make reasonable accommodation.** This impediment was identified through review of complaints lodged with HUD and the North Dakota Department of Labor and Human Rights (DOLHR), as well as the results of the 2015 North Dakota Fair Housing Survey, and in consultation with the High Plains Fair Housing Center. Disability-based complaints were the most common complaints that HUD received from residents of the state's non-entitlement areas from 2004 through 2014, and accounted for more than half of all complaints lodged with the Department of Labor and Human Rights. Failure to make reasonable accommodation, a discriminatory issue that uniquely impacts residents with disabilities, was the second most commonly alleged discriminatory action in HUD and DOLHR complaints.

In addition, though respondents to the 2015 Fair Housing Survey were largely unaware of questionable practices or barriers to fair housing choice in the private or public sectors, over one in ten respondents were aware of issues in the housing construction or accessible housing design fields, and those who provided additional commentary on this question maintained that neglect of ADA requirements in new construction was relatively common. Similarly, several of those who provided commentary on challenges in the public sector noted a lack of tax incentives to promote accessible development, as well as a failure on the part of construction companies to incorporate such elements in the design and construction of new units.

Finally, a representative of the High Plains Fair Housing Center noted that legal requirements pertaining to design and construction are not well understood, and that "requests for reasonable accommodation are frequently resisted."[8]

Action 2.1: Partner with the HPFHC to conduct tests on selected newly constructed housing units and apartment complexes.
Measurable Objective 2.1: The number of tests conducted and the results of those tests conducted.

[8] Margaret Moore Jackson, High Plains Fair Housing Center (personal communication April 24, 2015). See Appendix E.

Action 2.2: Partner with the HPFHC, other non-profit organizations, and local ADA coordinators to conduct outreach and education to professionals in the housing construction industry on the subject of accessibility and reasonable accommodation.
Measurable Objective 2.2: The number of outreach and education activities conducted by these entities.
Action 2.3: Partner with the DOLHR to conduct education activities to professionals in the housing construction industry on the subject of accessibility and reasonable accommodation.
Measurable Objective 2.3: The number of education activities conducted by these entities.

***Impediment 3*: Discriminatory advertising.** This impediment was identified through review of complaint data filed with the North Dakota Department of Labor and Human Rights. According to those data, complaints citing discriminatory advertising were the fourth most common among all complaints and complaints considered to have cause. More than a third of complaints that were settled or resolved, or that ended in a charge of discrimination, cited discriminatory advertising as among the discriminatory actions that housing providers had taken against them.

Action 3.1: Partner with the HPFHC to conduct periodic reviews of rental housing advertisements in a variety of media (i.e., Craigslist, newspapers, etc.). Refer any discriminatory advertisements to the Department of Labor and Human Rights for investigation.
Measurable Objective 3.1: The number of advertisements reviewed and discriminatory advertisements identified and referred reported by the HPFHC.
Action 3.2: Initiate or enhance public outreach, through partnership with the High Plains Fair Housing Center and through the state's online/media presence, to identify examples of discriminatory advertising and encourage state residents to report such advertising when they see it.
Measurable Objective 3.2: Number of outreach and education activities taken, the number of reported instances of discriminatory advertising reported by the HPFHC.

***Impediment 4*: American Indian and Hispanic home loan applicants tend to have higher rates of denials than white and non-Hispanic applicants.** This impediment was identified through review of data gathered under the Home Mortgage Disclosure Act (HMDA). According to those data, 31.8 percent of home loan applications submitted by American Indian applicants were denied over the ten-year period between 2004 and 2013, inclusive. By comparison, only 13 percent of applications from white residents were turned down during that same period. Similarly, the denial rate for Hispanic applicants was 22.9 percent, compared to 13 percent for non-Hispanic applicants.

Action 4.1: Convene a committee or panel; in coordination with High Plains Fair Housing and the DOLHR, and seeking participation from professionals in the home lending industry; with the goal of identifying factors that contribute to differential denial rates to American Indian and Hispanic applicants.
Action 4.1.1: Request recommendations on how to mitigate the factors contributing to higher denials rates for American Indian and Hispanic residents.

Measurable Objective 4.1: The establishment of the committee, the list of factors identified, and the recommendations developed.
Action 4.2: Working in coordination with accredited local and statewide for-profit and non-profit organizations and government agencies, enhance credit counseling and education to prospective home buyers, focusing on strategies to build credit for home purchases, in partnership with local lenders and civic institutions.
Measurable Objective 4.2.1: The number of credit counseling and education activities conducted.
Measurable Objective 4.2.2: The number of agencies and organizations contacted.

***Impediment 5*: Discrimination against public assistance income.** In spite of the fact that discrimination based on the receipt of public assistance is illegal under state law, complaint data from the DOLHR indicate that nearly twelve percent of those who filed a complaint with the agency believed that they had suffered discrimination on that basis.

Action 5.1: Contract with the HPFHC to conduct outreach and education to housing providers on the subject of public assistance, noting that discrimination based on use of public assistance is illegal under state law.
Measurable Objective 5.1: Number of outreach and education activities conducted.
Action 5.2: Coordinate with the DOLHR to conduct education activities to housing providers on the subject of public assistance, noting that discrimination based on use of public assistance is illegal under state law.
Measurable Objective 5.2: Number of education activities conducted.
Action 5.3: Contact the state attorney general and request that future materials and publications concerning landlord-tenant rights and responsibilities include an explanation of public assistance discrimination.
Measurable Objective 5.3: Record of contact with the state attorney general, and his office' response.

***Impediment 6*: Lack of understanding of fair housing law and policy.** This impediment was identified through review of responses to the 2015 North Dakota Fair Housing Survey and the discussions with the Public Housing Agency and Non-Entitlement Grantee Outreach Committee. Between a quarter and half of respondents to survey questions concerning impediments to fair housing choice in the private and public sectors responded to each question with "don't know", which may suggest a widespread lack of confidence in their own ability to identify the kinds of policies and practices that count as discriminatory. In addition, a fifth of respondents stated that they were "not familiar" with fair housing laws, and several survey respondents maintained that there was a need for more education on the subject of fair housing. This opinion was shared by participants in the February 20th meeting of the Public Housing Agency and Non-Entitlement Grantee Outreach Committee Meeting, who maintained that enhanced outreach and education should form a major part of the actions and objectives adopted to promote fair housing choice in the state.

Action 6.1: Contract with the HPFHC to conduct outreach and education to housing providers and property managers on the subject of affirmatively furthering fair housing, and what the law requires.
Measurable Objective 6.1: The number of outreach and education sessions offered and the number of attendants and participants.

Action 6.2: Establish yearly advertising and outreach activities, to take place during Fair Housing month (April), in partnership with High Plains Fair Housing Center and other non-profit organizations, the DOLHR, regional councils, homeless providers, and CDBG grantees. Such activities could include panel discussions, fair housing presentations, web-based advertising (i.e., state and local jurisdiction websites, Facebook, etc.).
Measurable Objective 6.2: Number of advertising and outreach activities established, number of interagency and public/private partnerships established, the record of materials prepared for discussions and meetings, and the number of participants in such discussions and meetings.

Public Sector Impediments, Suggested Actions, and Measurable Objectives

***Impediment 1*: Apparent shortage of accessible and visitable housing in rural North Dakota.** This impediment was identified through review of responses to the 2015 Fair Housing Survey.

Action 1.1: Partner with Regional Councils and Community Action Agencies to encourage communities to apply for homeowner and renter rehabilitation funding to modify existing dwellings with the goal of expanding the supply of accessible and visitable housing in rural North Dakota.
Measurable Objective 1.1: The number of communities who are contacted and encouraged to apply for rehabilitation funding and the number of communities who apply for such funding.
Action 1.2: Partner with Regional Councils and Community Action Agencies to encourage communities to apply new construction funding with the goal of expanding the supply of accessible and visitable housing in rural North Dakota.
Measurable Objective 1.2: The number of communities who are contacted and encouraged to apply for new construction funding and the number of communities who apply for such funding.

Impediment 2: Lack of understanding of fair housing law and duty to affirmatively further fair housing. This impediment was identified through review of responses to the 2015 North Dakota Fair Housing Survey and the discussions with the Public Housing Agency and Non-Entitlement Grantee Outreach Committee. As noted in the discussion for Private Sector Impediment 5, a large percentage of respondents answered each question with "don't know", and a fifth of respondents stated that they were "not familiar" with fair housing laws. Several survey respondents maintained that there was a need for more education on the subject of fair housing, an assessment that was shared by participants in the February 20th meeting of the Public Housing Agency and Non-Entitlement Grantee Outreach Committee Meeting, who maintained that enhanced outreach and education should form a major part of the actions and objectives adopted to promote fair housing choice in the state.

Action 2.1: Partner with the DOLHR to conduct education activities for local jurisdictions and Regional Councils on behalf of local jurisdictions seeking CDBG grant funding concerning state and federal fair housing law and the certification to affirmatively further fair housing.
Measurable Objective 2.1: The number of education sessions offered by the DOLHR.

Action 2.2: Partner with the HPFHC to conduct outreach and education to local jurisdictions and Regional Councils on behalf of local jurisdictions seeking CDBG grant funding concerning state and federal fair housing law and the certification to affirmatively further fair housing.

Measurable Objective 2.2: The number of outreach and education sessions offered by the HPFHC.

Action 2.3: Establish yearly advertising and outreach activities, to take place during Fair Housing month (April). Such activities could include panel discussions, fair housing presentations, and web-based advertising (i.e., state and local jurisdiction websites, Facebook, etc.)

Measurable Objective 2.3: Number of advertising and outreach activities established and the record of materials prepared for discussions and meetings.

SECTION I. INTRODUCTION

Title VIII of the 1968 Civil Rights Act, also known as the Federal Fair Housing Act, made it illegal to discriminate in the buying, selling, or renting of housing based on a person's race, color, religion, or national origin. Sex was added as a protected class in the 1970s. In 1988, the Fair Housing Amendments Act added familial status and disability to the list, making a total of seven federally protected classes. Federal fair housing statutes are largely covered by the following three pieces of U.S. legislation:

1. The Fair Housing Act,
2. The Housing Amendments Act, and
3. The Americans with Disabilities Act.

The purpose of fair housing law is to protect a person's right to own, sell, purchase, or rent housing of his or her choice without fear of unlawful discrimination. The goal of fair housing law is to allow everyone equal access to housing.

WHY ASSESS FAIR HOUSING?

Provisions to affirmatively further fair housing are long-standing components of the U.S. Department of Housing and Urban Development's (HUD's) housing and community development programs. These provisions come from Section 808(e) (5) of the federal Fair Housing Act, which requires that the Secretary of HUD administer federal housing and urban development programs in a manner that affirmatively furthers fair housing.

In 1994, HUD published a rule consolidating plans for housing and community development programs into a single planning process. This action grouped the Community Development Block Grant (CDBG), HOME Investment Partnerships (HOME), Emergency Solutions Grants (ESG)[9], and Housing Opportunities for Persons with AIDS (HOPWA) programs into the Consolidated Plan for Housing and Community Development, which then created a single application cycle.

As a part of the consolidated planning process, states and entitlement communities that receive such funds as a formula allocation directly from HUD are required to submit to HUD certification that they are affirmatively furthering fair housing. In the State of North Dakota, the cities of Bismarck, Fargo, and Grand Forks must also certify that they are affirmatively furthering fair housing (AFFH). The North Dakota Department of Commerce certifies for the remainder of the state, herein referred to as "non-entitlement areas". The AFFH certification process has three parts:

1. Complete an Analysis of Impediments to Fair Housing Choice (AI),
2. Take actions to overcome the effects of any impediments identified through the analysis, and
3. Maintain records reflecting the analysis and actions taken.

[9] In 1994, the Emergency Solutions Grants program was called the Emergency Shelters Grants program.

In the *Fair Housing Planning Guide*, page 2-8, HUD notes that impediments to fair housing choice are:

- "Any actions, omissions, or decisions taken because of race, color, religion, sex, disability, familial status, or national origin which restrict housing choices or the availability of housing choices [and]
- Any actions, omissions, or decisions which have [this] effect."[10]

State and local governments may enact fair housing laws that extend protections to groups not included in the federal FHA. Accordingly, North Dakota law provides for protections from discrimination on the basis of age, marital status, or use of public assistance, in addition to the protected classes identified in the Fair Housing Act.[11] A summary of the classes and groups protected under federal and state law is presented in Table I.1 below:

Table I.1
Comparison of Fair Housing Laws
State of North Dakota

Protected Group	Federal Fair Housing Act	North Dakota State Law
Race	X	X
Color	X	X
Religion	X	X
National Origin	X	X
Sex	X	X
Familial Status	X	X
Disability	X	X
Age (40+)		X
Marital Status		X
Public Assistance		X

It is essential to distinguish between fair housing and housing production. As discussed above, fair housing protections at the federal level do not include consideration of income and do not address housing affordability outside the context of housing discrimination. While lack of affordable housing can be a significant concern to policymakers, it is not, on its own, a fair housing problem unless members of protected classes face this issue disproportionately. In fact, a large increase in affordable units in close proximity to one another can contribute to a problem for fair housing choice in some cases, such as when it leads to the concentration of racial or ethnic minorities.

PURPOSE OF THIS RESEARCH

HUD interprets the broad objectives of affirmatively furthering fair housing to include:

- "Analyzing and working to eliminate housing discrimination in the jurisdiction;
- Promoting fair housing choice for all persons;
- Providing opportunities for racially and ethnically inclusive patterns of housing occupancy;

[10] *Fair Housing Planning Guide.*
[11] N.D.C.C. 24-02.5

- Promoting housing that is physically accessible to, and usable by, all persons, particularly individuals with disabilities; and
- Fostering compliance with the nondiscrimination provisions of the Fair Housing Act."[12]

The objective of the 2015 AI process was to research, analyze, and identify prospective impediments to fair housing choice throughout non-entitlement areas of the State. The goal of the completed AI is to suggest actions that the State can consider when working toward eliminating or mitigating the identified impediments.

LEAD AGENCY

The agency that led the effort of preparing this report on behalf of the State of North Dakota was the North Dakota Department of Commerce.

Commitment to Fair Housing

In accordance with the applicable statutes and regulations governing the Consolidated Plan, the State certifies that it will *affirmatively further fair housing*. This statement means that they have conducted an AI, will take appropriate actions to overcome the effects of any impediments identified through that analysis, and will maintain records that reflect the analysis and actions taken in this regard.

GEOGRAPHIC SCOPE OF THE ANALYSIS

This AI addresses the status of fair housing within the non-entitlement areas of the State of North Dakota. As such, data from the entitlement cities of Bismarck, Fargo, and Grand Forks are excluded from this analysis. Map I.1, on the following page, displays the State of North Dakota along with the areas encompassed by the three entitlement jurisdictions, which are white on this map.

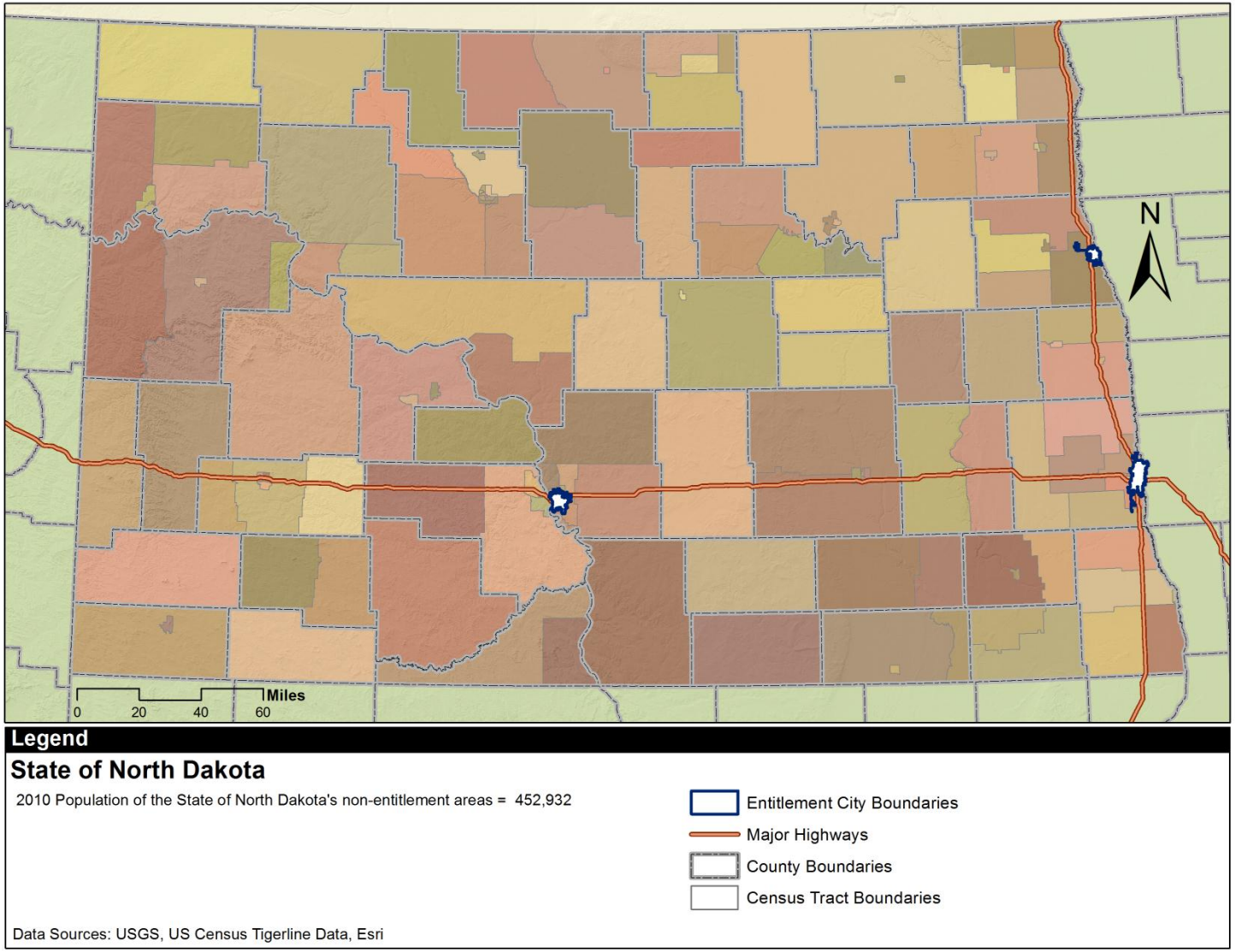
RESEARCH METHODOLOGY

The AI process involves a thorough examination of a variety of data related to housing, particularly for persons who are protected under fair housing laws. AI sources include Census data, employment and income information, home mortgage application data, business lending data, fair housing complaint information, surveys of housing industry experts and stakeholders, and related information found in the public domain. Relevant information was collected and evaluated via four general approaches:

1. *Primary Research*, or the collection and analysis of raw data that did not previously exist;
2. *Secondary Research*, or the review of existing data and studies;
3. *Quantitative Analysis*, or the evaluation of objective, measurable, and numerical data; and
4. *Qualitative Analysis*, or the evaluation and assessment of subjective data such as individuals' beliefs, feelings, attitudes, opinions, and experiences.

[12] *Fair Housing Planning Guide*, p.1-3.

Map I.1
North Dakota Study Area
Non-Entitlement Areas of North Dakota
2010 Census Tigerline Data



Some baseline secondary and quantitative data were drawn from the Census Bureau, including 2000 and 2010 Census counts, as well as American Community Survey data averages from 2009 through 2013. Data from these sources detail population, personal income, poverty, housing units by tenure, cost burdens, and housing conditions. Other data were drawn from records provided by the Bureau of Labor Statistics, the Bureau of Economic Analysis, and a variety of other sources. The following narrative offers a brief description of other key data sources employed for the 2015 AI for the State of North Dakota.

Home Mortgage Disclosure Act Data

To examine possible fair housing issues in the home mortgage market, Home Mortgage Disclosure Act (HMDA) data were analyzed. The HMDA was enacted by Congress in 1975 and has since been amended several times. It is intended to provide the public with loan data that can be used to determine whether financial institutions are serving the housing credit needs of their communities and to assist in identifying possible discriminatory lending patterns. HMDA requires lenders to publicly disclose the race, ethnicity, and sex of mortgage applicants, along with loan application amounts, household income, the Census tract in which the home is located, and information concerning prospective lender actions related to the loan application. For this analysis, HMDA data from 2004 through 2013 were analyzed, with the measurement of denial rates by Census tract and by race and ethnicity of applicants the key research objectives. These data were also examined to identify the groups and geographic areas most likely to encounter higher denial rates and receive loans with unusually high interest rates.

Fair Housing Complaint Data

Housing complaint data were used to analyze discrimination in the renting and selling of housing. HUD provided fair housing complaint data for the State from 2004 through 2014, along with the North Dakota Department of Labor and Human Rights (DOLHR). This information included the basis, or protected class pursuant to the complaint; the issue, or prospective discriminatory action, pursuant to the grievance; and the closure status of the alleged fair housing infraction, which relates to the result of the investigation. The review of 159 fair housing complaints lodged with HUD from within non-entitlement areas of the State, along with the 295 complaints filed with the DOLHR, allowed for inspection of the tone, the relative degree and frequency of certain types of unfair housing practices, and the degree to which complaints were found to be with cause. Analysis of complaint data focused on determining which protected classes may have been disproportionately impacted by housing discrimination based on the number of complaints, while acknowledging that many individuals may be reluctant to step forward with a fair housing complaint for fear of retaliation or similar repercussion.

Fair Housing Survey

HUD recommends that surveys be conducted during the AI process to gain input for the public regarding perceived impediments to fair housing choice in an area. As such, the State elected to utilize a survey instrument as a means to encourage public input in the AI process. This step was a cost-effective and efficient method to utilize research resources.

Though the survey targeted individuals involved in the housing arena, anyone was allowed to complete the survey. In addition to gathering data, this survey was utilized to help promote

public involvement throughout the AI process. The 2015 State of North Dakota Fair Housing Survey, an internet-based instrument, received 224 responses.

The survey was designed to address a wide variety of issues related to fair housing and affirmatively furthering fair housing. If limited input on a particular topic was received, it was assumed that the entirety of stakeholders did not view the issue as one of high pervasiveness or impact. This does not mean that the issue was nonexistent in the State, but rather that there was no widespread perception of its prevalence, as gauged by survey participants. The following narrative summarizes key survey themes and data that were addressed in the survey instrument.

Federal, State, and Local Fair Housing Laws

The first section of the survey asked respondents to address a number of questions related to fair housing laws, including assessment of their familiarity with and understanding of these laws, knowledge of classes of persons protected by these laws, the process for filing fair housing complaints, and an inquiry into whether or not fair housing laws should be changed.

Fair Housing Activities

The second section of the survey evaluated stakeholders' awareness of and participation in fair housing activities in the State, including outreach activities such as trainings and seminars, as well as monitoring and enforcement activities such as fair housing testing exercises.

Barriers to Fair Housing Choice in the Private Sector

This section addressed fair housing in the State of North Dakota's private housing sector and offered a series of two-part questions. The first part asked respondents to indicate awareness of questionable practices or barriers to fair housing choice in a variety of private sector industries, and the second part requested a narrative description of these questionable practices or concerns if an affirmative response was received. The specific areas of the private sector that respondents were asked to examine included the:

- Rental housing market,
- Real estate industry,
- Mortgage and home lending industries,
- Housing construction or accessible housing design fields,
- Home insurance industry,
- Home appraisal industry, and
- Any other housing services.

The use of open-ended questions allowed respondents to address any number of concerns such as redlining, neighborhood issues, lease provisions, steering, substandard rental housing, occupancy rules, and other fair housing issues in the private housing sector of the State.

Fair Housing in the Public Sector

Just as in the section of the survey concerning private sector barriers, respondents were asked to offer insight into their awareness of questionable practices or barriers to fair housing in the public sector. A list of areas within the public sector was provided, and respondents were asked first to specify their awareness of fair housing issues within each area. If they were aware of any fair housing issues, they were asked to further describe these issues in a narrative fashion. Respondents were asked to identify fair housing issues within the following public sector areas related to housing:

- Land use policies,
- Zoning laws,
- Occupancy standards or health and safety codes,
- Property tax policies,
- Permitting processes,
- Housing construction standards,
- Neighborhood or community development policies, and
- Any other public administrative actions or regulations.

The questions in this section were used to identify fair housing issues in the State regarding zoning, building codes, accessibility compliance, subdivision regulations, displacement issues, development practices, residency requirements, property tax policies, land use policies, and NIMBYism.[13]

Additional Questions

Finally, respondents were asked about their awareness of any local fair housing plans or specific geographic areas of the State with fair housing problems. Respondents were also asked to leave additional comments.

Research Conclusions

The final list of impediments to fair housing choice for the State of North Dakota was drawn from all quantitative, qualitative, and public input sources, and was based on HUD's definition of an impediment to fair housing choice as any action, omission, or decision that affects housing choice because of protected class status. The determination of qualification as an impediment was derived from the frequency and severity of occurrences drawn from quantitative and qualitative data evaluation and findings.

PUBLIC INVOLVEMENT

This section discusses analysis of fair housing in the State of North Dakota as gathered from various public involvement efforts conducted as part of the AI process. Public involvement feedback is a valuable source of qualitative data about impediments, but, as with any data source, citizen comments alone do not necessarily demonstrate the existence of impediments to fair housing choice. However, survey and forum comments that support findings from other

[13] "Not In My Backyard" mentality

parts of the analysis reinforce findings from other data sources concerning impediments to fair housing choice.

SECTION II. SOCIO-ECONOMIC CONTEXT

This section presents demographic, economic, and housing information collected from the Census Bureau, the Bureau of Economic Analysis, the Bureau of Labor Statistics, and other sources. Data were used to analyze a broad range of socio-economic characteristics, including population growth, race, ethnicity, disability, employment, poverty, and housing trends; these data are also available by Census tract, and are shown in geographic maps. Ultimately, the information presented in this section illustrates the underlying conditions that shape housing market behavior and housing choice in non-entitlement areas of the State of North Dakota.

To supplement 2000 and 2010 Census data, data for this analysis was also gathered from the Census Bureau's American Community Survey (ACS). The ACS data cover similar topics to the decennial counts but include data not appearing in the 2010 Census, such as household income and poverty. The key difference of these datasets is that ACS data represent a five-year average of annual data estimates as opposed to a point-in-time 100 percent count; the ACS data reported herein span the years from 2009 through 2013. The ACS figures are not directly comparable to decennial Census counts because they do not account for certain population groups such as the homeless and because they are based on samples rather than counts of the population. However, *percentage* distributions from the ACS data can be compared to distributions from the 2000 and 2010 Censuses.

DEMOGRAPHICS

As part of the review of the background context of the markets in which housing choices are made in non-entitlement areas of North Dakota, detailed population and demographic data are included to describe the residents of these areas. These data summarize not only the protected class populations, but characteristics of the total population for the entire State's non-entitlement areas, as well as the outcome of housing location choices. These data help to address whether over-concentrations of racial and ethnic minorities exist, and if so, which areas of the State are most affected.

POPULATION DYNAMICS

Table II.1 at right shows the changes in population that have occurred in North Dakota from 2000 through the most recent population estimates for 2013. The population of the state's non-entitlement areas increased from 446,748 to an estimated 487,769 in 2013, an increase of 9.2 percent. However, much of this growth has come in the years since 2008. Prior to that year, the population had been relatively stable, following a moderate decline from 2000 through 2003. However, since 2008 the population has increased dramatically, or by nearly 9,000 on average, according intercensal estimates taken during that time period.

Table II.1
Census and Intercensal Population Estimates
Non-Entitlement Areas of North Dakota
2000, 2010 Census and Intercensal Estimates

Year	Estimate
Census 2000	446,748
July 2001 Est.	441,693
July 2002 Est.	439,606
July 2003 Est.	438,604
July 2004 Est.	439,983
July 2005 Est.	439,774
July 2006 Est.	439,717
July 2007 Est.	441,030
July 2008 Est.	442,842
July 2009 Est.	447,464
Census 2010	452,932
July 2011 Est.	461,705
July 2012 Est.	472,893
July 2013 Est.	487,769
Change 00 – 13	**9.2%**

POPULATION BY AGE

The non-entitlement areas of North Dakota experienced a shift in the population between 2000 and 2010 as growth in the number of older residents generally outpaced growth in the number of younger residents as seen in Table II.2 below. The fastest-growing age cohort during this time period was composed of residents between the ages of 55 and 64; this cohort grew by 46.8 percent between 2000 and 2010. Other age cohorts with faster than average growth included those aged 20 to 24 and those aged 25 to 34, growing at a rate of 15.8 and 14.5 percent, respectively. By contrast, age cohorts from 5 to 19, those aged 35 to 54, and aged 65 and older declined.

Table II.2
Population by Age
Non-Entitlement Areas of North Dakota
2000 & 2010 Census SF1 Data

Age	2000 Census		2010 Census		% Change 00–10
	Population	% of Total	Population	% of Total	
Under 5	27,371	6.1%	30,677	6.8%	12.1%
5 to 19	104,497	23.4%	88,322	19.5%	-15.5%
20 to 24	24,472	5.5%	28,333	6.3%	15.8%
25 to 34	47,423	10.6%	54,318	12.0%	14.5%
35 to 54	130,149	29.1%	120,588	26.6%	-7.3%
55 to 64	39,956	8.9%	58,657	13.0%	46.8%
65 or Older	72,880	16.3%	72,037	15.9%	-1.2%
Total	**446,748**	**100.0%**	**452,932**	**100.0%**	**1.4%**

The elderly population is defined by the Census Bureau as including any person aged 65 or older. As noted in the 2000 Census data, 72,880 persons in non-entitlement areas of North Dakota were considered elderly; by 2010 there were 72,037 elderly persons. Table II.3 below, segregates this age cohort into several smaller groups. This table shows that those aged 70 to 74 comprised the largest age cohort of the elderly population in North Dakota in 2010 at 15,621 persons, followed by the age group of those aged 75 to 79, with 13,568 persons. Between 2000 and 2010, the most growth occurred in those aged 65 to 66 with a 16.3 percent increase, followed by those aged 85 and older, with a 6.7 percent increase. The elderly population, as a whole, saw a 1.2 percent decline between 2000 and 2010. The fastest declining group during that timeframe was persons aged 70 to 74, with a 10.8 percent decrease over the decade.

Table II.3
Elderly Population by Age
Non-Entitlement Areas of North Dakota
2000 & 2010 Census SF1 Data

Age	2000 Census		2010 Census		% Change 00–10
	Population	% of Total	Population	% of Total	
65 to 66	7,147	9.8%	8,315	11.5%	16.3%
67 to 69	10,500	14.4%	10,939	15.2%	4.2%
70 to 74	17,517	24.0%	15,621	21.7%	-10.8%
75 to 79	14,735	20.2%	13,568	18.8%	-7.9%
80 to 84	11,546	15.8%	11,390	15.8%	-1.4%
85 or Older	11,435	15.7%	12,204	16.9%	6.7%
Total	**72,880**	**100.0%**	**72,037**	**100.0%**	**-1.2%**

POPULATION BY RACE AND ETHNICITY

Overall, the population grew by 1.4 percent in non-entitlement areas between 2000 and 2010, though different racial and ethnic groups within the overall population grew at different rates. As shown in Table II.4 below, the white population, which accounted for the largest proportion of North Dakotans in both years, decreased by 0.7 percent, and represented a smaller proportion of the population in 2010 than it had in 2000. By contrast, the American Indian population grew by nearly 3,900, and represented a slightly larger share of the non-entitlement population in 2010 than it had in 2000.[14]

The Hispanic population also grew at a faster rate than the non-Hispanic population. In 2000, Hispanic residents accounted for 1.2 percent of the population. After experiencing a rate of growth of 68.0 percent between 2000 and 2010, the Hispanic population came to account for 2.0 percent of the total population. Meanwhile, the non-Hispanic population only grew by 0.6 percent, and the proportion of non-Hispanic North Dakota residents fell by less than one percentage point.

Table II.4
Population by Race and Ethnicity
Non-Entitlement Areas of North Dakota
2000 & 2010 Census SF1 Data

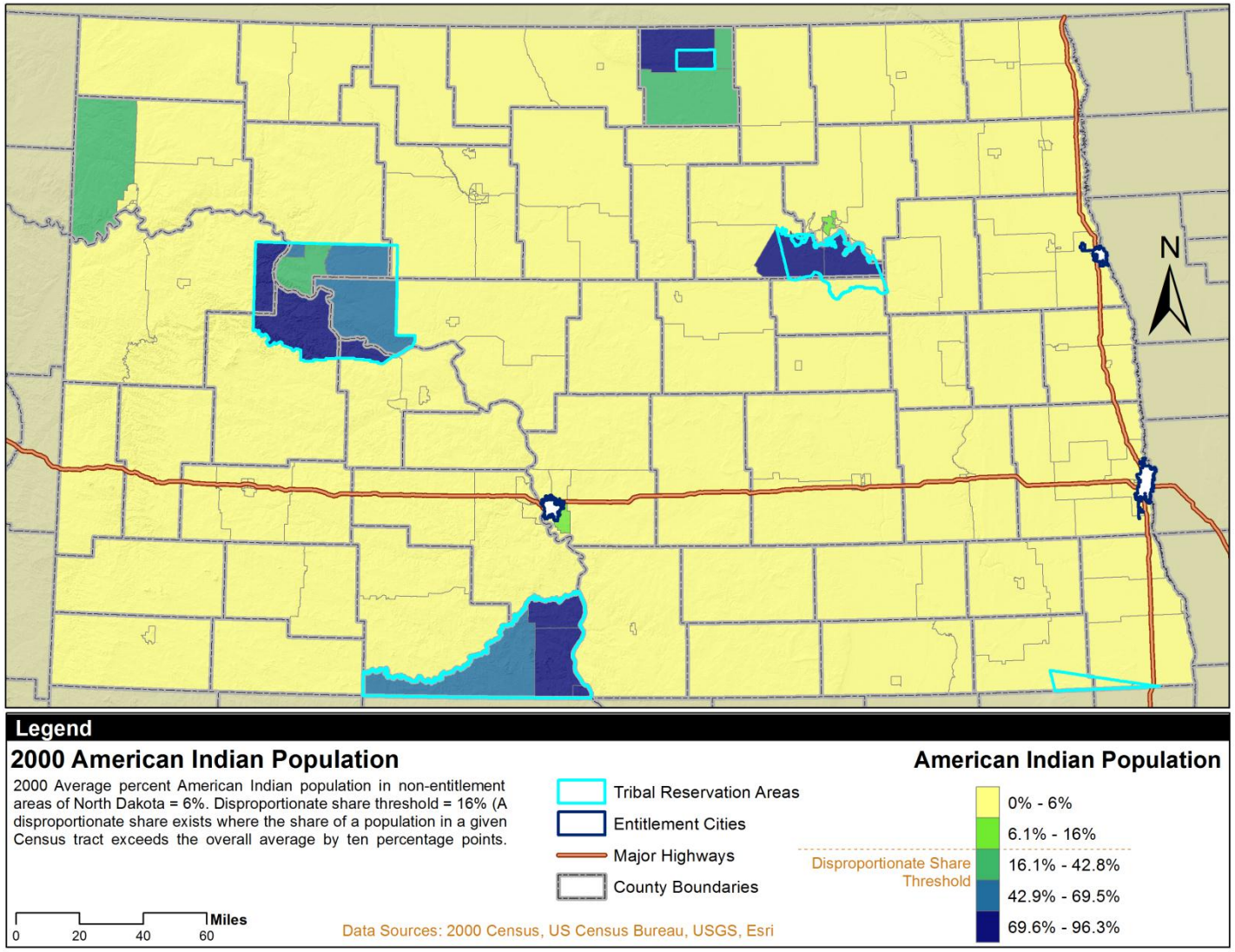
Race	2000 Census		2010 Census		% Change 00–10
	Population	% of Total	Population	% of Total	
White	409,186	91.6%	406,246	89.7%	-0.7%
Black	2,412	.5%	3,647	.8%	51.2%
American Indian	26,969	6.0%	30,851	6.8%	14.4%
Asian	1,401	.3%	2,251	.5%	60.7%
Native Hawaiian/ Pacific Islander	147	.0%	239	.1%	62.6%
Other	1,757	.4%	2,290	.5%	30.3%
Two or More Races	4,876	1.1%	7,408	1.6%	51.9%
Total	**446,748**	**100.0%**	**452,932**	**100.0%**	**1.4%**
Non-Hispanic	441,465	98.8%	444,058	98.0%	.6%
Hispanic	5,283	1.2%	8,874	2.0%	68.0%

Maps II.1 and II.2; on pages 26 and 27, respectively; show the shift in the American Indian populations in 2000 and 2010. Both maps illustrate the areas that had disproportionate shares of American Indian populations. All of these areas are in or adjacent to Tribal Reservation lands. This included Benson, Dunn, Montreal, Rolette, and Sioux counties.

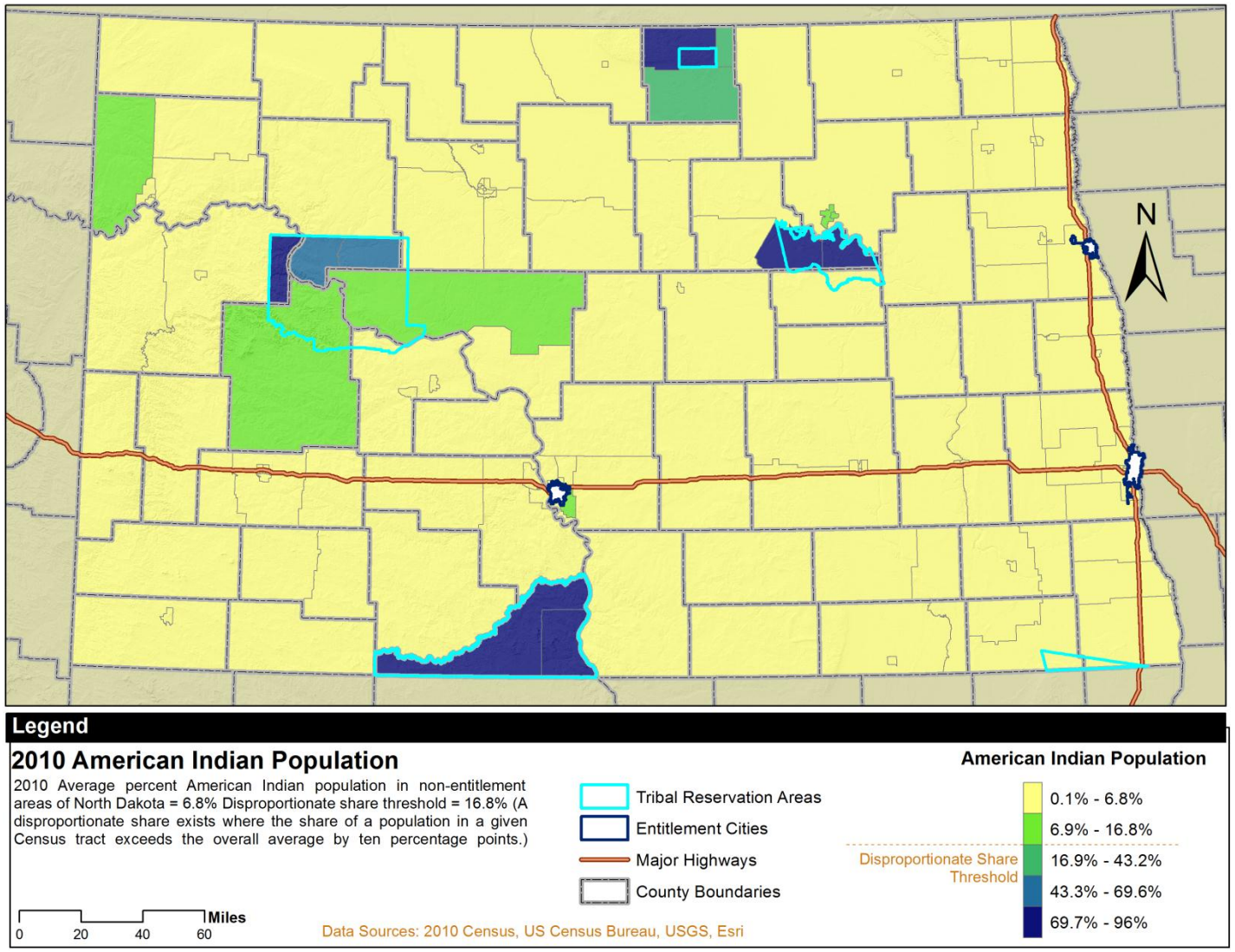
Hispanic populations in 2000 and 2010 are shown in Maps II.3 and II.4, on pages 28 and 29. In both years, there was no disproportionate share of Hispanic populations. There was some movement in areas with concentrations of Hispanic residents. By 2010, a relatively high concentration of Hispanic residents had appeared in one of the Census tracts in Grafton, in the northeast of the state.

[14] Intercensal estimates by race are not available at the level of entitlement cities. For that reason, population estimated by race and ethnicity for years since 2010 have not been included in this report.

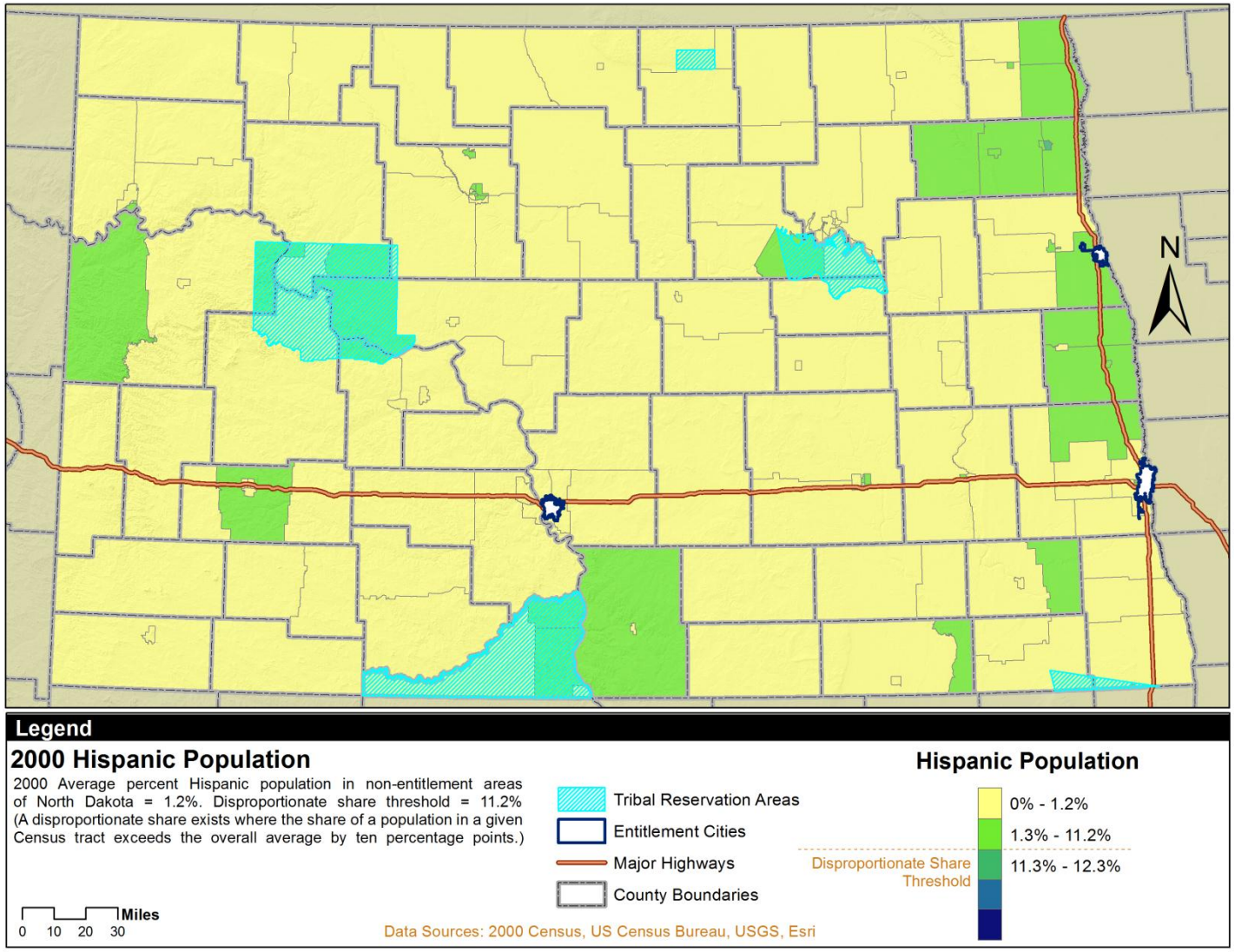
Map II.1
American Indian Population by Census Tract
Non-Entitlement Areas of North Dakota
2000 Census Data



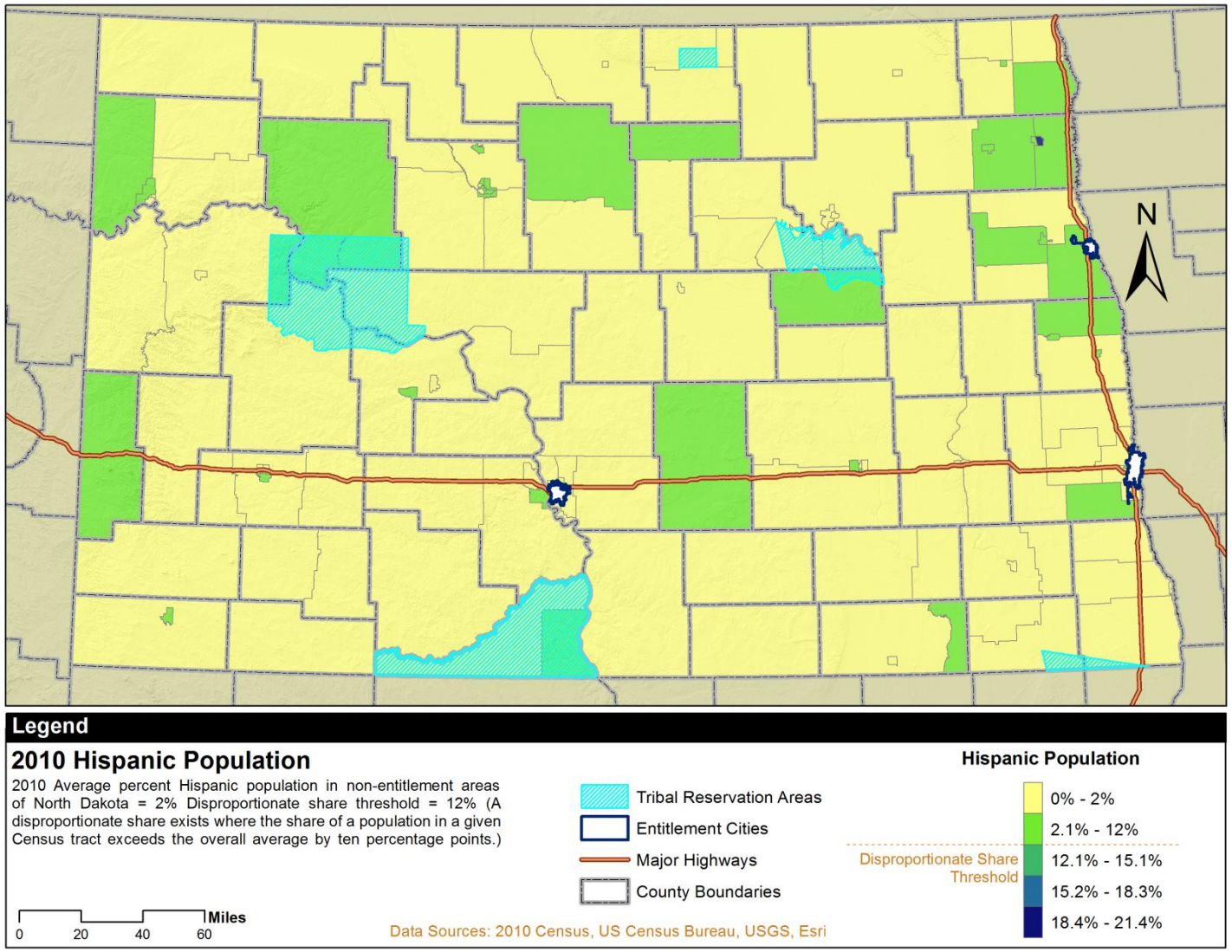
Map II.2
American Indian Population by Census Tract
Non-Entitlement Areas of North Dakota
2010 Census Data



Map II.3
Hispanic Population by Census Tract
Non-Entitlement Areas of North Dakota
2000 Census Data



Map II.4
Percent Hispanic Population by Census Tract
Non-Entitlement Areas of North Dakota
2010 Census Data



DISABILITY STATUS

Disability is defined in the 2000 Census as a lasting physical, mental or emotional condition that makes it difficult for a person to do activities, to go outside the home alone or to work. By this definition, 69,743 North Dakotans in non-entitlement areas were considered to be living with some form of disability in 2000. This figure was lower than the national average for that time of about 19.3 percent.[15] As seen in Table II.5 below, there were 3,792 persons aged 5 to 15 with disabilities, 39,946 persons between the age of 16 and 64 with a disability and 26,005 persons over the age of 65 with a disability at that time.

Table II.5
Disability by Age
Non-Entitlement Areas of North Dakota
2000 Census SF3 Data

Age	Total	
	Disabled Population	Disability Rate
5 to 15	3,792	5.1%
16 to 64	39,946	15.1%
65 and older	26,005	38.6%
Total	**69,743**	**17.2%**

According to the American Community Survey, an estimated 11.3 percent of non-entitlement residents in North Dakota were living with some form of disability by 2013, as shown in Table II.6 below. Disability rates tended to be higher for male than for female residents, and higher for elderly residents than for younger residents. Close to half of residents over the age of 75 were observed to be living with a disability in 2013, and disability rates fell progressively in lower age ranges.[16]

Table II.6
Disability by Age
Non-Entitlement Areas of North Dakota
2013 Five-Year ACS Data

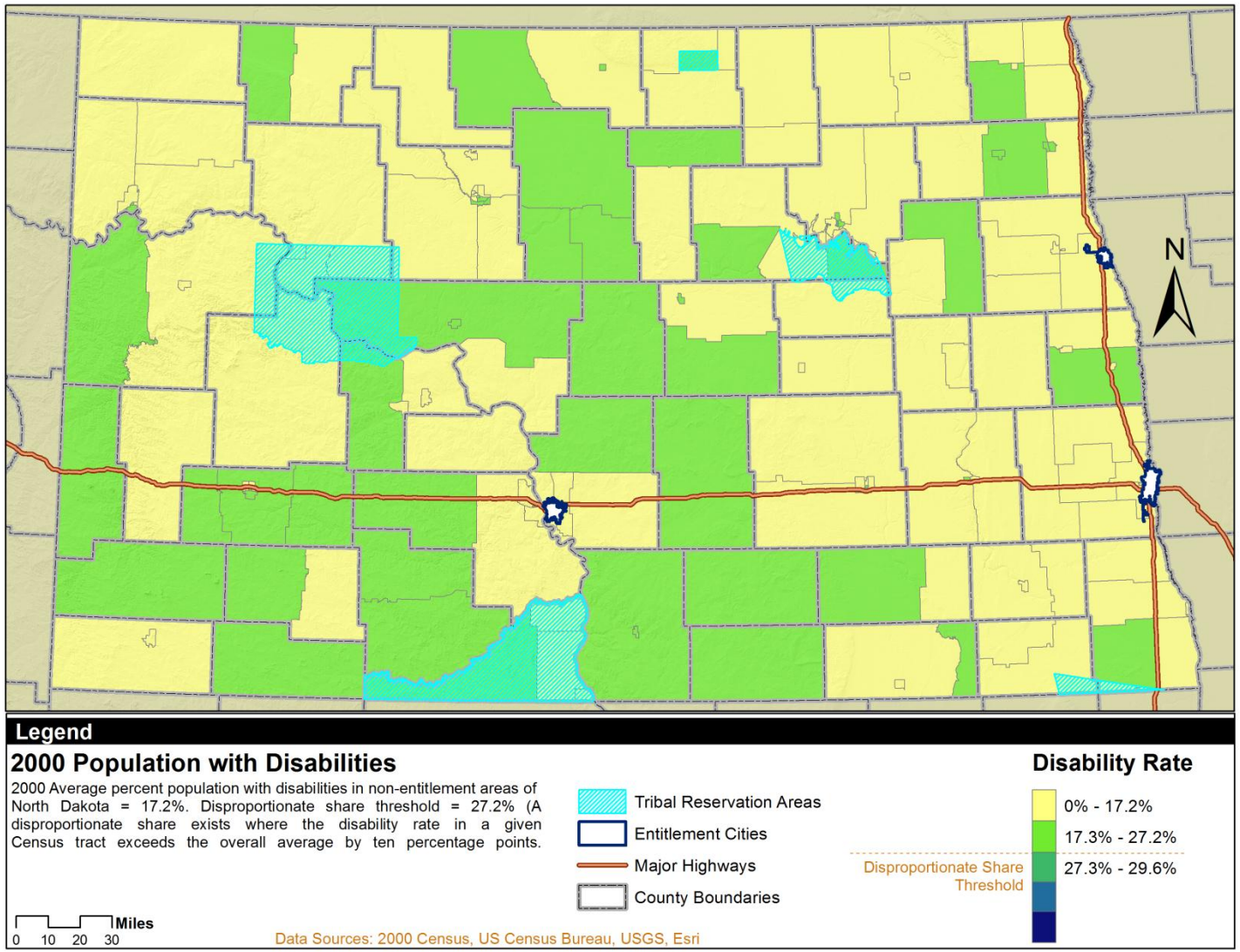
Age	Male		Female		Total	
	Disabled Population	Disability Rate	Disabled Population	Disability Rate	Disabled Population	Disability Rate
Under 5	119	.7%	118	.8%	237	.8%
5 to 17	2,025	5.0%	1,031	2.8%	3,056	3.9%
18 to 34	2,385	4.8%	1,801	4.0%	4,186	4.4%
35 to 64	11,138	12.0%	8,314	9.5%	19,452	10.8%
65 to 74	4,972	28.3%	3,762	20.8%	8,734	24.5%
75 or Older	6,630	48.0%	8,718	46.6%	15,348	47.2%
Total	**27,269**	**11.8%**	**23,744**	**10.7%**	**51,013**	**11.3%**

Map II.5, on the following page, shows the distribution of persons with disabilities across the state. While there were areas with higher concentrations of persons with disabilities, there were few tracts with a disproportionate share. Such tracts tended to be located in more populous areas of the state in 2000 and in 2009-2013, as shown in Map II.6 on page 32.

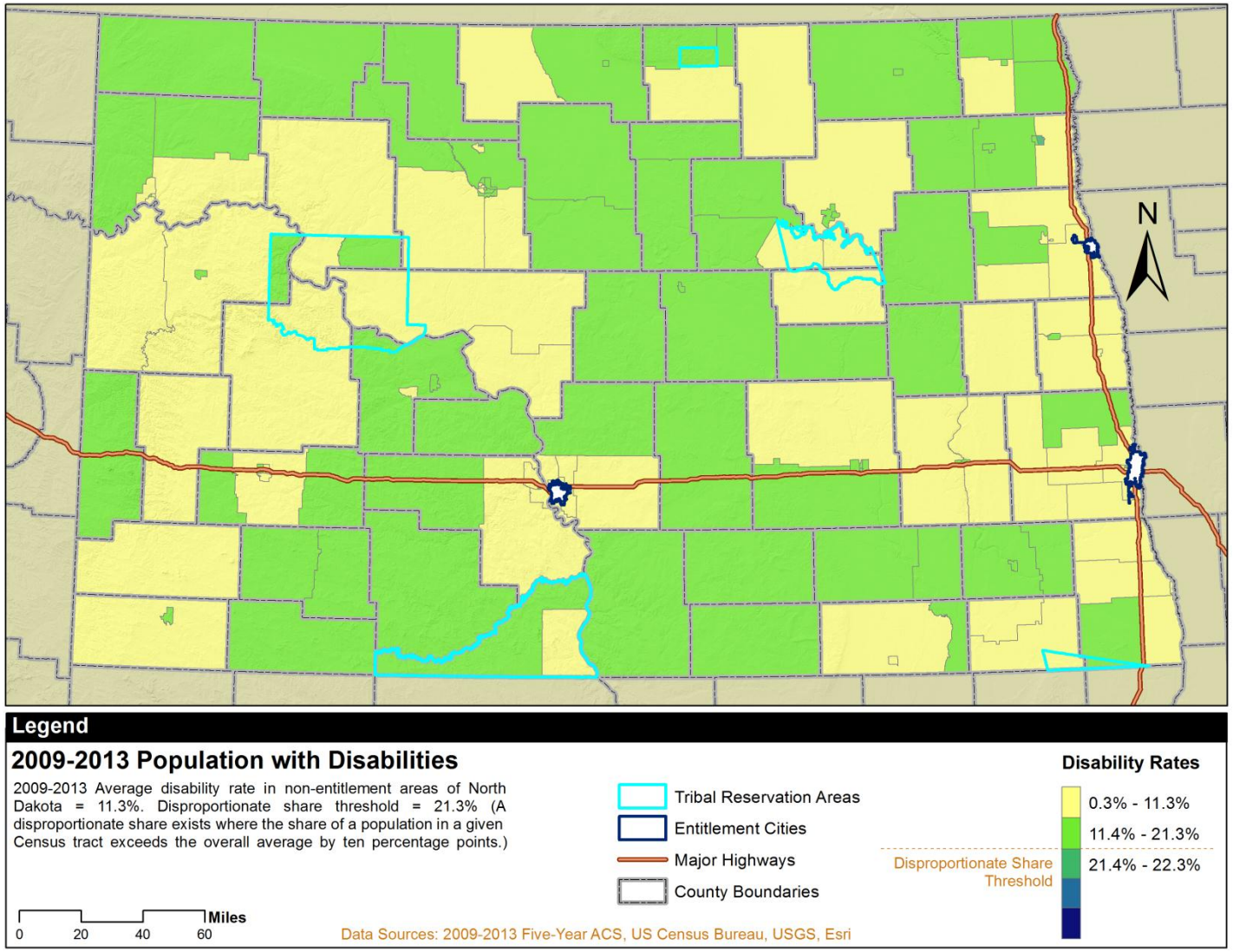
[15] 2000 Census SF3 Data, available from http://factfinder2.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=DEC_00_SF3_QTP21&prodType=table

[16] Note that the definition of "disability" employed in the ACS post-2008 differs from the definition in effect in earlier ACS estimates and the 2000 Census. For this reason, the Census Bureau discourages direct comparison between disability figures from the 2000 Census and 2009-2013 ACS.

Map II.5
Disabled Population by Census Tract
Non-Entitlement Areas of North Dakota
2000 Census Data



Map II.6
Disabled Population by Census Tract
Non-Entitlement Areas of North Dakota
2000 Census Data



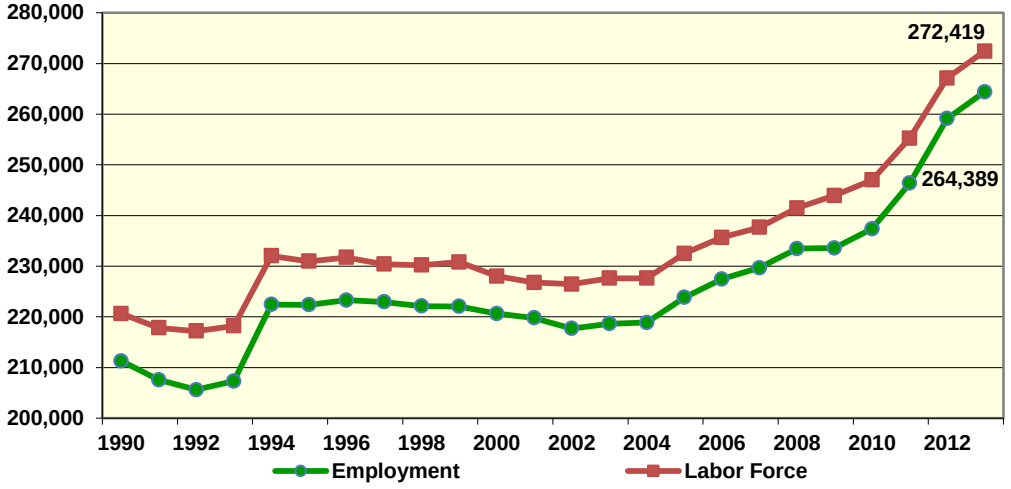
ECONOMICS

Data indicating the size and dynamics of job markets in the non-entitlement areas of North Dakota, workforce, incomes, and persons in poverty provide essential contextual background and indicate the potential buying power of State residents when making a housing choice.

LABOR FORCE AND EMPLOYMENT

The size of the labor force, which represents the number of residents either working or looking for work, and the number of workers employed in non-entitlement areas of North Dakota have both grown considerably for more than two decades. Although the state did experience a slight increase in unemployment in 2009, it has since continued to fall. As seen in Diagram II.1 below the labor force had increased to 272,419 persons in 2013 and employment had reached 364,389.

Diagram II.1
Employment and Labor Force
Non-Entitlement Areas of North Dakota
1969–2012 BEA Data



Prior to 2008, unemployment in North Dakota had remained fairly steady in the period since 1990, as seen in Diagram II.2 on the following page. The unemployment rate in North Dakota has remained below the national level, even more significantly since 2009. The unemployment rate in the non-entitlement areas of North Dakota was not hit significantly by the recent recession, and had hit 2.9 percent by 2013.

Diagram II.2
Unemployment Rate
Non-Entitlement Areas of North Dakota
1990–2013 BLS Data

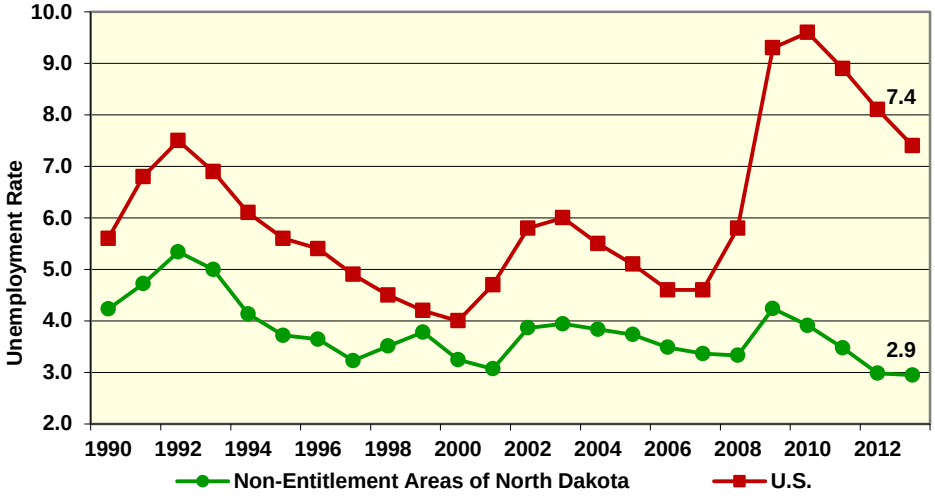
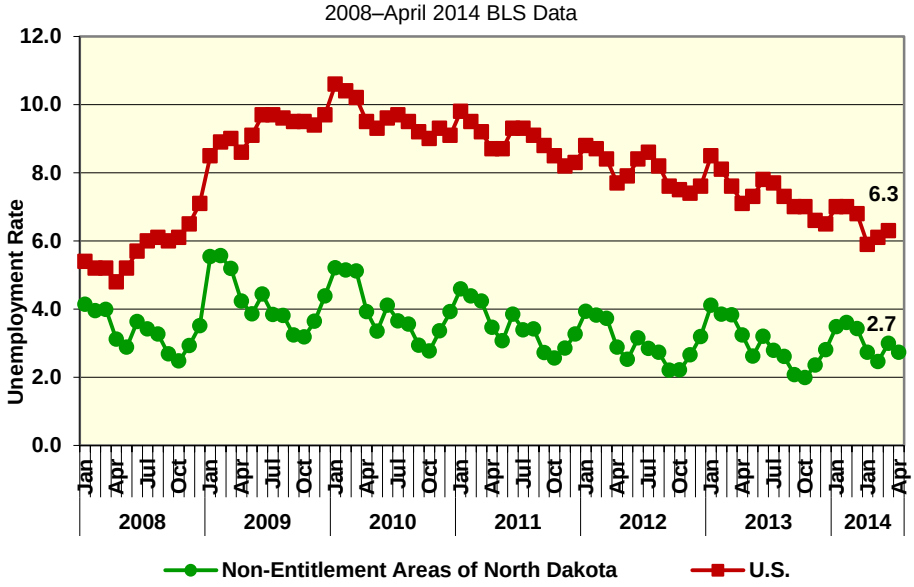


Diagram II.3 below shows the state unemployment rate since 2008. The state's rate reached above 4 percent in 2009 and 2010, but remained mainly below since 2011.

Diagram II.3
Monthly Unemployment Rate
Non-Entitlement Areas of North Dakota
2008–April 2014 BLS Data

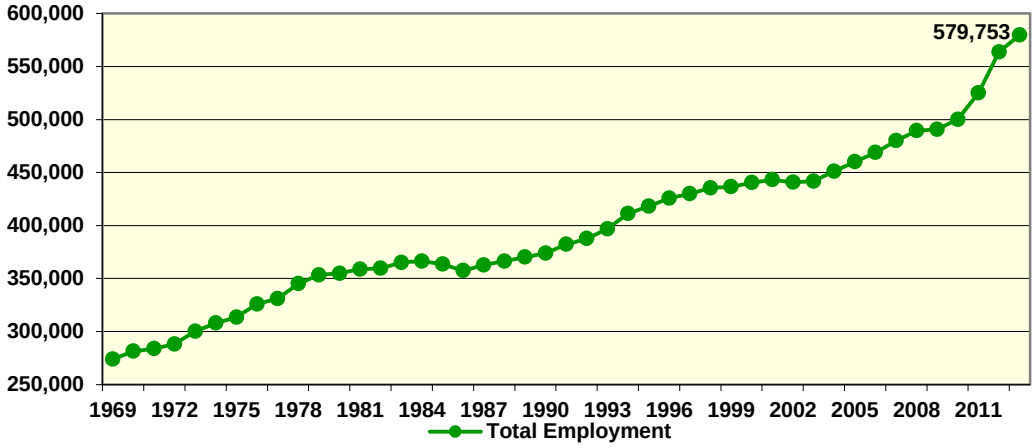


FULL- AND PART-TIME EMPLOYMENT AND EARNINGS

The Bureau of Economic Analysis (BEA) provides an alternate measure of employment; a count of full-time and part-time jobs in the state. These data differ from the BLS data discussed previously in that they are collected where workers are employed rather than at the household level, and the same person may be counted twice in this dataset if he or she works more than one job.

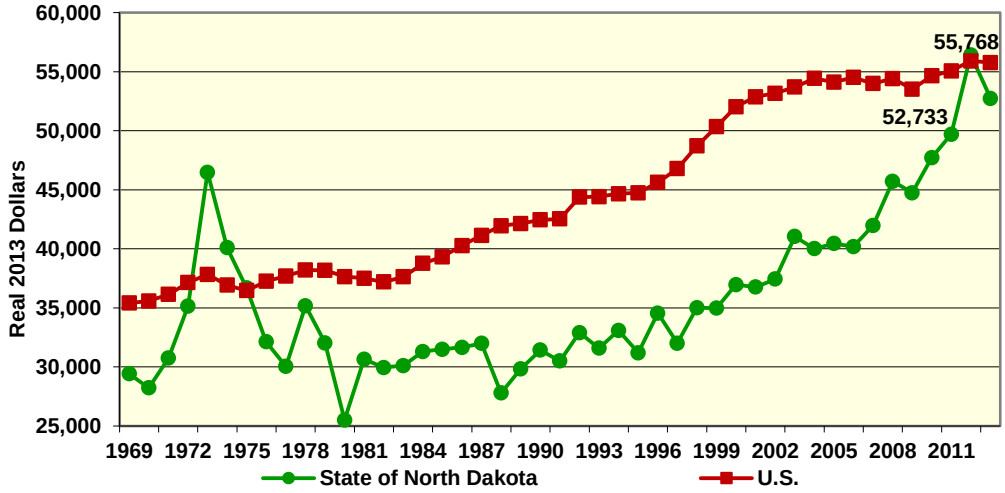
The count of jobs in the state and the count of labor force participants both yield a similar portrait; of steady growth in the labor market until 2008, as shown in Diagram II.4 below. In fact, the BEA data indicate that this growth has been steady since 1969, and that growth in the number of jobs was uniformly positive for nearly four decades. In 1969, there were around 275,000 jobs in the state. By 2008, that number had grown to almost 500,000. Since that time, full and part time employment has increased at a faster rate, reaching 579,753 by 2013.

Diagram II.4
Full- and Part-Time Employment
State of North Dakota
1969–2013 BEA Data



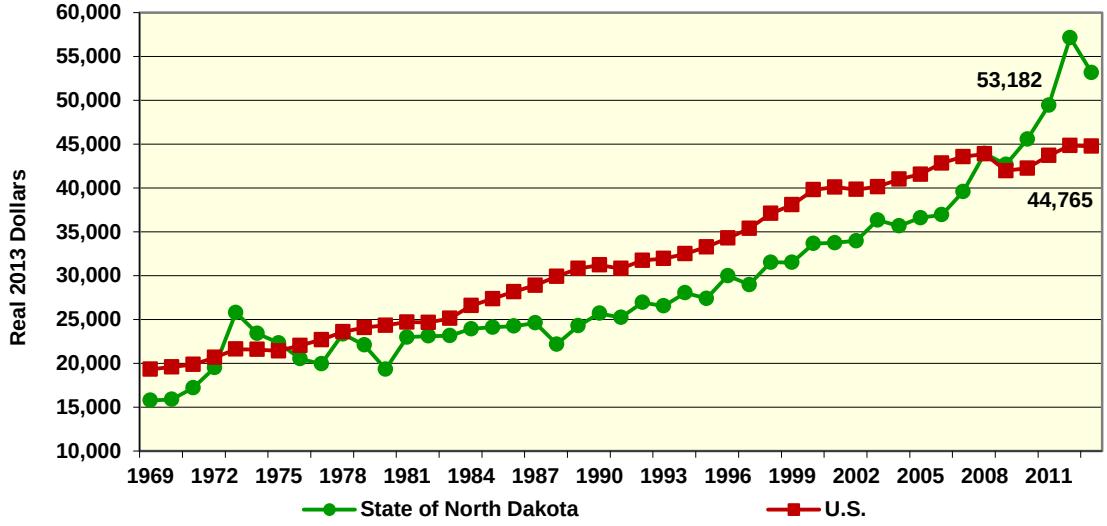
Real average earnings per job is defined as the total earnings from all jobs statewide divided by the total number of jobs in the state, adjusted for inflation. National growth in these earnings, which had been uniformly positive since 1969, leveled off in 2002, as shown in Diagram II.5 below, while strong growth in earnings in North Dakota largely continued. Nevertheless, the state of North Dakota's average earnings remained consistently below the national rate until 2011. At this point the state intersected the national rate, then proceeded to drop below again, although with much less of a gap than in previous years. The Real Average Earnings per Job in North Dakota was $52,733 in 2013, compared to $55,768 nationally.

Diagram II.5
Real Average Earnings Per Job
State of North Dakota
1969–2013 BEA Data, 2013 Dollars



Growth in real per capita income (PCI) is defined as the total personal income from all sources divided by the number of residents in the state. As shown in Diagram II.6 below, North Dakota's statewide real per capita income has remained below national levels since 1969 until 2008. The state's real per capita income grew dramatically, to $53,182 in 2013, while the national level was $44,765.

Diagram II.6
Real Average Per Capita Income
State of North Dakota
1969–2013 BEA Data, 2013 Dollars



HOUSEHOLD INCOME

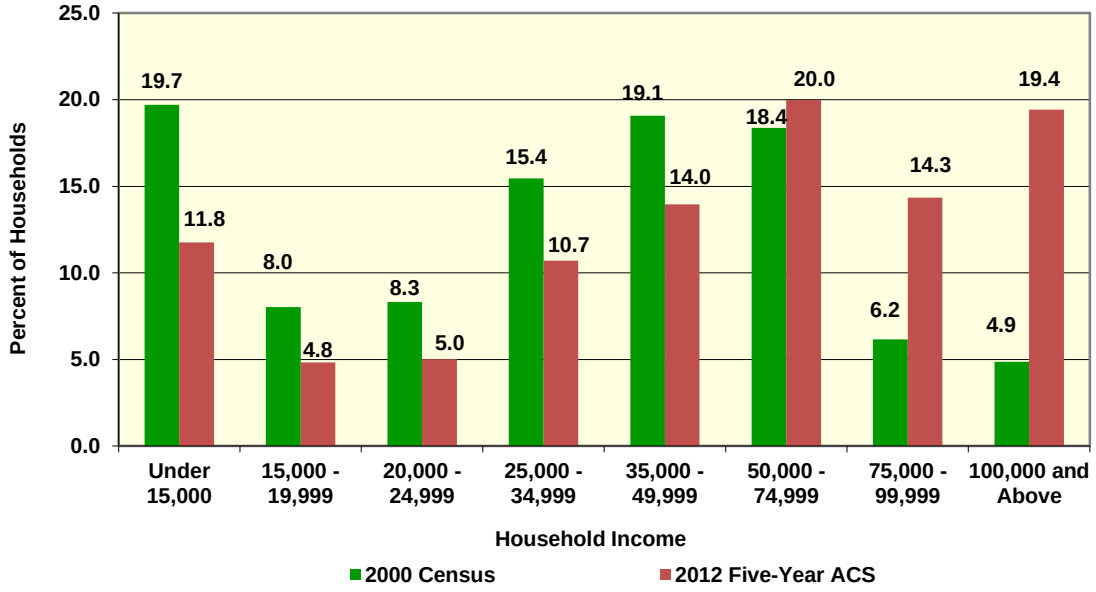
The income bracket with the most growth between 2000 and 2013 in non-entitlement areas of North Dakota included households with an income above $100,000, as shown in Table II.7 below. The proportion of households in that income range grew by 16.5 percentage points. The proportion of households with an income between $75,000 and $99,999 grew by 8.9 percentage points. Households with income between $50,000 and $74,999 grew by 1.1 percentage points. The proportion of households in all other income groups declined between 2000 and 2013. Households with income between $50,000 and $74,999 and households making more than $100,000 comprised the largest portion of households, at 19.5 percent and 21.4 percent, respectively.

Table II.7
Households by Income
Non-Entitlement Areas of North Dakota
2000 Census SF3 & 2013 Five-Year ACS Data

Income	2000 Census		2013 Five-Year ACS	
	Households	% of Total	Households	% of Total
Less than $15,000	34,507	19.7%	20,620	10.9%
$15,000 to $19,999	14,047	8.0%	8,664	4.6%
$20,000 to $24,999	14,583	8.3%	9,069	4.8%
$25,000 to $34,999	27,043	15.4%	19,546	10.3%
$35,000 to $49,999	33,411	19.1%	25,315	13.4%
$50,000 to $74,999	32,166	18.4%	36,913	19.5%
$75,000 to $99,999	10,798	6.2%	28,541	15.1%
$100,000 or More	8,504	4.9%	40,368	21.4%
Total	**175,059**	**100.0%**	**189,036**	**100.0%**

Diagram II.7 below presents these income distributions graphically and further demonstrates the marked shift from lower- and medium- to higher-income households over time.

Diagram II.7
Households by Income
Non-Entitlement Areas of North Dakota
2000 Census SF3 & 2013 Five-Year ACS Data



POVERTY

The Census Bureau uses a set of income thresholds that vary by family size and composition to determine poverty status. If a family's total income is less than the threshold for its size, then that family, and every individual in it, is considered poor. The poverty thresholds do not vary geographically, but they are updated annually for inflation using the Consumer Price Index. The official poverty definition counts income before taxes and does not include capital gains and non-cash benefits such as public housing, Medicaid, and food stamps.

In North Dakota non-entitlement areas, the poverty rate in 2000 was 12.0 percent, with 52,028 persons living in poverty. There were 5,772 children under the age of 5 living in poverty in 2000, and another 11,462 children between the ages of 6 and 17 living in poverty. By 2013, there were an estimated 5,937 children under 6 living in poverty, and 9,025 children aged 6 to 17. Additionally, in 2013 some 8,039 of the state's citizens 65 year of age or older were also considered to be living in poverty. These data are presented in Table II.8 below.

Table II.8
Poverty by Age
Non-Entitlement Areas of North Dakota
2000 Census SF3 & 2013 Five-Year ACS Data

Age	2000 Census		2013 Five-Year ACS	
	Persons in Poverty	% of Total	Persons in Poverty	% of Total
Under 6	5,772	11.1%	5,937	12.6%
6 to 17	11,462	22.0%	9,025	19.1%
18 to 64	26,567	51.1%	24,224	51.3%
65 or Older	8,227	15.8%	8,039	17.0%
Total	**52,028**	**100.0%**	**47,225**	**100.0%**
Poverty Rate	**12.0%**	**.**	**10.5%**	**.**

Maps II.7 and II.8; on pages 39 and 40; show the shift in areas with concentrations of poverty throughout the State. In 2000, census tracts with disproportionate share of poverty were found in Benson, Dunn, McKenzie, McLean, McHenry, Mercer, Mountrail, Rolette and Sioux Counties. Most of these areas were within or adjacent to Tribal Reservation areas. The areas with disproportionate share of poverty were similar in 2013, although the concentrations of poverty did shift during this time.

HOUSING

Simple counts of housing by age, type, tenure, and other characteristics form the basis for the housing stock background, suggesting the available housing in non-entitlement areas of the State from which residents have to choose. Examination of households, on the other hand, shows how residents use the available housing, and shows household size and housing problems such as incomplete plumbing and/or kitchen facilities. Review of housing costs reveals the markets in which housing consumers in the State can shop.

CHARACTERISTICS OF THE HOUSING STOCK

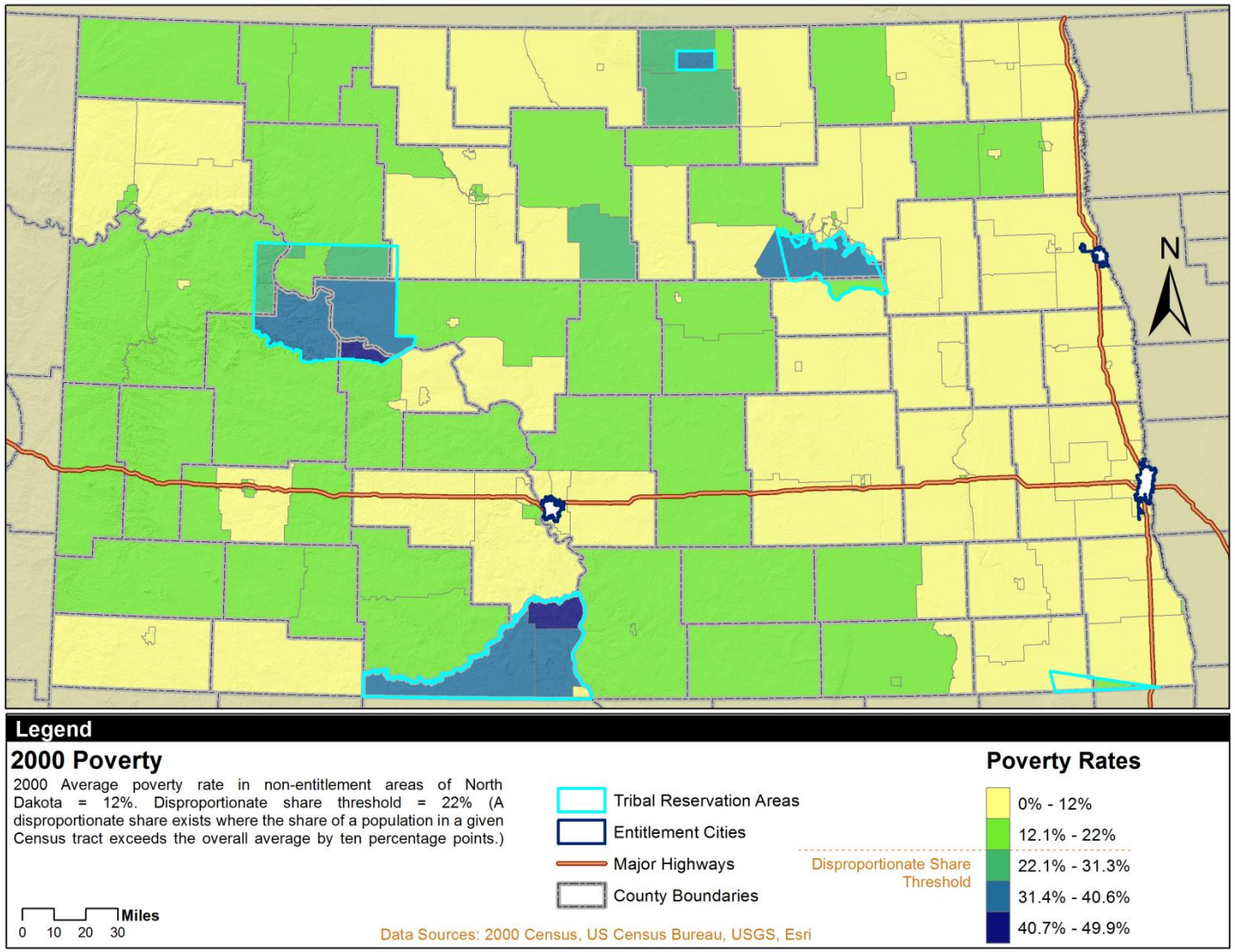
In 2000, the Census Bureau reported that North Dakota had 203,422 total housing units. Almost 12,000 housing units were added to the non-entitlement areas of North Dakota housing market between the 2000 and 2010 Censuses, as seen in Table II.9 below. The greatest increase was in vacant units, increasing by 7.6 percent. Owner-occupied units and renter-occupied units increased by 5.3 and 6.6 percent, respectively.

Table II.9
Housing Units by Tenure
Non-Entitlement Areas of North Dakota
2000 & 2010 Census SF1 Data

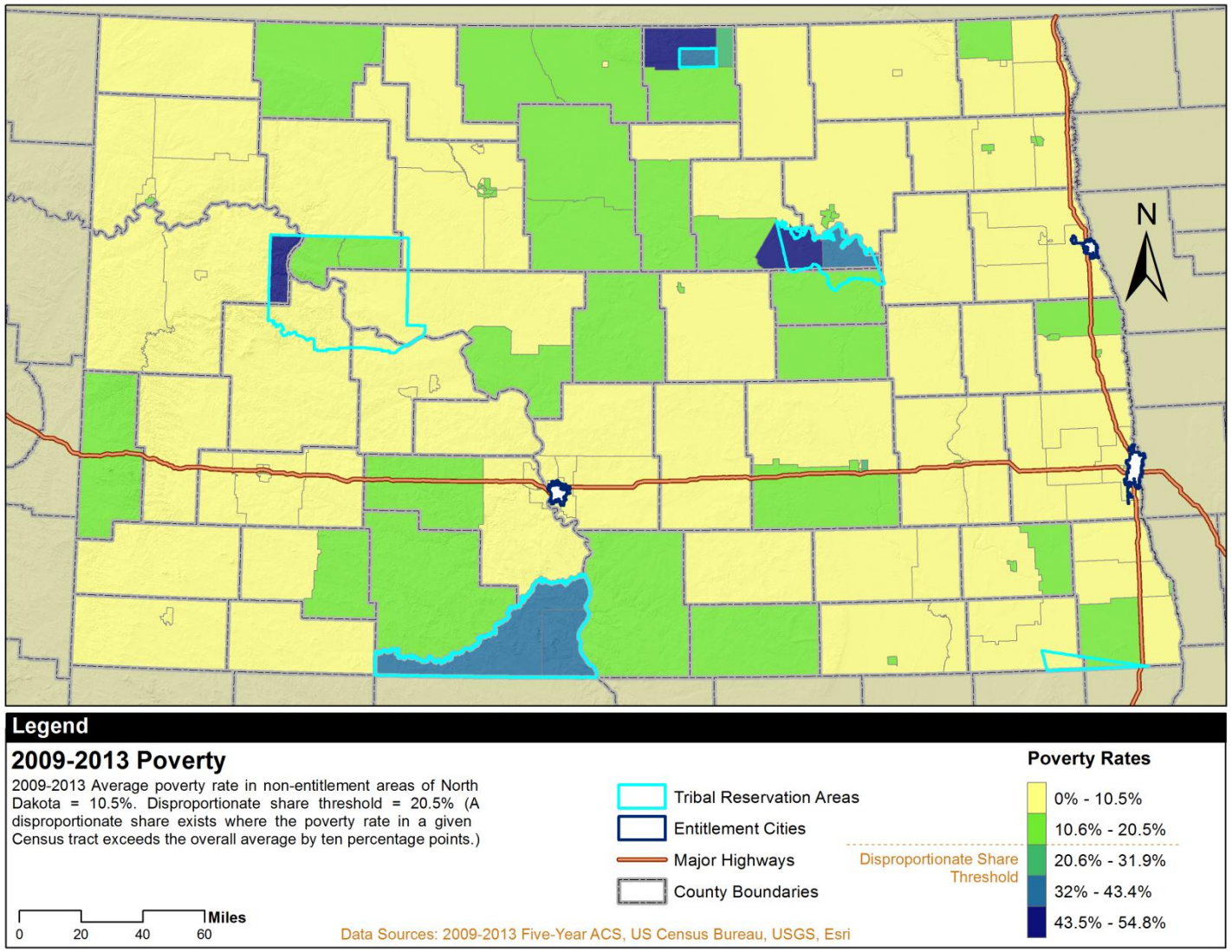
Tenure	2000 Census		2010 Census		% Change 00–10
	Units	% of Total	Units	% of Total	
Occupied Housing Units	175,022	86.0%	184,878	85.8%	5.6%
Owner-Occupied	128,130	73.2%	134,869	73.0%	5.3%
Renter-Occupied	46,892	26.8%	50,009	27.0%	6.6%
Vacant Housing Units	28,400	14.0%	30,567	14.2%	7.6%
Total Housing Units	**203,422**	**100.0%**	**215,445**	**100.0%**	**5.9%**

Maps II.9 and II.10; on pages 41 and 42; show the distribution of owner-occupied and renter-occupied units throughout the non-entitlement areas of the state. There are several areas with higher rates of owner-occupied housing, generally located in and around more populous areas of the state, including Minot, Bismarck, and Fargo. The areas with disproportionate share of renter occupied units are generally in or adjacent to Tribal Reservation areas, though Census tracts in and around Minot, Williston, Fargo, and other relatively populous areas also had relatively high rates of rental occupancy.

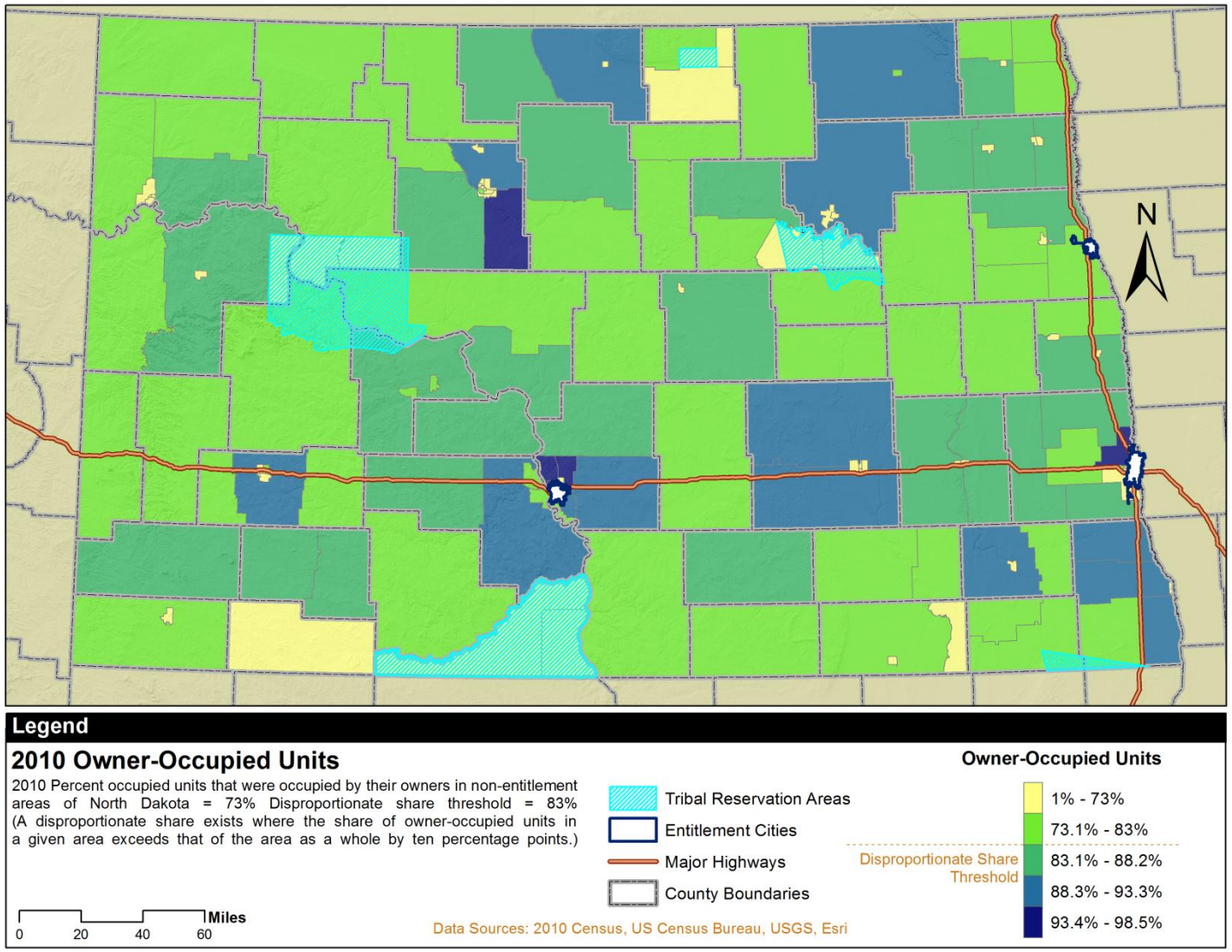
Map II.7
Poverty Rate by Census Tract
Non-Entitlement Areas of North Dakota
2000 Census Data



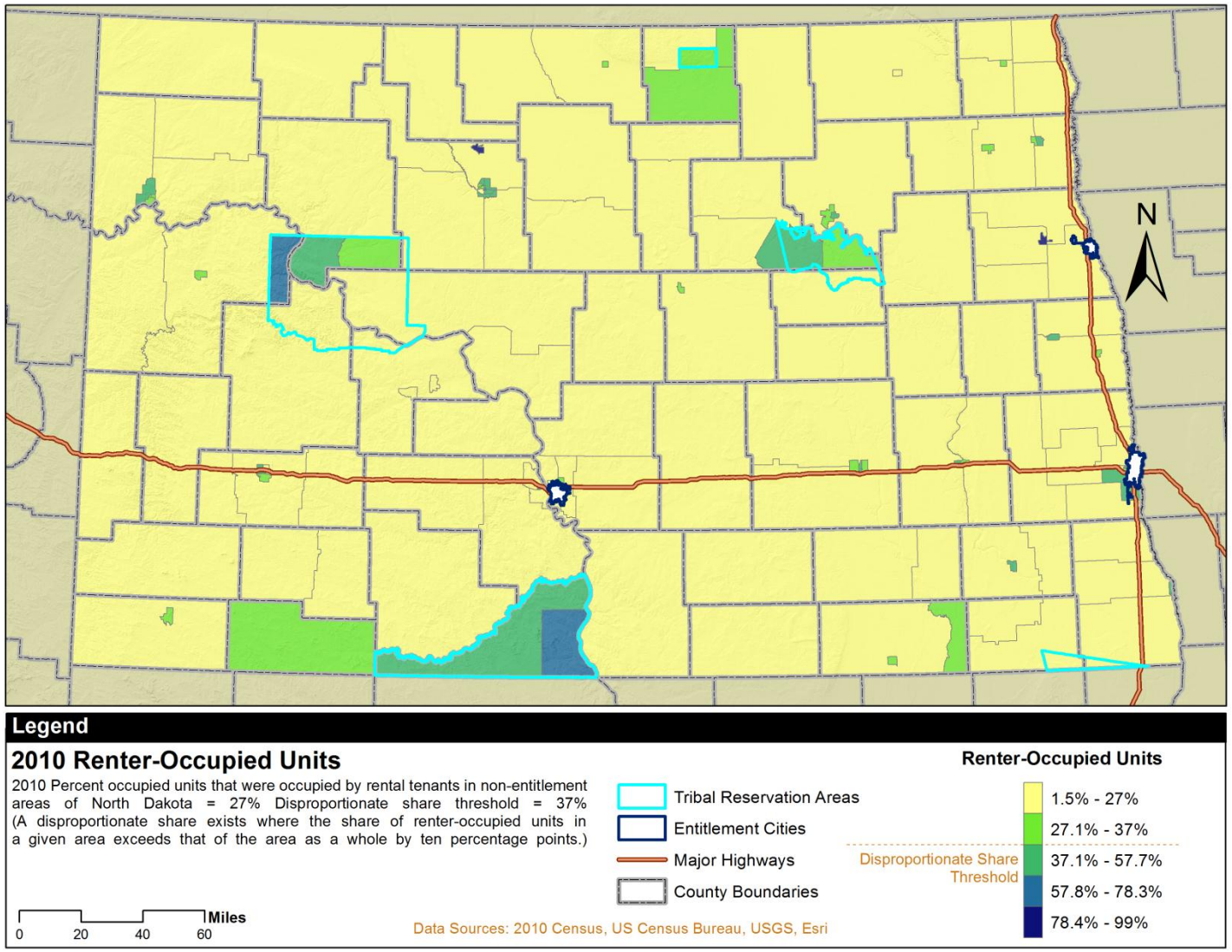
Map II.8
Poverty Rate by Census Tract
Non-Entitlement Areas of North Dakota
2013 Five-Year ACS Data



Map II.9
Owner-Occupied Housing Units
Non-Entitlement Areas of North Dakota
2010 Census Data



Map II.10
Renter-Occupied Housing Units
Non-Entitlement Areas of North Dakota
2010 Census Data



VACANT HOUSING

There was a 7.6 percent growth in vacant units in North Dakota from 2000 to 2010, as shown in Table II.10 below. Vacant for seasonal, recreation or occasional use units grew by 38.5 percent. Units classified as "other vacant" saw a 25.3 percent increase during this time period. For sale vacant housing saw a 55.3 percent decrease. "Other vacant" units accounted for the highest proportion of vacant units in 2010, followed by seasonal, recreational or occasional use.

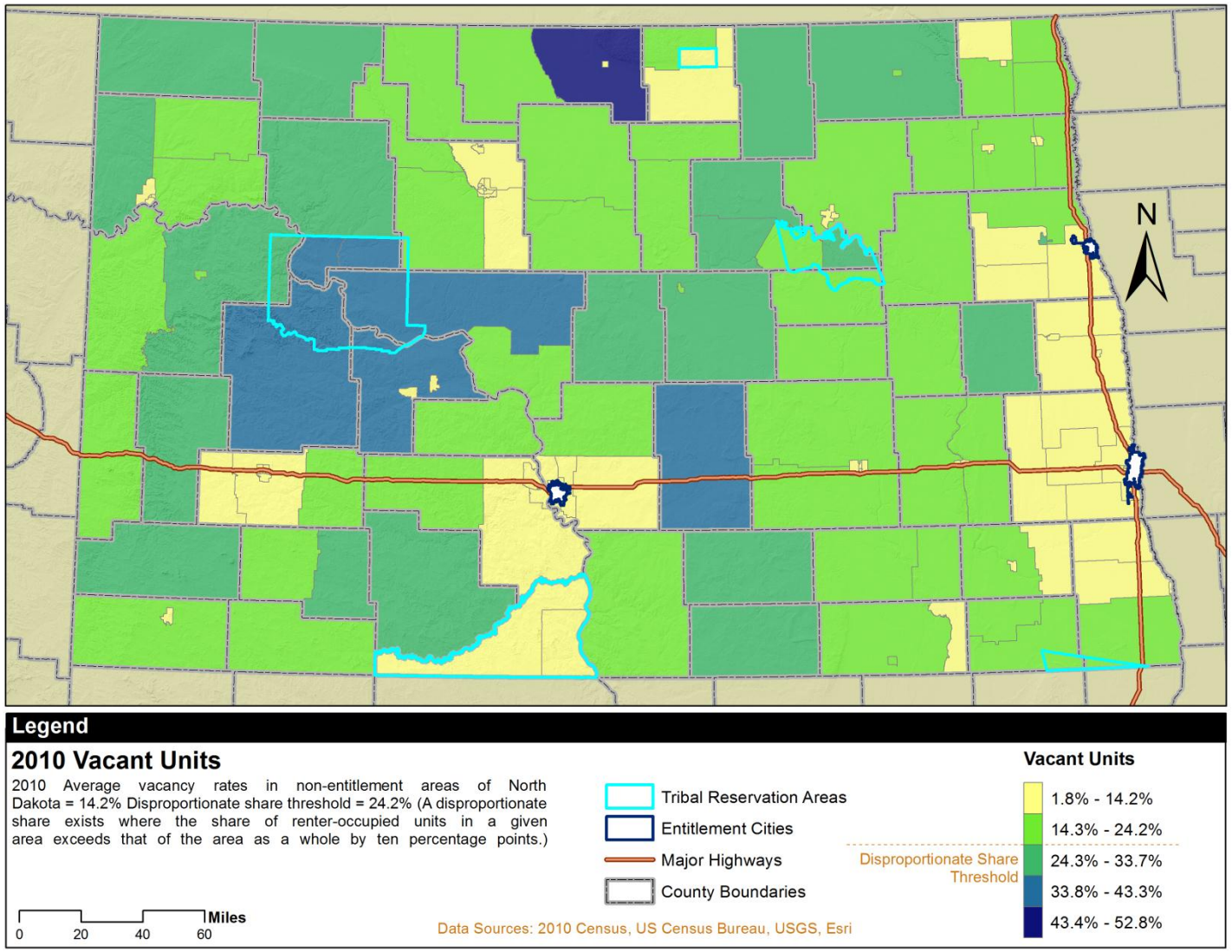
Table II.10
Disposition of Vacant Housing Units
Non-Entitlement Areas of North Dakota
2000 & 2010 Census SF1 Data

Disposition	2000 Census		2010 Census		% Change 00–10
	Units	% of Total	Units	% of Total	
For Rent	5,334	18.8%	4,419	14.5%	-17.2%
For Sale	3,999	14.1%	1,789	5.9%	-55.3%
Rented or Sold, Not Occupied	1,439	5.1%	1,241	4.1%	-13.8%
For Seasonal, Recreational, or Occasional Use	7,964	28.0%	11,027	36.1%	38.5%
For Migrant Workers	263	0.9%	315	1.0%	19.8%
Other Vacant	9,401	33.1%	11,776	38.5%	25.3%
Total	**28,400**	**100.0%**	**30,567**	**100.0%**	**7.6%**

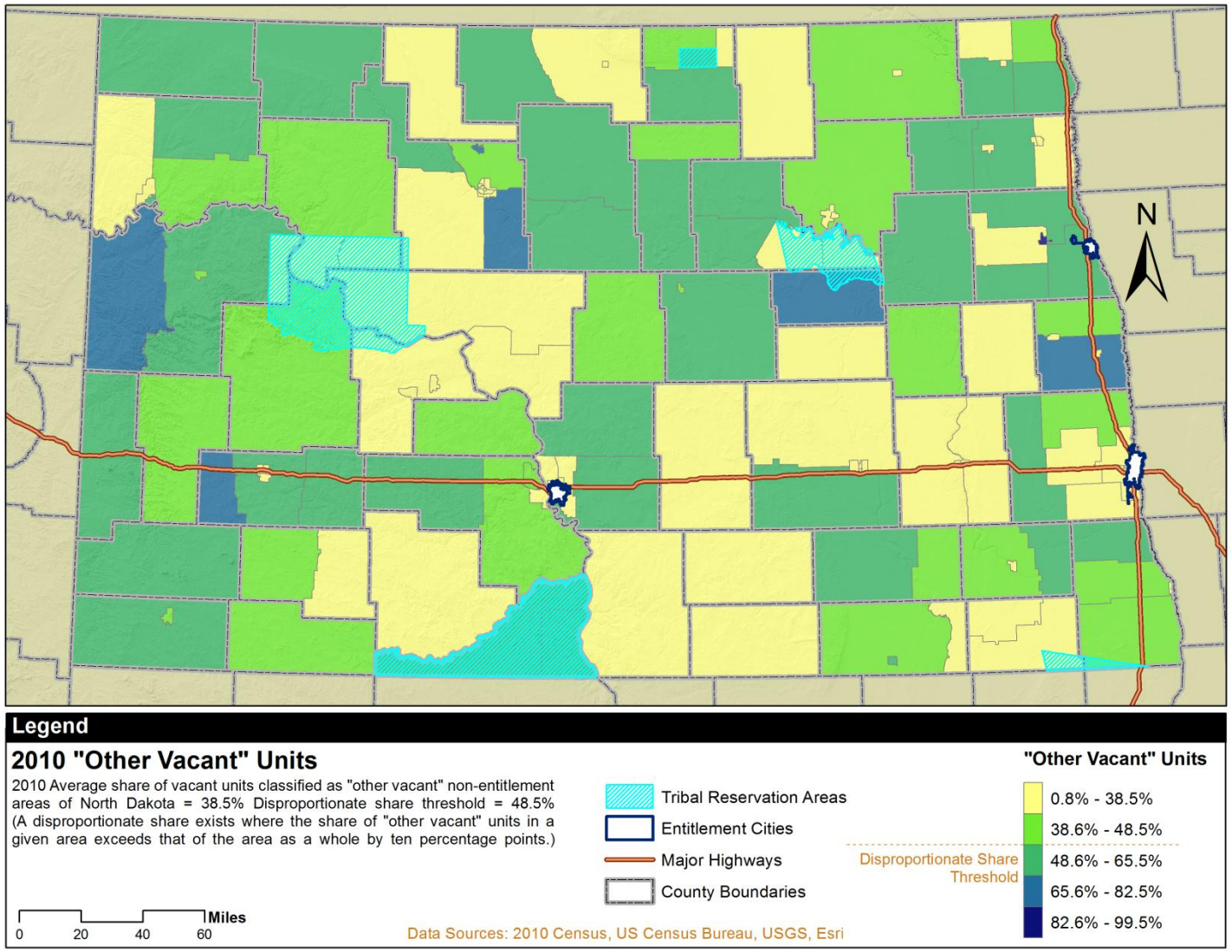
Map II.11 on the following page shows the distribution of vacant units across the state as of the 2010 Census. There were numerous counties all across the state with disproportionate shares of vacant housing. The counties that contained the highest concentration of vacant units included Bottineau County, followed by Dunn, Kidder, McLean, Mercer, and Montreal counties. While high numbers of vacant units can be problematic, there are many reasons that housing units may be unoccupied, and vacancies can be temporary. However, units classified as "other vacant" units are a greater cause for concern, as these units are not available to the housing market, and if located in close proximity to each other may represent a blighting influence.

Map II.12 on page 45 shows the percentage of vacant units classified as "other vacant." Similar to vacant units, there were numerous counties with disproportionate share of units classified as "other vacant." The counties that included the highest concentration of "other vacant" units included Eddy, McHenry, McKenzie, Stark, and Trail counties.

Map II.11
Vacant Housing Units
Non-Entitlement Areas of North Dakota
2010 Census Data



Map II.12
"Other Vacant" Housing Units
Non-Entitlement Areas of North Dakota
2010 Census Data



HOUSEHOLD SIZE

North Dakota households in non-entitlement areas grew smaller, in general, between 2000 and 2010, as shown in Table II.11 below. The number of households grew by 5.6 percent overall between 2000 and 2010, but the number of households between three and six members fell behind that overall growth rate, and occupied smaller percentages of all North Dakota households at the end of the decade. By contrast, the number of one-person households grew at a rate of 11.8 percent and the number of two-person households grew by 13.0 percent. As a result, households with one or two members came to occupy 29.3 and 37.3 percent of all households, respectively, by the end of the decade. Additionally, the number of households with seven persons or more grew by 12.7 percent, and the proportion of all households that were occupied by seven or more members grew to account for 1.0 percent of households.

Table II.11
Households by Household Size
Non-Entitlement Areas of North Dakota
2000 & 2010 Census SF1 Data

Size	2000 Census		2010 Census		% Change 00–10
	Households	% of Total	Households	% of Total	
One Person	48,458	27.7%	54,196	29.3%	11.8%
Two Persons	61,054	34.9%	68,987	37.3%	13.0%
Three Persons	24,975	14.3%	24,967	13.5%	.0%
Four Persons	23,610	13.5%	20,996	11.4%	-11.1%
Five Persons	11,628	6.6%	10,319	5.6%	-11.3%
Six Persons	3,637	2.1%	3,543	1.9%	-2.6%
Seven Persons or More	1,660	.9%	1,870	1.0%	12.7%
Total	**175,022**	**100.0%**	**184,878**	**100.0%**	**5.6%**

Single family homes accounted for 74.8 percent of the housing stock in North Dakota non-entitlement areas in 2009-2013, as shown in Table II.12 below. The second largest unit type was apartments with 10.4 percent of units. These two groups grew slightly from 2000. The proportion of single family homes grew by less than one percentage point, while the proportion of apartments grew by 1.1 percentage points. The proportion of duplexes, tri- or four-plexes, mobile homes, and boats, RV, and vans, all fell slightly. These changes shifted the dynamics of the housing stock in non-entitlement areas of North Dakota, leaving single family homes with the vast majority of unit types.

Table II.12
Housing Units by Type
Non-Entitlement Areas of North Dakota
2000 Census SF3 & 2013 Five-Year ACS Data

Unit Type	2000 Census		2013 Five-Year ACS	
	Units	% of Total	Units	% of Total
Single-Family	150,480	74.0%	164,961	74.8%
Duplex	3,945	1.9%	3,692	1.7%
Tri- or Four-Plex	8,554	4.2%	8,022	3.6%
Apartment	18,885	9.3%	22,884	10.4%
Mobile Home	21,289	10.5%	20,918	9.5%
Boat, RV, Van, Etc.	255	0.1%	115	0.1%
Total	**203,408**	**100.0%**	**220,592**	**100.0%**

HOUSING PROBLEMS

HUD defines an overcrowded household as one having from 1.01 to 1.50 occupants per room and a severely overcrowded household as one with more than 1.50 occupants per room. This type of condition can be seen in both renter and homeowner households. Table II.13 below shows that 1,862 households in non-entitlement areas of North Dakota were overcrowded in 2009-2013, a reduction from 2,550 in 2000. Severely overcrowded households comprised 697 households, a decrease from 930 households in 2000. By 2013, the share of overcrowded households had fallen from 1.5 to 1.0 percent since 2000, and the share of severely overcrowded households had fallen from 0.5 to 0.4 percent. In both years, overcrowding and severe overcrowding were more prevalent in renter-occupied housing units than in owner-occupied units.

Table II.13
Overcrowding and Severe Overcrowding
Non-Entitlement Areas of North Dakota
2000 Census SF3 & 2013 Five-Year ACS Data

Data Source	No Overcrowding		Overcrowding		Severe Overcrowding		Total
	Households	% of Total	Households	% of Total	Households	% of Total	
Owner							
2000 Census	126,445	98.7%	1,318	1.0%	402	.3%	128,165
2013 Five-Year ACS	137,780	99.1%	923	.7%	328	.2%	139,031
Renter							
2000 Census	45,059	96.2%	1,232	2.6%	528	1.1%	46,819
2013 Five-Year ACS	48,697	97.4%	939	1.9%	369	0.7%	50,005
Total							
2000 Census	171,504	98.0%	2,550	1.5%	930	.5%	174,984
2013 Five-Year ACS	186,477	98.6%	1,862	1.0%	697	.4%	189,036

According to the Census Bureau, a housing unit is classified as lacking complete kitchen facilities when any of the following is not present in a housing unit: a sink with piped hot and cold water, a range or cook top and oven, and a refrigerator. Likewise, a housing unit is categorized as lacking complete plumbing facilities when any of the following are missing from the housing unit: piped hot and cold water, a flush toilet, and a bathtub or shower. A lack of these facilities indicates that the housing unit is likely to be unsuitable.

Around 0.6 percent of the housing stock of non-entitlement areas of North Dakota lacked complete kitchen facilities in 2009-2013. This figure represented about 1,077 units, as shown in Table II.14 below. This was an increase from the 2000 by an estimated 277 units, and 0.1 percentage points.

Table II.14
Households with Incomplete Kitchen Facilities
Non-Entitlement Areas of North Dakota
2000 Census SF3 & 2013 Five-Year ACS Data

Households	2000 Census	2013 Five-Year ACS
With Complete Kitchen Facilities	174,184	187,959
Lacking Complete Kitchen Facilities	800	1,077
Total Households	**174,984**	**189,036**
Percent Lacking	**0.5%**	**0.6%**

Similar proportions of housing units lacked complete plumbing facilities in both years, as shown in Table II.15 on the following page. In 2000, some 0.5 percent of housing units had

inadequate plumbing facilities. By 2013, this figure had decreased to 0.3 percent, representing an estimated 555 households.

Table II.15
Households with Incomplete Plumbing Facilities
Non-Entitlement Areas of North Dakota
2000 Census SF3 & 2013 Five-Year ACS Data

Households	2000 Census	2013 Five-Year ACS
With Complete Plumbing Facilities	174,105	188,481
Lacking Complete Plumbing Facilities	879	555
Total Households	**174,984**	**189,036**
Percent Lacking	**0.5%**	**0.3%**

The third type of housing problem reported in the 2000 Census was cost burden, which occurs when a household has gross housing costs that range from 30 to 49.9 percent of gross household income; severe cost burden occurs when gross housing costs represent 50 percent or more of gross household income. For homeowners, gross housing costs include property taxes, insurance, energy payments, water and sewer service, and refuse collection. If the homeowner has a mortgage, the determination also includes principal and interest payments on the mortgage loan. For renters, this figure represents monthly rent plus utility charges.

According to 2000 Census data, 10.6 percent of households in non-entitlement areas of North Dakota experienced a cost burden at that time. An additional 6.4 percent of households experienced a severe cost burden. By 2013, some 10.8 percent of households were cost-burdened, and the share of households experiencing a severe cost burden had grown to 7.2 percent. This is shown in Table II.16 below.

Table II.16
Cost Burden and Severe Cost Burden by Tenure
Non-Entitlement Areas of North Dakota
2000 Census & 2013 Five-Year ACS Data

Data Source	Less Than 30%		31%-50%		Above 50%		Not Computed		Total
	Households	% of Total	Households	% of Total	Households	% of Total	Households	% of Total	
Owner With a Mortgage									
2000 Census	37,773	82.5%	5,493	12.0%	2,332	5.1%	209	0.5%	45,807
2011 Five-Year ACS	57,499	82.0%	8,775	12.5%	3,713	5.3%	130	0.2%	70,117
Owner Without a Mortgage									
2000 Census	37,355	88.9%	2,400	5.7%	1,552	3.7%	689	1.6%	41,996
2011 Five-Year ACS	61,417	89.1%	3,931	5.7%	3,008	4.4%	558	0.8%	68,914
Renter									
2000 Census	26,070	59.0%	6,035	13.7%	4,567	10.3%	7,505	17.0%	44,177
2011 Five-Year ACS	27,592	55.2%	7,640	15.3%	6,930	13.9%	7,843	15.7%	50,005
Total									
2000 Census	101,198	76.7%	13,928	10.6%	8,451	6.4%	8,403	6.4%	131,980
2011 Five-Year ACS	146,508	77.5%	20,346	10.8%	13,651	7.2%	8,531	4.5%	189,036

Renters with a severe cost burden are at risk of homelessness. Cost-burdened renters who experience one financial setback often must choose between rent and food or rent and health care for their families. Similarly, homeowners with a mortgage who have just one unforeseen financial constraint, such as temporary illness, divorce, or the loss of employment, may face foreclosure or bankruptcy. Furthermore, households that no longer have a mortgage yet still experience a severe cost burden may be unable to conduct periodic maintenance and repair of their homes, and in turn, may contribute to a dilapidation and blight problem. All three of these situations should be of concern to policymakers and program managers.

HOUSING COSTS

The distribution of housing values around the state of North Dakota as reported in the 2013 American Community Survey are presented in Map II.13 on the following page. In 2013, there were four areas where median home values exceeded $201,250, which were located in Burleigh, Cass, Stark and Ward counties. Areas with higher home values throughout the state tended to be located in tracts near the state's urban areas, including Minot, Bismarck, Dickinson, and Fargo.

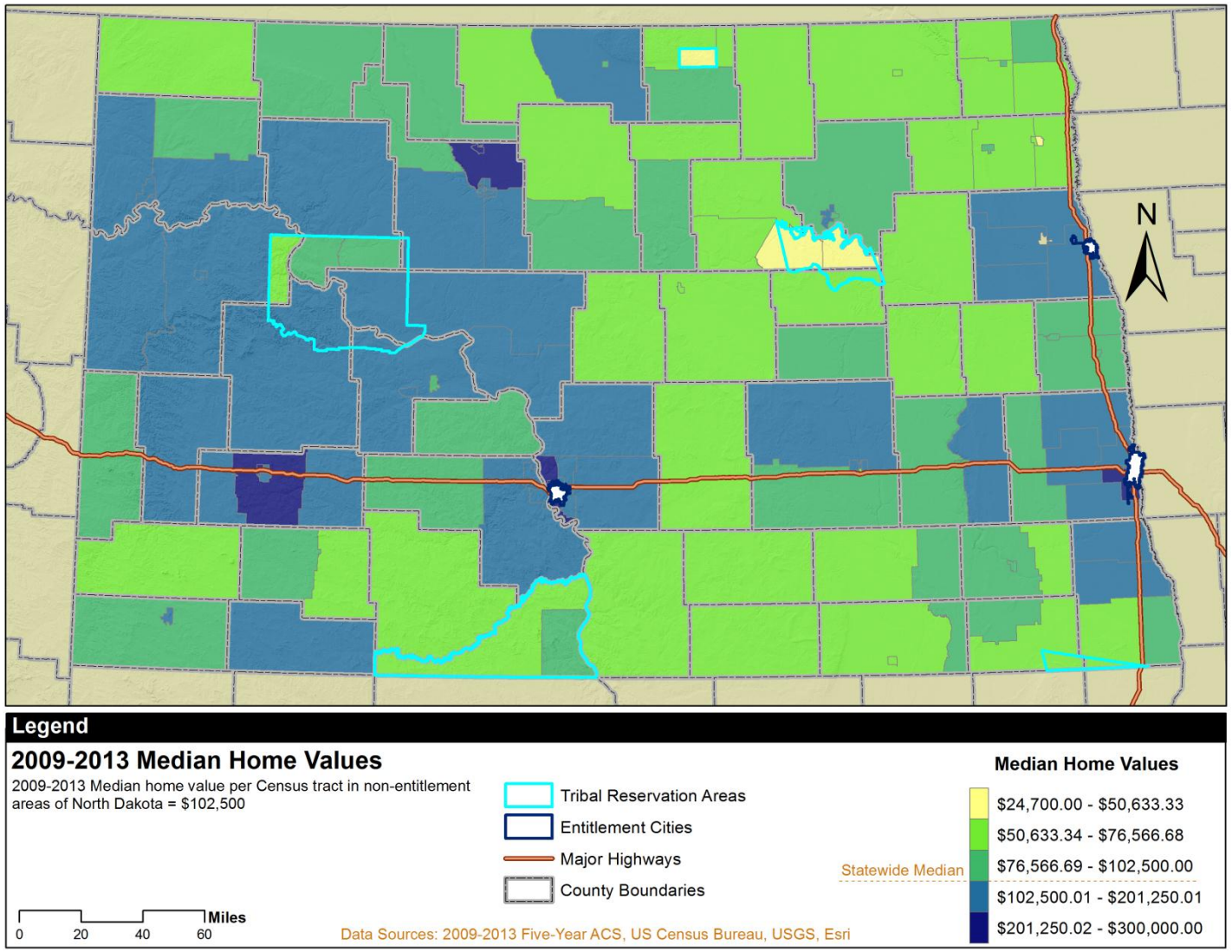
Map II.14 on page 51 illustrates data on median contract rent prices by census tract derived from the 2013 American Community Survey for the non-entitlement areas of North Dakota. Some similarities can be seen when comparing this map and the previous map regarding home values: areas with higher median contract rent prices tended to be located in and around more populous areas and entitlement cities. Rent prices also tended to be relatively high in the western portion of the state.

SUMMARY

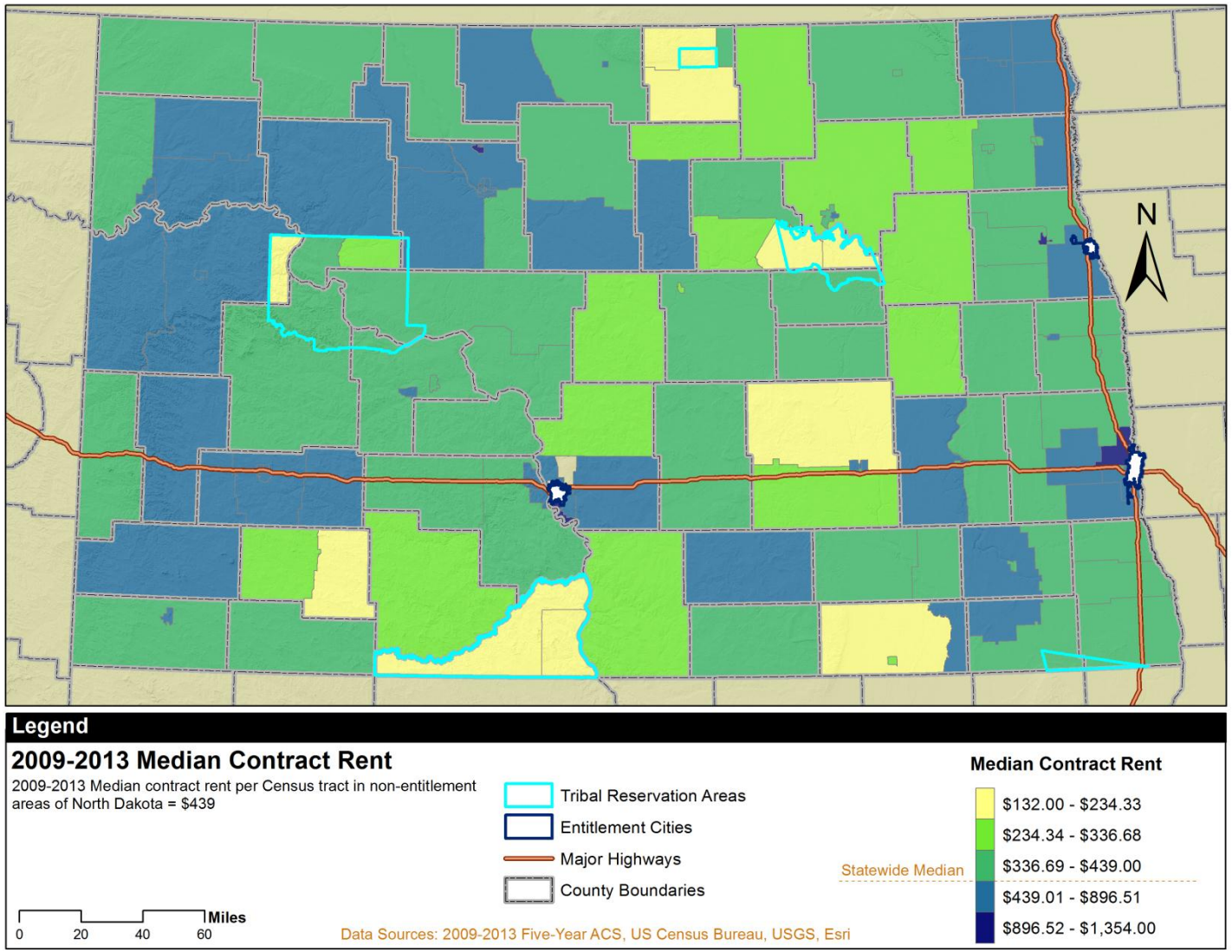
The population of North Dakota's non-entitlement areas has grown by approximately 41,000 since 2000, or 9.2 percent. Most of that growth has come in the years since 2008; indeed, by 2010 the population was only observed to have grown by 1.4 percent over the population in 2000. Prior to 2008, the population was relatively stable, but since that year the number of residents has grown by approximately 9,000 per year on average. Much of the growth between the 2000 and 2010 decennial Census counts was due to an increase in the population aged 55 to 64 of 46.8 percent, or around 18,700 residents. However, the state's non-entitlement areas also saw a substantial increase in the number of residents aged 20 to 34.

As the population increased, the number of white residents throughout the non-entitlement areas decreased slightly, and the number of black, American Indian, Asian, Native Hawaiian/Pacific Islander residents increased, along with those who identified their race as "Other", or themselves as belonging to two or more racial groups. However, with the exception of the American Indian population, which accounted for 6.8 percent of the population in 2010, and those who considered themselves part of two or more races, no other racial group accounted for more than 0.8 percent of the population. White residents accounted for just under 90 percent of the state's population in that year. In terms of ethnicity, Hispanic residents of all races represented 2 percent of the population in 2010, up from 1.2 percent in 2000.

Map II.13
Median Home Values
Non-Entitlement Areas of North Dakota
2013 Five-Year ACS Data



Map II.14
Median Contract Rent
Non-Entitlement Areas of North Dakota
2013 Five-Year ACS Data



In most cases, Census tracts with relatively high concentrations of American Indian residents were located in or around tribal reservation areas throughout the state in 2000 and 2010. However, there was an above-average concentration of American Indian residents in a large Census tract to the west of Williston in both years. Meanwhile, Census tracts with relatively high concentrations of Hispanic residents were distributed throughout the state, particularly in more populous areas of the state. The highest concentration of Hispanic residents was observed in one Census tract in Grafton in 2010, where nearly a quarter of residents were Hispanic.

Nearly 70,000 residents of the state's non-entitlement areas were living with disabilities in 2000, or 17.2 percent of the population. These residents accounted for nearly 30 percent of the population in one Census tract in Devil's Lake in that year. An estimated 11.3 percent of the population was living with some form of disability in 2009-2013.[17] In that year, the highest concentration of residents with disabilities was observed in a Census tract in Grafton.

Due in large part to intensive oil production in the Bakken formation, the labor market in the state's non-entitlement areas was, in aggregate, largely spared the worst of the national recession of 2007-2009. In fact, the labor force continued to grow through those years, and though growth in the total number of employed slowed, that number did not decline. Slackening growth in employment did contribute to a spike in the unemployment rate, which reached 4.2 percent in 2009. However, the unemployment rate has declined steadily since that year, thanks to redoubled growth in the labor market.

In the state as a whole, growth in the number of jobs has been dramatic in the years since 2009. As the number of jobs has grown, so has the average paycheck for workers throughout the state. In 2000, the average worker earned $36,963 at his or her job, in real 2013 dollars. By 2012 that figure had topped $55,000. However, growth in real average earnings has been subject to considerable fluctuation: in 2013, the last year for which data were available at the writing of this report, earnings per job had fallen by around $3,000. Real per capita income (PCI) in the state also fell in 2013, after three years of dramatic growth. However, it remained, at $53,182 per year, considerably higher than the national figure of $44,765 per year. Between 2000 and 2013, the share of household with incomes over $50,000 per year increased dramatically.

As a consequence of dramatic growth in earnings and incomes, the share of residents living in poverty fell from 12.0 to 10.7 percent between 2000 and 2013 in the state's non-entitlement areas. Census tracts with relatively high concentrations of poverty in 2000 and 2009-2013 were generally located in and around the state's tribal reservation areas.

The number of housing units in the state's non-entitlement areas increased by 5.9 percent between 2000 and 2010, outpacing growth in the population. Owner-occupied units in 2010 were largely concentrated in and around more populous areas of the state, notably around Bismarck, Minot, and Fargo. Renter occupied units were more heavily concentrated in and around tribal reservation areas, but were most heavily concentrated on the Minot and Grand Forks Air Force bases. There was only a modest increase in the number of vacant housing

[17] It is important to note that the definition of disability employed in the 2009-2013 ACS differed considerably from the definition in use in 2000. For that reason, the Census Bureau discourages direct comparison between the two where disability is concerned.

units, and these units tended to be more highly concentrated in large rural Census tracts near the Fort Berthold and Turtle Mountain reservations. Most residents in the state's non-entitlement areas lived in single-family or apartment units

Most common type of vacant housing unit in 2010 consisted of units classified as "other vacant". These units tend to be more problematic than other types of vacant housing, since they are not available to the market place, and may contribute to blight where they are grouped in close physical proximity. Census tracts with relatively high concentrations of "other vacant" units were distributed throughout the state, but tended to cover large, rural areas. The highest concentration of "other vacant" units in 2010 appeared on the Grand Forks Air Force Base.

The number of smaller households throughout the state's non-entitlement areas grew considerably between the two Censuses as the number of larger households generally declined, contributing to a drop in the number and share of overcrowded units in the state. By 2013, the share of units that were overcrowded had fallen below 2 percent. The share of housing units with incomplete plumbing facilities also fell, while the percentage of units with incomplete kitchen facilities remained the same. There was a slight increase in the percentage of cost-burdened and severely cost-burdened households from 2000 through 2013; together, these households accounted for just under a quarter of all households in the state's non-entitlement areas from 2009-2013.

Finally, median housing costs tended to be higher in and around urban areas of the state, including Minot, Bismarck, Fargo, and Dickinson. Large, rural Census tracts with above-median housing costs tended to be located in the west of the state, though there were several tracts in the east and southeast in which housing costs were relatively high.

SECTION III. FAIR HOUSING LAW, STUDY, AND CASE REVIEW

As part of the AI process, existing fair housing laws, studies, cases, and other relevant materials were reviewed on a national and local scale. Results of this review are presented below.

FAIR HOUSING LAWS

FEDERAL FAIR HOUSING LAWS

Federal laws provide the backbone for U.S. fair housing regulations. While some laws have been previously discussed in this report, a brief list of laws related to fair housing, as defined on the U.S. Department of Housing and Urban Development's (HUD's) website, is presented below:

> *Fair Housing Act*. Title VIII of the Civil Rights Act of 1968 (Fair Housing Act), as amended, prohibits discrimination in the sale, rental, and financing of dwellings, and in other housing-related transactions, based on race, color, national origin, religion, sex, familial status (including children under the age of 18 living with parents or legal custodians, pregnant women, and persons securing custody of children under the age of 18), and handicap (disability).[18]
>
> Title VIII was amended in 1988 (effective March 12, 1989) by the *Fair Housing Amendments Act* . . . In connection with prohibitions on discrimination against individuals with disabilities, the Act contains design and construction accessibility provisions for certain new multi-family dwellings developed for first occupancy on or after March 13, 1991.[19]
>
> *Title VI of the Civil Rights Act of 1964*. Title VI prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving federal financial assistance.
>
> *Section 504 of the Rehabilitation Act of 1973*. Section 504 prohibits discrimination based on disability in any program or activity receiving federal financial assistance.
>
> *Section 109 of the Housing and Community Development Act of 1974*. Section 109 prohibits discrimination on the basis of race, color, national origin, sex or religion in programs and activities receiving financial assistance from HUD's Community Development and Block Grant Program.
>
> *Title II of the Americans with Disabilities Act of 1990*. Title II prohibits discrimination based on disability in programs, services, and activities provided or made available by

[18] "HUD Fair Housing Laws and Presidential Executive Orders." http://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp/FHLaws
[19] "Title VIII: Fair Housing and Equal Opportunity." http://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp/progdesc/title8

public entities. HUD enforces Title II when it relates to state and local public housing, housing assistance and housing referrals.

Architectural Barriers Act of 1968. The Architectural Barriers Act requires that buildings and facilities designed, constructed, altered, or leased with certain federal funds after September 1969 be accessible to and useable by handicapped persons.

Age Discrimination Act of 1975. The Age Discrimination Act prohibits discrimination on the basis of age in programs or activities receiving federal financial assistance.

Title IX of the Education Amendments Act of 1972. Title IX prohibits discrimination on the basis of sex in education programs or activities that receive federal financial assistance.[20]

STATE AND LOCAL FAIR HOUSING LAWS

In addition to the federal Fair Housing Act, residents of North Dakota are protected from discrimination in the housing market by Chapter 14-02.5 of North Dakota Century Code. This law provides for state level enforcement of fair housing policy, and expands upon the federal Act by including protections based on age, marital status, and use of public assistance. The state's Department of Labor and Human Rights (DOLHR) is identified in N.D.C.C. 14-02.5-13 as the agency responsible for enforcing the provisions of the state fair housing law. HUD has judged this law to offer fair housing protections that are substantially equivalent to those offered under the Fair Housing Act, which enables the DOLHR partner with HUD in the investigation and resolution of fair housing complaints under the Fair Housing Assistance Partnership.

FAIR HOUSING STUDIES

NATIONAL FAIR HOUSING STUDIES

In 2000, HUD released a publication entitled "Discrimination in Metropolitan Housing Markets," which measured the prevalence of housing discrimination based on race and ethnicity in the U.S. This was the third nationwide effort to measure discrimination against minority home seekers since 1977, conducted in three phases.

Phase 1 – Black and Hispanic Populations

The study, based on 4,600 paired tests in 23 metropolitan cities in the U.S., found large decreases in the levels of discrimination against black and Hispanic home seekers between 1989 and 2000. In the rental markets, a moderate decrease was seen in discrimination toward black individuals, who experienced adverse treatment more often than white individuals, whereas the Hispanic population was more likely to face discrimination in the rental markets than its black and white counterparts. Many black and Hispanic home seekers were told that units were unavailable, although the same units were available to white home seekers, and the black and Hispanic populations were also shown and told about fewer units. In addition,

[20] "HUD Fair Housing Laws and Presidential Executive Orders."

Hispanic individuals were more likely in 2000 than in 1989 to be quoted a higher rent than white individuals who sought to rent the same unit.

Phase 2 – Asian and Pacific Islander Populations

This study, conducted in 2000 and 2001 and based on 889 paired tests in 11 metropolitan areas in the U.S., showed that Asian and Pacific Islander individuals who sought to rent a unit experienced adverse treatment compared to white individuals in 21.5 percent of tests, which was similar to the rate black and Hispanic individuals saw. The study also showed that Asian and Pacific Islander prospective homebuyers experienced adverse treatment compared to white prospective homebuyers 20.4 percent of the time, with discrimination occurring in the availability of housing, inspections, assistance with financing, and encouragement by agents.

Phase 3 – American Indian Population

The last phase of HUD's nationwide effort to measure housing discrimination involved estimating the level of discrimination experienced by American Indian individuals in their search for housing in metropolitan areas across Minnesota, Montana, and North Dakota. The findings showed that the American Indian population experienced adverse treatments compared to white individuals in 28.5 percent of rental tests. White individuals were consistently told about advertised units, similar units, and more units than American Indian individuals with similar qualifications. The high level of discrimination experienced by the American Indian population in these areas surpassed rates seen by Hispanic, black, and Asian individuals in the metropolitan rental markets nationwide.[21]

In April 2002, HUD released a national study that assessed public awareness of and support for fair housing law titled *How Much Do We Know?: Public Awareness of the Nation's Fair Housing Laws*. The study found that only 50 percent of the population was able to identify most scenarios describing illegal conduct. In addition, 14 percent of the nationwide survey's adult participants believed that they had experienced some form of housing discrimination in their lifetime. However, only 17 percent of those who had experienced housing discrimination had taken action to resolve the issue, such as filing a fair housing complaint. Finally, two-thirds of all respondents said that they would vote for a fair housing law.[22]

As a follow-up, HUD later released a study in February 2006 called *Do We Know More Now?: Trends in Public Knowledge, Support and Use of Fair Housing Law*. One aim of the study was to determine whether a nationwide media campaign had proven effective in increasing the public's awareness of housing discrimination, and another goal was to determine the public's desire to report such discrimination. Unfortunately, the study found that overall public knowledge of fair housing law did not improve between 2000 and 2005. As before, just half of the public knew the law regarding six or more illegal housing activities. The report showed that 17 percent of the study's adult participants experienced discrimination when seeking housing; however, after reviewing descriptions of the perceived discrimination, it was determined that only about 8 percent of the situations might be covered by the Fair Housing Act. Four out of five individuals who felt they had been discriminated against did not file a fair housing

[21] "Discrimination in Metropolitan Housing Markets: National Results from Phase 1, Phase 2, and Phase 3 of the Housing Discrimination Study (HDS)." http://www.huduser.org/portal/publications/hsgfin/hds.html

[22] U.S. Department of Housing and Urban Development, Office of Policy Development and Research. *How Much Do We Know?: Public Awareness of the Nation's Fair Housing Laws*. April 2002. http://www.huduser.org/portal/publications/fairhsg/hmwk.html

complaint, indicating that they felt it "wasn't worth it" or that it "wouldn't have helped." Others did not know where to complain, assumed it would cost too much, were too busy, or feared retaliation. One positive finding of the survey was that public support for fair housing law increased from 66 percent in 2000 to 73 percent in 2005.[23]

In 2004, the U.S. General Accounting Office's (GAO) released a report titled *Fair Housing: Opportunities to Improve HUD's Oversight and Management of the Enforcement Process*. The GAO report found that between 1996 and 2003, the median number of days required to complete fair housing complaint investigations was 259 for HUD's Fair Housing and Equal Opportunity Offices and 195 for Fair Housing Assistance Program (FHAP) agencies, far above the 100-day mandate. However, the report did find a higher percentage of investigations completed within that time limit. The GAO report also identified the following trends between 1996 and 2003:

- The number of fair housing complaints filed each year steadily increased since 1998. An increasing proportion of grievances alleged discrimination based on disability and a declining proportion alleged discrimination based on race, although race was still the most cited basis of housing discrimination;
- FHAP agencies conducted more fair housing investigations than Fair Housing and Equal Opportunity (FHEO) agencies over the eight-year period. The total number of investigations completed each year increased slightly after declining in 1997 and 1998; and
- Over this time period, an increasing percentage of investigations closed without finding reasonable cause to believe discrimination occurred. However, a declining percentage of investigations were resolved by the parties themselves or with help from FHEO or FHAP agencies.[24]

In 2006, the University of Southern California and Oregon State University collaborated to study rental discrimination and race. The universities responded to 1,115 advertisements regarding apartment vacancies in Los Angeles State and signed the bottom of each email with Tyrell Jackson, a traditionally black name; Patrick McDougall, a traditionally white name; or Said Al-Rahman, a traditionally Arab name. Analysis indicated that individuals who were perceived as black were four times more likely to be discouraged from viewing an apartment than persons perceived as white, and individuals considered to be Arab were three times more likely to be discouraged from viewing an apartment than individuals who appeared white. The analysis also noted that applicants perceived as black were more likely to receive negative responses, such as the apartment was no longer available for market rate or above market rate apartments. For example, only an email signed Tyrell Jackson received a reply that reiterated the apartment cost to ensure the apartment was within the applicant's price range. The study also analyzed the responses from private property owners versus corporate property owners, but found no statistical difference in the way the two groups responded to applicants of different races.[25]

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[23] U.S. Department of Housing and Urban Development, Office of Policy Development and Research. *Do We Know More Now?: Trends in Public Knowledge, Support and Use of Fair Housing Law*. February 2006. http://www.huduser.org/portal/publications/hsgfin/FairHsngSurvey.html

[24] U.S. General Accounting Office. "Fair Housing: Opportunities to Improve HUD's Oversight and Management of the Enforcement Process." April 2004. http://gao.gov/products/GAO-04-463

[25] Carpusor, Adrian and William Loges. "Rental Discrimination and Ethnicity in Names." *Journal of Applied Social Psychology* 36(4).

Released by the Poverty & Race Research Action Council in January 2008, *Residential Segregation and Housing Discrimination in the United States* asserts that many current governmental efforts to further fair housing actually result in furthering unfair housing practices across the U.S. This article suggests that fair housing efforts can cause residential segregation. For example, if the majority of public housing residents are non-white and most public housing accommodations are grouped in the same Census tracts, residential segregation is resultant. Similarly, many Section 8 voucher holders are racial or ethnic minorities, and most housing that accepts Section 8 vouchers is grouped in selected areas, which again results in residential segregation. The report offers recommendations to curb such residential segregation, including dispersing public housing developments throughout cities and communities and providing greater incentives for landlords with several properties to accept the vouchers.[26]

Published in 2009 by the National Fair Housing Alliance, *For Rent: No Kids!: How Internet Housing Advertisements Perpetuate Discrimination* presented research on the prevalence of discriminatory housing advertisements on popular websites such as Craigslist. According to the article, while newspapers are prohibited from publishing discriminatory housing advertisements, no such law exists for websites like Craigslist, as they are considered interactive internet providers rather than publishers of content. As such, they are not held to the same legal standards as newspapers. While individual landlords who post discriminatory advertisements may be held responsible, there are no such standards for companies like Craigslist that post the discriminatory advertisements. Newspapers and other publishers of content are required to screen the advertisements they accept for publishing for content that could be seen as discriminatory. This may include phrases like "no children" or "Christian only," which violate provisions of the Fair Housing Act that state families with children and religious individuals are federally protected groups.[27]

In May 2010, the National Fair Housing Alliance published a fair housing trends report, *A Step in the Right Direction,* which indicated that recent years have demonstrated forward movement in furthering fair housing. The report began with a commendation of HUD's federal enforcement of fair housing law and noted the agency's willingness to challenge local jurisdictions that failed to affirmatively further fair housing. In response to the recent foreclosure crisis, many credit institutions have implemented tactics to reduce risk. However, this report suggests that policies that tighten credit markets, such as requiring larger cash reserves, higher down payments, and better credit scores, may disproportionally affect lending options for communities of color and women. *A Step in the Right Direction* concludes with examples of ways in which the fair housing situation could be further improved, including addressing discriminatory internet advertisements and adding gender identity, sexual orientation, and source of income as federally protected classes.[28]

The positive note that the NFHA struck in its 2010 report carried over into the following year's *The Big Picture: How Fair Housing Organizations Challenge Systemic and Institutionalized Discrimination*, published by the Alliance in April of 2011. This report began by noting an

[26] U.S. Housing Scholars and Research and Advocacy Organizations. *Residential Segregation and Housing Discrimination in the United States*. January 2008. http://prrac.org/pdf/FinalCERDHousingDiscriminationReport.pdf
[27] National Fair Housing Alliance. *For Rent: No Kids!: How Internet Housing Advertisements Perpetuate Discrimination*. August 2009. http://www.nationalfairhousing.org/LinkClick.aspx?fileticket=zgbukJP2rMM%3D&tabid=2510&mid=8347
[28] National Fair Housing Alliance. *A Step in the Right Direction: 2010 Fair Housing Trends Report*. May 2010. http://www.nationalfairhousing.org/Portals/33/Fair%20Housing%20Trends%20Report%202010.pdf

encouraging downward trend in the proportion of individuals in large metropolitan areas living in segregation, which had dropped from 69 to 65 percent between 2000 and 2010, according to census data from 2010. The report also highlighted the work of fair housing organizations to combat systemic and institutionalized discrimination produced by exclusionary zoning, NIMBYism, the dual credit market, and other fair housing challenges, often on limited budgets and with limited personnel. The NFHA closed its 2011 report by praising the work of private fair housing organizations while underscoring the need for continued work.[29]

The 2012 report from the NFHA focused on issues of fair housing in the context of the shifting demographic composition of the United States, where the white population is projected to no longer represent a majority of residents within thirty years. The report discussed encouraging signals from HUD and the Justice Department, who have "increased their efforts and announced landmark cases of mortgage lending, zoning, and other issues that get to the heart of the [Fair Housing] Act: promoting diverse and inclusive communities[30]." The report also highlights a new arena for discrimination in housing, which has emerged as a result of the massive level of foreclosures in the country in recent years: uneven maintenance of Real Estate Owned (REO) properties in white and minority areas. In concluding, the report hails the creation of the Consumer Financial Protection Bureau as a new ally for fair housing and equal opportunity.[31]

In its 2013 trends report, the NFHA outlined an ambitious policy goal: expansion of the Fair Housing Act to prohibit discrimination based on source of income, sexual orientation, gender identity, and marital status. The report notes that cases of housing discrimination in general increased between 2011 and 2012, and that complaints based on non-protected statuses (source of income, etc.) were included in that upward trend. In spite of this, only 12 states included protections based on source of income in that year; 21 states prohibited discrimination based on sexual orientation, 16 states protected against discrimination based on gender identity, and 22 states offer protections based on marital status. The District of Columbia also extended protections on all of these bases in that year. In concluding the report, the NFHA advocates the modernization and expansion of the FHA to bring the protection of individuals based on source of income, sexual orientation, gender identity, and marital status within its compass.[32]

In its 2014 Fair Housing trends report, entitled "Expanding Opportunities: Systemic Approaches to Fair Housing", the NFHA began by lauding the efforts of HUD, DOJ, and private non-profit fair housing organizations for their efforts over the past year in promoting fair housing choice across the United States. The report also noted an increase in the number of fair housing complaints relating to real estate sales, homeowner's insurance, and housing advertisements, even as the overall number of housing complaints remained relatively steady. The 2014 report also featured a regional analysis of housing discrimination complaints, which

[29] *The Big Picture: How Fair Housing Organizations Challenge Systemic and Institutionalized Discrimination.* National Fair Housing Alliance 2011 Fair Housing Trends Report. 29 April 2011.
http://www.nationalfairhousing.org/LinkClick.aspx?fileticket=SbZH3pTEZhs%3d&tabid=3917&mid=5321
[30] http://www.nationalfairhousing.org/LinkClick.aspx?fileticket=GBv0ZVJp6Gg%3d&tabid=3917&mid=5321
[31] *Ibid.*
[32] *Modernizing the Fair Housing Act for the 21st Century: 2013 Fair Housing Trends Report.* National Fair Housing Alliance. April 11, 2013.

indicated that complaints of housing discrimination were more common in the more racially and ethnically segregated metropolitan statistical areas of the country.[33]

FAIR HOUSING CASES

NATIONAL FAIR HOUSING CASES

As noted in the introduction to this report, provisions to affirmatively further fair housing (AFFH) are long-standing components of HUD's Housing and Community Development programs. In fact, in 1970, Shannon v. HUD challenged the development of a subsidized low-income housing project in an urban renewal area of Philadelphia that was racially and economically integrated. Under the Fair Housing Act, federal funding for housing must further integrate community development as part of furthering fair housing, but the plaintiffs in the Shannon case claimed that the development would create segregation and destroy the existing balance of the neighborhood. As a result of the case, HUD was required to develop a system to consider the racial and socio-economic impacts of their projects.[34] The specifics of the system were not decided upon by the court, but HUD was encouraged to consider the racial composition and income distribution of neighborhoods, racial effects of local regulations, and practices of local authorities.[35] The Shannon case gave entitlement jurisdictions the responsibility of considering the segregation effects of publicly-funded housing projects on their communities as they affirmatively further fair housing.

More recently, in a landmark fraud case, Westchester County, New York, was ordered to pay more than $50 million to resolve allegations of misusing federal funds for public housing projects and falsely claiming their certification of affirmatively furthering fair housing. The lawsuit was filed in 2007 by the Anti-Discrimination Center (ADC), a New York-based non-profit organization, under the False Claims Act. According to the ADC, the County "failed to consider race-based impediments to fair housing choice; failed to identify and take steps to overcome impediments; and failed to meet its obligations to maintain records concerning its efforts."

In a summary judgment in February 2009, a judge ruled that the County had made "false certifications on seven annual AFFH certifications and on more than a thousand implied certifications of compliance when it requested a drawdown of HUD funds". Pursuant to a settlement agreement brokered by the Obama Administration in April 2009, Westchester County was required to pay more than $30 million to the federal government, with roughly $20 million eligible to return to the County to aid in public housing projects. The County was also ordered set aside $20 million to build public housing units in suburbs and areas with mostly white populations, and to promote legislation "currently before the Board of Legislators to ban 'source-of-income' discrimination in housing (§33(g))".[36]

Finding that Westchester had failed to affirmatively further fair housing in the manner agreed upon in the earlier settlement, HUD rejected the County's AFFH certification and discontinued

[33] *Expanding Opportunity: Systemic Approaches to Fair Housing.* National Fair Housing Alliance. August 13, 2014.
[34] U.S. HUD. *39 Steps Toward Fair Housing.* http://www.hud.gov/offices/fheo/39steps.pdf
[35] Orfield, Myron. "Racial Integration and Community Revitalization: Applying the Fair Housing Act to the Low Income Housing Tax Credit." *Vanderbilt Law Review*, November 2005.
[36] http://www.hud.gov/content/releases/settlement-westchester.pdf

federal funding in 2011. As of April 2013, HUD's decision had been upheld through several rounds of appeals by the County[37]. The case is likely to have ramifications for entitlement communities across the nation; activities taken to affirmatively further fair housing will likely be held to higher levels of scrutiny to ensure that federal funds are being spent to promote fair housing and affirmatively further fair housing. The case also signals an increased willingness on the part of HUD to bring enforcement pressure to bear in order to insure that state and local jurisdictions comply with the AFFH requirements.

Affirmatively Furthering Fair Housing

At the same time that HUD has pursued a more active role in fair housing enforcement, the agency has sought to bring additional guidance and clarity to fair housing policy. This effort was inspired in part by the agency's own assessment of shortcomings in current policy, and in part by criticism from other agencies; notably the Government Accountability Office (GAO).[38] In 2009, HUD noted that many of the AI's it reviewed as part of an internal study did not conform to the agency's guidelines. This finding was reaffirmed in a 2010 study conducted by the GAO, which sought to assess the effectiveness of Analyses of Impediments as a tool to affirmatively further fair housing, as well as their effectiveness as planning documents. According to the GAO, an estimated 29 percent of CDBG and HOME grantees' AIs were prepared in 2004 or earlier, and were therefore likely to be of limited usefulness in current planning efforts. Furthermore, the GAO found that those AIs that were up to date largely lacked features that would render them more effective as planning documents, including timetables and the signatures of top elected officials. More generally, the GAO noted that HUD guidelines concerning AIs are unclear, and that its requirements for the analyses are minimal[39]. Under those requirements, the agency observed, grantees are "not required through regulation to update their AIs periodically, include certain information, follow a specific format in preparing AIs, or submit them to HUD for review[40]."

The conclusion of the GAO study is set forth in its title: *HUD Needs to Enhance Its Requirements and Oversight of Jurisdictions' Fair Housing Plans*. In response to the criticism of the GAO, as well as a longstanding recognition on the part of HUD that fair housing policy stood in need of improvement and clarification, the agency developed and published a proposed rule entitled *Affirmatively Furthering Fair Housing* in July of 2013. The propose rule represents a substantial restructuring of the AFFH process, eliminating the AI and replacing it with the Assessment of Fair Housing (AFH). According to the rule, the AFH will (1) incorporate key demographic and econometric metrics specifically identified by HUD, (2) be completed with nationally uniform data provided by HUD, and (3) be submitted to HUD for review in advance of the consolidated plan to insure that the findings of the fair housing analysis are fully integrated into the consolidated planning process.[41] The comment period for the proposed rule ended in September of 2013. A final action on the rule, originally scheduled for December 2014 and most recently slated for March of 2015, it still forthcoming as of early May of 2015.

[37] *United States v Westchester County* 712 F.3d 761 2013 U.S. App.
[38] 24 CFR §5, 91, 92, et al. (2013)(Proposed Rule)
[39] "HUD Needs to Enhance Its Requirements and Oversight of Jurisdictions' Fair Housing Plans". *Government Accountability Office*. September 2010.
[40] *Ibid.*, page 32.
[41] 24 CFR §5, 91, 92, et al. (2013)(Proposed Rule)

As noted in the winter edition of the Pennsylvania Association of Housing and Redevelopment Agencies Monitor, "the [proposed rule's] four specifically articulated goals are noble, if not perhaps aspirational:

1. "Improve integrated living patterns and overcome historic patterns of segregation;
2. Reduce or eliminate racially and ethnically concentrated areas of poverty;
3. Reduce disparities in access to community assets such as education, transit access, employment, as well as exposure to environmental health hazards and other stressors that harm a person's quality of life; and
4. Address disproportionate housing needs by protected classes[42]."

Nevertheless, according to the author, the Final Rule has the potential to "divert much needed funds away from impacted neighborhoods"; accordingly, "it remains to be seen whether the final version of the rule will truly facilitate [meaningful fair housing planning] and lead to greater housing opportunity, mobility, and choice[43]." Note that because a final action on the rule is still forthcoming, the current AI effort is being undertaken in conformity to HUD guidance that is currently in place, as articulated in the Fair Housing Planning Guide and subsequent memoranda.

Discriminatory Effects and the Fair Housing Act

In addition to the proposed rule that seeks to update and clarify the AFFH requirements for states and local jurisdictions, HUD finalized a rule in February 2015 that was intended to "formalize HUD's long-held interpretation of the availability of 'discriminatory effects' liability under the Fair Housing Act[44]." According to HUD, individuals and businesses may be held liable for policies and actions that are neutral on their face but have a discriminatory effect. This theory of liability had not yet been articulated by the signing of the Civil Rights Acts of 1964 or 1968; however, it has been an important test for discrimination in employment since the Supreme Court found in 1971[45] that the Civil Rights Act "proscribes not only overt discrimination but also practices that are fair in form, but discriminatory in operation[46]." The first test of "disparate impact theory" in housing law came in 1974, *with United States v. City of Black Jack*[47]. In that case, the government alleged that the City of Black Jack had "exercised its zoning powers to exclude... a federally-subsidized housing development", thereby excluding residents of low-income housing, who were disproportionately black.[48]

In deciding on the matter, the Eight Circuit Court maintained that a plaintiff "need prove no more than that the conduct of the defendant actually or predictably results in racial discrimination" to make a case that the conduct is itself discriminatory[49]. The theory of discriminatory effect established in this case has been consistently applied in fair housing cases and upheld in every district court decision in which it served to establish or support the charge

[42] Poltrock, Leigh A. "Affirmatively Furthering Fair Housing: The Good, the Bad, and the Ugly of the Proposed Rule and Draft Assessment Tool." *Pennsylvania Association of Housing and Redevelopment Agencies Monitor.* Winter 2014-2015, page 19. Accessible at http://pahra.org/wp-content/uploads/2015/01/PAHRA-Monitor-Winter-2014-15.pdf
[43] *Ibid.*
[44] 24 CFR §100 (2013)
[45] Garrow, David J. "Toward a Definitive History of *Griggs v. Duke Power Company*". 67 Vand. L. Rev. 197 (2014).
[46] *Griggs v. Duke Power Co.*, 401 U.S. 430 (1971).
[47] Rich, Joseph D. "HUD's New Discriminatory Effects Regulation: Adding Strength and Clarity to Efforts to End Residential Segregation." Lawyers' Committee for Civil Rights Under Law. May 2013.
[48] *United States v. City of Black Jack, Missouri*, 508 F.2d 1179, 1184 (8th Cir. 1974)
[49] *Ibid.*

of housing discrimination.[50] However, this theory of liability is facing its most severe challenge in decades in a case that is currently before the Supreme Court.[51]

Texas Department of Housing and Community Affairs v. The Inclusive Communities Project

In 2008, a Dallas-based non-profit organization called the Inclusive Communities Project ("the Project") sued the Texas Department of Housing and Community Affairs ("the Department"), claiming that the point system by which it allocates federal tax subsidies serves to concentrate subsidized housing in low-income communities.[52] In the lawsuit, the Project relies on the theory of disparate impact that has been established through decades of jurisprudence but on which the Supreme Court has never definitively ruled.

According to the Project, the Department disproportionately allocates low-income housing tax credits in minority areas while denying those credits in predominantly white communities. In addition to the direct effect of concentrating units subsidized through these tax credits, the Project alleges that this manner of allocation leads to the further concentration of Section 8 Housing in those same areas[53], which serves to limit housing options for low-income, minority residents to areas with high concentrations of racial minority residents.[54] In its original complaint, the Project argued both that the point scheme was intentionally discriminatory and that it produced a disparate impact on minority residents. The District Court for the Northern District of Texas found that the Project had failed to prove intentional discrimination but had proved its disparate impact claim.

Having been upheld in the U.S., Court of Appeals for the Fifth Circuit, it is this claim that is currently the subject of deliberation on the part of the Supreme Court justices.[55] In asking the Supreme Court to consider the case, the Department presented the court with two questions: First, "are disparate-impact claims cognizable under the Fair Housing Act?"[56] In other words, does the Act permit disparate-impact claims? Second, in the event that the Court finds that the FHA does allow such claims, the Department also asked "what standards and burdens of proof that should apply."[57] The Court's decision on this matter is likely to profoundly impact fair housing policy in the United States, either by upholding a key tenet, or removing one of the most important tools, of fair housing enforcement.[58]

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[50] 24 CFR §100 (2013); Rich, Joseph D. "HUD's New Discriminatory Effects Regulation: Adding Strength and Clarity to Efforts to End Residential Segregation." Lawyers' Committee for Civil Rights Under Law. May 2013.
[51] Rich, Joe and Thomas Silverstein. "Symposium: The case for disparate impact under the Fair Housing Act." Supreme Court of the United States Blog. January 6, 2015. Accessible at http://www.scotusblog.com/2015/01/symposium-the-case-for-disparate-impact-under-the-fair-housing-act/
[52] *Inclusive Communities Project v. Texas Department of Housing and Community Affairs* (2014).
[53] *Ibid*. Section 8 housing vouchers, which are not generally accepted by private landlords, cannot be turned down by those who receive low income housing tax credits.
[54] *Ibid.*
[55] Howe, Amy. "Will the third time be the charm for the Fair Housing Act and disparate-impact claims? In Plain English." Supreme Court of the United States Blog. January 6, 2015. Accessible at "http://www.scotusblog.com/2015/01/will-the-third-time-be-the-charm-for-the-fair-housing-act-and-disparate-impact-claims-in-plain-english/"
[56] *Texas Department of Housing and Community Affairs v. The Inclusive Communities Project* (2014). Petition for a Writ of Certiorari.
[57] *Ibid.*
[58] Howe, Amy. "Will the third time be the charm for the Fair Housing Act and disparate-impact claims? In Plain English." Supreme Court of the United States Blog. January 6, 2015. Accessible at "http://www.scotusblog.com/2015/01/will-the-third-time-be-the-charm-for-the-fair-housing-act-and-disparate-impact-claims-in-plain-english/"

LOCAL FAIR HOUSING CASES

Recent U.S. Department of Justice Cases

The U.S. Department of Justice (DOJ) enacts lawsuits on behalf of individuals based on referrals from HUD. Under the Fair Housing Act, the DOJ may file lawsuits in the following instances:

- Where there is reason to believe that a person or entity is engaged in what is termed a "pattern or practice" of discrimination or where a denial of rights to a group of people raises an issue of general public importance;
- Where force or threat of force is used to deny or interfere with fair housing rights; and
- Where persons who believe that they have been victims of an illegal housing practice file a complaint with HUD or file their own lawsuit in federal or state court.[59]

The DOJ has not filed any complaints against housing providers in the state in the last decade. However, in 2010 the DOJ filed an *amicus* brief in support of the plaintiffs in *Fair Housing of the Dakotas, et al. v. Goldmark Property Management, Inc.* At issue in the case were the animal assistance policies adopted by the landlord, which included a requirement that such animals have special training and that tenants who have assistance animals that are not specially trained pay one-time and monthly pet-fees. The DOJ's intervention in the case came in response to a motion for summary judgment filed by the defendants, Goldmark Property Management. In filing this motion, Goldmark argued that provisions in the FHA concerning assistance animals only applied to "specially trained" services animals, and that its policies are of general applicability, and therefore do not single out residents with disabilities for differential treatment.[60] Goldmark's motion for summary judgment in the case was denied in March of 2011.[61] In September of that same year, a district court judge denied the plaintiff's motion to consider the complaint as a class action.[62]

SUMMARY

Residents of North Dakota are protected from discrimination in the housing market by laws at the federal and state level. The federal Fair Housing Act represents the foundation for fair housing law and policy in the United States, prohibiting discrimination on the basis of race, color, religion, sex, national origin, familial status, and disability. North Dakota housing discrimination law extends additional protections to state residents, prohibiting discrimination on the basis of age, marital status, or use of public assistance.

In spite of the existence of these laws, discrimination persists, though certainly no longer in a form that is as overt and obvious as it was when the laws were passed. Often, housing seekers will not know that they have been subjected to discrimination when a landlord tells them that no apartments are available (only to offer an available room to a prospective tenant of another race or ethnicity a few hours later). Such discrimination often only becomes apparent when properties are subjected to fair housing testing: results of such testing, as reported in national

[59] "The Fair Housing Act." The United States Department of Justice. http://www.justice.gov/crt/about/hce/housing_coverage.php
[60] *Fair Housing of the Dakotas, et al. v. Goldmark Property Management, Inc.* (*Amicus* brief)(2010)
[61] *Fair Housing of the Dakotas, et al. v. Goldmark Property Management, Inc.* (March 2011)
[62] *Fair Housing of the Dakotas, et al. v. Goldmark Property Management, Inc.* (September 2011)

studies, have consistently revealed differences in how applicants are treated when they apply for housing with similar qualifications, but with names that are stereotypically associated with members of different races and ethnicities.

However, it is discrimination on the basis of disability that represents the most common violation of the Fair Housing Act, according to national studies of fair housing complaints. In this connection, it is not surprising that the one fair housing complaint in which the Department of Justice has become involved in the state over the last ten years has concerned alleged discrimination on the basis of disability. In that instance, a large property manager was accused of improperly charging "pet fees" for assistive animals: this practice has also been at issue in complaints filed with the High Plains Fair Housing Center.[63]

Though the laws that shape fair housing policy at the federal level are firmly established, and have been broadened in scope and legal force over the years, legal and regulatory actions that are currently taking place at the national level are likely to considerably impact the manner in which fair housing policy is carried out. In the first place, the Supreme Court is currently considering whether or not individuals or business can be held liable for discrimination by enacting policies that are neutral on their face, but have discriminatory effects. Such "discriminatory effects liability", a long-standing tool in fair housing enforcement, has been upheld in eleven district court decisions but has not yet been considered by the Supreme Court. If the court rules that disparate impact liability is not available under the fair housing act, that decision is likely to change fair housing enforcement profoundly.

The decision may also have an impact, albeit indirect, on HUD's affirmatively furthering fair housing requirement, since many of the cases that trigger an AFFH review by HUD are based on the perceived discriminatory effects of certain policies. However, a rule proposed by HUD in 2013 is likely to have a more direct impact. This proposed rule, which is meant to clarify the AFFH requirement for state and local jurisdictions, would do away with the AI and replace it with the Assessment of Fair Housing, among other changes. A final action on the rule, originally scheduled for December of 2014 and most recently slated for March of 2015, it still forthcoming as of early May of 2015.

[63] Margaret Moore Jackson, High Plains Fair Housing Center (personal communication April 24, 2015).See Appendix E.

SECTION IV. REVIEW OF THE EXISTING FAIR HOUSING STRUCTURE

The purpose of this section is to provide a profile of fair housing in the State of North Dakota based on a number of factors, including an enumeration of key agencies and organizations that contribute to affirmatively furthering fair housing, evaluation of the presence and scope of services of existing fair housing organizations, and a review of the complaint process.

FAIR HOUSING AGENCIES

FEDERAL AGENCIES

U.S. Department of Housing and Urban Development

The U.S. Department of Housing and Urban Development (HUD) oversees, administers, and enforces the federal Fair Housing Act. HUD's regional office in Denver oversees housing, community development, and fair housing enforcement in North Dakota, as well as Colorado, Montana, South Dakota, Utah, and Wyoming. The Office of Fair Housing and Equal Opportunity (FHEO) in HUD's Denver office enforces the Fair Housing Act and other civil rights laws that prohibit discrimination in housing, mortgage lending, and other related transactions in North Dakota. HUD also provides education and outreach, monitors agencies that receive HUD funding for compliance with civil rights laws, and works with state and local agencies under the Fair Housing Assistance Program (FHAP) and Fair Housing Initiative Program (FHIP).
[64]:

Address:
Office of Fair Housing and Equal Opportunity
Department of Housing and Urban Development
451 Seventh Street SW, Room 5204
Washington, DC 20410-2000
Telephone: (202) 708-1112
Toll Free: (800) 669-9777
Web Site: http://www.HUD.gov/offices/fheo/online-complaint.cfm

The contact information for the regional HUD office in Denver is:

Address:
Denver Regional Office of FHEO
Department of Housing and Urban Development
1670 Broadway
Denver, Colorado 80202-4801
Telephone: (303) 672-5437
Toll Free: (800) 877-7353

TTY: (303) 672-5248
Website: http://www.HUD.gov

The Office of Fair Housing and Equal Opportunity (FHEO) within HUD's Denver office enforces the Fair Housing Act and other civil rights laws that prohibit discrimination in housing, mortgage lending, and other related transactions in North Dakota. HUD also provides education and outreach, monitors agencies that receive HUD funding for compliance with civil rights laws, and works with state and local agencies under the Fair Housing Assistance Program (FHAP) and Fair Housing Initiative Program (FHIP), as described below.

Fair Housing Assistance Program

The Fair Housing Assistance Program (FHAP) was designed to support local and state agencies that enforce local fair housing laws, provided that these laws are substantially equivalent to the Fair Housing Act. Substantial equivalency certification is a two-phase process: in the first phase, the Assistant Secretary for Fair Housing and Equal Opportunity makes a *prima facie* determination on the substantial equivalency of a state or local law to the federal Fair Housing Act. Once this determination has been made, and the law has been judged to be substantially equivalent, the agency enforcing the law is certified on an interim basis for a period of three years. During those three years, the local enforcement organization "builds its capacity to operate as a fully certified substantially equivalent agency." FHAP grants during this time period are issued to support the process of building capacity. When the interim certification period ends after three years, the Assistant Secretary issues a determination on whether or not the state law is substantially equivalent to the Fair Housing Act "in operation", this is the second phase of the certification process. If the law is judged to be substantially equivalent in operation, the agency enforcing the law is fully certified as a substantially equivalent agency for five years.

HUD will typically refer most complaints of housing discrimination to a substantially equivalent state or local agency for investigation (such complaints are dual-filed at HUD and the State or local agency), if such an agency exists and has jurisdiction in the area in which the housing discrimination was alleged to have occurred. When federally subsidized housing is involved, however, HUD will typically investigate the complaint.

The benefits of substantially equivalent certification include the availability of funding for local fair housing activities, shifted enforcement power from federal to local authorities, and the potential to make the fair housing complaint process more efficient by vesting enforcement authority in those who are more familiar with the local housing market. In addition, additional funding may be available to support partnerships between local FHAP grantees and private fair housing organizations. Currently, the North Dakota Department of Labor serves residents of the state as a participant in the FHAP.

Fair Housing Initiative Program

The Fair Housing Initiative Program (FHIP) is designed to support fair housing organizations and other non-profits that provide fair housing services to people who believe they have faced discrimination in the housing market. These organizations provide a range of services including initial intake and complaint processing, referral of complainants to government agencies that

enforce fair housing law, preliminary investigations of fair housing complaints, and education and outreach on fair housing law and policy.

FHIP funding is available through three initiatives[65]: the Fair Housing Organizations Initiative (FHOI), the Private Enforcement Initiative (PEI), and the Education and Outreach Initiative (EOI). These initiatives are discussed in more detail below:

- **The Fair Housing Organizations Initiative (FHOI)**: FHOI funds are designed to help non-profit fair housing organizations build capacity to effectively handle fair housing enforcement and outreach activities. A broader goal of FHOI funding is to strengthen the national fair housing movement by encouraging the creation of fair housing organizations.
- **The Private Enforcement Initiative (PEI)**: PEI funds are intended to support the fair housing activities of established non-profit organizations, including testing and enforcement, and more generally to offer a "range of assistance to the nationwide network of fair housing groups".
- **The Education and Outreach Initiative (EOI)**: EOI funding is available to qualified fair housing non-profit organizations as well as State and local government agencies. The purpose of the EOI is to promote initiatives that explain fair housing to the general public and housing providers, and provide the latter with information on how to comply with the requirements of the FHA.

Non-profit organizations are eligible to apply for funding under each or all of these initiatives. To receive FHOI funding, such organizations must have at least two years' experience in complaint intake and investigation, fair housing testing, and meritorious claims in the three years prior to applying for funding. Eligibility for PEI funding is subject to "certain requirements related to the length and quality of previous fair housing enforcement experience." Organizations applying for the EOI must also have two years' experience in the relevant fair housing activities; EOI funds are also potentially available to State and local government agencies.

Fair Housing of the Dakotas (FHD) served residents of North Dakota as a FHIP grantee in most years from FY 2006 through FY 2010, with the exception of FY 2009. In those four years, the organization received between $214,000 and $221,000 per year under the Private Enforcement Initiative. The FHD lost its FHIP grant funding during 2010, and closed later that year.[66]

STATE AGENCIES

The North Dakota Department of Labor and Human Rights (DOLHR) serves North Dakota residents who believe that they have been subjected to illegal discrimination in the housing market. Considered by HUD to be a substantially equivalent agency, the DOLHR is a participant in the Fair Housing Assistance Program (FHAP) and is charged with the enforcement of the federal Fair Housing Act as well as the state fair housing law. Accordingly, those who

[65] Though there are four initiatives included in the FHIP, no funds are currently available through the Administrative Enforcement Initiative.
[66] Bjorke, Christopher. "Fair housing group closed after grant loss." The Bismarck Tribune. 19 Jan 2011. Accessed 23 Feb 2015 at http://bismarcktribune.com/news/local/fair-housing-group-closed-after-grant-loss/article_37bc6148-2425-11e0-bebd-001cc4c002e0.html.

believe that they have been subjected to unlawful discrimination on the basis of race, sex, color, national origin, religion, familial status, disability, age, marital status, or use of public assistance may lodge a complaint with the DOLHR through the following information:

Address:
North Dakota Department of Labor and Human Rights
600 East Boulevard Avenue, Department 406
Bismarck, North Dakota 58505-0340
Telephone: (701) 328-2660
Toll Free: 1(800) 582-8032
TTY: 1(800) 366-6888 or 1(800) 366-6889 (Relay ND)
Fax: (701) 328-2031
Web Site: labor@nd.gov or humanrights@nd.gov

PRIVATE ORGANIZATION

The High Plains Fair Housing Center

The High Plains Fair Housing Center, a Grand Forks-based non-profit organization, was founded in 2012. In service of its mission to "strengthen communities and to ensure equal access to fair housing in the region[67]", the fair housing center accepts fair housing complaints from state residents who believe that they have been the victims of illegal discrimination in the housing market, and serves as an advocate for those residents during the complaint process. In addition, the organization provides a range of outreach, education, and training activities for renters, landlords, and property managers. The High Plains Fair Housing Center may be contacted through the following information:

Address:
High Plains Fair Housing Center
P.O. Box 5222
Grand Forks, North Dakota 58206
Telephone: (701) 203-1077
Toll Free: 1(866) 380-2738
Web Site: highplainsfairhousing@gmail.com

University of North Dakota Housing and Employment Law Clinic

The School of Law at the University of North Dakota provides a range of services to residents who are unable to obtain legal representation through the Housing and Employment Law Clinic. Under the supervision of faculty, students at the school serve as legal advocates for clients who believe that they have been subjected to illegal discrimination in the housing market or at their place of work, as well as those who believe that they have not received fair wages for their work. In fair housing cases, such advocacy may span the entire complaint process, from client interviews and the drafting of correspondence to the negotiation of settlements and the conduct of trials before state, federal, and administrative tribunals. The

[67] "Fair Housing Center Opened." North Dakota Housing Finance Agency News. Posted March 11, 2013. Available at http://ndhousing.areavoices.com/2013/03/11/fair-housing-center-opened/. Accessed February 23, 2015.

Clinic also supports the High Plains Fair Housing Center in its mission by accepting cases referred to it by the Center. However, it should be noted that the School of Law, which is primarily an educational institution, is only able to accept a small number of fair housing complaints for representation.

COMPLAINT PROCESS REVIEW

U.S. Department of Housing and Urban Development

The intake stage is the first step in the complaint process. When a complaint is submitted, intake specialists review the information and contact the complainant (the party alleging housing discrimination) in order to gather additional details and determine if the case qualifies as possible housing discrimination. If the discriminatory act alleged in the complaint occurred within the jurisdiction of a substantially equivalent state or local agency under the FHAP, the complaint is referred to that agency, which then has 30 days to address the complaint. If that agency fails to address the complaint within that time period, HUD can take the complaint back.

If HUD determines that it has jurisdiction and accepts the complaint for investigation, it will draft a formal complaint and send it to the complainant to be signed. Once HUD receives the signed complaint, it will notify the respondent (the party alleged to have discriminated against the complainant) within ten days that a complaint has been filed against him or her. HUD also sends a copy of the formal complaint to the respondent at this stage. Within ten days of receiving the formal complaint, the respondent must respond to the complaint.

Next, the circumstances of the complaint are investigated through interviews and examination of relevant documents. During this time, the investigator attempts to have the parties rectify the complaint through conciliation. The case is closed if conciliation of the two parties is achieved or if the investigator determines that there was no reasonable cause of discrimination. If conciliation fails, and reasonable cause is found, then either a federal judge or a HUD Administrative Law Judge hears the case and determines damages, if any.[68] In the event that the federal court judge finds the discrimination alleged in a complaint to have actually occurred, the respondent may be ordered to:

- Compensate for actual damages, including humiliation, pain, and suffering;
- Provide injunctive or other equitable relief to make the housing available;
- Pay the federal government a civil penalty to vindicate the public interest, with a maximum penalty of $10,000 for a first violation and $50,000 for an additional violation within seven years; and/or
- Pay reasonable attorneys' fees and costs.[69]

If neither party elects to go to federal court, a HUD Administrative Law Judge will hear the case. Once the judge has decided the case, he or she issues an initial decision. If the judge finds that housing discrimination has occurred, he or she may award a civil penalty of up to $11,000 to the complainant, along with actual damages, court costs, and attorney's fees. When

[68] "HUD's Title VIII Fair Housing Complaint Process." http://www.hud.gov/offices/fheo/complaint-process.cfm
[69] "Fair Housing—It's Your Right." http://www.hud.gov/offices/fheo/FHLaws/yourrights.cfm

the initial decision is rendered, any party that is adversely affected by that decision can petition the Secretary of HUD for review within 15 days. The Secretary has 30 days following the issuance of the initial decision to affirm, modify, or set aside the decision, or call for further review of the case. If the Secretary does not take any further action on the complaint within 30 days of the initial decision, the decision will be considered final. After that, any aggrieved party must appeal to take up their grievance in the appropriate court of appeals.[70]

The North Dakota Department of Labor and Human Rights

The complaint, investigation, and enforcement procedures provided for in North Dakota's housing discrimination law are closely modeled upon those of the federal Fair Housing Act; as noted, HUD has deemed the law to be substantially equivalent to the FHA in the protections it provides to state residents. Of course, the two differ in that the protected class designations identified under state law are more expansive than those included in the federal law. Consequently, those who have suffered discrimination on the basis of age, marital status, or use of public assistance may file a complaint with the Department of Labor and Human Rights (DOLHR), along with those who have experienced discrimination on the basis of classes protected under the FHA.

After a complainant has filed a complaint with the DOLHR, the department will notify the person or business against whom the complaint is directed, who has ten days to respond to the complaint. As in the federal complaint process, the DOLHR will attempt to broker a conciliation agreement between the parties to the complaint at the same time that it investigates the claim. If the parties reach such an agreement, and it is approved by the department, the investigation will end.

If the parties are unable to reach a conciliation agreement, the department will prepare a final investigative report. If the department determines that there is sufficient evidence to support a charge of discrimination it will issue such a charge within a hundred days of the filing of the complaint, unless it determines that the complaint involves the legality of a state or local zoning or land use law or ordinance, in which case it will refer the matter to the state attorney general. The department also will not issue a charge of discrimination if the complainant has elected to pursue the matter in a civil trial and the trial has already begun.

Once a complainant, respondent, or aggrieved party[71] has been served with a copy of the charge of discrimination, he or she has twenty days to request that the matter be decided in a civil action; otherwise, the complaint will proceed to an administrative hearing. If any party to the complaint elects to pursue the matter in a civil action, the state attorney general will file an action with the appropriate court on behalf of the aggrieved party. The attorney may also file a claim, at the request of the department, if the department has reason to believe that the defendant is engaged in a pattern or practice of discrimination, or if the case is of "general public importance", in the estimation of the department.

If the department determines during an administrative hearing that the defendant has engaged or is about to engage in discriminatory behavior, it may order the defendant to provide

[70] "HUD's Title VIII Fair Housing Complaint Process." http://www.hud.gov/offices/fheo/complaint-process.cfm
[71] Under N.D.C.C. 14-02.5-01, an "aggrieved" party is "any person who claims to have been injured by a discriminatory housing practice or believes that the person will be injured by a discriminatory housing practice that is about to occur."

"appropriate relief, including actual damages, reasonable attorney's fees, court costs, and other injunctive or equitable relief." Similar relief is available to those who elect to pursue the matter in a civil action, with the possible addition of punitive damages. It should be noted that complainants may not file a civil action based on alleged discrimination if that discrimination has been resolved through conciliation, nor if it forms the basis for an ongoing administrative hearing. Of course, since housing discrimination is a violation of state and federal law, defendants may also elect to pursue the matter in a civil action from the outset, foregoing the complaint process outlined above entirely.[72]

The High Plains Fair Housing Center

The High Plains Fair Housing Center accepts complaints from North Dakota residents who believe that they have been subjected to illegal discrimination in the housing market, and serves as an advocate for those residents during the complaint process. Typically, the Center refers complaints it receives to the Housing and Employment Law Clinic at the University of North Dakota's School of Law. Though the purpose of the School of Law is primarily educational, it is able to represent a small number of complainants referred by the Fair Housing Center.

SUMMARY

Fair housing services are provided to residents of North Dakota through a variety of agencies and organizations at the federal and state level. Fair housing policy is administered at the federal level by HUD, which promotes outreach and education; provides for fair housing enforcement; accepts complaints from American residents who believe that they have been subjected to unlawful discrimination; and coordinates with local fair housing agencies and organizations, providing funding and expertise. Enforcement of the state and federal fair housing laws is carried out at the state level by the North Dakota Department of Labor and Human Rights, under the auspices of the Fair Housing Assistance Program (FHAP).

Though North Dakota residents were also served in prior years by Fair Housing of the Dakotas, the organization dissolved late in 2010 following a loss of funding from HUD. Prior funding had been awarded to the organization through its participation in the Fair Housing Initiatives Program (FHIP). As of FY 2014, there have been no FHIP grantees in the state since 2010. However, the newly-formed High Plains Fair Housing Center is available to assist residents of the state of who believe that they have been subjected to unlawful discrimination in the housing market by accepting fair housing complaints, advocating for complainants, and providing outreach and education on the subject of fair housing. The Fair Housing Center works in coordination with the Housing and Employment Law Clinic at the University of North Dakota School of Law, which is able to represent a small number of complainants referred by the Fair Housing Center.

[72] N.D.C.C. Chapter 14-02.5

SECTION V. FAIR HOUSING IN THE PRIVATE SECTOR

As part of the AI process, the U.S. Department of Housing and Urban Development (HUD) suggests that the analysis focus on possible housing discrimination issues in both the private and public sectors. Examination of housing factors in the State of North Dakota's public sector is presented in **Section VI**, while this section focuses on research regarding the State's private sector, including the mortgage lending market, the real estate market, the rental market, and other private sector housing industries.

LENDING ANALYSIS

HOME MORTGAGE DISCLOSURE ACT

Since the 1970s, the federal government has enacted several laws aimed at promoting fair lending practices in the banking and financial services industries. A brief description of selected federal laws aimed at promoting fair lending follows:

> The 1968 *Fair Housing Act* prohibits discrimination in housing based on race, color, religion, and national origin. Later amendments added sex, familial status, and disability. Under the Fair Housing Act, it is illegal to discriminate against any of the protected classes in the following types of residential real estate transactions: making loans to buy, build, or repair a dwelling; selling, brokering, or appraising residential real estate; and selling or renting a dwelling.
>
> The *Equal Credit Opportunity Act* was passed in 1974 and prohibits discrimination in lending based on race, color, religion, national origin, sex, marital status, age, receipt of public assistance, and the exercise of any right under the Consumer Credit Protection Act.
>
> The *Community Reinvestment Act* was enacted in 1977 and requires each federal financial supervisory agency to encourage financial institutions in order to help meet the credit needs of the entire community, including low- and moderate-income neighborhoods.
>
> Under the *Home Mortgage Disclosure Act (HMDA)*, enacted in 1975 and later amended, financial institutions are required to publicly disclose the race, sex, ethnicity, and household income of mortgage applicants by the Census tract in which the loan is proposed as well as outcome of the loan application.[73] The analysis presented herein is from the HMDA data system.

[73] *Closing the Gap: A Guide to Equal Opportunity Lending,* The Federal Reserve Bank of Boston, April 1993. http://www.bos.frb.org/commdev/closing-the-gap/closingt.pdf

The HMDA requires both depository and non-depository lenders to collect and publicly disclose information about housing-related applications and loans.[74] Both types of lending institutions must meet the following set of reporting criteria:

- The institution must be a bank, credit union, or savings association;
- The total assets must exceed the coverage threshold;[75]
- The institution must have had an office in a Metropolitan Statistical Area (MSA);
- The institution must have originated at least one home purchase loan or refinancing of a home purchase loan secured by a first lien on a one- to four-family dwelling;
- The institution must be federally insured or regulated; and
- The mortgage loan must have been insured, guaranteed, or supplemented by a federal agency or intended for sale to the Federal National Mortgage Association (FNMA or Fannie Mae) or the Federal Home Loan Mortgage Corporation (FHLMC or Freddie Mac). These agencies purchase mortgages from lenders and repackage them as securities for investors, making more funds available for lenders to make new loans.

For other institutions, including non-depository institutions, additional reporting criteria are as follows:

- The institution must be a for-profit organization;
- The institution's home purchase loan originations must equal or exceed 10 percent of the institution's total loan originations, or more than $25 million;
- The institution must have had a home or branch office in an MSA or have received applications for, originated, or purchased five or more home purchase loans, home improvement loans, or refinancing mortgages on property located in an MSA in the preceding calendar year; and
- The institution must have assets exceeding $10 million or have originated 100 or more home purchases in the preceding calendar year.

HMDA data represent most mortgage lending activity and are thus the most comprehensive collection of information available regarding home purchase originations, home remodel loan originations, and refinancing. The Federal Financial Institutions Examination Council (FFIEC) makes HMDA data available on its website. While HMDA data are available for more years than are presented in the following pages, modifications were made in 2004 for documenting loan applicants' race and ethnicity, so data are most easily compared after that point.

Home Purchase Loans

Lending institutions in North Dakota handled approximately 218,000 loan applications and loans purchased from other institutions from 2004 through 2014, as shown in Table V.1 on the following page. Of these, 93,692 were home purchase loans, representing approximately 43 percent of all loans or loan applications.

[74] Data are considered "raw" because they contain entry errors and incomplete loan applications. Starting in 2004, the HMDA data made significant changes in reporting, particularly regarding ethnicity data, loan interest rates, and the multi-family loan applications.

[75] Each December, the Federal Reserve announces the threshold for the following year. The asset threshold may change from year to year based on changes in the Consumer Price Index for Urban Wage Earners and Clerical Workers.

Table V.1
Purpose of Loan by Year
Non-Entitlement Areas of North Dakota
2004–2013 HMDA Data

Purpose	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	Total
Home Purchase	8,917	10,855	10,756	9,480	8,416	7,916	8,211	8,847	9,780	10,514	93,692
Home Improvement	2,183	2,448	2,427	2,645	2,087	1,740	1,638	1,732	1,735	2,021	20,656
Refinancing	11,391	10,522	9,107	8,754	8,860	13,396	11,652	9,659	10,703	9,594	103,638
Total	**22,491**	**23,825**	**22,290**	**20,879**	**19,363**	**23,052**	**21,501**	**20,238**	**22,218**	**22,129**	**217,986**

Because access to homeownership is the focus of this analysis, the following discussion will be confined to trends in home purchase loans for owner-occupied housing units. Additional loan statuses, "Not Owner Occupied" or "Not Applicable", may refer to loans on housing units in which the applicant does not intend to reside. Accordingly, the ability to secure such a loan is not necessarily linked to an individual's ability to choose where he or she lives. As shown in Table V.2 below, 86,801 loan applications were intended to finance the purchase of a unit in which the applicant intended to live, representing over 92 percent of all home purchase loan applications.

Table V.2
Occupancy Status for Home Purchase Loan Applications
Non-Entitlement Areas of North Dakota
2004–2013 HMDA Data

Status	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	Total
Owner-Occupied	8,333	10,061	10,031	8,815	7,852	7,511	7,693	8,069	8,906	9,530	86,801
Not Owner-Occupied	520	718	682	632	542	382	483	726	804	929	6,418
Not Applicable	64	76	43	33	22	23	35	52	70	55	473
Total	**8,917**	**10,855**	**10,756**	**9,480**	**8,416**	**7,916**	**8,211**	**8,847**	**9,780**	**10,514**	**93,692**

Denial Rates

After the owner-occupied home purchase loan application is submitted, the applicant receives one of the following status designations:

- "Originated," which indicates that the loan was made by the lending institution;
- "Approved but not accepted," which notes loans approved by the lender but not accepted by the applicant;
- "Application denied by financial institution," which defines a situation wherein the loan application failed;
- "Application withdrawn by applicant," which means that the applicant closed the application process;
- "File closed for incompleteness" which indicates the loan application process was closed by the institution due to incomplete information; or
- "Loan purchased by the institution," which means that the previously originated loan was purchased on the secondary market.

These outcomes were used to determine denial rates presented in the following section. Factors in denial of home purchase loans, such as credit scores or down payment amounts, are not reported in every report submitted through the HMDA, so the reasons for specific loan denials are often unknown. However, with that caveat in mind, the ratio of loan originations to loan denials can be seen as an indicator of the overall success or failure of home purchase loan

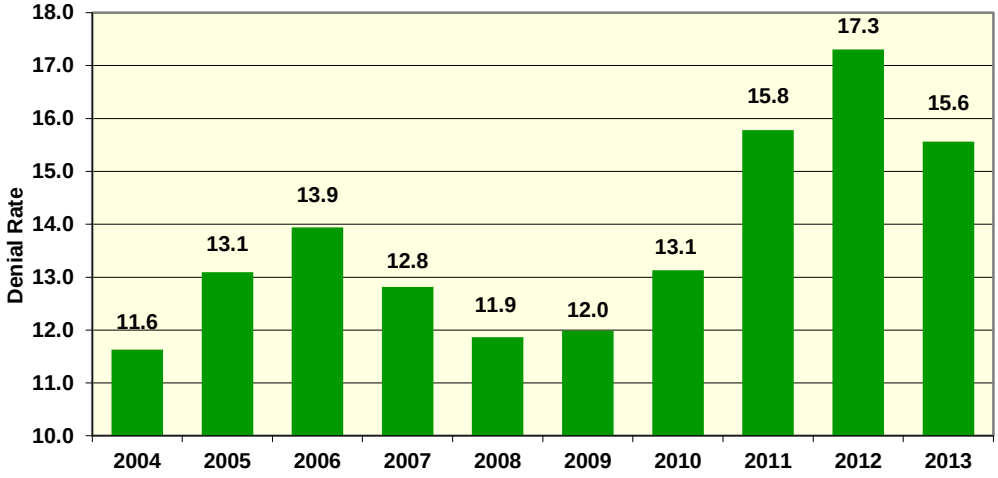
applicants. As shown in Table V.3 below, 51,243 owner-occupied home purchase loans were originated, and 8,174 were denied, for an overall denial rate of 13.8 percent.

Table V.3
Loan Applications by Action Taken
Non-Entitlement Areas of North Dakota
2004–2013 HMDA Data

Action	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	Total
Loan Originated	5,242	5,906	5,673	5,170	4,851	4,590	4,703	4,594	5,093	5,421	51,243
Application Approved but not Accepted	265	347	483	339	306	207	263	360	377	353	3,300
Application Denied	690	890	919	760	653	625	711	861	1,066	999	8,174
Application Withdrawn by Applicant	438	642	568	474	424	488	435	510	517	631	5,127
File Closed for Incompleteness	193	228	260	236	108	51	40	73	166	82	1,437
Loan Purchased by the Institution	1,505	2,047	2,123	1,835	1,510	1,547	1,541	1,671	1,687	2,043	17,509
Preapproval Request Denied	0	1	4	1	0	3	0	0	0	1	10
Preapproval Approved but not Accepted	0	0	1	0	0	0	0	0	0	0	1
Total	**8,333**	**10,061**	**10,031**	**8,815**	**7,852**	**7,511**	**7,693**	**8,069**	**8,906**	**9,530**	**86,801**
Denial Rate	**11.6%**	**13.1%**	**13.9%**	**12.8%**	**11.9%**	**12.0%**	**13.1%**	**15.8%**	**17.3%**	**15.6%**	**13.8%**

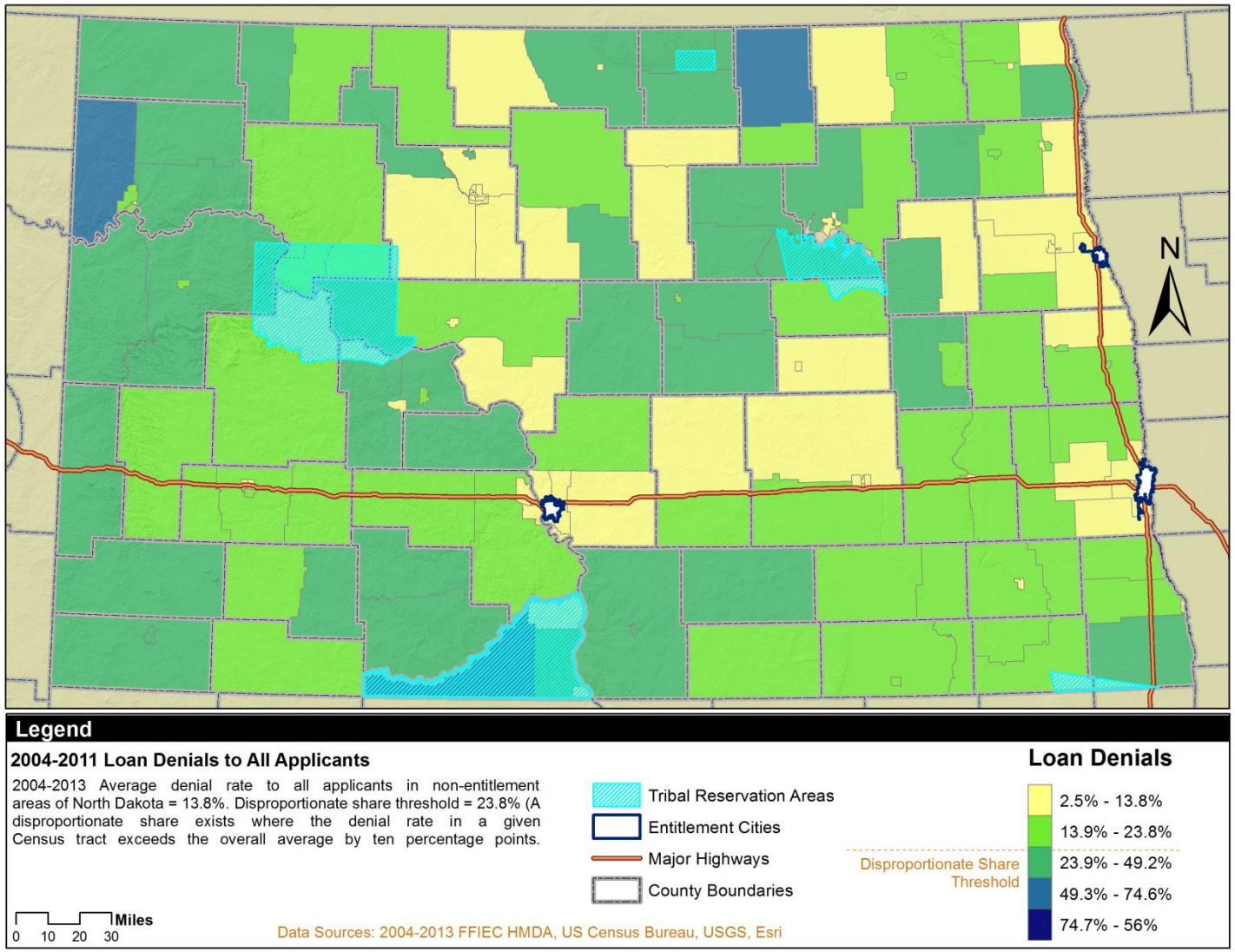
Annual denial rates fluctuated considerably between 2004 and 2013, as shown in Diagram V.1 below. After rising to 13.9 percent in 2006, the denial rate had fallen to 11.9 percent in 2008, only to rise rapidly over the next four years. By 2012, the denial rate stood at 17.3 percent. However, in 2013 the denial rate fell by two percentage points.

Diagram V.1
Denial Rates by Year
State of North Dakota
2004–2013 HMDA Data

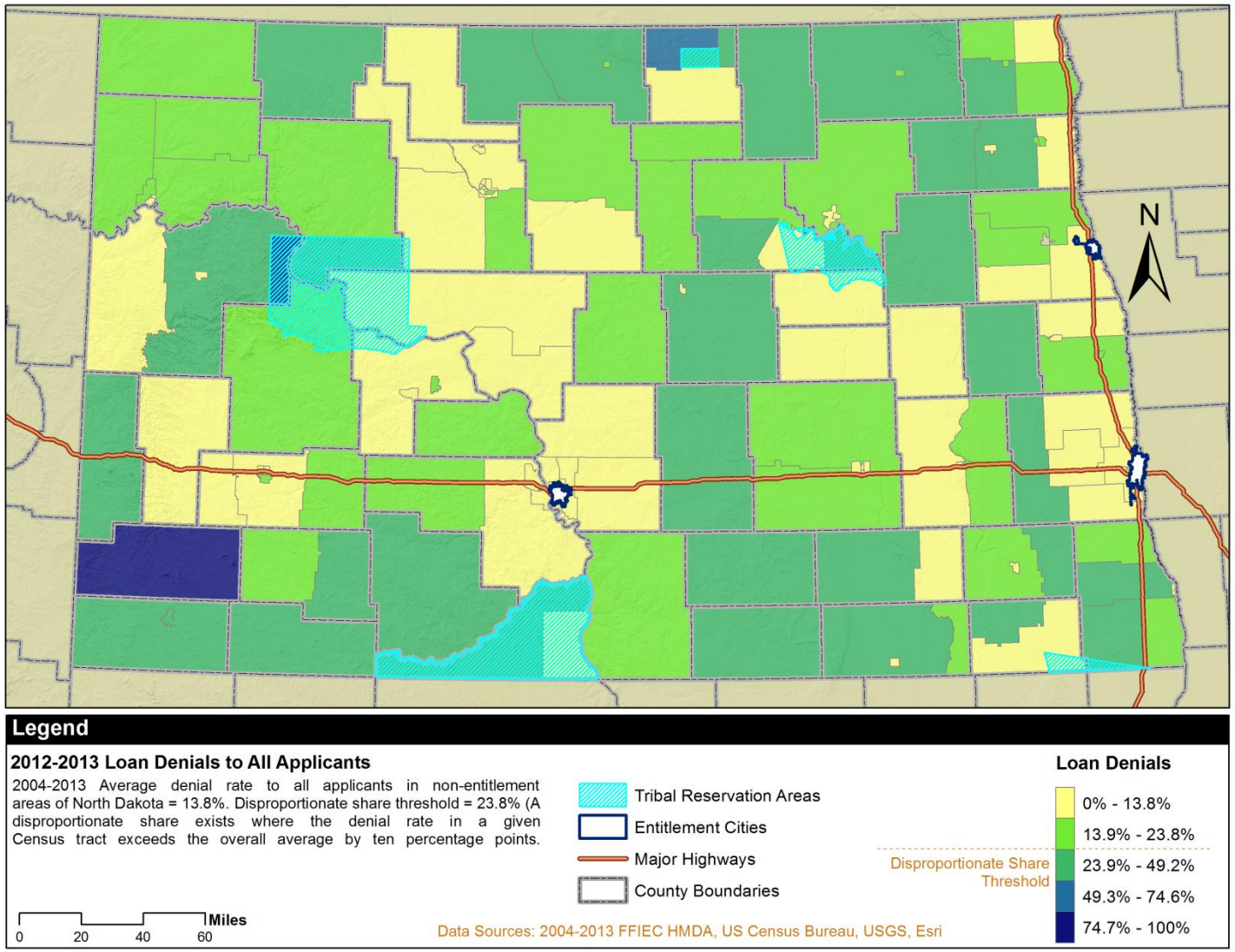


In addition to showing marked variation by year, loan denial rates showed considerable variation by geographic location. As shown in Map V.1 on the following page, denial rates in individual Census tracts ranged from 2.5 percent to 56 percent. These denial rates tended to be lower in Census tracts located in and around the state's more populous areas and higher in rural areas in the west of the state. However, it should be noted that the denial rates in many rural areas were based on a relatively small number of loans. However, the relatively high denial rate observed in the large tract to the west of Williston was based on over 160 applications and originations.

Map V.1
Denial Rates by Census Tract, 2004-2011
Non-Entitlement Areas of North Dakota
2004–2013 HMDA Data



Map V.2
Denial Rates by Census Tract, 2012-2013
Non-Entitlement Areas of North Dakota
2004-2013 HMDA Data



The incidence of loan denials throughout the state is presented in Map V.2 on the previous page. The overall pattern in loan denials observed in 2012-2013 was similar to what was observed during the prior period in that Census tracts located in and around more populous areas tended to have lower denial rates. Once again, denial rates in large rural Census tracts were often based on a relatively small number of loans.

Denial rates also varied according to the gender of the applicant, as shown in Table V.4 below. Female applicants were denied at a rate of 16.4 percent on average over the ten-year period, a denial rate that exceeded the denial rate for male applicants by 3.7 percentage points. The difference between denial rates for male and female applicants was greatest in 2005, at 6.2 percentage points, and smallest in 2011, at 0.6 percentage points.

Table V.4
Denial Rates by Gender of Applicant
Non-Entitlement Areas of North Dakota
2004–2013 HMDA Data

Year	Male	Female	Not Available	Not Applicable	Average
2004	10.6%	14.3%	23.3%	.0%	11.6%
2005	11.5%	17.7%	16.4%	%	13.1%
2006	12.5%	17.4%	20.9%	.0%	13.9%
2007	11.8%	15.4%	17.3%	.0%	12.8%
2008	10.6%	14.4%	25.8%	.0%	11.9%
2009	11.3%	13.8%	16.7%	.0%	12.0%
2010	12.3%	15.1%	22.0%	.0%	13.1%
2011	15.3%	15.9%	29.7%	%	15.8%
2012	16.2%	20.9%	26.5%	.0%	17.3%
2013	14.6%	18.1%	26.8%	.0%	15.6%
Average	**12.7%**	**16.4%**	**21.5%**	**.0%**	**13.8%**

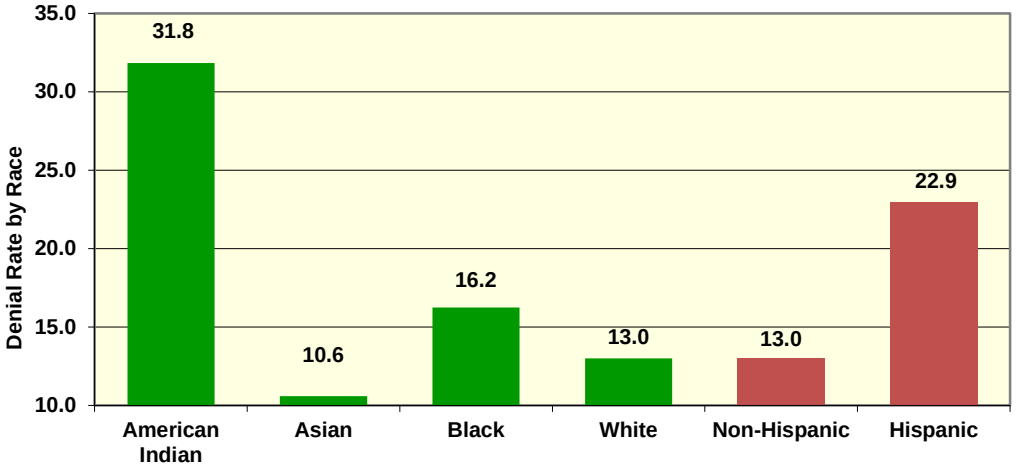
However, more pronounced variation was observed in denial rates for applicants of different racial and ethnic groups, as shown in Table V.5 below Thirteen percent of loan applications from white applicants were denied in the period from 2004 through 2013. By contrast, 31.8 percent of applications from American Indian applicants were turned down over the same period, more than twice the average denial rate. Similarly, the denial rate for Hispanic applicants, at 22.9 percent between 2004 and 2013, exceeded that of non-Hispanic applicants by nearly ten percentage points.

Table V.5
Denial Rates by Race/Ethnicity of Applicant
Non-Entitlement Areas of North Dakota
2004–2013 HMDA Data

Race/Ethnicity	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	Average
American Indian	32.1%	36.8%	25.0%	23.0%	26.9%	28.2%	34.8%	37.7%	36.6%	39.8%	31.8%
Asian	10.0%	10.9%	7.5%	12.7%	5.3%	7.7%	10.0%	3.4%	15.7%	17.0%	10.6%
Black	26.5%	17.1%	4.4%	9.7%	22.6%	13.8%	8.7%	27.6%	28.2%	9.1%	16.2%
White	10.4%	12.1%	13.4%	12.3%	11.2%	11.5%	12.6%	15.0%	16.3%	14.7%	13.0%
Not Available	28.8%	23.0%	21.1%	19.7%	23.1%	16.9%	20.7%	29.1%	35.0%	27.5%	24.0%
Not Applicable	.0%	%	.0%	.0%	.0%	0.0%	0.0%	%	.0%	.0%	.0%
Average	**11.6%**	**13.1%**	**13.9%**	**12.8%**	**11.9%**	**12.0%**	**13.1%**	**15.8%**	**17.3%**	**15.6%**	**13.8%**
Non-Hispanic	11.1%	12.0%	13.3%	12.3%	11.2%	11.5%	12.5%	14.8%	16.2%	14.5%	13.0%
Hispanic	17.8%	21.9%	19.4%	16.2%	20.3%	24.7%	17.0%	25.3%	32.9%	28.3%	22.9%

The racial and ethnic discrepancies in denial rates over the ten-year period are presented in Diagram V.2 on the following page.

Diagram V.2
Denial Rates by Race/Ethnicity of Applicant
Non-Entitlement Areas of North Dakota
2004–2012 HMDA Data



The geographic distribution of loan denials to American Indian applicants is presented in Map V.3 on the following page. As shown, American Indian applicants were subjected to relatively high rates of loan denials throughout the state. In many cases, those denial rates were based on a small number of loan applications. However, a relatively high number of loan applications were submitted by American Indian residents in the Census tracts surrounding the Turtle Mountain reservation, an area which also saw an above-average rate of loan denials.

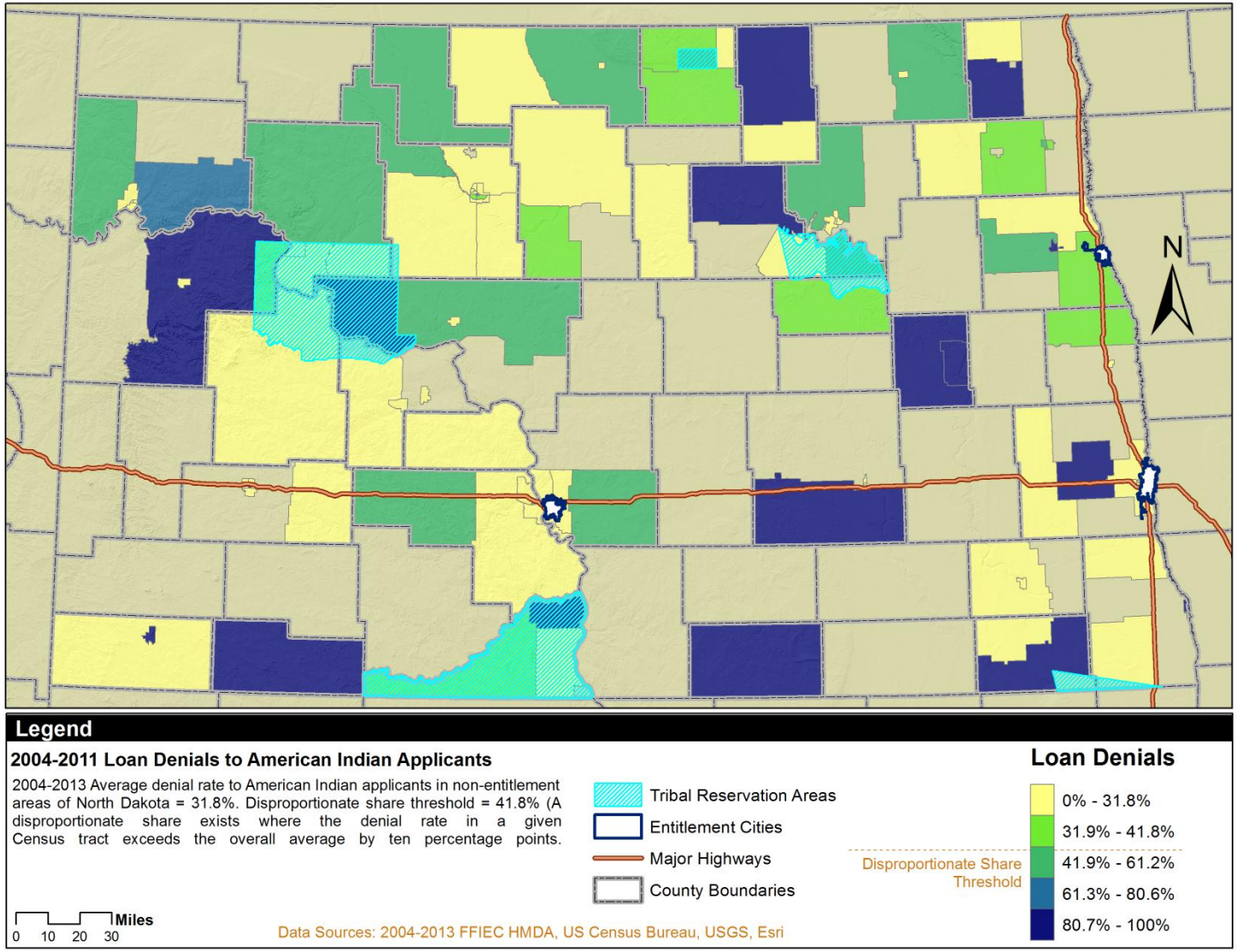
The denial rate for Hispanic applicants is presented by Census tract in Map V.4 on page 84. As had been the case in loan denials for American Indian applicants, few Hispanic applicants typically submitted loan applications in any given Census tract. In most cases, tracts that received higher numbers of applications from Hispanic applicants had lower rates of denials to Hispanic residents.

Data available through the HMDA often include information regarding the reason for a loan denial, although as noted previously financial institutions are not uniformly required to fill out this field. Nevertheless, where these data were included they suggest that credit history was the most common primary factor in loan denials by a considerable margin, as shown in Table V.6 below. The next most common factor was debt-to-income ratio, followed by collateral.

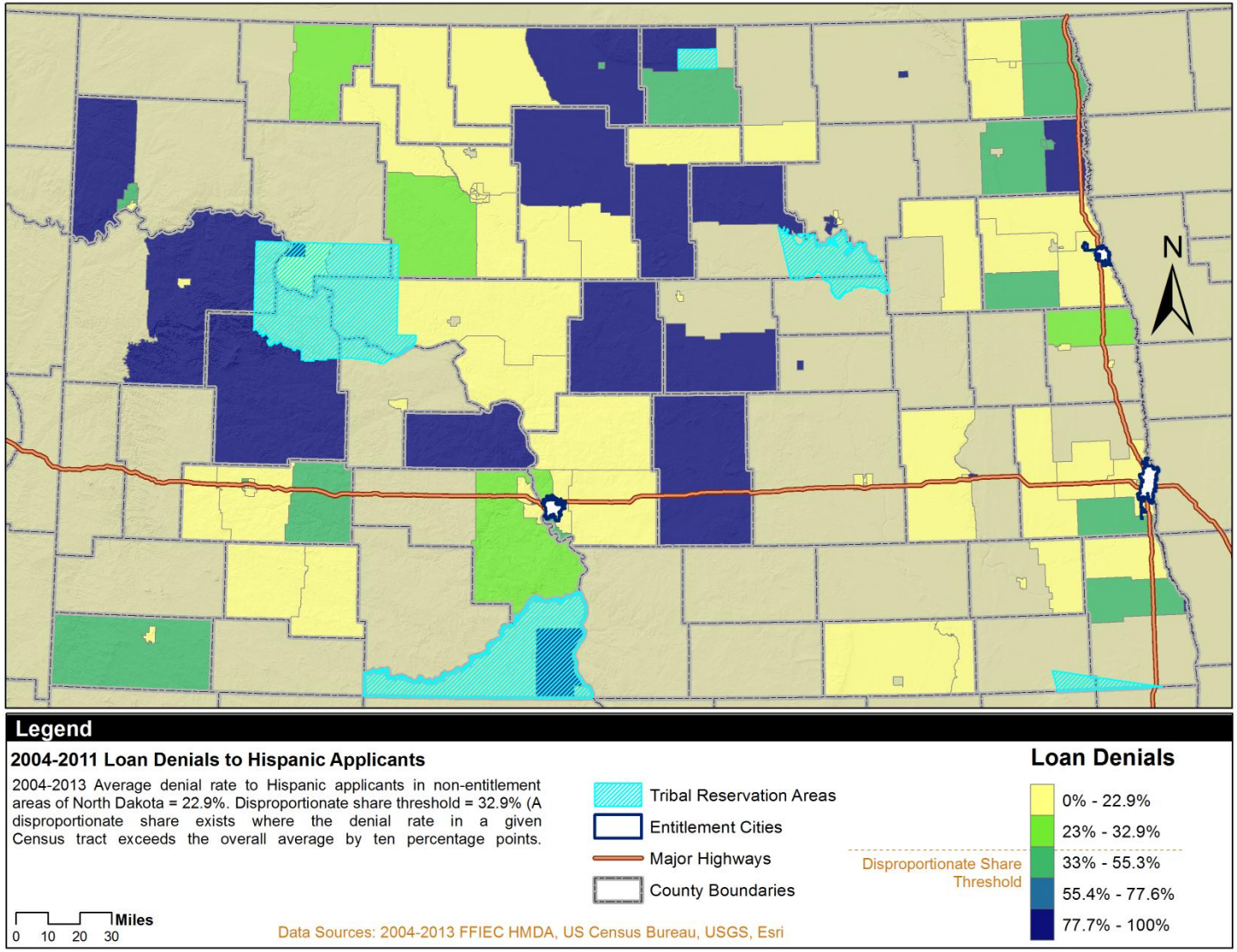
Table V.6
Loan Applications by Reason for Denial
Non-Entitlement Areas of North Dakota
2004–2013 HMDA Data

Denial Reason	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	Total
Debt-to-Income Ratio	103	93	150	114	130	142	152	183	200	178	1,445
Employment History	17	18	24	17	24	38	47	66	75	39	365
Credit History	148	260	255	179	152	164	185	266	376	226	2,211
Collateral	69	87	93	74	97	80	76	87	132	151	946
Insufficient Cash	24	32	17	22	22	19	24	25	29	20	234
Unverifiable Information	15	26	27	17	15	11	17	19	24	17	188
Credit Application Incomplete	41	37	56	28	17	14	22	33	45	29	322
Mortgage Insurance Denied	0	0	0	1	1	5	0	3	2	0	12
Other	83	180	93	53	39	28	44	45	66	48	679
Missing	190	157	204	255	156	124	144	134	117	291	1,772
Total	**690**	**890**	**919**	**760**	**653**	**625**	**711**	**861**	**1,066**	**999**	**8,174**

Map V.3
Denial Rates for American Indian Applicants by Census Tract, 2004-2011
Non-Entitlement Areas of North Dakota
2004–2013 HMDA Data



Map V.4
Denial Rates for Hispanic Applicants by Census Tract, 2004-2011
Non-Entitlement Areas of North Dakota
2004–2013 HMDA Data



It is not surprising that denial rates for applicants tended to fall as the income of the applicants increased, particularly given the prominence of unfavorable debt-to-income ratios as a reason for loan denials. As shown in Table V.7 below, the average denial rate for those making $15,000 a year or less was 56.8 percent over the decade. Denial rates fell progressively with entry into higher income brackets, to 9.8 percent for those making more than $75,000 per year.

Table V.7
Denial Rates by Income of Applicant
Non-Entitlement Areas of North Dakota
2004–2013 HMDA Data

Income	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	Total
$15,000 or Below	47.5%	51.6%	54.8%	50.9%	56.6%	67.6%	75.0%	60.0%	76.2%	81.0%	56.8%
$15,001–$30,000	19.6%	21.7%	23.0%	23.6%	24.0%	29.0%	25.1%	34.2%	39.4%	36.2%	25.3%
$30,001–$45,000	12.0%	14.8%	15.4%	13.4%	12.0%	13.4%	15.3%	18.2%	20.8%	20.3%	15.2%
$45,001–$60,000	9.6%	10.5%	11.6%	11.9%	10.9%	11.0%	13.8%	15.8%	16.3%	15.7%	12.6%
$60,001–$75,000	5.7%	7.8%	11.4%	9.9%	9.4%	7.9%	9.4%	13.6%	15.2%	14.3%	10.7%
Above $75,000	6.4%	7.6%	8.7%	8.7%	7.8%	7.2%	8.7%	10.9%	13.7%	12.2%	9.8%
Data Missing	14.1%	20.0%	18.3%	9.6%	11.0%	9.2%	18.3%	20.4%	12.2%	10.1%	15.0%
Total	**11.6%**	**13.1%**	**13.9%**	**12.8%**	**11.9%**	**12.0%**	**13.1%**	**15.8%**	**17.3%**	**15.6%**	**13.8%**

However, discrepant rates of loan denials by race and ethnicity persisted even when income was taken into account, as shown in Table V.8 below. This was particularly notable in the case of American Indian applicants, nearly a quarter of who were denied loans in spite of making more than $75,000 per year. By comparison, white applicants in the same income bracket were denied in 9.3 percent of loan applications. Similarly, the denial rate for Hispanic applicants earning more than $75,000 per year was, at 22.7 percent, twice the denial rate of non-Hispanic applicants in the same income bracket.

Table V.8
Denial Rates of Loans by Race/Ethnicity and Income of Applicant
Non-Entitlement Areas of North Dakota
2004–2013 HMDA Data

Race	<= $15K	$15K–$30K	$30K–$45K	$45K–$60K	$60K–$75K	Above $75K	Data Missing	Average
American Indian	54.8%	43.3%	31.9%	31.8%	22.7%	24.5%	37.5%	31.8%
Asian	25.0%	31.0%	6.4%	13.2%	10.4%	7.0%	.0%	10.6%
Black	100.0%	45.8%	15.6%	20.8%	8.2%	9.9%	25.0%	16.2%
White	56.5%	23.5%	14.7%	11.8%	10.3%	9.3%	13.1%	13.0%
Not Available	65.6%	46.4%	23.0%	20.8%	16.5%	17.7%	52.8%	24.0%
Not Applicable	%	.0%	.0%	.0%	.0%	%	.0%	.0%
Average	**56.8%**	**25.3%**	**15.2%**	**12.6%**	**10.7%**	**9.8%**	**15.0%**	**13.8%**
Non-Hispanic	56.3%	23.8%	14.7%	11.9%	10.2%	9.1%	12.8%	13.0%
Hispanic	50.0%	42.6%	19.4%	17.7%	15.0%	22.7%	41.7%	22.9%

Predatory Style Lending

In addition to modifications implemented in 2004 to correctly document loan applicants' race and ethnicity, the HMDA reporting requirements were changed in response to the Predatory Lending Consumer Protection Act of 2002 as well as the Home Owner Equity Protection Act (HOEPA). Consequently, loan originations are now flagged in the data system for three additional attributes:

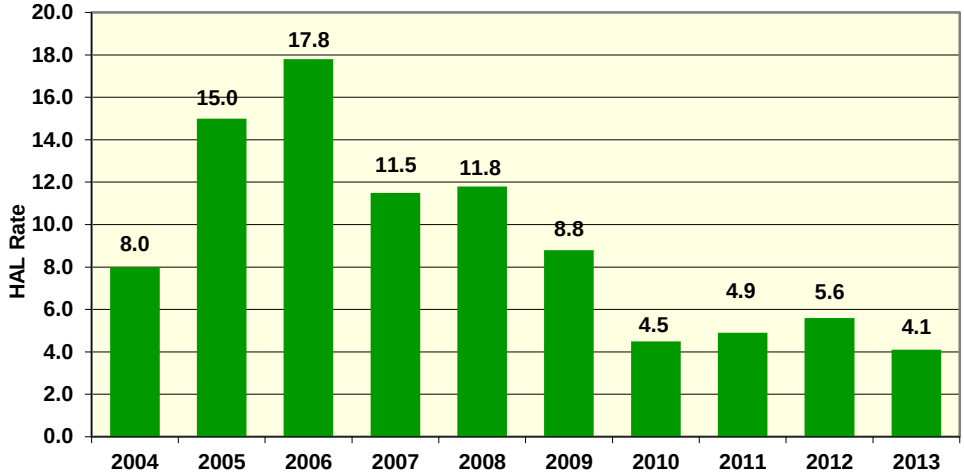
1. If they are HOEPA loans;[76]
2. Lien status, such as whether secured by a first lien, a subordinate lien, not secured by a lien, or not applicable (purchased loans); and
3. Presence of high annual percentage rate loans (HALs), defined as more than three percentage points higher than comparable treasury rates for home purchase loans, or five percentage points higher for refinance loans.[77]

The share of loan originations that constituted HALs is presented in Table V.9 below. As shown, 9.4 percent of the loans issued in the state's non-entitlement areas consisted of these predatory-style loans. Yearly trends in HAL rates are presented in Diagram V.3 below. As shown, these loans constituted 17.8 percent of all loans issued in 2006, though since that time the HAL rate has fallen considerably. By 2010, the HAL rate had fallen below 5 percent.

Table V.9
Originated Owner-Occupied Loans by HAL Status
Non-Entitlement Areas of North Dakota
2004–2013 HMDA Data

Loan Type	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	Total
Other	4,821	5,020	4,665	4,574	4,281	4,185	4,490	4,370	4,810	5,198	46,414
HAL	421	886	1,008	596	570	405	213	224	283	223	4,829
Total	**5,242**	**5,906**	**5,673**	**5,170**	**4,851**	**4,590**	**4,703**	**4,594**	**5,093**	**5,421**	**51,243**
Percent HAL	8.0%	15.0%	17.8%	11.5%	11.8%	8.8%	4.5%	4.9%	5.6%	4.1%	9.4%

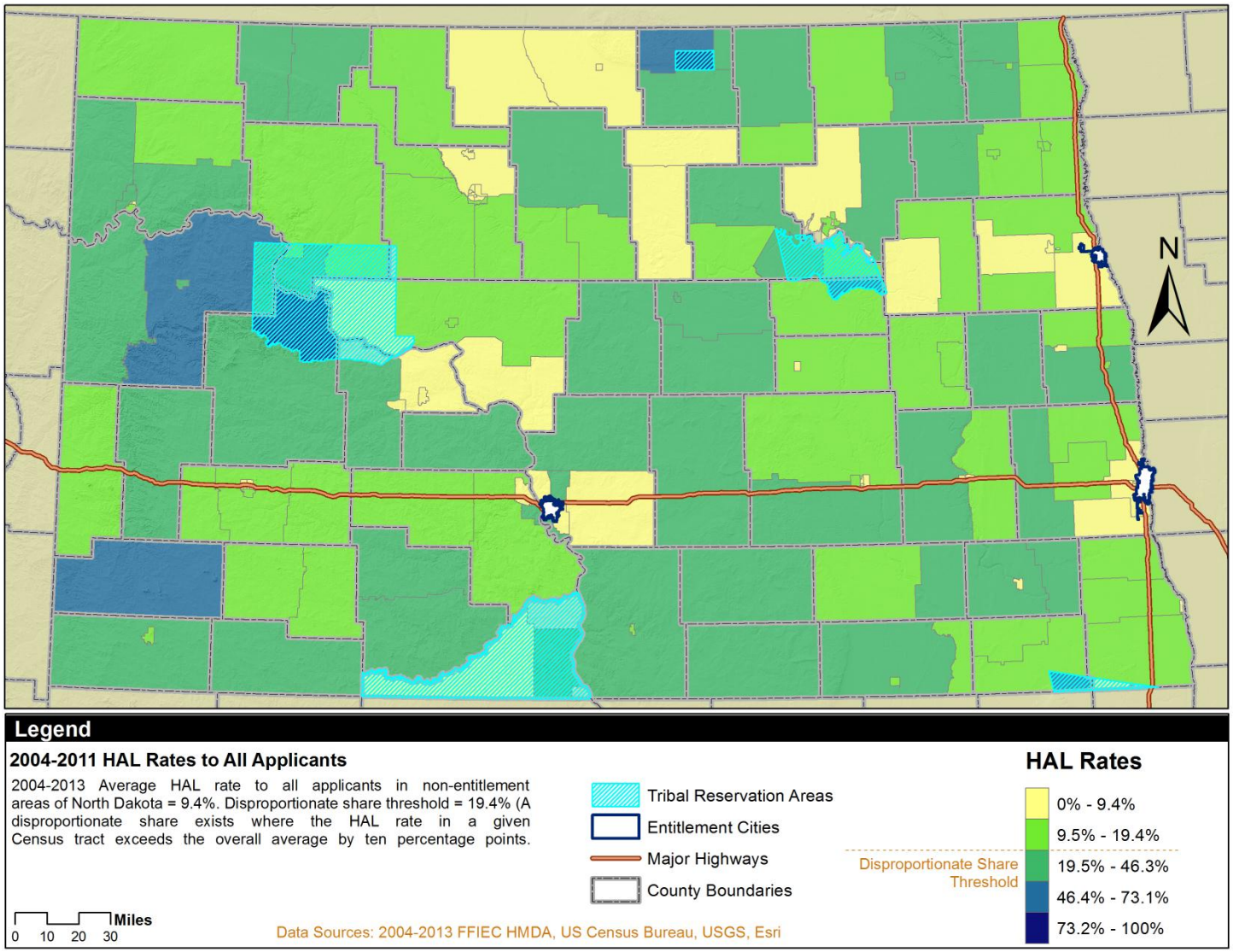
Diagram V.3
HAL Rates by Year
Non-Entitlement Areas of North Dakota
2004–2013 HMDA Data



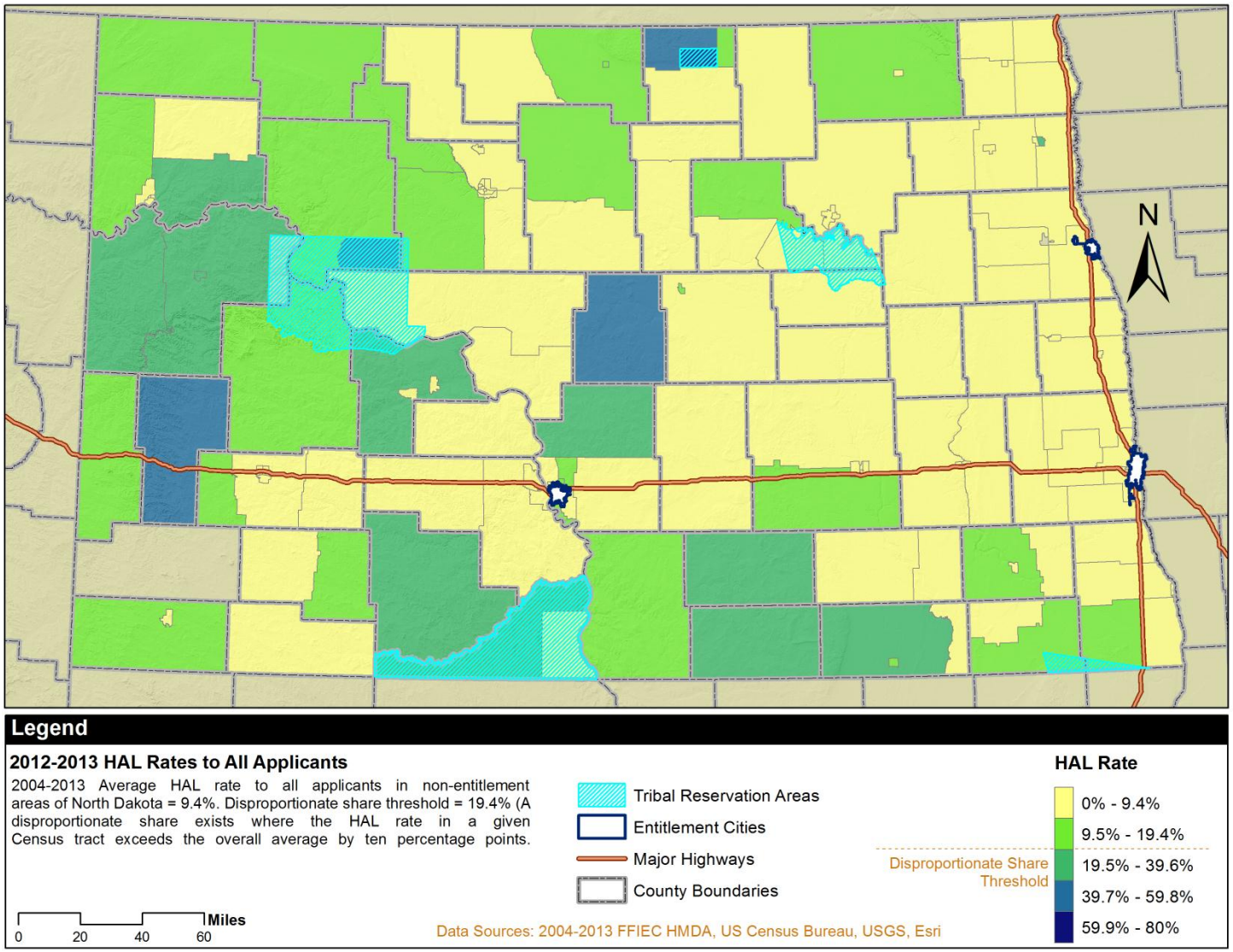
The distribution of HALs in the state's non-entitlement areas from 2004 through 2011 is presented in Map V.5 on the following page. Note that many areas with apparently high HAL rates actually saw relatively few loan originations during that time. However, approximately a fifth of all loan origination were HALs in the Census tracts surrounding Bismarck and one tract on the outskirts of Williston: all of these areas received a relatively high number of loan originations during the time period.

[76] Loans are subject to the HOEPA if they impose rates or fees above a certain threshold set by the Federal Reserve Board. "HMDA Glossary." http://www.ffiec.gov/hmda/glossary.htm#H
[77] 12 CFR Part 203, http://www.ffiec.gov/hmda/pdf/regc_020702.pdf

Map V.5
Rate of HALs by Census Tract, 2004-2011
Non-Entitlement Areas of North Dakota
2004–2013 HMDA Data



Map V.6
Rate of HALs by Census Tract, 2012-2013
Non-Entitlement Areas of North Dakota
2004–2013 HMDA Data



As noted, the HAL rate throughout North Dakota's non-entitlement areas has been relatively low in recent years. Accordingly, the number of Census tracts with high HAL rates has fallen in much of that area, as shown in Map V.6 on the previous page. Once again, the number of total loan originations in large, sparsely population Census tracts tended to be low. No more than ten loans were issued in any Census tract in which the HAL rate ranged from 39.7 to 59.8 percent. However, above-average HAL rates were observed around the entitlement city of Bismarck, in tracts with relatively high numbers of loan originations.

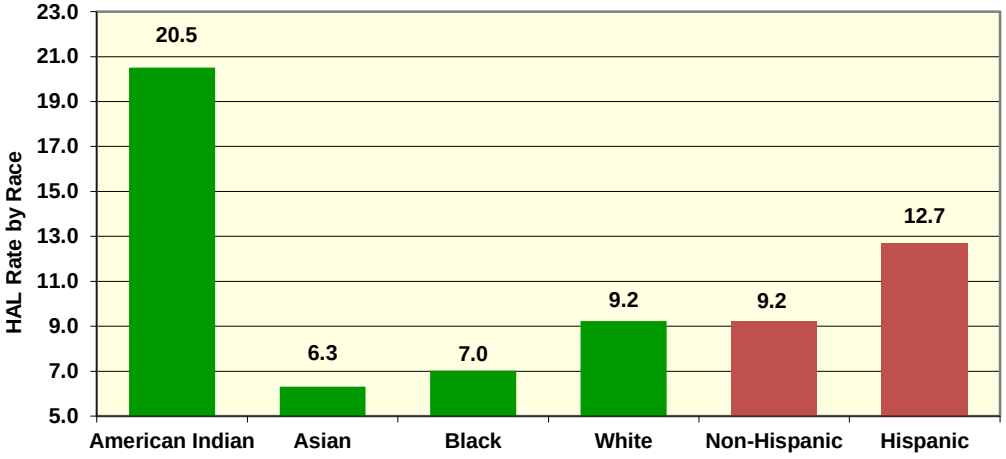
As had been the case with loan denials, the impact of HALs varied considerably according to the race and ethnicity of the borrower. As shown in Table V.10 below, American Indian borrowers were issued HALs at a rate of 20.5 percent, which exceeded that of white borrowers by 9.2 percent. Similarly, Hispanic borrowers received HALs at a rate of 12.7 percent, which exceeded the rate for non-Hispanic residents by over 3 percentage points.

Table V.10
Rate of HALs Originated by Race/Ethnicity of Borrower
Non-Entitlement Areas of North Dakota
2004–2013 HMDA Data

Race	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	Average
American Indian	29.8%	29.2%	25.0%	11.9%	12.3%	28.6%	24.4%	15.2%	17.3%	11.9%	20.5%
Asian	5.6%	14.6%	5.4%	8.3%	8.3%	2.8%	2.8%	.0%	7.0%	5.1%	6.3%
Black	8.0%	11.8%	18.6%	7.1%	8.3%	.0%	.0%	4.8%	3.6%	2.0%	7.0%
White	7.8%	14.5%	17.4%	11.5%	11.7%	8.7%	4.4%	4.9%	5.5%	4.1%	9.2%
Not Available	9.6%	21.3%	23.0%	13.1%	13.5%	7.9%	2.7%	2.8%	3.6%	2.2%	12.1%
Not Applicable	.0%	%	.0%	.0%	.0%	50.0%	.0%	%	.0%	.0%	3.6%
Average	**8.0%**	**15.0%**	**17.8%**	**11.5%**	**11.8%**	**8.8%**	**4.5%**	**4.9%**	**5.6%**	**4.1%**	**9.4%**
Non-Hispanic	8.4%	14.5%	17.1%	11.2%	11.8%	8.7%	4.2%	4.8%	5.4%	4.1%	9.2%
Hispanic	13.3%	20.0%	31.0%	24.2%	10.6%	9.1%	7.7%	.0%	3.8%	5.6%	12.7%

The relative distribution of HALs by racial and ethnic group is presented in Diagram V.4 below. In this diagram, racial and ethnic disparities in denial rates are readily apparent.

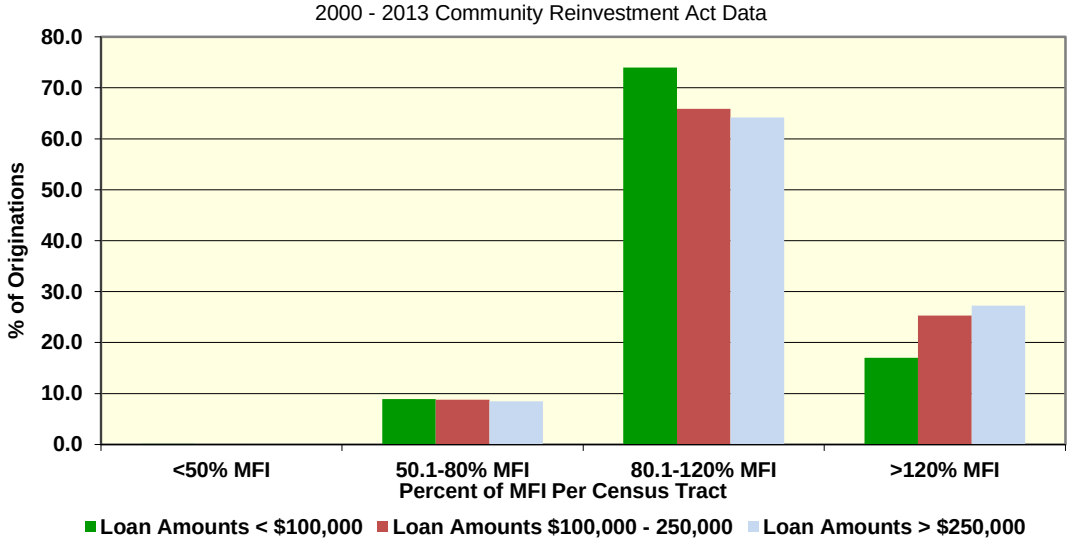
Diagram V.4
Rate of HALs Originated by Race/Ethnicity of Borrower
Non-Entitlement Areas of North Dakota
2004–2013 HMDA Data



COMMUNITY REINVESTMENT ACT DATA

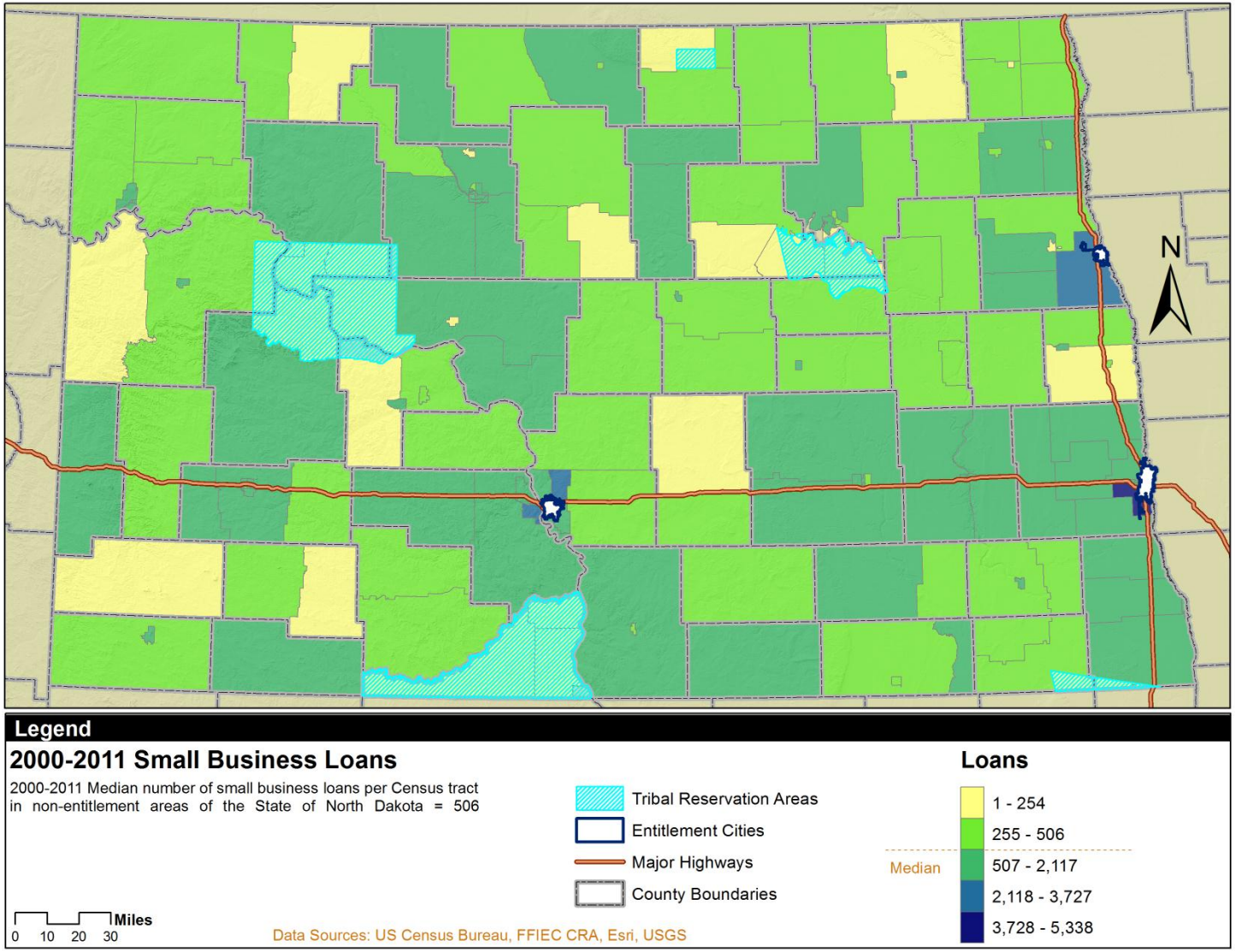
The economic vitality of neighborhoods can partly be measured through Community Reinvestment Act (CRA) data detailing the distribution of small business loans throughout the state, with 2000 Census tracts portrayed in one set of maps comprising the years from 2000 through 2011 and 2010 Census tracts portrayed in maps including data from 2012-2013. These loans were also analyzed to determine the location of funding by Census tract income level; these income levels are established with referenced to the HUD-defined area median family income. Diagram V.5 below presents the distribution of small business loans by value and by percent of MFI by Census tract. As shown, a majority of these loans were issued "middle" income Census tracts, in which tract median family incomes (MFI) ranged from 80 to 120 percent of the area median family income. Very few loans were issued in moderate-income Census tracts, and almost none were issued in lower-income tracts. Tables with complete CRA data are presented in Appendix A.

Diagram V.5
Percent of Small Business Loans Originated by Census Tract MFI
Non-Entitlement Areas of North Dakota
2000 - 2013 Community Reinvestment Act Data

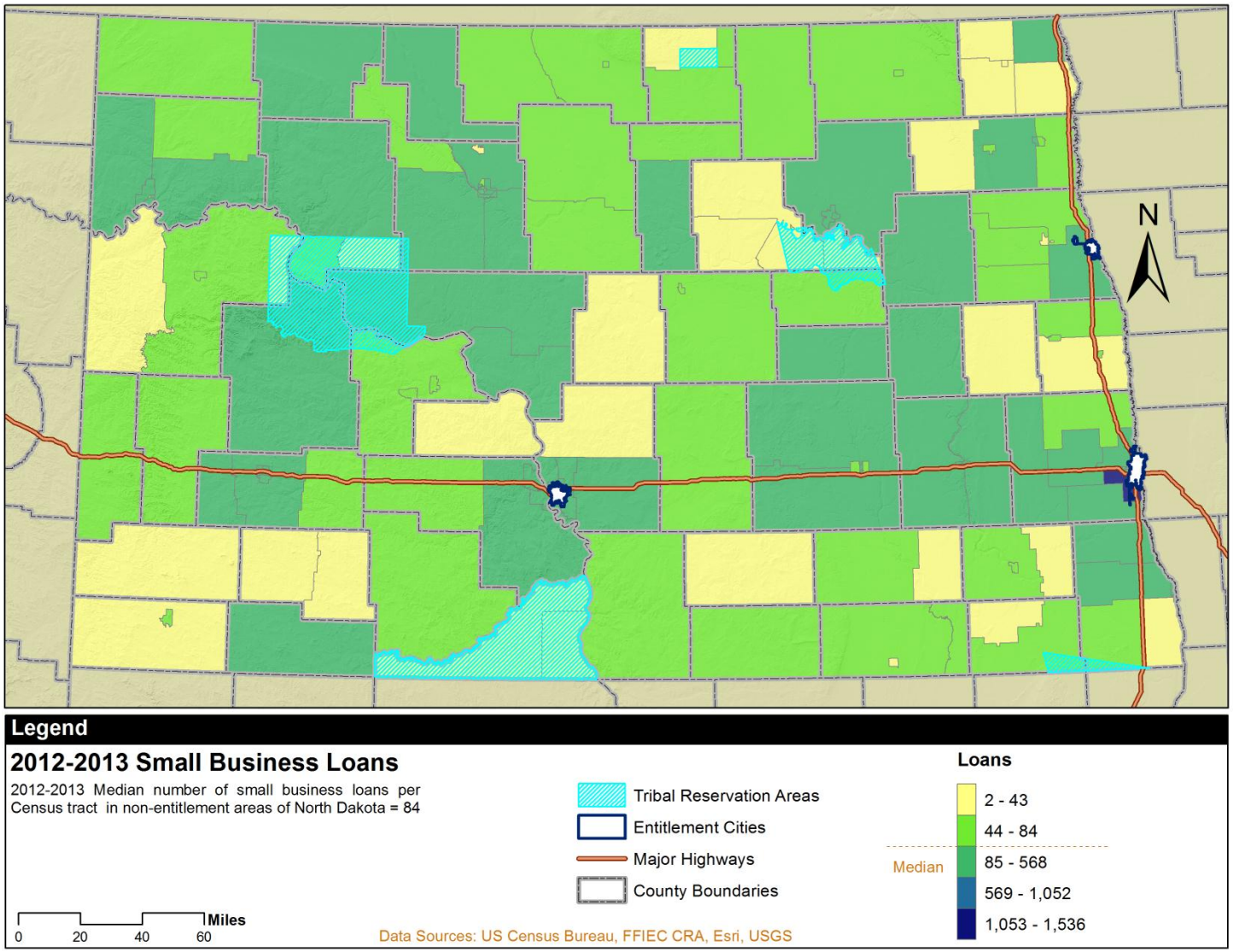


The geographic distribution of small business loan and loan dollars in the state's non-entitlement areas is presented in a series of maps beginning on the following page. As shown in Map V.7, small business loans issued from 2000 through 2011 were often concentrated in more populous areas throughout the state, particularly in and around the state's non-entitlement areas. These loans tended to be relatively uncommon in more sparsely populated, rural Census tracts. A similar overall pattern was observed in the period from 2012 through 2013, as shown in Map V.8 on page 92, though the number of small business loans issued in large rural tracts near Williston exceeded the statewide median during that time. Patterns in the total dollar value of loans issued in the state's non-entitlement areas followed the distribution of loans closely, as shown in Map V.9 on page 93 and Map V.10 on page 94. These maps present the distribution of loan dollars in 2000-2011 and 2012-2013, respectively.

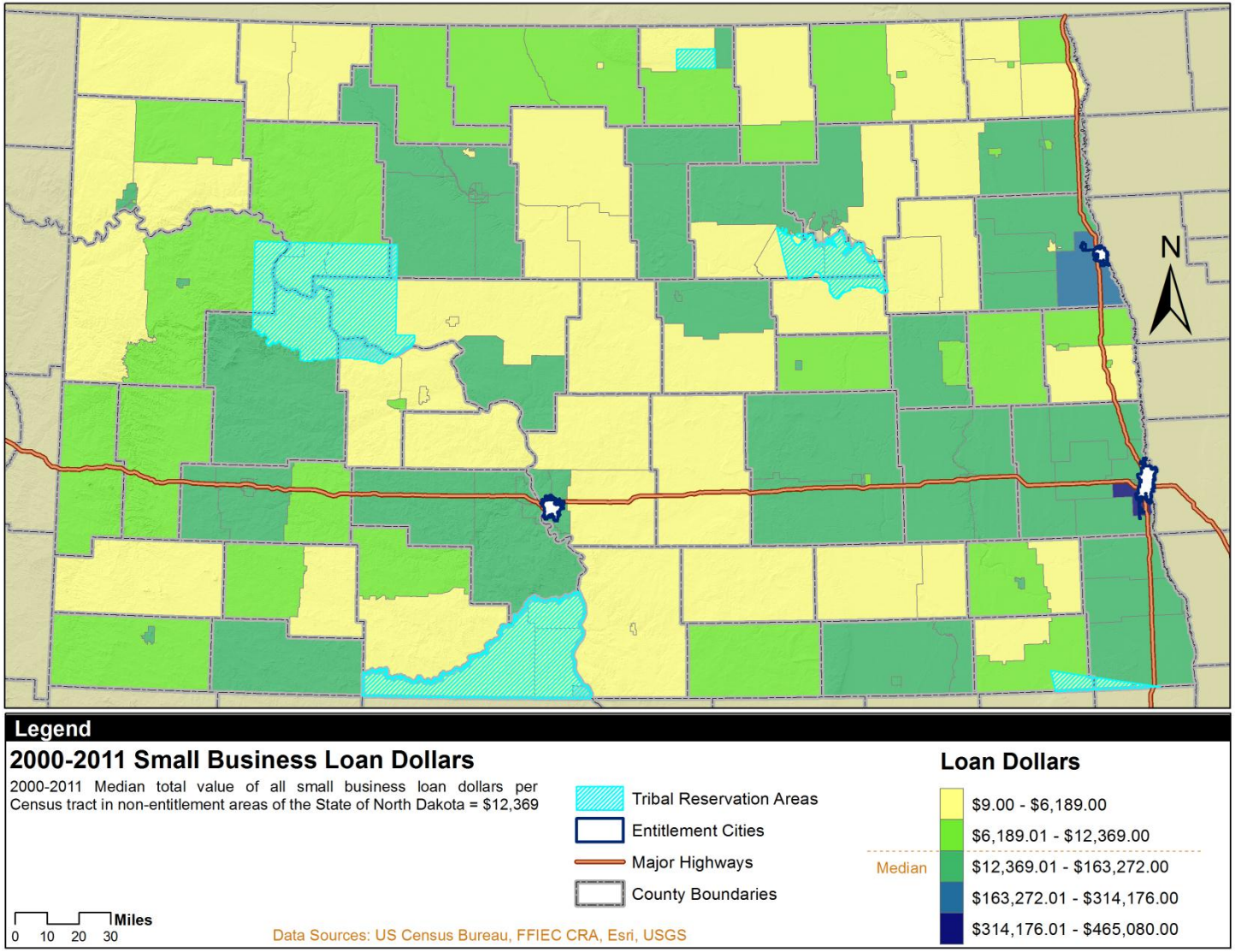
Map V.7
Number of Small Business Loans, 2000-2011
Non-Entitlement Areas of North Dakota
2000–2011 CRA Data



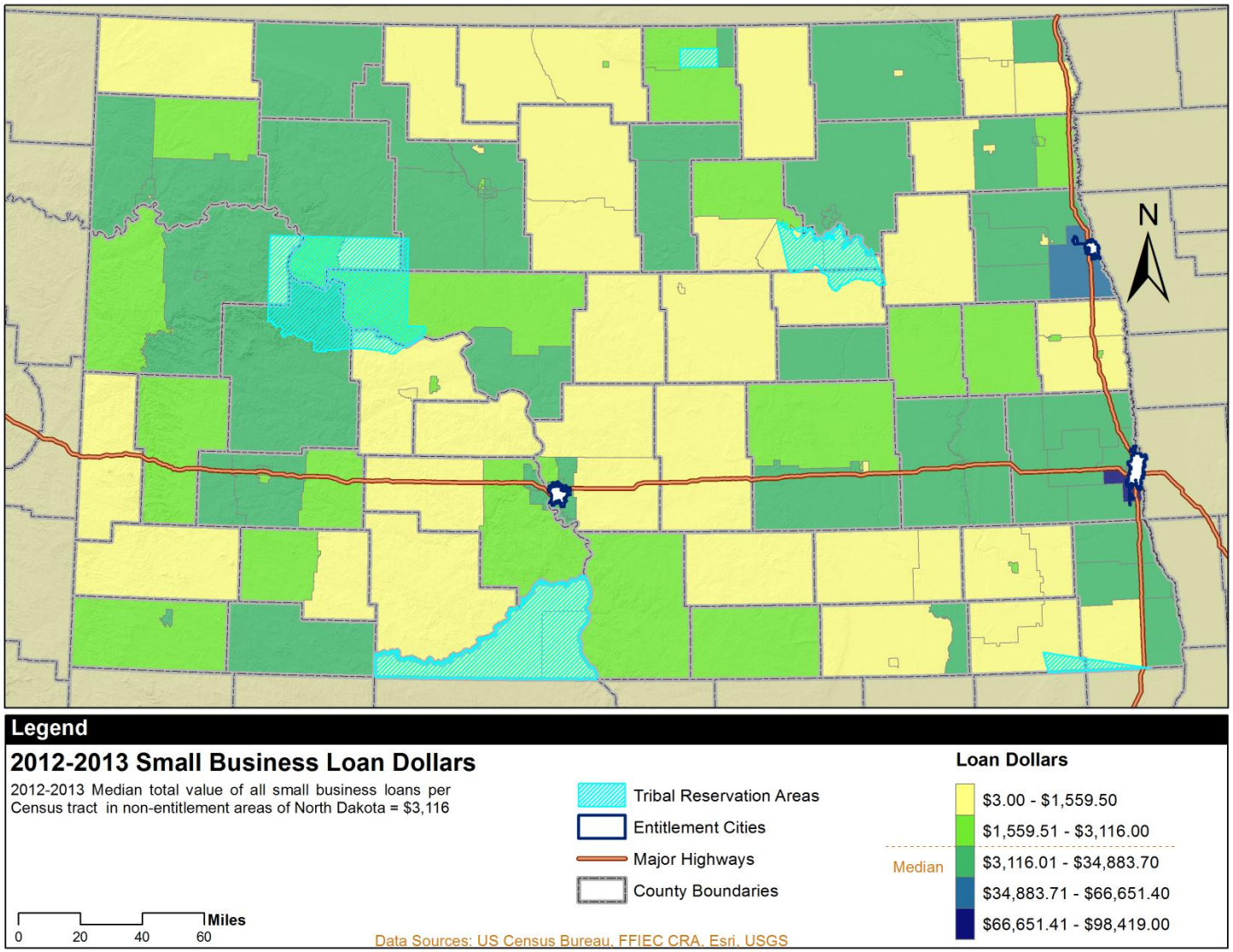
Map V.8
Number of Small Business Loans, 2012-2013
Non-Entitlement Areas of North Dakota
2012-2013 CRA Data



Map V.9
Amount of Small Business Loan Dollars, 2000-2011
Non-Entitlement Areas of North Dakota
2000–2011 CRA Data



Map V.10
Amount of Small Business Loan Dollars, 2012-2013
Non-Entitlement Areas of North Dakota
2012-2013 CRA Data



FAIR HOUSING COMPLAINTS

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HUD maintains records of complaints that represent potential and actual violations of federal housing law, as described previously in the complaint process review. Resident of the state's non-entitlement areas filed 159 fair housing complaints from 2004 through 2014. As shown in Table V.11 at right, disability was by far the most common discriminatory "bases", or perceived motivation for discrimination or protected class impacted. Forty-seven complaints alleged discrimination on the basis of physical disability and an equal number on the basis of mental disability (note that there may be some overlap between the two, since complainants may cite more than one discriminatory basis in a single complaint). The second most common complaint alleged discrimination on the basis of familial status, with race-based discrimination against black and Native-American residents representing the fourth and fifth most common complaints, respectively.

Table V.11
Basis of Fair Housing Complaints
Non-Entitlement Areas of North Dakota
HUD Data 2004 - 2014

Basis	Total
Disability - Physical	47
Disability - Mental	47
Familial Status	37
Race - Black	16
Race - Native American	15
National Origin - Other Origin	11
Color	10
Retaliation	10
Religion	7
Sex - Female	6
Sex - Male	2
Race - White	2
National Origin - Hispanic	2
Harassment	1
Total Basis	**213**
Total Complaints	159

The discriminatory practices alleged in these complaints, or complaint "issues", are summarized in Table V.12 below. As shown, discrimination in terms, conditions, or privileges relating to rental was the most common complaint issue, having been cited in 52 complaints. Failure to make reasonable accommodation was second, and was cited in 50 complaints. This is an issue that affects residents with disabilities; the fact that it is among the most common issues cited in HUD complaints overall is not surprising given the prevalence of disability-based complaints described above. A complete version of Table V.12 is included in Appendix D as Table D.2.

Table V.12
Issue of Fair Housing Complaints
Non-Entitlement Areas of North Dakota
HUD Data 2004 - 2014

Issues	Total
Discrimination in term, conditions or privileges relating to rental	52
Failure to make reasonable accommodation	50
Discriminatory terms, conditions, privileges, or services and facilities	43
Discriminatory acts under Section 818 (coercion, etc.)	42
Discriminatory refusal to rent	25
Discriminatory advertising, statements and notices	22
Discriminatory advertisement - rental	7
Failure to permit reasonable modification	7
Discrimination in services and facilities relating to rental	4
Steering	4
Discrimination in making of loans	3
False denial or representation of availability - rental	2
Discrimination in the terms or conditions for making loans	2
Otherwise deny or make housing available	2
False denial or representation of availability	1
Discrimination in the appraising of residential real property	1
Discrimination in terms, conditions, privileges relating to sale	1
Total Issues	**268**
Total Complaints	159

The housing complaints filed by residents of North Dakota's non-entitlement areas were most commonly found to have no cause, meaning that the HUD investigation did not produce sufficient evidence to conclude that discrimination had probably occurred, or was about to occur. However, as shown in Table V.13 below, 63 complaints were conciliated or settled successfully. For the purposes of this analysis, these complaints are considered to have cause, along with the complaints resolved via FHAP judicial consent order, the three complaints withdrawn by complainant after resolution, the complaint that was closed because a trial had begun, and the complaint that ended with a finding of discrimination after litigation. A complete version of this table, with data for all years, is presented in Appendix D as Table D.3.

Table V.13
Closure of Fair Housing Complaints
Non-Entitlement Areas of North Dakota
HUD Data 2004 - 2014

Closure	Total
No cause determination	70
Conciliation/settlement successful	63
Complaint withdrawn by complainant without resolution	7
FHAP judicial consent order	5
Complaint withdrawn by complainant after resolution	3
Complainant failed to cooperate	3
Dismissed for lack of jurisdiction	1
Closed because trial has begun	1
Litigation ended - discrimination found	1
Still Open	5
Total Closure	**159**

Table V.14 below presents the bases cited for the complaints considered to have cause: as had been the case in complaints overall, complaints based on mental or physical disability and familial status were the most common. Each of these complaints figured in more than thirty percent of complaints considered to have cause. The fourth most common complaint, which alleged racial discrimination against Native American residents, accounted for six complaints considered to have cause. A complete version of this table, with data for all years, is presented in Appendix D as Table D.4.

Table V.14
Basis of Fair Housing Complaints Found with Cause
Non-Entitlement Areas of North Dakota
HUD Data 2004 - 2014

Basis	Total
Disability - Mental	29
Disability - Physical	23
Familial Status	22
Race - Native American	6
Retaliation	6
Religion	2
Color	2
Race - Black	2
National Origin - Hispanic	2
National Origin - Other Origin	2
Sex - Male	1
Sex - Female	1
Harassment	1
Total Basis	**99**
Total complaints found with cause	73

The two most common discriminatory issues cited in complaints overall were also the most common in complaints considered to have cause. However, in the latter set of complaints, failure to make reasonable accommodation constituted the most frequent issue, followed by discrimination in terms, conditions, or privileges relating to rental. Complaints considered to have cause are summarized by issue in Table V.15 below. A complete version of this table, with data for all years, is presented in Appendix D as Table D.5.

Table V.15
Issue of Fair Housing Complaints Found with Cause
Non-Entitlement Areas of North Dakota
HUD Data 2004 - 2014

Basis	Total
Failure to make reasonable accommodation	23
Discrimination in term, conditions or privileges relating to rental	19
Discriminatory terms, conditions, privileges, or services and facilities	18
Discriminatory acts under Section 818 (coercion, etc.)	18
Discriminatory advertising, statements and notices	17
Discriminatory refusal to rent	14
Discriminatory advertisement - rental	5
Failure to permit reasonable modification	4
Discrimination in making of loans	2
Steering	2
False denial or representation of availability - rental	1
Discrimination in services and facilities relating to rental	1
Otherwise deny or make housing available	1
Total Basis	**125**
Total complaints found with cause	73

NORTH DAKOTA DEPARTMENT OF LABOR AND HUMAN RIGHTS

The North Dakota Department of Labor and Human Rights (DOLHR) received 295 complaints from residents of the state's non-entitlement areas from 2004 through 2014. As had been the case in complaints filed with HUD, a majority of these complaints alleged discrimination on the basis of disability. As shown in Table V.16 at right, 159 residents cited discrimination on this basis, while 64 alleged discrimination on the basis of race and 61 cited discrimination on the basis of family status. A complete version of this table, with data for all years, is presented in Appendix D as Table D.6.

Table V.16
Basis of Fair Housing Complaints
Non-Entitlement Areas of North Dakota
North Dakota Department of Labor and Human Rights

Basis	Total
Disability	159
Race	64
Family Status	61
Receipt of Public Assistance	35
National Origin	24
Color	20
Retaliation	10
Sex	8
Religion	7
Age	6
Marital Status	5
Gender	4
Total Basis	**403**
Total Complaints	295

More than half of the complaints filed with the DOLHR cited discrimination in the rental housing market: as shown in Table V.17 on the following page, 157 complaints alleged discrimination in terms of rental and 60 alleged refusal to rent (again, some of these allegations may have been combined in a single complaint). The second most common complaint basis alleged discrimination in connection with accommodation, which was cited in 98 complaints. This is also in keeping with trends observed in complaints filed with HUD, which included a large share of complaints alleging failure to make reasonable accommodation.

Table V.17
Issues of Fair Housing Complaints
Non-Entitlement Areas of North Dakota
North Dakota Department of Labor and Human Rights

Issues	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	Total
Terms of rental	11	12	13	32	18	11	12	9	9	14	16	157
Accommodation	2	10	8	12	8	15	7	5	14	6	11	98
Refusal to rent	4	12	3	14	6	5	4	2	7	2	1	60
Advertising	4	10	3	7	6	16	1	1	2	3		53
Harassment	1	1	2	4	3	3	3	5	1	5	12	40
Retaliation	2	2	1	4		6	1	2				18
Eviction		1							4	3	9	17
Non-renewal									3	4	1	8
Modification	2					1	2		1	1		7
Steering		3			1				2			6
Financing	2	3				1						6
Refusal to sell						1				1	1	3
Refusal to show						1				1		2
Other	1											1
Accessibility			1									1
Restrictive occupancy code				1								1
Total Issues	**29**	**54**	**31**	**74**	**42**	**60**	**30**	**24**	**43**	**40**	**51**	**478**
Total Complaints	22	25	23	48	28	38	18	15	25	24	29	295

As shown in Table V.18 at right, the DOLHR did not find enough evidence to issue a charge of discrimination in 119 complaints, which represented about 40 percent of all complaints filed with the agency during the time period. However, almost as many complaints were settled; these complaints constitute the complaints considered to have cause, along with the 15 that were withdrawn after resolution and 11 in which a charge of discrimination was issued. A complete version of this table, with data for all years, is presented in Appendix D as Table D.7.

Table V.18
Outcome of Fair Housing Complaints
Non-Entitlement Areas of North Dakota
North Dakota Department of Labor and Human Rights

Outcome	Total
No Reasonable Cause	119
Settled	118
Withdrawn with resolution	15
Charge issued	13
Withdrawn without resolution	11
Open	9
Dismissed	6
Failure to cooperate	3
Settled after charge issued	1
Total Outcomes	**295**

Table V.19
Issues of Fair Housing Complaints Found With Cause
Non-Entitlement Areas of North Dakota
North Dakota Department of Labor and Human Rights

Issues	Total
Accommodation	97
Terms of rental	86
Refusal to rent	59
Advertising	51
Harassment	26
Retaliation	12
Eviction	7
Steering	6
Modification	4
Financing	3
Refusal to sell	3
Non-renewal	1
Other	1
Accessibility	1
Restrictive occupancy code	1
Refusal to show	1
Total Issues Found with Cause	**359**
Total Complaints Found with Cause	147

Though more than half of all the complaints lodged with the DOLHR had alleged discrimination in terms of rental, accommodation was the most common discriminatory issue cited in complaints considered to have cause. As shown in Table V.19 at left, this issue was cited in 97 complaints, or more than 65 percent of those that were considered to have cause. Terms of rental and refusal to rent were the second and third most common issues, cited in 86 and 59 complaints, respectively. A complete version of this table, with data for all years, is presented in Appendix D as Table D.8.

FAIR HOUSING SURVEY – PRIVATE SECTOR RESULTS

Additional evaluation of fair housing within the State of North Dakota was conducted via an online survey of stakeholders that began in November 2014 The purpose of the survey was to gather insight into the knowledge, experiences, opinions, and feelings of stakeholders and interested citizens regarding fair housing. Results and comments related to the questions in the private sector are presented below, and additional survey results are discussed in **Sections VI** and **VII**.

The 2015 State of North Dakota Fair Housing Survey was completed by 224 persons in the state and was conducted entirely online. Individuals solicited for participation included representatives of housing groups, minority organizations, disability resource groups, real estate and property management associations, banking entities, and other groups involved in the fair housing arena. Most questions in the survey required simple "yes," "no," or "don't know" responses, although many questions allowed the respondent to offer written comments. When many respondents reported that they were aware of questionable practices or barriers, or when multiple narrative responses indicated similar issues, findings suggested likely impediments to fair housing choice.

Numerical tallies of results and summaries of some comment-driven questions are presented in this section. A complete list of written responses is available in Appendix B.

FAIR HOUSING IN THE PRIVATE SECTOR

In order to address perceptions of fair housing in the State of North Dakota's private housing sector, survey respondents were asked to identify their awareness of possible housing discrimination issues in a number of areas within the private housing sector, including the:

- Rental housing market,
- Real estate industry,
- Mortgage and home lending industry,
- Housing construction or accessible housing design fields,
- Home insurance industry,
- Home appraisal industry, and
- Any other housing services.

If respondents indicated that they were aware of possible discriminatory issues in any of these areas, they were asked to further describe issues in a narrative fashion. Tallies for each question are presented in Table V.20 on the following page. As shown, the number of respondents who claimed to be aware of questionable practices or barriers to fair housing choice in the private was typically low: less than 10 percent of respondents claimed to be aware of such barriers in any of the specific industries or fields, with the exception of the housing construction or accessible design fields and the rental housing market. Over twelve percent of respondents claimed to be aware of barriers to fair housing choice in the housing construction or accessible design fields, and many of those who provided additional commentary on this question shared a perception that neglect of accessibility requirements under the ADA was relatively common. According to one respondent, "[d]evelopers resist building accessible and even visitable housing."

Considerably more respondents claimed to be aware of barriers to fair housing choice in the rental housing market. According to these respondents, such barriers included refusal to rent based on color, race, religion, or language barriers, as well as a reluctance to rent to families with children. Several respondents maintained that landlords provided applicants with different information on the availability of rental units depending on the race or ethnicity of the applicant, with racial or ethnic minorities more likely to be told that units are not available.

Table V.20
Barriers to Fair Housing in the Private Sector
State of North Dakota
2015 Fair Housing Survey Data

Question	Yes	No	Don't Know	Missing	Total
Are you aware of any questionable practices or barriers to fair housing choice in:					
The rental housing market?	37	82	39	66	224
The real estate industry?	11	88	58	67	224
The mortgage and home lending industry?	4	78	75	67	224
The housing construction or accessible housing design fields?	19	79	59	67	224
The home insurance industry?	3	75	80	66	224
The home appraisal industry?	5	74	79	66	224
Any other housing services?	9	72	74	69	224

The topics discussed in commentary submitted with the private sector portion of the survey were wide-ranging, though a few dominant themes emerged upon review. Such themes included the following:

- The perception that discrimination was commonly directed at racial or ethnic minority residents, residents with large families, residents with disabilities, immigrants and refugees, and residents with limited proficiency in English;
- Failure to account for accessibility requirements in construction; and
- The relative prevalence of housing discrimination in the rental market, as compared to other markets, industries, or areas.

SUMMARY

Financial institutions throughout the state processed 218,000 loans and loan applications from 2004 through 2014. A majority of these were home purchase loans, and most home purchase loans were intended to finance the purchase of units in which the loan applicant intended to live. Over 51,000 loan applications were approved, and loans originated, while nearly 8,200 were denied, for a loan denial rate of 13.8 percent over the decade. Yearly denial rates fluctuated considerably during that time, peaking in 2006 at 13.9 percent and 2012 at 17.3 percent. Generally, denial rates were highest in the state's rural areas, and tended to be lower in and around more populous areas of the state.

On average, female applicants were denied loans at a rate of 16.4 percent, exceeding the denial rate for male applicants by 3.7 percentage points. However, variation among racial and ethnic groups was more pronounced: 31.8 percent of loan applications submitted by American Indian applicants were denied, compared to a denial rate of 13.0 percent for white applicants. Similarly, Hispanic applicants of all races were denied in 28.3 percent of applications, compared to a denial rate of 13.0 for non-Hispanic applicants.

A large percentage of applications were turned down due largely to credit history or unfavorable debt-to-income ratios; unsurprisingly, denial rates fell as incomes went up. However, discrepancies in denial rates for applicants of different racial and ethnic groups persisted, even among those who were similarly situated with respect to income: 9.3 percent of applications from white residents earning more than $75,000 were denied, compared to a denial rate of 24.5 percent for American Indian applicants in the same income bracket. Similarly, the denial rate for Hispanic residents earning more than $75,000 per year was, at 22.7 percent, more than double the denial rate for non-Hispanic residents in that income range.

Many applicants who were able to secure a home purchase loan were issued a loan with a relatively high interest rate. These high-cost loans, or HALs, represented 9.4 percent of all loans issued in the state's non-entitlement areas from 2004 through 2013. However, HAL rates have declined considerably since 2006, when 17.8 percent of loans were HALs. In recent years, these high cost loans have accounted for fewer than 5 percent of all owner-occupied home purchase loans. Census tracts with relatively high concentrations of HALs tended to be located in and around the state's tribal reservation areas. As one might expect, the HAL rate for American Indian applicants, at 20.5 percent, was considerably higher than the HAL rate for white applicants. Similarly, the HAL rate for Hispanic applicants, at 12.7 percent, exceeded that of non-Hispanic applicants by 9.2 percent.

Small business lending in the state tended to target more populous urban areas, and was highly concentrated in middle- to high-income Census tracts.[78] Such tracts tended to be located in and around more populous areas of the state from 2000 through 2013, especially Bismarck, Fargo, and Grand Forks.

As was noted previously, disability tends to rank as the most common basis for complaints lodged with HUD at the national level. North Dakota was no different: the two most common complaints lodged against housing providers in the state's non-entitlement areas concerned perceived discrimination on the basis of physical and mental disabilities, each cited in 47 complaints. The next most commonly alleged motivation for discrimination was familial status, cited in 37 complaints. According to complaints lodged with HUD, discrimination in terms, conditions, or privileges relating to rental was the most common discriminatory issue identified, followed by failure to make reasonable accommodation. Among complaints considered to have cause, failure to make reasonable accommodation was the most common complaint. Though the state Department of Labor and Human Rights received considerably more complaints over the same time period, the basic overall pattern in those complaints was similar to what was observed in complaints lodged with HUD.[79]

Those fair housing complaints suggest that discrimination was more commonly perceived in rental market transactions; that perception is borne out to some degree in the responses to the private sector portion of the 2015 North Dakota Fair Housing Survey. Though awareness of questionable practices or discriminatory issues in the private housing market was generally limited, nearly a quarter of respondents were aware of such issues in the rental housing market,

[78] Income levels are defined with reference to the median family income for the metropolitan statistical area or non-metropolitan areas in which the Census tract is located. These areas are designated by the Federal Financial Institutions Examination Council.
[79] Many of those complaints were the same, having been "dually filed" with HUD and the DOLHR.

including refusal or reluctance to rent based on color, race, religion, or language barriers, or to families with children.

SECTION VI. FAIR HOUSING IN THE PUBLIC SECTOR

While the previous section presented a review of the status of fair housing in the private sector, this section will focus specifically on fair housing in the public sector. The U.S. Department of Housing and Urban Development (HUD) recommends that the AI investigate a number of housing factors within the public sector, including health and safety codes, construction standards, zoning and land use policies, tax policies, and development standards. The AI should also examine the placement of public and publicly assisted housing as well as its access to government services.

PUBLIC SERVICES

Public or assisted housing can exist in several forms, including low-income housing projects, housing voucher programs, and supportive housing. The objective of public and other forms of assisted housing is to provide housing that is suitable for persons with special needs or families of low- to moderate-income levels and to promote access to jobs, transportation, and related community resources. Uneven distribution of public and assisted housing can be the result of an impediment such as land use policies that discourage multi-family or low-income housing in some areas, thus leading to segregation or the overconcentration of low-income and other populations.

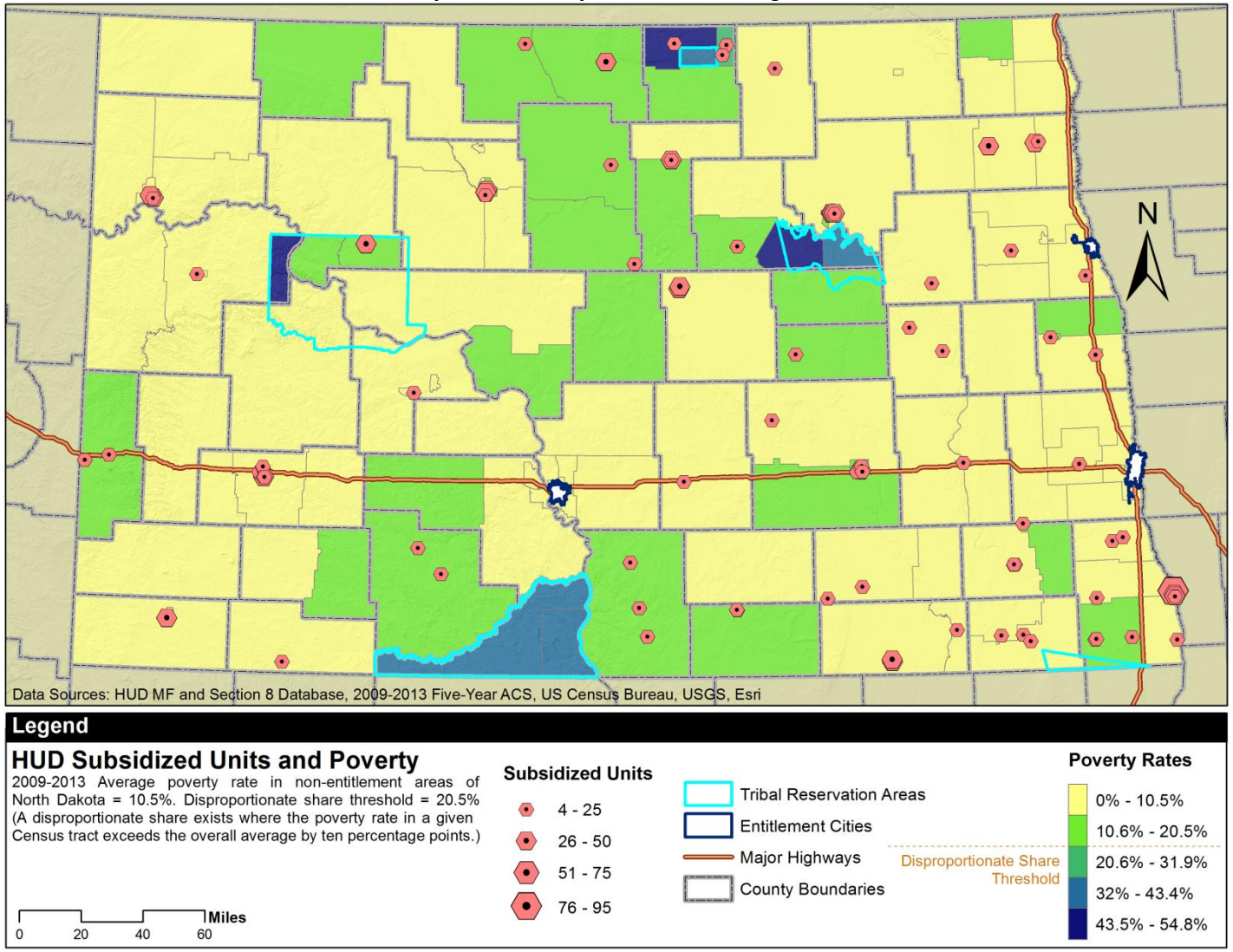
MULTI-FAMILY ASSISTED HOUSING UNITS

HUD maintains a database of housing projects that are funded through a variety of federal programs, including the Section 8 Program and supportive housing for elderly residents and residents with disabilities. As shown in Map VI.1 on the following page, these projects were distributed throughout the state's non-entitlement areas, and though there were clusters of projects in some of the more populous Census tracts and urban areas, there was not a strong tendency for such units to be located in areas with high concentrations of poverty.

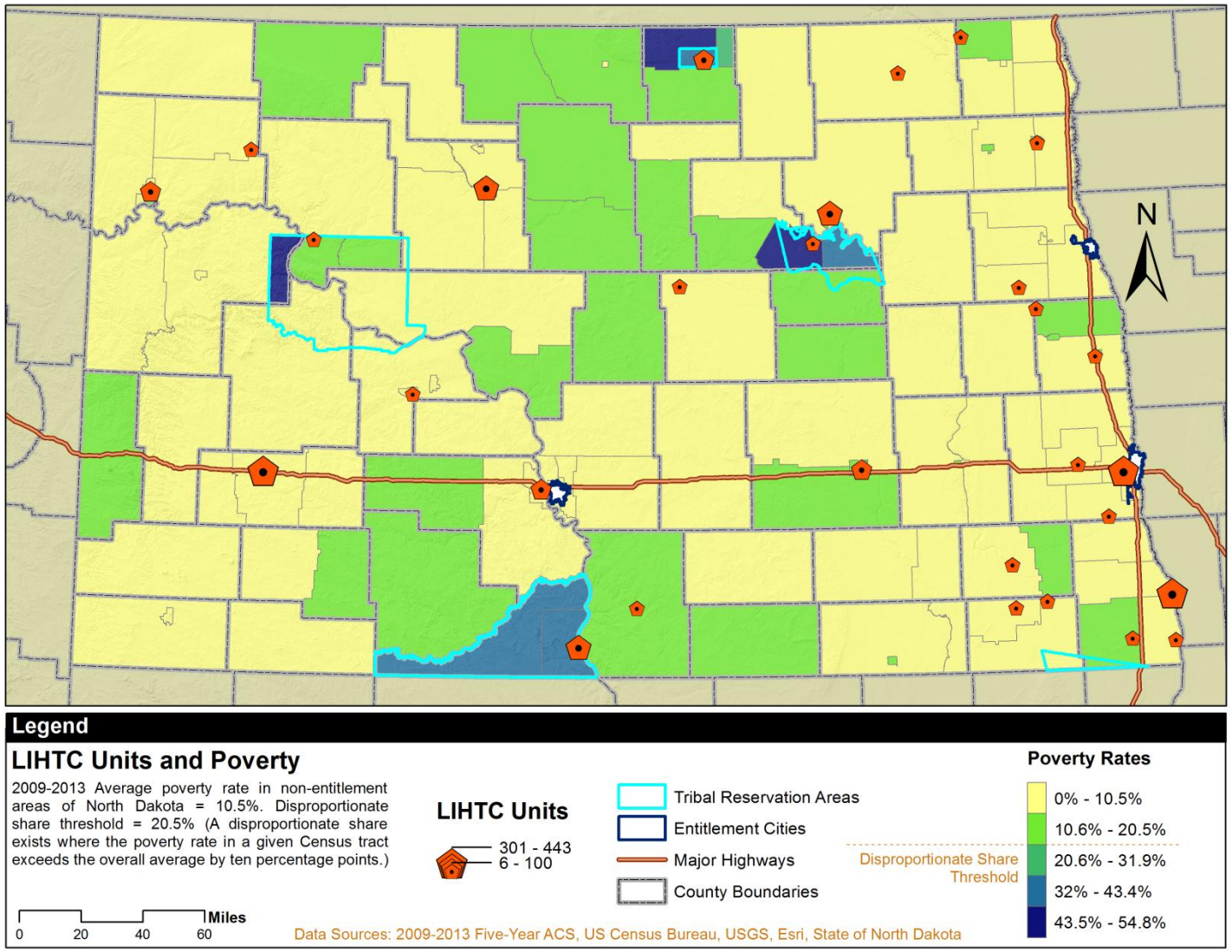
LOW-INCOME HOUSING TAX CREDITS

The LIHTC program is designed to promote investment in affordable rental housing by providing tax credits to developers of qualified projects. To qualify for the tax credits, housing projects must be residential rental properties in which a proportion of available units are rent-restricted and reserved for low-income families. Property owners are required to maintain rent and income restrictions for at least thirty years, pursuant to the HUD-mandated minimum affordability period, though in some areas they are required to operate under these restrictions for longer time periods. As shown in Map VI.2 on page 105, these units were widely distributed throughout the state, though they did tend to be more common in and around the more populous areas of the state. Like the multifamily units described above, LIHTC units did not show a tendency to be concentrated in Census tracts with relatively high poverty rates.

Map VI.1
Multi-Family Assisted Housing Units
Non-Entitlement Areas of North Dakota
February 2015 Multi-family and Section 8 Housing Database



Map VI.2
Low Income Housing Tax Credit (LIHTC) Units
Non-Entitlement Areas of North Dakota
State of North Dakota



PROJECT-BASED SECTION 8 HOUSING

Project-based Section 8 Housing is funded by HUD; eligibility for rental subsidies under this program is subject to set of HUD-defined criteria. Such criteria include maximum income limits and the "reasonableness" of the monthly rent charges as compared to units on the private market. The program covers monthly rental costs minus the tenant's contribution, which is at most thirty percent of his or her monthly adjusted income or ten percent of monthly unadjusted gross income. Project-based Section 8 subsidies are "attached" to housing units, in the sense that residents are only subsidized for as long as they live in those units.

As shown in Map VI.3 on the following page, these project-based units were distributed throughout the state, with larger projects appearing in or around Minot, Dickinson, and Wahpeton. These projects tended to be located closer to more populous areas of the state, though there were many located in rural areas. As had been the case with the subsidized units discussed previously, there was not a strong tendency for these units to be located in Census tracts with high poverty rates.

POLICIES AND CODES

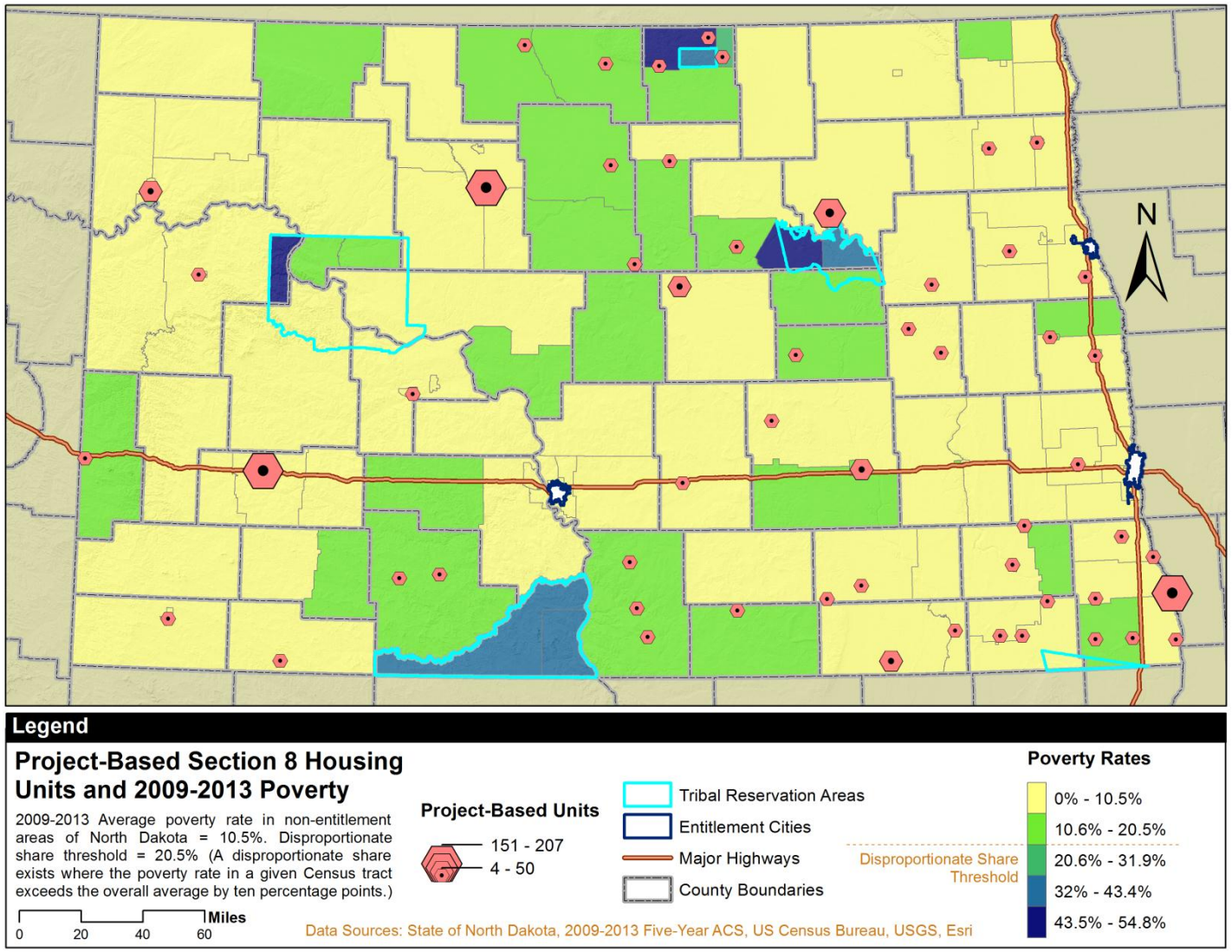
Information on municipal codes, ordinances, and other local policies were gathered through telephone interviews with officials from 18 non-entitlement communities in the State of North Dakota. A total of 22 local planning officials were contacted for the survey.

Most of the jurisdictions surveyed do include definitions for the terms "dwelling unit" or residential unit, as shown in Table VI.1 below. The actual content of these definitions varied considerably from one jurisdiction to another. Most jurisdictions also included guidelines to allow or encourage mixed-use development, and only five land-use planning officials considered their local ordinances to be restrictive of mixed-use development.

Table VI.1
Local Land-Use and Zoning Ordinances
State of North Dakota
2015 Land-Use Planner Survey Data

In your local zoning codes, are there:	Yes	No	Don't Know	Missing	Total
Definitions for the terms "dwelling unit" or "residential unit"?	17	0	1	0	18
Guidelines that allow or encourage the development of mixed use housing?	14	4	0	0	18
Any complications that may hinder the development of mixed use housing?	5	13	0	0	18
Guidelines that encourage the development of affordable housing units?	5	12	1	0	18
Any complications that may hinder developing low- to moderate-income housing?	9	8	0	1	18
A definition for the term "family"?	15	3	0	0	18
Residential occupancy standards or limits?	5	12	1	0	18
A definition for the term "disability"?	2	14	2	0	18
Development standards for making housing accessible to persons with disabilities, outside building codes?	0	15	3	0	18
Any special processes by which persons with disabilities can request reasonable accommodations or modifications to the jurisdiction's policies?	8	10	0	0	18
Standards for the development of senior housing?	3	11	4	0	18
Guidelines that distinguish senior citizen housing from other (multi-family) residential uses?	1	13	4	0	18
Guidelines for developing housing for any other special needs populations?	12	4	2	0	18

Map VI.3
Project-Based Section 8 Housing Units
Non-Entitlement Areas of North Dakota
2014 HUD LIHTC Database



By contrast, only five jurisdictions provided for guidelines to encourage the development of affordable housing in their local zoning or land-use ordinances, and over half of the jurisdictions surveyed had regulations in place that could serve to hinder the development of low- to moderate-income housing units. Several respondents cited the high cost of land or construction materials as specific examples of such barriers, though one official noted that residents may show some "initial concern" about such housing projects. However, that same official noted that once affordable housing units have been built there has generally been no negative feedback.

Fifteen out of the eighteen jurisdictions also included definitions for the word "family" in their local zoning or land-use planning codes, and several restricted the definition of family to include only those related by blood, marriage or adoption. Only five jurisdictions included occupancy limits in their local zoning code. However, several respondents noted that they were considering adding such provisions, owing to the rapid increase in population resulting from the oil boom, and the increased incidence of overcrowding.

Only two jurisdictions surveyed included a definition of disability, and none included development standards to make housing accessible for persons with disabilities, beyond those provided for in building codes. Eight jurisdictions provided for a special process by which residents with disabilities can make a reasonable accommodation request, or a little under half of those surveyed. Three communities included standards for the development of senior housing in their zoning and land-use planning codes, and only one jurisdiction distinguished between senior housing and other multifamily uses. Twelve jurisdictions provided guidelines for developing other types of special needs housing, including supportive housing for homeless persons, victims of domestic violence, those recovering from substance abuse, etc. Several respondents noted that their local codes and ordinances were currently being updated.

Finally, respondents were asked about local fair housing laws and policies. As shown in Table VI.2 below, eight jurisdictions stated that they had a fair housing ordinance, policy, or regulations. However, only five maintained that they had policies or practices in place to affirmatively further fair housing. One jurisdiction had established a committee to affirmatively further fair housing in the city, others had specific agencies or officials designated to address fair housing issues in the jurisdiction.

Table VI.2
Fair Housing Laws and Policies
State of North Dakota
2015 Land-Use Planner Survey Data

Does your jurisdiction have:	Yes	No	Don't Know	Total
A fair housing ordinance, policy or regulation?	8	9	1	18
Policies or practices for "affirmatively furthering fair housing"?	5	8	5	18

Fair Housing Survey – Public Sector Results

As mentioned previously, further evaluation of the status of fair housing within State of North Dakota was conducted via an online 2015 Fair Housing Survey, which was completed by 224 stakeholders and citizens. Those solicited for participation included a wide variety of individuals in the fair housing arena. Most questions in the survey required "yes," "no," or

"don't know" responses, and many allowed the respondent to offer written comments. While the numerical tallies of results are presented in this section, along with summaries of some comment-heavy questions, a complete list of written responses is available in Appendix B. Other survey results are also discussed in **Sections V** and **VII**.

FAIR HOUSING IN THE PUBLIC SECTOR

Public sector effects on housing can be complex and varied. The questions in this section of the survey asked respondents to think about possible barriers to fair housing choice within very specific areas of the public sector, as follows:

- Land use policies,
- Zoning laws,
- Occupancy standards or health and safety codes,
- Property tax policies,
- Permitting processes,
- Housing construction standards,
- Neighborhood or community development policies,
- Access to government services, and
- Any other public administrative actions or regulations.

If respondents indicated affirmatively that they were aware of possible discriminatory issues in any of these areas, they were asked to further describe issues in a narrative fashion. Tallies for each question are presented in Table VI.3 on the following page. As had been the case in questions concerning questionable practices or barriers to fair housing choice in the private sector, most respondents were not aware of such practices or barriers in the public sector.

In fact, fewer than ten percent of respondents claimed to be aware of discriminatory issues in any of the specific policies or practices mentioned, with the exception of three: property tax policies, housing construction standards, and limited access to government services. Many of those who maintained that they knew of barriers to fair housing choice in property tax policies cited a lack of incentives to promote reasonable modifications for residents with disabilities; these residents were also negatively impacted by a failure to understand or prioritize accessibility requirements in new construction, according to commenters. However, questionable practices and discriminatory issues were most salient in what was perceived to be limited access to government services.

Those who provided additional commentary on the perceived of lack of access to government services noted that public transportation options are limited in rural areas, which account for a large portion of the state. Most respondents cited limitations in the availability of public transit; however, some respondents observed that limited hours kept by government offices make it difficult for those who work full time to access other types of government services, and that many times these offices are not accessible to those who are wheelchair-bound.

Table VI.3
Barriers to Fair Housing in the Public Sector
State of North Dakota
2015 Fair Housing Survey Data

Question	Yes	No	Don't Know	Missing	Total
Are you aware of any questionable practices or barriers to fair housing choice in:					
Land use policies?	11	79	66	68	224
Zoning laws?	15	82	60	67	224
Occupancy standards or health and safety codes?	14	81	62	67	224
Property tax policies?	16	76	61	71	224
Permitting process?	7	76	71	70	224
Housing construction standards?	16	74	65	69	224
Neighborhood or community development policies?	5	79	70	70	224
Limited access to government services, such as transportation or employment services?	37	72	46	69	224
Public administrative actions or regulations?	4	72	77	71	224

Many of those who provided additional commentary on challenges to fair housing choice in the public sector shared some of the same concerns, including:

- A perception that the placement of affordable multifamily housing units was limited by local land-use and zoning laws;
- A perceived failure to account for accessibility requirements in housing design and construction standards, and a lack of policies designed to promote the construction of accessible units; and
- Insufficient public transit options throughout the state, which limits low income families in their ability to access jobs, housing, and other government services.

SUMMARY

The ability of individuals or families to choose where they live is impacted by a number of factors, including the availability and terms of home loans and home insurance, patterns in small business lending, the incidence of discrimination in the housing market, and the accessibility of new and existing units to those of reduced mobility.

For the purposes of this AI, assessment of factors in the public sector that impact housing choice involved analysis of the location of publicly funded housing, a survey of local government and planning officials in the state's non-entitlement areas, and the 2015 North Dakota Fair Housing Survey.

Housing projects subsidized through a variety of HUD-funded programs were distributed throughout the state, though they were often located close to more populous areas of the state. There was not a noticeable trend toward the concentration of these units in areas with high concentrations of poverty; the same was true of housing projects funded through Low Income Housing Tax Credits and the Project-based Section 8 program. All three types of units tended to be more common in the eastern part of the state.

The survey of 18 local government officials revealed that local zoning and land-use ordinances commonly included provisions defining "dwelling unit", "residential unit", and "family", though few included a definition for "disability", or any development standards concerning accessibility, beyond building codes. In addition, only five jurisdictions included provisions to

promote the development of affordable housing in their local codes, and nine respondents noted that there exist potential barriers to the development of such units. Specific examples of such barriers frequently included the high cost of land, infrastructure, and construction.

Finally, the presence of potential questionable practices or barriers to fair housing choice in the public sector was evaluated through results of the 2015 Fair Housing Survey. As had been the case with questions concerning discriminatory issues in the private sector, respondents were generally unaware of any such issues in the public sector, though over ten percent of respondents did profess to be aware of areas of concern in property tax policies and housing construction standards. However, the most salient issues for survey respondents were related to the provision of various government services: a quarter of respondents stated that they were aware of barriers to fair housing choice in this area, citing a lack of access to public transportation and the limited hours of government offices as specific examples.

SECTION VII. PUBLIC INVOLVEMENT

This section discusses analysis of fair housing in the State of North Dakota as gathered from various public involvement efforts conducted as part of the AI process. Public involvement feedback is a valuable source of qualitative data about impediments, but, as with any data source, citizen comments alone do not necessarily indicate the existence of statewide impediments to fair housing choice. However, survey and forum comments that support findings from other parts of the analysis reinforce findings from other data sources concerning impediments to fair housing choice.

FAIR HOUSING SURVEY

As discussed in previous sections, a 2015 Fair Housing Survey comprised a large portion of the public involvement efforts associated with the development of the 2015 AI. While data from the survey regarding policies and practices within the private and public sectors have already been discussed, questions included to gauge and characterize public participation in the survey are discussed below.

The purpose of the 2015 Fair Housing Survey, a relatively qualitative component of the AI, was to gather insight into knowledge, experiences, opinions, and feelings of stakeholders and interested citizens regarding fair housing as well as to gauge the ability of informed and interested parties to understand and affirmatively further fair housing. Many organizations throughout the State were solicited to participate.

A total of 224 persons in the State of North Dakota completed the survey, which was conducted entirely online. A complete list of responses is included in Appendix B. Other survey results are also discussed in **Sections V and VI.**

Table VII.1
Role of Respondent
State of North Dakota
2015 Fair Housing Survey Data

Primary Role	Total
Advocate/Service Provider	37
Homeowner	30
Service Provider	30
Local Government	28
Renter/Tenant	25
Banking/Finance	18
Real Estate	13
Property Management	10
Construction/Development	5
Law/Legal Services	5
Other Role	21
Missing	2
Total	**224**

Respondents of the 2015 Fair Housing Survey were asked to identify their primary role within the housing industry. As shown in Table VII.1 at right, 37 respondents were advocates or service providers, 30 were homeowners, 30 were service providers, 28 were local government officials, and 25 were renters or tenants.

Table VII.2
How Familiar are you with Fair Housing Laws?
State of North Dakota
2015 Fair Housing Survey Data

Familiarity	Total
Not Familiar	43
Somewhat Familiar	90
Very Familiar	42
Missing	49
Total	**224**

The next question asked respondents about their familiarity with fair housing laws. Results of this question are presented in Table VII.2 at left. As shown, 43 respondents professed to be unfamiliar with fair housing laws, or about a quarter of those who responded to the question. Around three-quarters of respondents maintained that they were "somewhat" or "very" familiar with these laws.

Table VII.3 on the following page shows the responses to four questions regarding federal, state, and local fair housing laws. As shown, a large majority, or 145 respondents, considered fair housing laws to be useful, though over a third considered

them to be difficult to understand or follow. Forty-three respondents perceived a need for changes to existing fair housing laws, or nearly a quarter of respondents. When asked to specify the changes they would like to see, respondents cited a wide range of prospective updates, including:

- Addition of new protected class designations, such as LGBT[80] status, source of income, gender identity, etc.;
- Expansion of current protections to prohibit denial of units to victims of domestic violence, who may have had their credit ruined by an abusive partner; and
- Clarification and increased enforcement of laws currently on the books.

The need for increased enforcement of current fair housing laws was borne out by responses to the next question, which concerned the adequacy of fair housing enforcement: over forty percent of those who responded to this question felt that fair housing laws are not adequately enforced, at present.

Table VII.3
Federal, State, and Local Fair Housing Laws
State of North Dakota
2015 Fair Housing Survey Data

Question	Yes	No	Don't Know	Missing	Total
Do you think fair housing laws are useful?	145	6	25	48	224
Are fair housing laws difficult to understand or follow?	60	71	44	49	224
Do you think fair housing laws should be changed?	43	50	83	48	224
Do you thing fair housing laws are adequately enforced?	69	75	22	58	224

The next series of questions asked respondents to give their assessment of local fair housing activities; responses to these questions are included in Table VII.4 below. As shown, 69 respondents were aware of a training process to learn about fair housing laws, and 55 respondents noted that they had participated in fair housing training. Even so, 93 respondents felt that current levels of outreach and education were insufficient, while 25 felt that they were appropriate and only one found them to be excessive. Fewer respondents were aware of fair housing testing, and over a quarter of respondents felt that current levels of fair housing testing were insufficient.

Table VII.4
Fair Housing Activities
State of North Dakota
2015 Fair Housing Survey Data

Question		Yes	No	Don't Know	Missing	Total
Is there a training process available to learn about fair housing laws?		69	75	22	58	224
Have you participated in fair housing training?		55	36	7	126	224
Are you aware of any fair housing testing?		40	105	21	58	224
Testing and education	**Too Little**	**Right Amount**	**Too Much**	**Don't Know**	**Missing**	**Total**
Is there sufficient outreach and education activity?	93	25	1	48	57	224
Is there sufficient testing?	49	11	4	101	59	224

[80] "Lesbian/Gay/Bisexual/Transsexual"

As part of the process of measuring understanding of fair housing law through the survey instrument, respondents were asked to list their awareness of classes of persons protected by fair housing laws on federal, state, and local levels. Race and disability were offered as examples of protected classes in the question narrative, and respondents were encouraged to continue on and list other protected classes. Results of this question are presented at right in Table VII.5. As shown more than a quarter, and as much as two-thirds, of respondents were able to correctly identify gender, religion, family status, age, national origin, income[81], and color. More than a quarter of respondents identified sexual orientation as a protected class; many of these respondents were from Grand Forks, where discrimination based on sexual orientation is indeed prohibited. However, there is no statewide prohibition of discrimination on the basis of sexual orientation.

Table VII.5
Protected Classes
State of North Dakota
2015 Fair Housing Survey Data

Protected Class	Total
Gender	78
Religion	75
Age	53
Family Status	52
National Origin	41
Income	37
Color	35
Sexual Orientation	34
Marital Status	23
Disability	7
Ethnicity	7
Military	2
Victims of Domestic Violence	2
Other	30
Total	**476**

Finally respondents were asked to state whether they knew of any local fair housing ordinance, regulation, or plan, and if they were aware of any geographic areas of the state with particular fair housing problems. As shown in Table VII.6 below, 28 respondents were aware of a local ordinance, regulation, or plan; 73 respondents were not. Just under a quarter of respondents were aware of specific geographic areas with fair housing problems: examples of such areas included the western part of the state, including areas within the Bakken formation. Several respondents noted that the state in general is struggling to provide affordable housing in the face of high demand for housing units. Some respondents maintain that such high demand allows landlords to be more selective than they might otherwise have been in renting their available housing units, which could lead to increased incidence of housing discrimination.

Table VII.6
Local Fair Housing
State of North Dakota
2015 Fair Housing Survey Data

Question	Yes	No	Don't Know	Missing	Total
Are you aware of any city or county fair housing ordinance, regulation, or plan?	28	73	49	74	224
Are there any specific geographic areas that have fair housing problems?	35	36	80	73	224

Finally, respondents were asked if they had any additional comments concerning fair housing in the state. Most respondents did not offer additional commentary at this point: those who did touched upon a variety of topics, including the need for a more proactive and rigorous fair housing policy, increased education on issues pertaining to fair housing choice, and greater clarity for accessibility requirements in new construction.

[81] Though the state fair housing law does not include protections based on income *per se*, it does prohibit discrimination based on the use of public assistance.

FAIR HOUSING FORUMS AND PUBLIC INPUT MEETINGS

FAIR HOUSING FORUM

One fair housing forum was held in Bismarck on February 26, 2015. The purposes of the forum were to introduce and explain the AI process, to share research findings and impediments identified during the course of the AI, and to receive public input on those findings and identified impediments.

PUBLIC HOUSING AGENCY AND NON-ENTITLEMENT GRANTEE OUTREACH COMMITTEE MEETINGS

Local input during the AI process was also solicited through a series of meetings, via webinar, with the Public Housing Agency and Grantee Outreach Committee. The first meeting took place on January 9, 2015; the second took place on January 30, 2015; the third on February 20, 2015; and the fourth was conducted on March 13, 2015. Brief summaries of the topics discussed in meeting presentations and subsequent discussions are presented below:

January 9, 2015

The purpose of the January 9th meeting was to introduce participants to the AI process and to the topic of fair housing more generally, to present preliminary findings based on Census data and the 2015 Fair Housing Survey, and to discuss the role that participants may play during the AI process. The meeting ended with a list of potential actions that representatives of the public housing agencies and CDBG grantees could take going forward.

January 30, 2015

The purpose of the second meeting was to present additional data and findings gathered during the AI process and to discuss the next steps in the process and the continuing role that participants may play in the development of the AI. Among the data presented were those gathered from HUD concerning fair housing complaints filed by state residents, those gathered under the Home Mortgage Disclosure Act relating to patterns in home lending, data gathered under the Community Reinvestment Act concerning patterns in small business lending, and updated results from the fair housing survey.

February 20, 2015

The outreach committee meeting held on February 20 included a brief review of some the data gathered during the course of the AI process. However, the primary purpose of the meeting was to present the impediments that had been identified during the study and discuss possible methods by which those impediments could be addressed. In a discussion following the presentation, participants discussed a variety of approaches toward the resolution of those impediments, as well as potential partners in future efforts to mitigate fair housing challenges throughout the state. Participants noted that enhanced outreach and education efforts would be integral in any efforts to address those challenges.

March 13, 2015

Summary to be added once the meeting is held and the minutes transcribed.

SUMMARY

Efforts to promote public involvement in the AI process included the 2015 Fair Housing Survey; a fair housing forum, public agency outreach meetings; and a public comment period, during which the Housing Division sought public feedback on the findings of the AI and the actions proposed to address those findings.

Respondents to the 2015 Fair Housing Survey were largely familiar with, and supportive of, fair housing laws. However, many respondents maintained that these laws are difficult to understand or follow, and a quarter maintained that current laws needed to be changed; many respondents cited the need to expand current protections to prohibit discrimination LGBT orientation, source of income, and gender identity. More than 45 percent of respondents also felt that current enforcement of fair housing laws was insufficient.

In addition, over forty percent of respondents were aware of a process by which they could learn more about fair housing law and policy, and fifty respondents noted that they had participated in fair housing training. Nevertheless, 88 respondents felt that current levels of outreach and education were insufficient. Relatively few respondents were aware of any city or county fair housing ordinance, regulation, or plan.

Finally, in a series of meetings held from January 9th through March 13th of 2015, the Public Housing Agency and Non-Entitlement Grantee Outreach Committee discussed data gathered and compiled during the AI process, the findings based on those data, and the role that participants may play in the ongoing AI process. Participants also discussed methods and avenues by which fair housing challenges in the state might be addressed, concluding that outreach and education should play an integral role in those efforts.

SECTION VIII. SUMMARY OF FINDINGS

This AI reviews both the public and private sector contexts for housing markets in non-entitlement areas of the North Dakota, in order to determine the effects these forces have on housing choice. As part of that review, analysis of demographic, economic, and housing data provide background context for the environments in which housing choices are made. Demographic data indicate the sizes of racial and ethnic populations and other protected classes; economic and employment data show additional factors in influencing housing choice; and counts of housing by type, tenure, quality, and cost indicate the ability of the housing stock to meet the needs of the State's residents.

Once this contextual background analysis has been performed, detailed review of fair housing laws, cases, studies, complaints, and public involvement are better supported by the background information. The structure provided by local, state, and federal fair housing laws shapes the complaint and advocacy processes available in the State, as do the services provided by local, state, and federal agencies. Private sector factors in the homeownership and rental markets, such as home mortgage lending practices, have substantive influence on fair housing choice. In the public sector, policies and codes of local governments and a limited location of affordable rental units can significantly affect the housing available in each area, as well as neighborhood and community development trends. Complaint data and AI public involvement feedback further help define problems and possible impediments to housing choice for persons of protected classes, and confirm suspected findings from the contextual and supporting data.

Socio-Economic Context

The population of North Dakota's non-entitlement areas has grown by approximately 41,000 since 2000, or 9.2 percent. Most of that growth has come in the years since 2008; indeed, by 2010 the population was only observed to have grown by 1.4 percent over the population in 2000. Prior to 2008, the population was relatively stable, but since that year the number of residents has grown by approximately 9,000 per year on average. Much of the growth between the 2000 and 2010 decennial Census counts was due to an increase in the population aged 55 to 64 of 46.8 percent, or around 18,700 residents. However, the state's non-entitlement areas also saw a substantial increase in the number of residents aged 20 to 34.

As the population increased, the number of white residents throughout the non-entitlement areas decreased slightly, and the number of black, American Indian, Asian, Native Hawaiian/Pacific Islander residents increased, along with those who identified their race as "Other", or themselves as belonging to two or more racial groups. However, with the exception of the American Indian population, which accounted for 6.8 percent of the population in 2010, and those who considered themselves part of two or more races, no other racial group accounted for more than 0.8 percent of the population. White residents accounted for just under 90 percent of the state's population in that year. In terms of ethnicity, Hispanic residents of all races represented 2 percent of the population in 2010, up from 1.2 percent in 2000.

In most cases, Census tracts with relatively high concentrations of American Indian residents were located in or around tribal reservation areas throughout the state in 2000 and 2010. However, there was an above-average concentration of American Indian residents in a large Census tract to the west of Williston in both years. Meanwhile, Census tracts with relatively high concentrations of Hispanic residents were distributed throughout the state, particularly in more populous areas of the state. The highest concentration of Hispanic residents was observed in one Census tract in Grafton in 2010, where nearly a quarter of residents were Hispanic.

Nearly 70,000 residents of the state's non-entitlement areas were living with disabilities in 2000, or 17.2 percent of the population. These residents accounted for nearly 30 percent of the population in one Census tract in Devil's Lake in that year. An estimated 11.3 percent of the population was living with some form of disability in 2009-2013.[82] In that year, the highest concentration of residents with disabilities was observed in a Census tract in Grafton.

Due in large part to intensive oil production in the Bakken formation, the labor market in the state's non-entitlement areas was, in aggregate, largely spared the worst of the national recession of 2007-2009. In fact, the labor force continued to grow through those years, and though growth in the total number of employed slowed, that number did not decline. Slackening growth in employment did contribute to a spike in the unemployment rate, which reached 4.2 percent in 2009. However, the unemployment rate has declined steadily since that year, thanks to redoubled growth in the labor market.

In the state as a whole, growth in the number of jobs has been dramatic in the years since 2009. As the number of jobs has grown, so has the average paycheck for workers throughout the state. In 2000, the average worker earned $36,963 at his or her job, in real 2013 dollars. By 2012 that figure had topped $55,000. However, growth in real average earnings has been subject to considerable fluctuation: in 2013, the last year for which data were available at the writing of this report, earnings per job had fallen by around $3,000. Real per capita income (PCI) in the state also fell in 2013, after three years of dramatic growth. However, it remained, at $53,182 per year, considerably higher than the national figure of $44,765 per year. Between 2000 and 2013, the share of household with incomes over $50,000 per year increased dramatically.

As a consequence of dramatic growth in earnings and incomes, the share of residents living in poverty fell from 12.0 to 10.7 percent between 2000 and 2013 in the state's non-entitlement areas. Census tracts with relatively high concentrations of poverty in 2000 and 2009-2013 were generally located in and around the state's tribal reservation areas.

The number of housing units in the state's non-entitlement areas increased by 5.9 percent between 2000 and 2010, outpacing growth in the population during that time. Owner-occupied units in 2010 were largely concentrated in and around more populous areas of the state, notably around Bismarck, Minot, and Fargo. Renter occupied units were more heavily concentrated in and around tribal reservation areas, but were most heavily concentrated on the Minot and Grand Forks Air Force bases. There was only a modest increase in the number of

[82] It is important to note that the definition of disability employed in the 2009-2013 ACS differed considerably from the definition in use in 2000. For that reason, the Census Bureau discourages direct comparison between the two where disability is concerned.

vacant housing units, and these units tended to be more highly concentrated in large rural Census tracts near the Fort Berthold and Turtle Mountain reservations. Most residents in the state's non-entitlement areas lived in single-family or apartment units

Most common type of vacant housing unit in 2010 consisted of units classified as "other vacant". These units tend to be more problematic than other types of vacant housing, since they are not available to the market place, and may contribute to blight where they are grouped in close physical proximity. Census tracts with relatively high concentrations of "other vacant" units were distributed throughout the state, but tended to cover large, rural areas. The highest concentration of "other vacant" units in 2010 appeared on the Grand Forks Air Force Base.

The number of smaller households throughout the state's non-entitlement areas grew considerably between the two Censuses as the number of larger households generally declined, contributing to a drop in the number and share of overcrowded units in the state. By 2013, the share of units that were overcrowded had fallen below 2 percent. The share of housing units with incomplete plumbing facilities also fell, while the percentage of units with incomplete kitchen facilities remained the same. There was a slight increase in the percentage of cost-burdened and severely cost-burdened households from 2000 through 2013; together, these households accounted for just under a quarter of all households in the state's non-entitlement areas from 2009-2013.

Fair Housing Law, Study, and Case Review

Residents of North Dakota are protected from discrimination in the housing market by laws at the federal and state level. The federal Fair Housing Act represents the foundation for fair housing law and policy in the United States, prohibiting discrimination on the basis of race, color, religion, sex, national origin, familial status, and disability. North Dakota housing discrimination law extends additional protections to state residents, prohibiting discrimination on the basis of age, marital status, or use of public assistance.

In spite of the existence of these laws, discrimination persists, though certainly no longer in a form that is as overt and obvious as it was when the laws were passed. Often, housing seekers will not know that they have been subjected to discrimination when a landlord tells them that no apartments are available (only to offer an available room to a prospective tenant of another race or ethnicity a few hours later). Such discrimination often only becomes apparent when properties are subjected to fair housing testing: results of such testing, as reported in national studies, have consistently revealed differences in how applicants are treated when they apply for housing with similar qualifications, but with names that are stereotypically associated with members of different races and ethnicities.

However, it is discrimination on the basis of disability that represents the most common violation of the Fair Housing Act, according to national studies of fair housing complaints. In this connection, it is not surprising that the one fair housing complaint in which the Department of Justice has become involved in the state over the last ten years has concerned alleged discrimination on the basis of disability. In that instance, a large property manager was

accused of improperly charging "pet fees" for assistive animals: this practice has also been at issue in complaints filed with the High Plains Fair Housing Center.[83]

Though the laws that shape fair housing policy at the federal level are firmly established, and have been broadened in scope and legal force over the years, legal and regulatory actions that are currently taking place at the national level are likely to considerably impact the manner in which fair housing policy is carried out. In the first place, the Supreme Court is currently considering whether or not individuals or business can be held liable for discrimination by enacting policies that are neutral on their face, but have discriminatory effects. Such "discriminatory effects liability", a long-standing tool in fair housing enforcement, has been upheld in eleven district court decisions but has not yet been considered by the Supreme Court. If the court rules that disparate impact liability is not available under the fair housing act, that decision is likely to change fair housing enforcement profoundly.

The decision may also have an impact, albeit indirect, on HUD's affirmatively furthering fair housing requirement, since many of the cases that trigger an AFFH review by HUD are based on the perceived discriminatory effects of certain policies. However, a rule proposed by HUD in 2013 is likely to have a more direct impact. This proposed rule, which is meant to clarify the AFFH requirement for state and local jurisdictions, would do away with the AI and replace it with the Assessment of Fair Housing, among other changes. A final action on the rule, originally scheduled for December of 2014 and rescheduled for March of 2015, is still forthcoming as of early May of 2015.

Fair Housing Structure

Fair housing services are provided to residents of North Dakota through a variety of agencies and organizations at the federal and state level. Fair housing policy is administered at the federal level by HUD, which promotes outreach and education; provides for fair housing enforcement; accepts complaints from American residents who believe that they have been subjected to unlawful discrimination; and coordinates with local fair housing agencies and organizations, providing funding and expertise. Enforcement of the state and federal fair housing laws is carried out at the state level by the North Dakota Department of Labor and Human Rights, under the auspices of the Fair Housing Assistance Program (FHAP).

Though North Dakota residents were also served in prior years by Fair Housing of the Dakotas, the organization dissolved late in 2010 following a loss of funding from HUD. Prior funding had been awarded to the organization through its participation in the Fair Housing Initiatives Program (FHIP). As of FY 2014, there have been no FHIP grantees in the state since 2010. However, the newly-formed High Plains Fair Housing Center is available to assist residents of the state of who believe that they have been subjected to unlawful discrimination in the housing market by accepting fair housing complaints, advocating for complainants, and providing outreach and education on the subject of fair housing. The Fair Housing Center works in coordination with the Housing and Employment Law Clinic at the University of North Dakota School of Law, which is able to represent a small number of complainants referred by the Fair Housing Center.

[83] Margaret Moore Jackson, High Plains Fair Housing Center (personal communication April 24, 2015). See Appendix E.

Fair Housing in the Private Sector

Financial institutions throughout the state processed 218,000 loans and loan applications from 2004 through 2014. A majority of these were home purchase loans, and most home purchase loans were intended to finance the purchase of units in which the loan applicant intended to live. Over 51,000 loan applications were approved, and loans originated, while nearly 8,200 were denied, for a loan denial rate of 13.8 percent over the decade. Yearly denial rates fluctuated considerably during that time, peaking in 2006 at 13.9 percent and 2012 at 17.3 percent. Generally, denial rates were highest in the state's rural areas, and tended to be lower in and around more populous areas of the state.

On average, female applicants were denied loans at a rate of 16.4 percent, exceeding the denial rate for male applicants by 3.7 percentage points. However, variation among racial and ethnic groups was more pronounced: 31.8 percent of loan applications submitted by American Indian applicants were denied, compared to a denial rate of 13.0 percent for white applicants. Similarly, Hispanic applicants of all races were denied in 28.3 percent of applications, compared to a denial rate of 13.0 for non-Hispanic applicants.

A large percentage of applications were turned down due largely to credit history or unfavorable debt-to-income ratios; unsurprisingly, denial rates fell as incomes went up. However, discrepancies in denial rates for applicants of different racial and ethnic groups persisted, even among those who were similarly situated with respect to income: 9.3 percent of applications from white residents earning more than $75,000 were denied, compared to a denial rate of 24.5 percent for American Indian applicants in the same income bracket. Similarly, the denial rate for Hispanic residents earning more than $75,000 per year was, at 22.7 percent, more than double the denial rate for non-Hispanic residents in that income range.

Many applicants who were able to secure a home purchase loan were issued a loan with a relatively high interest rate. These high-cost loans, or HALs, represented 9.4 percent of all loans issued in the state's non-entitlement areas from 2004 through 2013. However, HAL rates have declined considerably since 2006, when 17.8 percent of loans were HALs. In recent years, these high cost loans have accounted for fewer than 5 percent of all owner-occupied home purchase loans. Census tracts with relatively high concentrations of HALs tended to be located in and around the state's tribal reservation areas. As one might expect, the HAL rate for American Indian applicants, at 20.5 percent, was considerably higher than the HAL rate for white applicants. Similarly, the HAL rate for Hispanic applicants, at 12.7 percent, exceeded that of non-Hispanic applicants by 9.2 percent.

Small business lending in the state tended to target more populous urban areas, and was highly concentrated in middle- to high-income Census tracts.[84] Such tracts tended to be located in and around more populous areas of the state from 2000 through 2013, especially Bismarck, Fargo, and Grand Forks.

[84] Income levels are defined with reference to the median family income for the metropolitan statistical area or non-metropolitan areas in which the Census tract is located. These areas are designated by the Federal Financial Institutions Examination Council.

As was noted previously, disability tends to rank as the most common basis for complaints lodged with HUD at the national level. North Dakota was no different: the two most common complaints lodged against housing providers in the state's non-entitlement areas concerned perceived discrimination on the basis of physical and mental disabilities, each cited in 47 complaints. The next most commonly alleged motivation for discrimination was familial status, cited in 37 complaints. According to complaints lodged with HUD, discrimination in terms, conditions, or privileges relating to rental was the most common discriminatory issue identified, followed by failure to make reasonable accommodation. Among complaints considered to have cause, failure to make reasonable accommodation was the most common complaint. Though the state Department of Labor and Human Rights received considerably more complaints over the same time period, the basic overall pattern in those complaints was similar to what was observed in complaints lodged with HUD.[85]

Those fair housing complaints suggest that discrimination was more commonly perceived in rental market transactions; that perception is borne out to some degree in the responses to the private sector portion of the 2015 North Dakota Fair Housing Survey. Though awareness of questionable practices or discriminatory issues in the private housing market was generally limited, nearly a quarter of respondents were aware of such issues in the rental housing market, including refusal or reluctance to rent based on color, race, religion, or language barriers, or to families with children.

Fair Housing in the Public Sector

For the purposes of this AI, assessment of factors in the public sector that impact housing choice involved analysis of the location of publicly funded housing, a survey of local government and planning officials in the state's non-entitlement areas, and the 2015 North Dakota Fair Housing Survey.

Housing projects subsidized through a variety of HUD-funded programs were distributed throughout the state, though they were often located close to more populous areas of the state. There was not a noticeable trend toward the concentration of these units in areas with high concentrations of poverty; the same was true of housing projects funded through Low Income Housing Tax Credits and the Project-based Section 8 program. All three types of units tended to be more common in the eastern part of the state.

The survey of 18 local government officials revealed that local zoning and land-use ordinances commonly included provisions defining "dwelling unit", "residential unit", and "family", though few included a definition for "disability", or any development standards concerning accessibility, beyond building codes. In addition, only five jurisdictions included provisions to promote the development of affordable housing in their local codes, and nine respondents noted that there exist potential barriers to the development of such units. Specific examples of such barriers frequently included the high cost of land, infrastructure, and construction.

Finally, the presence of potential questionable practices or barriers to fair housing choice in the public sector was evaluated through results of the 2015 Fair Housing Survey. As had been the case with questions concerning discriminatory issues in the private sector, respondents were

[85] Many of those complaints were the same, having been "dually filed" with HUD and the DOLHR.

generally unaware of any such issues in the public sector, though over ten percent of respondents did profess to be aware of areas of concern in property tax policies and housing construction standards. However, the most salient issues for survey respondents were related to the provision of various government services: a quarter of respondents stated that they were aware of barriers to fair housing choice in this area, citing a lack of access to public transportation and the limited hours of government offices as specific examples.

Public Involvement

Efforts to promote public involvement in the AI process included the 2015 Fair Housing Survey; a fair housing forum, public agency outreach meetings; and a public comment period, during which the Housing Division sought public feedback on the findings of the AI and the actions proposed to address those findings.

Respondents to the 2015 Fair Housing Survey were largely familiar with, and supportive of, fair housing laws. However, many respondents maintained that these laws are difficult to understand or follow, and a quarter maintained that current laws needed to be changed; many respondents cited the need to expand current protections to prohibit discrimination LGBT orientation, source of income, and gender identity. More than 45 percent of respondents also felt that current enforcement of fair housing laws was insufficient.

In addition, over forty percent of respondents were aware of a process by which they could learn more about fair housing law and policy, and fifty respondents noted that they had participated in fair housing training. Nevertheless, 88 respondents felt that current levels of outreach and education were insufficient. Relatively few respondents were aware of any city or county fair housing ordinance, regulation, or plan.

Finally, in a series of meetings held from January 9th through March 13th of 2015, the Public Housing Agency and Non-Entitlement Grantee Outreach Committee discussed data gathered and compiled during the AI process, the findings based on those data, and the role that participants may play in the ongoing AI process. Participants also discussed methods and avenues by which fair housing challenges in the state might be addressed, concluding that outreach and education should play an integral role in those efforts.

SECTION IX. IMPEDIMENTS AND SUGGESTED ACTIONS

Private Sector Impediments, Suggested Actions, and Measurable Objectives

***Impediment 1*: Discrimination based on disability, familial status, and race.** This impediment was identified through review of complaints lodged with HUD and the North Dakota Department of Labor and Human Rights (DOLHR), and in consultation with the High Plains Fair Housing Center. Discrimination based on familial status was second only to discrimination disability-based discrimination as the most common allegation in complaints lodged with HUD, and was the third most common allegation in complaints lodged with the DOLHR. Discrimination based on race was the third most commonly cited motivation for discrimination among complaints lodged with HUD, and was second most common among DOLHR complaints. In addition, a representative of the High Plains Fair Housing Center noted that the complaints that the organizations receives reveal "continuing evidence of discrimination, particularly against persons with disabilities, Native Americans, New Americans, and families with children."

> *Action 1.1*: Partner with the High Plains Fair Housing Center (HPFHC) and other non-profit organizations to conduct outreach and education to professionals in the housing industry on the subject of disability, familial status, and legal prohibitions on discrimination against families with children.
> *Measurable Objective 1.1*: The number of outreach and education activities conducted by the HPFHC and other organizations.
> *Action 1.2*: Partner with the DOLHR to conduct education activities to professionals in the housing industry on the subject of disability, familial status, and legal prohibitions on discrimination against families with children.
> *Measurable Objective 1.2*: The number of education activities conducted.
> *Action 1.3*: Partner with the HPFHC and other non-profit organizations to conduct outreach and education to professionals in the housing industry on the subject of disability, familial status, and racial forms of discrimination.
> *Measurable Objective 1.3*: The number of outreach and education activities conducted.
> *Action 1.4*: Partner with the DOLHR to conduct education activities to professionals in the housing industry on the subject of disability, familial status, and racial forms of discrimination.
> *Measurable Objective 1.4*: The number of education activities conducted.

***Impediment 2*: Failure to make reasonable accommodation.** This impediment was identified through review of complaints lodged with HUD and the North Dakota Department of Labor and Human Rights (DOLHR), as well as the results of the 2015 North Dakota Fair Housing Survey, and in consultation with the High Plains Fair Housing Center. Disability-based complaints were the most common complaints that HUD received from residents of the state's non-entitlement areas from 2004 through 2014, and accounted for more than half of all complaints lodged with the Department of Labor and Human Rights. Failure to make reasonable accommodation, a discriminatory issue that uniquely impacts residents with disabilities, was the second most commonly alleged discriminatory action in HUD and DOLHR complaints.

In addition, though respondents to the 2015 Fair Housing Survey were largely unaware of questionable practices or barriers to fair housing choice in the private or public sectors, over one in ten respondents were aware of issues in the housing construction or accessible housing design fields, and those who provided additional commentary on this question maintained that neglect of ADA requirements in new construction was relatively common. Similarly, several of those who provided commentary on challenges in the public sector noted a lack of tax incentives to promote accessible development, as well as a failure on the part of construction companies to incorporate such elements in the design and construction of new units.

Finally, a representative of the High Plains Fair Housing Center noted that legal requirements pertaining to design and construction are not well understood, and that "requests for reasonable accommodation are frequently resisted."[86]

> *Action 2.1*: Partner with the HPFHC to conduct tests on selected newly constructed housing units and apartment complexes.
> *Measurable Objective 2.1*: The number of tests conducted and the results of those tests conducted.
> *Action 2.2*: Partner with the HPFHC, other non-profit organizations, and local ADA coordinators to conduct outreach and education to professionals in the housing construction industry on the subject of accessibility and reasonable accommodation.
> *Measurable Objective 2.2*: The number of outreach and education activities conducted by these entities.
> *Action 2.3*: Partner with the DOLHR to conduct education activities to professionals in the housing construction industry on the subject of accessibility and reasonable accommodation.
> *Measurable Objective 2.3*: The number of education activities conducted by these entities.

***Impediment 3*: Discriminatory advertising.** This impediment was identified through review of complaint data filed with the North Dakota Department of Labor and Human Rights. According to those data, complaints citing discriminatory advertising were the fourth most common among all complaints and complaints considered to have cause. More than a third of complaints that were settled or resolved, or that ended in a charge of discrimination, cited discriminatory advertising as among the discriminatory actions that housing providers had taken against them.

> *Action 3.1*: Partner with the HPFHC to conduct periodic reviews of rental housing advertisements in a variety of media (i.e., Craigslist, newspapers, etc.). Refer any discriminatory advertisements to the Department of Labor and Human Rights for investigation.
> *Measurable Objective 3.1*: The number of advertisements reviewed and discriminatory advertisements identified and referred reported by the HPFHC.
> *Action 3.2*: Initiate or enhance public outreach, through partnership with the High Plains Fair Housing Center and through the state's online/media presence, to identify examples of discriminatory advertising and encourage state residents to report such advertising when they see it.

[86] Margaret Moore Jackson, High Plains Fair Housing Center (personal communication April 24, 2015). See Appendix E.

Measurable Objective 3.2: Number of outreach and education activities taken, the number of reported instances of discriminatory advertising reported by the HPFHC.

***Impediment 4*: American Indian and Hispanic home loan applicants tend to have higher rates of denials than white and non-Hispanic applicants.** This impediment was identified through review of data gathered under the Home Mortgage Disclosure Act (HMDA). According to those data, 31.8 percent of home loan applications submitted by American Indian applicants were denied over the ten-year period between 2004 and 2013, inclusive. By comparison, only 13 percent of applications from white residents were turned down during that same period. Similarly, the denial rate for Hispanic applicants was 22.9 percent, compared to 13 percent for non-Hispanic applicants.

Action 4.1: Convene a committee or panel; in coordination with High Plains Fair Housing and the DOLHR, and seeking participation from professionals in the home lending industry; with the goal of identifying factors that contribute to differential denial rates to American Indian and Hispanic applicants.
Action 4.1.1: Request recommendations on how to mitigate the factors contributing to higher denials rates for American Indian and Hispanic residents.
Measurable Objective 4.1: The establishment of the committee, the list of factors identified, and the recommendations developed.
Action 4.2: Working in coordination with accredited local and statewide for-profit and non-profit organizations and government agencies, enhance credit counseling and education to prospective home buyers, focusing on strategies to build credit for home purchases, in partnership with local lenders and civic institutions.
Measurable Objective 4.2.1: The number of credit counseling and education activities conducted.
Measurable Objective 4.2.2: The number of agencies and organizations contacted.

***Impediment 5*: Discrimination against public assistance income.** In spite of the fact that discrimination based on the receipt of public assistance is illegal under state law, complaint data from the DOLHR indicate that nearly twelve percent of those who filed a complaint with the agency believed that they had suffered discrimination on that basis.

Action 5.1: Contract with the HPFHC to conduct outreach and education to housing providers on the subject of public assistance, noting that discrimination based on use of public assistance is illegal under state law.
Measurable Objective 5.1: Number of outreach and education activities conducted.
Action 5.2: Coordinate with the DOLHR to conduct education activities to housing providers on the subject of public assistance, noting that discrimination based on use of public assistance is illegal under state law.
Measurable Objective 5.2: Number of education activities conducted.
Action 5.3: Contact the state attorney general and request that future materials and publications concerning landlord-tenant rights and responsibilities include an explanation of public assistance discrimination.
Measurable Objective 5.3: Record of contact with the state attorney general, and his office' response.

***Impediment 6*: Lack of understanding of fair housing law and policy.** This impediment was identified through review of responses to the 2015 North Dakota Fair Housing Survey and the discussions with the Public Housing Agency and Non-Entitlement Grantee Outreach Committee. Between a quarter and half of respondents to survey questions concerning impediments to fair housing choice in the private and public sectors responded to each question with "don't know", which may suggest a widespread lack of confidence in their own ability to identify the kinds of policies and practices that count as discriminatory. In addition, a fifth of respondents stated that they were "not familiar" with fair housing laws, and several survey respondents maintained that there was a need for more education on the subject of fair housing. This opinion was shared by participants in the February 20th meeting of the Public Housing Agency and Non-Entitlement Grantee Outreach Committee Meeting, who maintained that enhanced outreach and education should form a major part of the actions and objectives adopted to promote fair housing choice in the state.

> *Action 6.1*: Contract with the HPFHC to conduct outreach and education to housing providers and property managers on the subject of affirmatively furthering fair housing, and what the law requires.
> *Measurable Objective 6.1*: The number of outreach and education sessions offered and the number of attendants and participants.
> *Action 6.2*: Establish yearly advertising and outreach activities, to take place during Fair Housing month (April), in partnership with High Plains Fair Housing Center and other non-profit organizations, the DOLHR, regional councils, homeless providers, and CDBG grantees. Such activities could include panel discussions, fair housing presentations, web-based advertising (i.e., state and local jurisdiction websites, Facebook, etc.).
> *Measurable Objective 6.2*: Number of advertising and outreach activities established, number of interagency and public/private partnerships established, the record of materials prepared for discussions and meetings, and the number of participants in such discussions and meetings.

Public Sector Impediments, Suggested Actions, and Measurable Objectives

***Impediment 1*: Apparent shortage of accessible and visitable housing in rural North Dakota.** This impediment was identified through review of responses to the 2015 Fair Housing Survey.

> *Action 1.1*: Partner with Regional Councils and Community Action Agencies to encourage communities to apply for homeowner and renter rehabilitation funding to modify existing dwellings with the goal of expanding the supply of accessible and visitable housing in rural North Dakota.
> *Measurable Objective 1.1*: The number of communities who are contacted and encouraged to apply for rehabilitation funding and the number of communities who apply for such funding.
> *Action 1.2*: Partner with Regional Councils and Community Action Agencies to encourage communities to apply new construction funding with the goal of expanding the supply of accessible and visitable housing in rural North Dakota.
> *Measurable Objective 1.2*: The number of communities who are contacted and encouraged to apply for new construction funding and the number of communities who apply for such funding.

Impediment 2: Lack of understanding of fair housing law and duty to affirmatively further fair housing. This impediment was identified through review of responses to the 2015 North Dakota Fair Housing Survey and the discussions with the Public Housing Agency and Non-Entitlement Grantee Outreach Committee. As noted in the discussion for Private Sector Impediment 5, a large percentage of respondents answered each question with "don't know", and a fifth of respondents stated that they were "not familiar" with fair housing laws. Several survey respondents maintained that there was a need for more education on the subject of fair housing, an assessment that was shared by participants in the February 20th meeting of the Public Housing Agency and Non-Entitlement Grantee Outreach Committee Meeting, who maintained that enhanced outreach and education should form a major part of the actions and objectives adopted to promote fair housing choice in the state.

Action 2.1: Partner with the DOLHR to conduct education activities for local jurisdictions and Regional Councils on behalf of local jurisdictions seeking CDBG grant funding concerning state and federal fair housing law and the certification to affirmatively further fair housing.
Measurable Objective 2.1: The number of education sessions offered by the DOLHR.
Action 2.2: Partner with the HPFHC to conduct outreach and education to local jurisdictions and Regional Councils on behalf of local jurisdictions seeking CDBG grant funding concerning state and federal fair housing law and the certification to affirmatively further fair housing.
Measurable Objective 2.2: The number of outreach and education sessions offered by the HPFHC.
Action 2.3: Establish yearly advertising and outreach activities, to take place during Fair Housing month (April). Such activities could include panel discussions, fair housing presentations, and web-based advertising (i.e., state and local jurisdiction websites, Facebook, etc.)
Measurable Objective 2.3: Number of advertising and outreach activities established and the record of materials prepared for discussions and meetings.

SECTION X. GLOSSARY

Accessible housing: Housing designed to allow easier access for physically disabled or vision impaired persons.
ACS: American Community Survey
AI: Analysis of Impediments to Fair Housing Choice
AMI: Area median income
BEA: Bureau of Economic Analysis
BLS: Bureau of Labor Statistics
CDBG: Community Development Block Grant
Census tract: Census tract boundaries are updated with each decennial census. They are drawn based on population size and ideally represent approximately the same number of persons for each tract.
Consolidated Plan: Consolidated Plan for Housing and Community Development
Cost burden: Occurs when a household has gross housing costs that range from 30.1 to 50 percent of gross household income.
CRA: Community Reinvestment Act
Disability: A lasting physical, mental, or emotional condition that makes it difficult for a person to conduct daily activities of living or impedes him or her from being able to go outside the home alone or to work.
Disproportionate share: Exists when the percentage of a population is 10 percentage points or more above the study area average.
DOJ: U.S. Department of Justice
ESG: Emergency Shelter Grants program
Fannie Mae: Federal National Mortgage Association (FNMA), a government-sponsored enterprise that purchases mortgages from lenders and repackages them as mortgage-backed securities for investors.
Family: A family is a group of two people or more related by birth, marriage, or adoption and residing together.
FFIEC: Federal Financial Institutions Examination Council
FHAP: Fair Housing Assistance Program
FHEO: Fair Housing and Equal Opportunity
FHIP: Fair Housing Initiative Program
Floor area ratio: The ratio of the total floor area of a building to the land on which it is situated, or the limit imposed on such a ratio.
Freddie Mac: Federal Home Loan Mortgage Corporation (FHLMC), a government-sponsored enterprise that purchases mortgages from lenders and repackage them as mortgage-backed securities for investors.
GAO: U.S. General Accounting Office
Gross housing costs: For homeowners, gross housing costs include property taxes, insurance, energy payments, water and sewer service, and refuse collection. If the homeowner has a mortgage, the determination also includes principal and interest payments on the mortgage loan. For renters, this figure represents monthly rent and electricity or natural gas energy charges.

HAL: High annual percentage rate (APR) loan, defined as more than three percentage points higher than comparable treasury rates for home purchase loans, or five percentage points higher for refinance loans.[87]
HMDA: Home Mortgage Disclosure Act
HOME: HOME Investment Partnerships
HOPWA: Housing Opportunities for Persons with AIDS
Household: A household consists of all the people who occupy a housing unit. A house, an apartment or other group of rooms, or a single room, is regarded as a housing unit when it is occupied or intended for occupancy as separate living quarters; that is, when the occupants do not live with any other persons in the structure and there is direct access from the outside or through a common hall.
Housing problems: Overcrowding, incomplete plumbing or kitchen facilities, or cost burdens
HUD: U.S. Department of Housing and Urban Development
Incomplete kitchen facilities: A housing unit is classified as lacking complete kitchen facilities when any of the following are not present: a sink with piped hot and cold water, a range or cook top and oven, and a refrigerator.
Incomplete plumbing facilities: A housing unit is classified as lacking complete plumbing facilities when any of the following are not present: piped hot and cold water, a flush toilet, and a bathtub or shower.
Labor force: The total number of persons working or looking for work
MFI: Median family income
Mixed-use development: The use of a building, set of buildings, or neighborhood for more than one purpose.
MSA: Metropolitan Statistical Area
NIMBYism: "Not in my backyard" mentality among community members, often in protest of affordable or multi-family housing.
Other vacant units: Housing units that are not for sale or rent
Overcrowding: Overcrowding occurs when a housing unit has more than one to 1.5 persons per room.
Poverty: The Census Bureau uses a set of money income thresholds that vary by family size and composition to determine who is in poverty. If a family's total income is less than the family's threshold, then that family and every individual in it is considered in poverty. The official poverty thresholds do not vary geographically, but they are updated for inflation using Consumer Price Index (CPI-U). The official poverty definition uses money income before taxes and does not include capital gains or noncash benefits (such as public housing, Medicaid, and food stamps).
Predatory loans: As defined by the Predatory Lending Consumer Protection Act of 2002 as well as the Home Owner Equity Protection Act (HOEPA), loans are considered predatory based on:
If they are HOEPA loans;[88]
Lien status, such as whether secured by a first lien, a subordinate lien, not secured by a lien, or not applicable (purchased loans); and
Presence of HALs. For full definition, see **HAL.**

[87] 12 CFR Part 203, http://www.ffiec.gov/hmda/pdf/regc_020702.pdf
[88] Loans are subject to the HOEPA if they impose rates or fees above a certain threshold set by the Federal Reserve Board. "HMDA Glossary." http://www.ffiec.gov/hmda/glossary.htm#H

Protected Class: Group of people protected from discrimination and harassment. North Dakota residents are protected from housing discrimination based on race, sex, religion, familial status, disability, national origin, color, age, marital status, and public assistance.
Public housing: Public housing was established to provide decent and safe rental housing for eligible low-income families, the elderly, and persons with disabilities.
RDA: Redevelopment agency
Severe cost burden: Occurs when gross housing costs represent 50.1 percent or more of gross household income.
Severe overcrowding: Occurs when a housing unit has more than 1.5 persons per room.
Steering: Actions of real estate agents or landlords to discourage a prospective buyer or tenant from seeing or selecting properties in certain areas due to their racial or ethnic composition.
Tenure: The status by which a housing unit is held. A housing unit is "owned" if the owner or co-owner lives in the unit, even if it is mortgaged or not fully paid for. A cooperative or condominium unit is "owned" only if the owner or co-owner lives in it. All other occupied units are classified as "rented," including units rented for cash rent and those occupied without payment of cash rent.

APPENDICES

The following sections present additional data prepared in development of the State of North Dakota Analysis of Impediments to Fair Housing Choice.

A. COMMUNITY REINVESTMENT ACT DATA

Table A.1
Small Business Loans Originated: $100,000 or Less by Tract MFI
Non-Entitlement Areas of North Dakota
2000–2013 CRA Data

Year	<50% MFI	50.1-80% MFI	80.1-120% MFI	>120% MFI	Missing MFI	Total
			Number of Loans			
2000	6	647	4,405	1,376	0	6,434
2001	13	878	5,264	1,571	0	7,726
2002	7	1,263	8,183	2,537	0	11,990
2003	7	1,160	9,128	1,352	0	11,647
2004	8	1,098	8,378	1,574	0	11,058
2005	7	887	6,940	1,475	0	9,309
2006	5	1,047	8,643	1,851	0	11,546
2007	2	1,202	10,022	2,341	0	13,567
2008	5	1,075	8,498	2,060	0	11,638
2009	1	473	4,163	1,170	0	5,807
2010	2	446	3,940	1,154	0	5,542
2011	2	510	5,204	1,593	0	7,309
2012	31	380	5,852	828	0	7,091
2013	22	333	5,709	825	0	6,889
Total	**118**	**11,399**	**94,329**	**21,707**	**0**	**127,553**
			Loan Amount ($1,000s)			
2000	94	11,903	72,235	28,941	0	113,173
2001	218	14,678	86,333	31,176	0	132,405
2002	49	17,194	106,138	34,667	0	158,048
2003	172	14,338	115,305	20,843	0	150,658
2004	185	15,173	104,494	25,756	0	145,608
2005	218	10,860	86,039	22,014	0	119,131
2006	82	13,014	107,180	29,618	0	149,894
2007	35	13,489	117,909	34,806	0	166,239
2008	48	13,778	102,763	31,349	0	147,938
2009	15	8,195	73,886	21,466	0	103,562
2010	20	9,022	68,834	19,380	0	97,256
2011	20	8,599	86,073	24,249	0	118,941
2012	782	4,814	84,419	12,354	0	102,369
2013	357	4,122	79,555	12,355	0	96,389
Total	**2,295**	**159,179**	**1,291,163**	**348,974**	**0**	**1,801,611**

Table A.2
Small Business Loans Originated: $100,001 to $250,000 by Tract MFI
Non-Entitlement Areas of North Dakota
2000–2013 CRA Data

Year	<50% MFI	50.1-80% MFI	80.1-120% MFI	>120% MFI	Missing MFI	Total
			Number of Loans			
2000	0	50	287	135	0	472
2001	0	57	332	152	0	541
2002	0	74	325	147	0	546
2003	0	57	332	106	0	495
2004	0	49	380	146	0	575
2005	1	20	176	64	0	261
2006	0	33	240	92	0	365
2007	0	31	229	119	0	379
2008	0	31	283	109	0	423
2009	0	22	223	92	0	337
2010	0	21	215	87	0	323
2011	0	24	222	99	0	345
2012	2	14	257	53	0	326
2013	1	18	264	45	0	328
Total	**4**	**501**	**3,765**	**1,446**	**0**	**5,716**
			Loan Amount ($1,000s)			
2000	0	8,513	48,879	22,240	0	79,632
2001	0	10,420	57,075	25,702	0	93,197
2002	0	12,584	53,812	25,658	0	92,054
2003	0	9,236	54,725	17,610	0	81,571
2004	0	8,672	66,056	24,600	0	99,328
2005	250	3,331	31,129	11,188	0	45,898
2006	0	6,050	40,749	16,468	0	63,267
2007	0	5,577	38,882	21,190	0	65,649
2008	0	5,250	47,394	20,443	0	73,087
2009	0	3,628	37,575	16,868	0	58,071
2010	0	3,592	37,305	15,843	0	56,740
2011	0	4,002	37,862	17,747	0	59,611
2012	272	2,643	46,255	9,946	0	59,116
2013	250	3,579	47,475	7,770	0	59,074
Total	**772**	**87,077**	**645,173**	**253,273**	**0**	**986,295**

Table A.3
Small Business Loans Originated: More than $250,000 by Tract MFI
Non-Entitlement Areas of North Dakota
2000–2013 CRA Data

Year	<50% MFI	50.1-80% MFI	80.1-120% MFI	>120% MFI	Missing MFI	Total
			Number of Loans			
2000	0	69	183	79	0	331
2001	0	52	233	114	0	399
2002	0	64	230	131	0	425
2003	0	28	254	82	0	364
2004	0	41	281	106	0	428
2005	1	14	153	97	0	265
2006	0	25	214	93	0	332
2007	0	22	217	108	0	347
2008	0	24	261	129	0	414
2009	0	19	207	118	0	344
2010	0	15	203	107	0	325
2011	0	17	268	94	0	379
2012	0	18	267	57	0	342
2013	3	19	256	57	0	335
Total	**4**	**427**	**3,227**	**1,372**	**0**	**5,030**
			Loan Amount ($1,000s)			
2000	0	41,174	96,820	39,473	0	177,467
2001	0	28,261	121,591	56,999	0	206,851
2002	0	34,725	114,660	67,913	0	217,298
2003	0	14,158	127,278	46,879	0	188,315
2004	0	19,138	147,808	54,433	0	221,379
2005	1,000	7,325	78,089	52,213	0	138,627
2006	0	13,220	114,395	53,627	0	181,242
2007	0	12,584	112,926	59,608	0	185,118
2008	0	12,742	142,782	73,802	0	229,326
2009	0	11,676	109,962	72,374	0	194,012
2010	0	10,155	111,612	61,297	0	183,064
2011	0	9,986	142,547	53,964	0	206,497
2012	0	10,881	147,666	31,688	0	190,235
2013	1,248	10,955	141,071	29,223	0	182,497
Total	**2,248**	**236,980**	**1,709,207**	**753,493**	**0**	**2,701,928**

Table A.4
Small Business Loans to Businesses with Gross Annual Revenues of Less Than $1 Million by Tract MFI
Non-Entitlement Areas of North Dakota
2000–2012 CRA Data

Year	<50% MFI	50.1-80% MFI	80.1-120% MFI	>120% MFI	Missing MFI	Total
			Number of Loans			
2000	3	439	2,871	996	0	4,309
2001	11	480	3,237	1,082	0	4,810
2002	4	509	3,341	1,156	0	5,010
2003	4	569	4,179	712	0	5,464
2004	5	475	3,820	731	0	5,031
2005	5	495	3,912	818	0	5,230
2006	3	516	4,624	1,058	0	6,201
2007	2	562	5,121	1,261	0	6,946
2008	2	492	4,124	1,067	0	5,685
2009	1	225	2,131	592	0	2,949
2010	2	190	1,915	556	0	2,663
2011	2	234	2,679	760	0	3,675
2012	13	187	2,899	400	0	3,499
2013	14	172	2,922	390	0	3,498
Total	**71**	**5,545**	**47,775**	**11,579**	**0**	**64,970**
			Loan Amount ($1,000s)			
2000	76	23,091	112,039	48,117	0	183,323
2001	205	21,626	133,687	68,262	0	223,780
2002	37	27,546	132,057	70,082	0	229,722
2003	69	21,471	145,330	50,100	0	216,970
2004	75	23,392	133,277	46,968	0	203,712
2005	78	9,576	78,001	32,712	0	120,367
2006	42	14,428	121,079	44,111	0	179,660
2007	35	15,117	124,824	47,577	0	187,553
2008	22	11,347	136,637	55,305	0	203,311
2009	15	8,093	85,711	43,211	0	137,030
2010	20	7,090	72,672	35,465	0	115,247
2011	20	5,559	91,866	35,081	0	132,526
2012	457	5,109	96,966	17,416	0	119,948
2013	417	5,473	93,351	15,619	0	114,860
Total	**1,568**	**198,918**	**1,557,497**	**610,026**	**0**	**2,368,009**

B. Fair Housing Survey Open Questions

Federal, State, and Local Laws

Table B.1
Where would you refer someone if they felt that their fair housing rights had been violated?
«Label»
2013 Fair Housing Survey Data

Comments:
??
1.800.669.9777
Ablr Dept
attorney general
Attorney General
Attorney General's office?
attorney's office
City Office
Consumer Financial Protection Bureau
Contact the local housing authority and request assistance with filing a claim.
County housing authority
Department of Labor
Department of Labor or Legal Services
Department of Labor?
Dept of labor
Dept of Labor
Dept of labor in ND
Dept of Labor or High Plains
Dept. of housing & urban development
Dept. of Labor
Dept. of Labor and Human Rights
don't know
Don't know
Don't Know
dont know
Fair Housing
Fair Housing of the Dakotas
Fair Housing office
Federal Housing Authority
File a complaint with HUD - I've never needed to do this or recommend to anyone yet, but if I did I'd look up the information online.
Grand Forks Housing Authority
H.U.D. or civil court
High Plains Fair Housing
High Plains Fair Housing and/or work with an advocate
high plains fair housing center
High Plains Fair Housing Center
HIgh Plains Fair Housing or ND Dept of Labor
High Plains Fair Housing or the Housing Authority
High Plains FH Center
Housing administration
Housing and Urban Development
Housing Authority
housing authority for that area
Housing Fair Housing & Equal Opportunity Office; High Plains Fair Housing (Grand Forks), ND Department of Labor
HUD
HUD Denver or ND Labor Dept.
HUD offices City Hall
HUD or in ND the fair labor board
HUD.gov
I am unsure, but I would guess with the Department of Labor.
i don't know
I don't know
I don't know, would have to make a few phone calls
I have no idea. I tried once before and got nowhere!!
I know it's the Labor Dept., but I believe very few people would actually be able to figure that out. Need a department name that is more visible and easy for people to locate.
I would call the dept of labor and state the discrimination
I would consult with the Law Clinic at UND's Campus.
I would have to look into it, but I would start at the Stutsman County Housing Authority.

I'd ask my realtor, not sure.
i'm not sure. I'd have to look it up.
labor commissioner
Labor Dept--which seems weird
legal aid
legal assistance
look it up using a search engine
ND Dep't of Labor
ND Department of Labor
ND Department of Labor - Fair Housing Division
ND Department of Labor and Human Rights
nd dept labor
ND Dept of Commerce
ND Dept of Labor
ND Dept of Labor HUD
ND Dept of Labor & Human Rights; Fair Housing Division
ND Dept of Labor and/or HUD
ND Dept of Labor Human Rights Division
ND dept of labor or HUD fair hsg
ND Dept. of Labor
ND Fair Housing Council
ND Fair Housing Office
ND housing authority
ND housing authority?
ND Labor & Human Rights
ND Labor Dept. or HUD Denver Fair Housing
ND State AG's office
NDAR
No clue
North Dakota AG Office
North Dakota Department of Labor
not sure
Not sure
Not sure; I have heard that rarely has a housing complaint been found in favor of the complainant.
Not sure.
Online
Online at CFPB.org
State Department of Labor
State Dept. of Labor
State housing board
State ND
With HUD.
With the housing authority ?
yes
Yes
You would contact your local fair housing office, or go to the local housing athorities.

Table B.2
How did you become aware of fair housing laws?

«Label»

2013 Fair Housing Survey Data

Comments:
Administered CDBG grants decades ago
Am a rental landlord and work with low-income, working poor, assisting with rent
Attended a training and serving on the board of the High Plains Fair Housing Center.
Attended Fair Housing Conference/Training
Attending training
Banking compliance and education
Continuing Education and banking industry requirements
education
Employment at an agency that abides by Fair Housing requirements.
employment/HUD grants
Extended family
fair Housing seminars and classes
Have been working in rental housing for over 30 years.
Have worked in property management for 26 years
Helping an elderly person get placed in subsidized housing.
I am a former resident manager of 142 units in S. Farfo
I am a renter and my job is with social services agency.
I am somewhat aware of fair housing laws through work.
I educate myself as much as I can for my clients by reading up and/or going to courses and classes that will help me help them..

I have become aware of the fair housing laws through a small claims court rental experience and through some work with HUD requirements for a Community Development Block Grant.
I have been a county comm. for 14 years and have become aquainted with housing issues during that time.
I have been in the property management industry for 10 years. I have been through extensive training on fair housing
I have read the Fair Housing Act. I also have read a book breaking down what the Fair Housing Act is.
I have taken training in these issues over the last 16 years.
I work for Options and must be familiar with the Fair Housing Act, ADA, and other various entitites.
I worked very closely with Fair Housing when it was located in Bismarck, including putting together a fact sheet regarding domestic violence victims and housing with that entity. I've attended several trainings regarding Fair Housing and am knowledgeable about the VAWA protections that are in place for victims of DV.
I'm a mortgage lender
I've attended a couple of housing conferences over the years.
In the industry and have attended many trainings. Also, have had many unsuccessful actions filed against agency.
industry newsletters
Legislative process, legal study
Licensed real estate broker
licensure education
Meetings
meetings and [peer group
ND League of Cities
NDHFA Housing conference
Newspaper articles
On the job work
online classes
other peoples experience
Our agency had an in-service from High Plains Fair Housing about a year ago.
presentation
presentations from Dept of Labor and Dakota High Plans Fair Housing
previous employment, internet
public housing management and disability housing advocate
Reading
Reading the Fair Housing laws, etc.
Reading them
regularly read various newsletters and HUD bulletins .
Required education for my profession.
Required training through work.
Research, trainings, cases, education.
researching for homeless
Seminars and other education
Serve on Housing board
Serve on the South Central Dakota Regional Council
Several fair housing classes, online training, etc...
some work in housing assistance, housing information
The industry we are in.
Their newsletter and other literature
Through assisting clients with housing applications
Through attending Fair Housing workshops
through Dept of Commerce literature and requirements for ESG grant
Through education from CANA as well as from the fair housing staff.
Through fair housing presentations, legislative, committees
Through housing forums.
Through literature and colleagues
Through local discussion of state legislation prohibiting housing and job discrimination against our LGBT community.
Through my experience in my job.
Through obtaining my National Realtor License and Minnesota State License before moving to North Dakota.
Through publications, materials, information included on documents.
through real estate classes and continuing ed
Through Real Estate education, continuing education, and our marketing department at our real estate office which monitors all of our advertising to make sure we're in compliance.
Through research, trainings, and my role in my current position.
through serving on different boards in the county.
through the agency where I work
Through work shops provided by North Dakota Human Rights Coalition
Through work where we are required to receive yearly civil rights training which includes being familiar with the Federal Fair Housing Act
through working with disadvantaged individuals
Training
Training by High Plains Fair Housing and the ND Department of Labor.
We are a Public Housing Authority and our funding is predicated on no descrimination
We are the local housing authority also with a non-profit that has hud programs
When looking for information on renter's rights.
When working with clients trying to get an apartment, then trying to understand the actual reasons for their denials and researching tenant rights

While working in the housing industry
Work Experience
Work related issues
worked as an outreach minister for years
worked in housing area for many years attended several seminars on fair housing
worked with a transitional housing program and attended fair housing trainings
Worked with Fair Housing of Dakota's several years ago and received training on Fair Housing from Legal Services of ND
Worked with HUD for 30 years
Working for a property management company and become a registered leasing agent with the NAA (National Apartment Assoc)
working w/ clients
Working with HUD and training conducted by High Plains Fair Housing
working with HUD funds
Working with New Americans has helped me become familiar with fair housing laws. Also, my organization tried to help an AmeriCorps with housing issues and learned about these laws.
working with some of the regulations

Table B.3
How should fair housing laws be changed?

«Label»
2013 Fair Housing Survey Data

Comments:

add sexual orientation
Addition of Sexual Orientation and Gender Identify as protected classes
broadened
credit history other than rent owed and damage to property
determine reasonable market value / rent
Easier to understand with clarity as to where to take complaints
Fair housing law is skewed toward the landlord. Also, GLBT should be included protected classes.
Fair Housing laws should be more inclusive in the State of North Dakota and expand its protected classes to include sexual orientation, creed, marital status, gender identity, and public assistant status, medical condition, ancestry, source of income, genetic information, arbitrary discrimination.
First off, while these laws are on the books, I find there to be little real enforcement on either a local or state level. Individual cities in North Dakota do not have the resources to handle such complaints, and even at the state level, only some complaints are actively looked into, while others are forwarded to the federal government for review and others disregarded altogether. Another issue I have is that Fair Housing Laws are hardly all-inclusive of classes that deserve protection. These include but are not limited to LGBTQ individuals and non-binary gender individuals.
I am thinking more on the rental side. I believe there should be a cap on all rentals. Just because some people have higher paying jobs and can afford more rent, there are those that do not have higher paying jobs and do not qualify for housing assistance and still have to pay high rent.
I think that often times tenants are not taken care of as much as the landlords. I have assisted clients that do not seem to have a leg to stand on when it comes to getting the fair end of the deal in regarding to landlord discriminating against them.
If I'm renting a property to someone, my religious beliefs should be respected also, not just theirs.
Include LGBT as protected classes.
Include sexual orientation
It appears as though the big landlord companies have all the control and a tenant is at the mercy of what the landlord may mandate or change a policy to get rid of a tenant
It should include LGBTQ community also. As an aside, people protected by this statute are not "protected classes". The law is simple stating that everyone should be treated fairly. For example, I'm a middle aged, middle class, white woman who you might consider privileged. However, I fall into several of the groups you refer to as "protected classes". That term singles people out as different for different treatment when the goal of the statute is to treat everyone fairly, or the same.
It should include sexual orientation, gender identity, and marital status.
Landlords discriminate. It is not always blatant but they find a "legal" reason to decline someone even though you can tell from conversations and they way you are treated that there are other reasons. One thing I disagree with is taking an application fee from someone you know you aren't going to rent to. That has happened extremely often to my clients. I think there should be more protections for domestic violence victims. If they have a bad rental history because of their abuser or have bad credit because of an abuser, that shouldn't be looked at as negative for them.
Laws should be made tighter but at the very least landlords/leasing agents across the state should be held to a firm, fair, and consistent standard to prevent unfair and discriminatory practices.
Mandate torespond in a reasonable time
More agency to tenants. Landlords have most/all the power in most situations.
more protective of tenants, wider interpretation of protected classes
Private Property should be subject to control by the owner
protect against discrimination with regards to sexual orientation
Protect sexual orientation and same sex partnerships
Protection against sexual orientation discrimination should be included
service animal laws should be changed to be specific to include disabilities and not medical conditions. They should specify exactly the person authorized to provide a prescription and sign a service animal authorization. authorization should only include a licensed mental health professional.
Service Animals should be limited. Ex: dogs in 1 apartment is not needed.
Sexual orientation needs to be added
Sexual Orientation should be a protected class
Sexual orientation should be added as a protected class

Should include Sexual Orientation
Smaller housing counties shouldn't judged the same as larger ones.
Some religious landlords do not appreciate unmarried couples in their units. Also, many aged owner occupied homes with an apartment would rather leave it vacant because they cannot legally restrict who they allow to share their home/dwelling. This has caused many units to be removed from the pool of available units. In RURAL areas this is a PROBLEM that cannot be easily solved as new units cannot be economically built to replace them. So rural areas get shafted making it harder to have police, school teachers and other professionals move into rural towns. Thus ensuring the continuing pressure of gov't regs squeezing the life out of smaller towns. Yet City Folk expect small towns to support their need for food and other products. Who wants to live in a place that cannot get a PA, teacher, policeman, nursinghome administrator etc to live there because there are no available rentals? City folk don't get it. Do you???
The assistance animal issue is becoming over whelming for landlords and expensive. The assistance animal category needs to be redefined.
The laws in ND should be changed to protect sexual orientation and gender identity.
They need to be strengthened, expanded, and clarified.
Victims of domestic violence should be protected.
We need to continue to take a subjective look on Disparate Impact on the state level as federal guidelines mold into a lending friendly rulebook. We will need to keep in mind growth in "minorities" in the state as a large base of specific nationals grow and group largely together in the oil regions, devils lake region, and fargo where rules may hinder lending in neighborhoods that grow with one type of nationality or race.

Local Fair Housing

Table B.4
Are there any specific geographic areas that have fair housing problems?

«Label»
2013 Fair Housing Survey Data

Comments:

All face discrimination, unfair/too high rents, difficult landlords, unfair practices and more.
Areas in which there is a large, diverse population--Western North Dakota in general, Fargo-Moorhead, Grand Forks, Bismarck, Devils Lake, etc.
Bakken
Bismarck
Communities close to the oil fields
different complaints mostly Race. My guess is from most areas of the state.
Fair housing is a problem everywhere.
I do not know specific locations I just know that it happens
I think it is everywhere, but there are certain areas of communities that we see more frequently than others. For example, we see fair housing problems at particular housing complexes or housing providers in certain locations around the city, county, and state.
I think out west there serious issues with housing affordability. In Fargo, there is a shortage of work force housing that is affordable for the entry level buyer.
I think the entire state is struggling with the housing demand, and the ability for landlords to be more selective when choosing to rent to someone. Some of the selectiveness is legal, but other times it crosses the line into fair housing concerns.
I would assume the western part of the state has many. People working blue collar jobs can't generally afford to rent there.
I would say it is a problem thru out the state, always has been. I am sure the Bakken has many issues. All this beautiful growth thru out the state with residential and apartment building and it is no easier to find an accessible place to live than it was ten years ago.
It certainly appears that there are serious problems in the Bakken oil patch.
It is extremely difficult to find an apartment that meets FMR in Grand Forks.
Minot and the Bakken Boom area and surrounding hubs.
Oil boom areas.
Oil patch communities, reservations, housing near college campuses.
Particular problem in western part of the state
probably most areas due to the housing shortages
Region 3.
Reservations
rural areas
rural areas - lack of affordable housing, especially for senior or those on fixed incomes.
Rural areas or fast growing cities
State wide
The cities with very small populations. For example: 200 people or less.
The West struggles with voucher limits and the high rents, causing working homeless. The entire state has issues of some kind or another. They can be worked through--it just takes time and money.
Western area, Williston, Watford City
Williston and dickinson

Table B.5
Please share any additional comments.
«Label»
2013 Fair Housing Survey Data

Comments:
As North Dakota communities are growing, this would be a good time to provide information on design and safety in planning diverse neighborhood types plus more information on high density areas and their attributes. People coming from outside the state don't necessarily want the big house with the picket fence. Plus, with our housing demographics showing the increase in single person households - more needs to be done to see different types of housing for this population, ie more affordable, less maintenance, frees up larger homes/apartments, etc. Affordability is the most crucial element facing ND now. Projections show that a large percent of people moving in are of color and it would be a great time to create an office of diversity in the state before bad habits/discriminatory practices get a foothold. As someone said to me "those people are here to work". We need to make sure they get the chances to do that long term.
Given the protections that are already established, I see no reason to not grant protection to other underserved groups (GLBT community).
I believe that the state should be pro-active in fair housing issues in ND and to make the process easier for the average citizen to access the complaint process.
I can not stress enough that the bare minimum regs of so called "accessible' apts is SO inadequate. And those that advertise their units online with their websites should be required to show pictures of what their accessible units look like and describe what accessible features are within that unit. We end up calling for information and often get people who have no idea, so then we have to schedule a visit to go see for ourselves and that is time consuming and arduous.
I suppose the larger city areas of ND have laws they must comply with but out here in the rural areas, are we exempt from these laws? I know of some homes, owned by private people, and rented to others that are not in good shape. This is especially true in the oil patch areas.
I worked with Fair Housing in Bismarck a few years back very closely. If I saw an ad for a rental that seemed discriminatory, I would let them know. They were very good at checking out any issues I had with landlords when helping victims find permanent housing.
I would like to learn more about Fair Housing, I think just finding the time to attend trainings and meetings at this time would be difficult. I believe that is why I have never attended any of the meetings you have had in the past. I believe it is a very important issue and the entire state, cities, towns, communities should be made more aware. I actually do most likely know more about fair housing that I answered yes to, but wasn't absolutely sure of a correct answer to fill in, so I checked I don't know or No. I would absolutely want to attend trainings on this issue, as well as with my staff. We are dealing with unfair rent and such at this time, but as far as racial, etc., no I don't believe that is happening. Could be, I am just not seeing it. We also have many slum lords that are renting out horrible mold infested houses for extremely high rent and I think things like that need to be checked into. Landlords think that just because people are desperate they can get away with breaking the law.
It is disappointing to me that we still are fighting this battle for fair treatment of individuals most often the discrimination solely based on ignorance and fear of the "other" (religion, race, nationality, native language, sexual orientation, etc.). And it's even more disappointing to me that even when we have LAWS to protect individuals North Dakota fails to readily enforce them and/or demand that leasing agents/businesses uphold them.
Most of my "no" answers could also be considered "don't know". I had no experience with the subjects personally or second-hand knowledge. This does not mean that no incidents have occurred.
ND needs much more aggressive laws and regulations for fair housing and much more aggressive support and action for the government and applicable service providers to enforce fair housing laws!
None
Obviously, I am not very aware of Fair housing rules and regulations. so more education would be helpful.
region 3 has no homeless facility and needs one.
Service Animal laws education needs to be expanded
So thankful you are tackling this issue. It's vital.
Some limitations due to language barriers.
The Grand Forks Housing Authority needs to take more care in the service that they provide. Domestic Violence should also be made a preference for rapid rehousing.
We need to relax standards around university in order to allow campuses to supply adequate and affordable housing for its students. we are having a huge decline at MSU because of the unavailability to meet the housing needs of students.

Fair Housing in the Private Sector

Table B.6
Are you aware of any questionable practices or barriers to fair housing choice in the rental housing market?
«Label»
2013 Fair Housing Survey Data

Comments:
Apparent reverse discrimination in areas with high minority populations and too few 'non-minority' in those units.
Basing renting from a corporate rental agency should NOT be based on previous credit rating, especially if due to medical reasons.
By the HUD's definition, I am not aware of any impediments towards the listed protected classes. However, as I mentioned earlier, there are unprotected classes that do face impediments, but because these individuals are unprotected by law those instances go unnoticed.
Domestic Violence
former criminal background, amount of children in family, rents too high for most families to afford

Have heard of refusal to rent based on race; need to include sexual orientation and gender identity
housing and apt rentals not indicating what kind of access, if any is available, for people with disabilities.
I believe that some New Americans have been denied housing because of their dietary and lifestyle customs.
I have heard of instances where the rent price will be higher if owner knows it is a Native American.
I have no direct experience, but you hear occasional stories.
I have shopped some of our competitors and have been asked if I have children. Also, have had a neighboring property complain about children on his site as they do not have any children in their community. Also, refusing service animals.
I know that people with refugee status have been told an apartment was no longer available when they showed up after calling and being told the place was available.
I think landlords discriminate based on color but they find another reason to get around it and decline someone.
I think language is a huge barrier that landlords do not like to address in our market, plus the pricing of the rental market puts a lot of housing out of the reach of low income people.
if someone has a criminal record
Impediments I have encountered while working with clients: refusal to rent based on religion, color, nationality, sexual orientation, AND language proficiency, evictions based on a renter's prerogative to cook curry that a neighbor didn't like or because tenant didn't speak English, excessive fees charged to LEP individuals renting in a building that was effected by bed bugs, etc.).
In past experience at a non publicly traded management company in Minot there were specific owners that wanted the company to strictly rent their unit to a specific family or renter type to exclude members of federally protected classes. The owners were also builders and the ones that make it difficult for new families to purchase affordable housing making an oligopolistic market which when inflated is especially difficult to enter and makes my community more greedy and less awesome. :*(
Landlords are only willing to rent based on the money as person has. It should be more then that and a landlord should be held accountable for their own actions regarding tenants.
Landlords can NOT rent to whomever they wish and can evict for whatever reason they like, including wanting to raise rents.
Mostly just independent home owners - they are not educated on the law or the facts. Especially here in the Western Part of the State.
National Origin
Our agency has had instances of blatant discrimination based on refugee status and certain populations.
People with felonies on their record have a hard time renting regardless of the crime. Hard for them to start over and provide for families
previous credit history/criminal background other then violent behaviors.drugs
quality of housing one is offered can depend on race.
Refusal to rent based on color, rental costs to high,
Refusing to rent because they believe the person is not "independent" enough to live their or is too "disabled". Refusing reasonable accomodations' such as replacement of a tub in bathroom with roll-in shower even though would be paid for by individual and money would be put in escrow to put the bathroom back to previous condition if wanted by landlord.
Responses concerning availability are frequently different for people of color as opposed to whites. People receiving public assistance are frequently discriminated against and many landlords resist service animals and other accomodations.
shortage of rental housing (esp. affordable) limits choice and may give unfair advantage to landlords
Some landlords prefer to rent to elderly rather than families with children. Comments heard about persons of different color.
The disabled population has a very difficult time finding housing. Protected classes tend to be lower income w/ poor or no credit making it very difficult for them to access safe, affordable, accessible housing in ND.
There is passive discrimination of refugees with large families
unable to rent to people who have a criminal record or have have trouble with credit.
With the housing market so "hot" right now, landlords are able to pass by potential renters more easily than in the past, knowing that someone else will be along soon looking to rent. I have seen landlords hesitate to rent to large families, especially if the apartment is not on the first floor. I have also seen people treated differently, based on their skin color, different expectations as a tenant and not truthful landlord recommendations in the future.

Table B.7
Are you aware of any questionable practices or barriers to fair housing choice in the real estate industry?

«Label»

2013 Fair Housing Survey Data

Comments:

Again, clients have been deferred to certain apartment complexes due to their nationality, race, religion, LEP status, etc; and routinely these apartment complexes that are inhabited at a higher rate by these diverse groups of people are consistently serviced less for maintenance or served in a timely manner for that matter.
not allowing families with children to live in same apartment bldg. as the elderly
the poor get terrible treatment
There is passive discrimination of refugees with large families
When checking boxes to limit ones search on the internet, there is no box indicating need for access for people with disabilities. Example they offer #of bedrooms or bathrooms, $ range, which part of town, but not "accessibilty"

Table B.8
Are you aware of any questionable practices or barriers to fair housing choice in the mortgage and home lending industry?

«Label»

2013 Fair Housing Survey Data

Comments:

I was privy to a conversation amonst educAted women who had tried to get home loans in Bismarck. All 4 felt discriminated against by lical lenders.
Interest rates are much higher for women if they can get credit at all
Wells Fargo made the national news for this.

Table B.9
Are you aware of any questionable practices or barriers to fair housing choice in the housing construction or accessible housing design fields?

«Label»
2013 Fair Housing Survey Data

Comments:

A& E firms still do not know the regs and there are still two codes that do not match being used. Stupid and Stupid.
Developers resist building accessible and even visitable housing
Having accessible spaces means much more than just having no steps to get into the building and some landlords/companies do not understand that.
Housing not built up to code. Not enough accessible housing units. Too many garden level apartments.
I believe there needs to be better compliance with the ADA in housing. The requires ongoing education of builders and developers.
I have heard of housing areas where houses had to be built a certain type of construction and steel roofs prohibited.
Lack of accessibility
Many new dwellings are not built to sufficiently accommodate disabled individuals.
New housing facilities not all ADA compliant.
Outside entrances that do not have push button openers
Rental agencies do not like providing reasonable accommodation for individuals with disabilities (such as okaying installation of visual fire alarms, door bells, etc.).
Senior housing/apartments should have a contractor who is familiar with elder, disabled needs.
The doorways may be wide enough but that is as far as it goes in a market rate unit
Their websites do not show what apartments look like for people needing "accessible units". All I see are stoves in which the burner knobs are located in back of the stove, not reachable for someone in a wheelchair, they have islands that are too tall for our use and with limited lower shelf/cabinets so where are we to put our dishes, and food etc. No pictures of the accessible bathrooms. Shower units with lips so again no access for wheelchair. We need attached garages for wheelchair access to our vehicles. Builders follow the minimum regulations that they have to follow, (if that) but real access is unavailable.
This community needs to adhere to the ADA compliance when constructing new apartments, I see an improvement, but we have a long way to go
we have to many rentals with steps

Table B.10
Are you aware of any questionable practices or barriers to fair housing choice in the home appraisal industry?

«Label»
2013 Fair Housing Survey Data

Comments:

There is a monopoly in the appraisal industry that limits the time and inflates the cost to hire one. We need to re-evaluate this process and what it takes to become certified!!!!!! Minot experienced HORRENDOUSLY Handicapped timeframes that bottlenecked growth, expansion, and recovery after the flood and oil boom. Talk about not being proactive for growth AND not learning from past obstacles.
With zip code profiling I think it is a reality.

Table B.11
Are you aware of any questionable practices or barriers to fair housing choice in any other housing services?

«Label»
2013 Fair Housing Survey Data

Comments:

Access to a building is going to depend on if Public or Private money was udes to develope the building.
HUD vouchers are to low when compared to the average cost of rent in some of our communities.
I do know that friends in the LGBTQ community feel singled out and unprotected when it comes to housing.
I don't know of specific examples.
Lack of all affordable housing. Rates are too high to be able to afford
not enough vouchers available to number of persons applying for assistance in region 3 .
not open everyday.
People are losing their houses because they can not recive assitance with morgage. If they rented and had the same income they would get the help. Things happen in life and a person is punished if they try to keep their home.
Sexual orientation discrimination
the housing authority is biased, inconsistent, and non-transparent.
There is a general ignorance and lack of training concerning fair practice laws in North Dakota for rental companies/agencies in which they actively and often without reprimand or consequence discriminate against a diverse public.

There is frequent housing discrimination at all points in time of many tenants' rentals of units from applying for housing, eligibility for housing, receiving housing, repairs, payment of "extra" rent and deposits, to termination, eviction, and even court proceedings. ND law limits individuals defenses in eviction proceedings (see NDCC Ch. 47-32).

Fair Housing in the Public Sector

Table B.12
Are you aware of any questionable practices or barriers to fair housing choice in land use policies?

«Label»

2013 Fair Housing Survey Data

Comments:
barrier of affordable land to build apartment for disabled (ground level 14 apts)
I believe such policies do exist.
I think that was a practice a long time ago and was discovered that it wasn't a good practice-I don't think any new policies do that.
Land use policies frequently limit the number of individuals or family members and non family members who can reside in a dwelling. This may be an issue for individuals of certain religions, national origins, and familial status.
Local building codes
Low income housing is limited to certain locations. I feel that they should be spread around the city to avoid the stigma that comes from having a certain address.
Old school zoning still forces multi-family into small areas usually in less desirable areas.
Zoning

Table B.13
Are you aware of any questionable practices or barriers to fair housing choice in zoning laws?

«Label»

2013 Fair Housing Survey Data

Comments:
Affordable housing is "separate" from other types of housing and not adequately integrated w/ private housing which means many protected classes who are often minorities and recipients of public assistance are isolated from individuals of non protected classes. Also see the Answer to #1 above.
Example: Ruth Meiers going into a neighborhood and the barriers they faced.
I don't know the difference between land-use and zoning policies - see above.
I have seen zoning changed to allow group homes be built.
Minot is a prime example where the need for low income housing outweighs ANY OTHER NEED. I do not qualify, nor would I be in need of it but I recognize that there are NO stepping stones for individuals who do not work boom related jobs and when things recess we are going to be in the hurt bag. Mobile home parks, low income housing districts, and affordable construction incentives need to be more aggressive and more incentivized. Another example of too much greed for another "need".
officials aren't giving enough flexibility to zoning for all needs
Recent action in Bismarck to limit placement of either a group home or treatment home
The local authorities are good to work with in taking care of these type of situations
There is plenty of NIMBY in this community.
Too close to neighborhoods with small children etc.

Table B.14
Are you aware of any questionable practices or barriers to fair housing choice in occupancy standards or health and safety codes?

«Label»

2013 Fair Housing Survey Data

Comments:
At one point the GF Housing Office was going to partner with the GFPD in order to "ensure" that Somalis were "telling the truth" and only had so many individuals living in their homes because "they" were out to commit fraud.
Definitely happens in low income housing
Few communities have adequate zoning and building codes. Lack of building inspectors is an issue.
I believe it should be mandatory to inspect rental dwellings yearly
I believe there are impediments to some safety standards being followed in apartments renting to immigrants and New Americans--for example stoves and ovens not being serviced and up to standards.
I know there are some rental properties owned by individuals that have significant problems with electrical and hearing systems. There seems to be no laws governing the condition of private rental homes.
Landlords are not supported when tenants flaunt the laws
Local building inspectors not enforcing codes for adequate accessibility. Example: required to have a flat landing in front of door accessing building and builder puts a ramp up to door but does not place a flat landing there and then is approved by building inspector and not made to correct his error.
Local communities are too lenient on health and safety enforcement.
Minot has one individual at First district health unit that handles water and sewer for the broader 7 county region. If ever there was a need for a higher budget for more employees it would be when we are sitting on a surplus because of our population boom. Sewer hodge podge planning is seen in all of our projects that are costing us ten fold long run are due to short term vision and

work duties that have exponentially increased for our state workers.
The liveability or habitability of affordable or low-income housing and in some cases private housing is a disgrace. Landlords frequently take advantage of vulnerable populations who are usually protected classes by renting them less than adequate dwellings and the vulnerable individuals often tolerate the poor health and safety of the dwellings because they have no where else to go and do not want to be homeless.

Table B.15
Are you aware of any questionable practices or barriers to fair housing choice in property tax policies?

«Label»
2013 Fair Housing Survey Data

Comments:
accessibility incentives
Could add incentives for reasonable accommodations to allow easier compliance with state and federal law
I am not aware of the incentives so better education to the construction industry and developers should be increased
I feel that the current system of special assessments could inadvertantly, negatively affect elderly and young families by forcing debt payments without the concent of the property owner.
I have yet to see any incentives to encourage housing providers to make reasonable accommodations or modifications for disabled individuals. There are policies and incentives for developers to build overly priced housing, but very little or none for affordable or low income housing for vulnerable individuals who are often members of protected classes. I have heard excuses like developers won't build or they can't afford to build affordable housing. There should be tax incentive and policies in place to affirmatively further fair housing for protected classes!
I think Bismarck should look into a lower property tax assessment on elderly - their incomes do not go up as the property taxes are increased.
Maybe there should be different types of financial incentives. A lower rate if they only follow the minimum requirements, and a higher rate if they meet go beyond the minimum…of course that would require some specifications of what must be done to qualify for the higher tax incentive.
Need to advocate for more money for the Housing Incentive Fund
Not aware of tax incentives available to help with modifications for disabled.
Tax Credits are difficult to obtain on smaller projects.
tax incentives/programs for modifications are needed
There needs to be incentives in place for the private sector to invest in accessible units

Table B.16
Are you aware of any questionable practices or barriers to fair housing choice in the permitting process?

«Label»
2013 Fair Housing Survey Data

Comments:
Currently, permitting information only offered in English.
I assisted a family when they were leaving their rental property and only English was provided.
I do not believe this is a barrier. You should be able to speak and understand english...period.
Most landlords probably do not know how to access interpreters. For landowners who are renting under 4 units it could be cost prohibited.
The above example of not having written documents on procedures and ordinances in alternate languages may be an issue in the state. Our office hasn't received any requests for documents in alternate languages, but someday we might.
This is rarely, if ever an offered option, in fact most clients are told by rental companies/agencies/etc. that they are responsible for providing their own interpretation and translation regardless of whether or not the entity is federally funded.

Table B.17
Are you aware of any questionable practices or barriers to fair housing choice in housing construction standards?

«Label»
2013 Fair Housing Survey Data

Comments:
ADA and UFAS regs are not similar and my experience with several A & E firms is they do not get handicap access or design.
Constant change of regulations, it is difficult to keep up with what is in effect at a particular time
Frequently get questions from contractors and landlords what guildelines must be followed regarding accessibility.
I don't think the guidelines are any more confusing than other building specs or necessarily any more expensive to do. I think they are not a high priority amongst builders and are viewed as an extra pain in the butt to them. Many builders don't understand the need or the importance and if they deviate from what is required they don't understand how that impacts someone with a disability.
Many communities are changing policies in mid-stream.
more accessible features
Multiple new homeowners have cited many builders literally and metaphorically cutting corners for a quick buck. ND has harsh winters and we should be planning for our electrical grid to go out and have warm homes and backup heating options. If we are willing to do it for less it gets passed on at half the cost and half the quality to the class below.
Red River Valley Community Action could use construction on their building to expand their entryway but I don't believe they know

how to go through the channels since they are renting.
Some of the new construction are not fully in compliance with the ADA,
standards for accessible housing could be improved
such as the height of a handrail on a handicap ramp
Too restrictive and costly.
Very shoddy construction policies. construction very under par

Table B.18
Are you aware of any questionable practices or barriers to fair housing choice in neighborhood or community development policies?

«Label»
2013 Fair Housing Survey Data

Comments:

Again, vulnerable populations and protected classes are limited to certain areas of the community for housing. In Minot, it is being pushed to build housing in the valley which is the most affordable land which sounds reasonable but it has the effect of limiting housing opportunities for particular individuals.
Many property developments only offer 1 per 4 low income housing.
There needs to be more information and training on design elements that make for safer more integrated neighborhoods. This isn't in reflection to existing policies.

Table B.19
Are you aware of any barriers that limit access to government services, such as a lack of transportation or employment services?

«Label»
2013 Fair Housing Survey Data

Comments:

Being a rural state, there are many barriers that people face in gaining access to government and employment services.
city busses don't run on sundays and do not have routes accessible to industrial areas where there are jobs
could improve access to transportation
For the low wage earner working full time. Government service hours prohibit them from accessing services.
In rural communities, public transportation is very dependent on staff to drive. Sometimes, there are not enough drivers or vehicles available to provide transportation to medical appointments and employment or government services on the same days.
It would be great if Bismarck could give low-income residents free bus passes.
Lack of good/timely public transportation. Lack of interpretative services.
Lack of public transit in many communities provides barriers to employment and housing. In larger communities where public transit is available, often they do not travel to certain areas or at certain times of night providing barriers to employment and housing.
Lack of public transporation in smaller, rural communities.
lack of transportation in small towns and rural areas to families , lack of services in immediate area that makes it difficult for families to get help if they have no way to get to agencies that offer services
Lack of transportation is a big concern in most areas of the state.
Lack of transportation, lack of employment services, lack of adult educational services, lack of knowledge of government services in general
limited transportation during the week and no transportation on weekends.
Many areas of the state do not have public transportation because of the cost to the local government.
maybe with clients of the Global Friends Coalition
Minot has terrible transportation services. The bus service needs to expand greatly and we need sidewalks EVERYWHERE for individuals to walk to work, home, stores, etc. At this time, it is very difficult for some individuals to the services of my office and other non profits or government services that I work with.
New development in rapid growth areas are pushed to the outside of communities due to high land costs or they can't be built due to high construction and land costs.
No public transportation to lincoln where many low income people live.
Our CAT bus system has limited hours and routes. Sometimes employment for people is hard to access on the nights and weekends by public transportation.
Public transportation is near non-existent in Grand Forks when it comes to transport to manufacturing/higher paying job areas. Bus routes are inflexible and not readily available. Buses do not run on Sundays.
rural areas of ND do not have ready access to public transportation for individuals who do not have personal transportation available.
Severe lack of transportation for medical/doctors appointments
state and feds put offices in bigger cities and expect rural folks to travel to them. Many folks have no reliable transportation, or no transportation and must pay outrageous sums to 'hire' a ride to get there. And again, no State or Fed professional wants to live in a rural area so the 'service' is usually available only in the larger cities. Living in a rural area is construed to mean you are an inferior being and not so worthy and hence not necessary to have access to those services. (If you were any good at all- of course- you would live somewhere else--thus you must not by definition be as good as others.) Believe it.
the senior bus needs to be available for use to all ages , not just seniors., for medical appointments out of town. and local grocery shopping.
The transportation opportunities in Grand Forks are limiting.
There is lack of public transportation in much of ND. I could see where this could function as a barrier.
There is van service from Beach to Bismarck, but it requires $80!
transportation is something that will continue to grow and adapt as Fargo grows and adapts. Right now the public transportation

doesn't go South of 52nd, where a lot of the new housing developments are, limiting people who rely on public transportation from living in that area, or from accessing services outside of the area (including government services)
Transportation, child care, language barriers,
Vast lack of adequate public transportation, particularly in rural areas but also in our larger cities. Hours of operation. Confusing and drawn out application processes for any government servicse
Very limited transportation systems in state.
Very poor run Transit system Minimal opportunities for people with developmental disabilities to get proper training and job coaching supports to help them become successful
Wheelchair bound people have very limited access. City bus has access but only 1 wheelchair accessible taxi is available.
YES!! Lack of ADA and 504 compliance in buildings and with program services, Counties that have not implemented ADA requirements such as assigning an ADA coordinator to handle ADA complaints and to have a complaint process in place.

Table B.20
Are you aware of any questionable practices or barriers to fair housing choice in any other public administrative actions or regulations?

«Label»

2013 Fair Housing Survey Data

Comments:
I cannot point to a particular action or regulation at this moment. However, it has been very difficult for our office to successfully assist protected classes against housing providers because of the regulations/laws/actions and attitudes/priorities/perceptions of individuals in charge such as the city, county, state, public housing authorities, private housing providers, etc.
No one really understands Section 8 housing and other possible assistance programs for low to moderate income individuals with disabilities.
see above answer.
zoning restrictions

C. Minutes from 2015 Fair Housing Forums

1/9/2015 Analysis of Impediments Outreach Committee Meeting

Comment 1: Yes it is ndcommunityservices.com.

(Presentation)

1/30/2015 AI Outreach Committee Meeting

Comment 1: I have a question. Back a couple of slides for the Department of Labor and Human Rights. Disability obviously is the top one. Do we have any breakdown on that disability?

Rob Gaudin: No, this is all that we have. The HUD data did provide some breakdown, but the State data does not.

(Presentation)

Comment 2: We have a question about the race and ethnicity. A couple of slides back when you have it separated out is against its own race the percentages or are you doing it as a whole of all of the population? Is it 31 percent more American Indians out of the entire population or out of the Native American or Indian population?

Rob Gaudin: It is 31 roughly 32 percent of all the Native Americans who applied got denied.

Comment 3: OK, thank you.

(Presentation)

Comment 4: I think it is just new data and I have to digest it before I can respond.

Rob Gaudin: How do you feel about this new data?

Comment 5: I think it is very interesting and I think it fits with what I think I see. On appearance, on the surface it appears to be very valid data. So, then it takes time to meditate on it and think about what that mean and how we apply it and what we do.

Rob Gaudin: I appreciate your commentary. Anyone else can offer some perspective about what we have seen here?

Comment 6: Going back to the denial rates and the race slide, you had mentioned it was high on the Native American side and you had also mentioned that a majority of what their application was manufacture housing. Does that include both for race and ethnicity or do you have a breakdown of what the numbers would be after like if you were to take out the

manufactured housing, which is a risker lending process therefore the denial rate would probably be higher than that?

Rob Gaudin: I am not sure what your question is.

Comment 7: Could you and is there a way with the numbers that you have there to take out manufactured housing across the board in those numbers and then see the denial rates on just built homes?

Rob Gaudin: The manufacture housing is not a significant part of the market place anymore except in certain instances and American Indians tend to buy a lot of them. I could take that out, but the issue is what these folk's experiences are when it comes to the market place. The market place has a variety of products. So the idea here is that they get denied a lot and is it denied because of the type of product or is it their race. I am more concerned that this group gets denied more, but when they do get a loan they tend to get something, one in five get a HAL and half of those HALS are for manufactured housing, which is a little bit larger than you would think in the market place.

Comment 8: Thank you.

2/20/2015 AI Outreach Committee Meeting

Comment 1: We have been doing some research on LGBT and now I know that is not a protected class, but you can't discriminate. Does that fall into familial status then or can you tell us a little bit about that?

Rob Gaudin: I can. Typically that would be sexual orientation, sexual identity that kind of thing if it is against an individual. So I am thinking currently they are not protected under Federal Law or under State Law so there maybe instances where it could be "legal" to discriminate against those individuals if it was based on their sexual orientation or identity then there are not laws in the state to protect them. If someone where same sex marriage then martial status would be protected.

Comment 2: OK, because we just printed a Federal register this morning that talked about LGBT especially within the housing realm of federal grants and loans.

Rob Gaudin: Now the federal rules often have a different set of rules than State Law and Federal Law. So as a program provider you will not be able to discriminate against certain individuals although there are not fair housing laws in place for them.

Comment 3: OK, so it is not a protected class. That is a group that we cannot that they cannot discriminate if they use that program.

Rob Gaudin: Correct, the provider cannot do that because there are federal dollars attached to it.

Comment 4: Right, OK, thank you.

(Presentation)

Comment 5: I am just saying that with the programs funding going down each year from the Federal Government. Where do we get the money? Where do we get the extra funding to cover some of these issues and especially with Fair Housing in North Dakota it is just a part-time agency. I don't know what to say about that.

Rob Gaudin: Right. It is a real challenge even for me to make a recommendation. Anything I say or any recommendation I make is HUD is going to say you need to do something about that. Well, ultimately we are taking resources out of one pocket and putting it into a different pocket. Is that how we wish to allocate our resources? That is a real challenge. I am hoping you can offer some perspective and commentary on about how we approach this. How do we approach fair housing?

(Presentation)

Comment 6: This is really frustrating, because last night it was just announced that HUD gave our four Reservations multi million dollars for affordable housing. Well they just did the exact opposite of what they want us to do. That is where our areas of poverty are in the Indian Reservations and they want us to deconcentration that poverty. Our programs, number one can't work on the Reservation, but then they give the Reservations all of this money and I am assuming that all off that money has to be spent on that Reservation.

Rob Gaudin: Every state that I have worked for that has one or more large Reservations face this same issue and it is really and I am very sympathetic. I come from Montana and they have seven Reservations. I just completed some work for New Mexico and they have the Navaho Tribe that is three states and they get hundreds of millions. So it really does appear to be and I know that this is recorded, but it does appear to be double speak. Trying to give everyone everything. That doesn't let us off the hook. We still need to do this I such a way so HUD and the FHEO representative will look at it and approve it. So, we have to make a good faith gesture. Maybe we can reword the impediments and I am totally comfortable with that and maybe there are some things that we can do. As a state, it is very much of a challenge in terms of public policy. Do we want to have all of the jurisdiction who receive funding, do they need to do something? Do they need to be in compliance with the AI? These are all kinds of fair concerns.

Comment 7: I know that we have supported our High Plains Fair Housing Agency and we have even given them some technical assistance dollars of ours to do testing throughout the state and just help them out in any way that we can, but like I said before with the federal dollars

dwindling it gets harder and harder to give them that funding support. They actually applied for HUD funding and did not receive any.

Rob Gaudin: So they lost their FHIP status.

Comment 8: Right.

Rob Gaudin: That is really unfortunate.

Comment 9: Yes. I was going to say that I will stand on the street corner with a cup, but I don't think that that will help.

(Laughter)

Rob Gaudin: How do you feel about what I have drafted here as an early list? The private sector, does anything jump out at you here to say no that is not true?

Comment 10: I think all of those are true.

Comment 11: I think so too.

Rob Gaudin: So is outreach and education the way to resolve all of these?

Comment 12: I think that is a big part of it, but at the same time it all depends who attends too. A lot of people who should be attending don't and then we continue to get the same answers to the questions we ask.

Rob Gaudin: Another path might be to work with the Department of Labor about this.

Comment 13: We do do that also. We do partner with them.

Rob Gaudin: What I mean by that is, I know you do and they are a great relationship, but we need to put it in the document to indicate that we are working with the local agency, state agency to facilitate the reduction of all of these things. Just as a commentary, April is Fair Housing Month, is there one way we could put this out each April. This AI and what we have found and how do we reach out to these groups? Inform them of their rights and their obligations too about fair housing?

Comment 14: I have a question that is not really about the fair housing stuff that we went over today. I am concerned about the survey results and housing rehabilitation isn't currently listed as a high priority. Obviously, this plan effect 2015 money, which is coming up here shortly. I have a community that is seriously considering a housing rehabilitation program of owner occupied structure. So they want to get letter out today to all of these homeowners that they think would qualify and would they be willing to fill out paperwork to accomplish this. Who would be willing to work with us and I have been working with them and trying to plan this and it has always been a priority in our region, but I am very concerned with all of these people doing all of this work and getting the community rallied around it, which is what would

need to happen to accomplish anything. Then have it come out here in this plan that we can no longer fund housing rehabilitation. Just hoping for your input on that concern. We really and it has always been a priority and I don't know what we are going to do if it goes away.

Rob Gaudin: This particular study is in addition to the Consolidated Plan and the Annual Action Plan and that set of documents is more intended to evaluate the degree of need for various housing and community development activities. So in a sense that is like a different subject area, but it is a very important subject area. Fundamentally, probably more important than the AI, but the AI is and gets very little funding, but we still have to do it. So that is a challenge, but we do have a survey available for Housing and Community Development.

Comment 15: I am trying to have everyone I know take it.

Rob Gaudin: So you know what I am referring to.

Comment 16: Yes and remind them of what we funded in the past. I am just concerned that how much of that Consolidated Plan part and those priority levels are weighted on that survey. Who is taking the survey isn't coming out with what we have known to be true. What we have known to fund. What is going to happen if that survey of those community priorities doesn't lend itself to what some of the developers know to be true. We can only have so much impact on that survey and who is taking it and what is coming out.

Rob Gaudin: Let me answer this. I have another state that we are working with and we used a very similar survey. When we asked people to prioritize and by general categories, those that essentially qualify for CDBG funding like infrastructure, housing, economic development, human services. Human services came out on top, like getting 35 percent of the funding. You can't do that even with the CDBG. Then there is HOME and a few other things. Ideally these programs, not ideally these programs are dependent on how they are designed and so that drives some of the prioritization. Like the homeless are ESG funds and we can't build highways with that. So it is targeted within that arena how would you prioritize? Within the resources for housing how would you prioritize? The survey is one of the tools and one of the guides that helps us prioritize needs. It is not the answer. I hope I have answered your question.

Comment 17: OK, so you will work with us beside on just the survey.

Rob Gaudin: Yes.

D. Additional Tables

Additional HUD Complaint Tables

Table D.1
Basis of Fair Housing Complaints
Non-Entitlement Areas of North Dakota
HUD Data 2004 - 2014

Basis	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	Total
Disability - Physical	4	1	8	11	2	5	5	2	5	2	2	47
Disability - Mental	1	.	9	7	4	10	2	1	4	1	8	47
Familial Status	4	4	2	12	2	5	1	3	2	1	1	37
Race - Black	1	.	.	8	1	2	.	.	1	3	.	16
Race - Native American	4	1	2	3	1	1	1	1	.	1	.	15
National Origin - Other Origin	.	.	.	6	.	.	.	1	.	2	2	11
Color	.	.	.	6	.	2	.	.	1	1	.	10
Retaliation	.	.	1	.	.	.	1	3	3	.	2	10
Religion	.	.	3	.	4	.	.	.	.	.	.	7
Sex - Female	1	1	.	.	1	.	.	.	.	.	3	6
Sex - Male	1	.	.	.	.	.	.	.	.	.	1	2
Race - White	.	.	.	.	1	.	.	.	1	.	.	2
National Origin - Hispanic	.	.	2	.	.	.	.	.	.	.	.	2
Harassment	.	.	.	.	1	.	.	.	.	.	.	1
Total Basis	**16**	**7**	**27**	**53**	**17**	**25**	**10**	**11**	**17**	**11**	**19**	**213**
Total Complaints	15	7	15	35	13	16	10	8	13	10	17	159

Table D.2
Issue of Fair Housing Complaints
Non-Entitlement Areas of North Dakota
HUD Data 2004 - 2014

Issues	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	Total
Discrimination in term, conditions or privileges relating to rental	2	3	4	12	2	4	6	3	4	5	7	52
Failure to make reasonable accommodation	.	.	5	11	4	9	5	2	7	.	7	50
Discriminatory terms, conditions, privileges, or services and facilities	6	2	5	12	6	4	1	2	.	3	2	43
Discriminatory acts under Section 818 (coercion, etc.)	1	.	2	6	3	5	4	5	3	3	10	42
Discriminatory refusal to rent	4	3	1	9	1	2	1	.	2	1	1	25
Discriminatory advertising, statements and notices	2	4	3	3	3	3	2	.	1	1	.	22
Discriminatory advertisement - rental	1	.	.	2	1	3	.	.	.	.	.	7
Failure to permit reasonable modification	2	.	.	2	.	.	2	.	1	.	.	7
Discrimination in services and facilities relating to rental	.	.	.	.	.	1	.	1	1	.	1	4
Steering	.	2	.	.	.	.	.	.	2	.	.	4
Discrimination in making of loans	1	.	.	.	.	1	.	.	.	1	.	3
False denial or representation of availability - rental	.	.	.	.	.	.	.	.	1	1	.	2
Discrimination in the terms or conditions for making loans	1	.	.	.	.	1	.	.	.	.	.	2
Otherwise deny or make housing available	1	.	.	.	.	.	1	.	.	.	.	2
False denial or representation of availability	.	.	.	.	.	1	.	.	.	.	.	1
Discrimination in the appraising of residential real property	1	.	.	.	.	.	.	.	.	.	.	1
Discrimination in terms, conditions, privileges relating to sale	.	1	.	.	.	.	.	.	.	.	.	1
Total Issues	**22**	**15**	**20**	**57**	**20**	**34**	**22**	**13**	**22**	**15**	**28**	**268**
Total Complaints	15	7	15	35	13	16	10	8	13	10	17	159

Table D.3
Closure of Fair Housing Complaints
Non-Entitlement Areas of North Dakota
HUD Data 2004 - 2014

Closure	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	Total
No cause determination	6	3	6	20	4	6	5	5	7	5	3	70
Conciliation/settlement successful	7	4	5	9	6	9	4	3	5	3	8	63
Complaint withdrawn by complainant without resolution	.	.	2	.	2	1	.	.	1	.	1	7
FHAP judicial consent order	.	.	2	3	.	.	.	.	.	.	.	5
Complaint withdrawn by complainant after resolution	1	.	.	2	.	.	.	.	.	.	.	3
Complainant failed to cooperate	.	.	.	.	1	.	.	.	.	2	.	3
Dismissed for lack of jurisdiction	.	.	.	1	.	.	.	.	.	.	.	1
Closed because trial has begun	.	.	.	.	.	.	1	.	.	.	.	1
Litigation ended - discrimination found	1	.	.	.	.	.	.	.	.	.	.	1
Still Open	.	.	.	.	.	.	.	.	.	.	5	5
Total Closure	**15**	**7**	**15**	**35**	**13**	**16**	**10**	**8**	**13**	**10**	**17**	**159**

Table D.4
Basis of Fair Housing Complaints Found with Cause
Non-Entitlement Areas of North Dakota
HUD Data 2004 - 2014

Basis	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	Total
Disability - Mental	1	.	6	4	3	4	1	1	3	1	5	29
Disability - Physical	4	.	3	5	2	1	2	1	2	1	2	23
Familial Status	3	4	1	6	1	4	1	1	.	.	1	22
Race - Native American	2	.	1	.	.	1	1	.	.	1	.	6
Retaliation	.	.	1	.	.	.	1	2	1	.	1	6
Religion	.	.	2	.	.	.	.	.	.	.	.	2
Color	.	.	.	1	.	1	.	.	.	.	.	2
Race - Black	.	.	.	1	.	1	.	.	.	.	.	2
National Origin - Hispanic	.	.	2	.	.	.	.	.	.	.	.	2
National Origin - Other Origin	.	.	.	1	.	.	.	.	.	.	1	2
Sex - Male	.	.	.	.	.	.	.	.	.	.	1	1
Sex - Female	.	.	.	.	1	.	.	.	.	.	.	1
Harassment	.	.	.	.	1	.	.	.	.	.	.	1
Total Basis	**10**	**4**	**16**	**18**	**8**	**12**	**6**	**5**	**6**	**3**	**11**	**99**
Total complaints found with cause	9	4	7	14	6	9	4	3	5	3	9	73

Table D.5
Issue of Fair Housing Complaints Found with Cause
Non-Entitlement Areas of North Dakota
HUD Data 2004 - 2014

Basis	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	Total
Failure to make reasonable accommodation	.	.	3	6	3	3	1	1	3	.	3	23
Discrimination in term, conditions or privileges relating to rental	2	2	1	3	1	2	2	1	1	1	3	19
Discriminatory terms, conditions, privileges, or services and facilities	3	1	1	5	1	2	1	1	.	1	2	18
Discriminatory acts under Section 818 (coercion, etc.)	.	.	2	2	3	1	2	2	.	1	5	18
Discriminatory advertising, statements and notices	2	4	3	2	2	2	1	.	.	1	.	17
Discriminatory refusal to rent	3	3	.	5	.	1	.	.	1	.	1	14
Discriminatory advertisement - rental	1	.	.	1	.	3	.	.	.	.	.	5
Failure to permit reasonable modification	2	.	.	2	.	.	.	.	.	.	.	4
Discrimination in making of loans	1	.	.	.	.	.	.	.	.	1	.	2
Steering	.	2	.	.	.	.	.	.	.	.	.	2
False denial or representation of availability - rental	.	.	.	.	.	.	.	.	.	1	.	1
Discrimination in services and facilities relating to rental	.	.	.	.	.	.	.	1	.	.	.	1
Otherwise deny or make housing available	1	.	.	.	.	.	.	.	.	.	.	1
Total Basis	**15**	**12**	**10**	**26**	**10**	**14**	**7**	**6**	**5**	**6**	**14**	**125**
Total complaints found with cause	9	4	7	14	6	9	4	3	5	3	9	73

Additional Department of Labor and Human Rights Complaint Tables

Table D.6
Basis of Fair Housing Complaints
Non-Entitlement Areas of North Dakota
North Dakota Department of Labor and Human Rights

Basis	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	Total
Disability	9	15	17	18	12	23	13	8	16	11	17	159
Race	8	5	3	17	7	4	3	3	3	8	3	64
Family Status	6	7	4	17	4	12	1	4	2	3	1	61
Receipt of Public Assistance	2	2	1	3	6	9	2	.	3	6	1	35
National Origin	.	1	3	7	3	.	1	2	.	2	5	24
Color	1	.	.	10	1	2	.	1	1	2	2	20
Retaliation	.	.	.	.	.	.	.	1	4	1	4	10
Sex	1	.	.	.	.	.	.	.	1	1	5	8
Religion	.	1	2	.	4	.	.	.	.	.	.	7
Age	.	1	.	1	.	.	2	.	1	.	1	6
Marital Status	1	.	.	.	1	.	.	.	1	1	1	5
Gender	.	1	.	2	1	.	.	.	.	.	.	4
Total Basis	**28**	**33**	**30**	**75**	**39**	**50**	**22**	**19**	**32**	**35**	**40**	**403**
Total Complaints	22	25	23	48	28	38	18	15	25	24	29	295

Table D.7
Issues of Fair Housing Complaints
Non-Entitlement Areas of North Dakota
North Dakota Department of Labor and Human Rights

Issues	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	Total
Terms of rental	11	12	13	32	18	11	12	9	9	14	16	157
Accommodation	2	10	8	12	8	15	7	5	14	6	11	98
Refusal to rent	4	12	3	14	6	5	4	2	7	2	1	60
Advertising	4	10	3	7	6	16	1	1	2	3		53
Harassment	1	1	2	4	3	3	3	5	1	5	12	40
Retaliation	2	2	1	4		6	1	2				18
Eviction		1							4	3	9	17
Non-renewal									3	4	1	8
Modification	2					1	2		1	1		7
Steering		3			1				2			6
Financing	2	3				1						6
Refusal to sell						1				1	1	3
Refusal to show						1				1		2
Other	1											1
Accessibility			1									1
Restrictive occupancy code				1								1
Total Issues	**29**	**54**	**31**	**74**	**42**	**60**	**30**	**24**	**43**	**40**	**51**	**478**
Total Complaints	22	25	23	48	28	38	18	15	25	24	29	295

Table D.8
Outcome of Fair Housing Complaints Found With Cause
Non-Entitlement Areas of North Dakota
North Dakota Department of Labor and Human Rights

Issues	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	Total
Accommodation	2	14	10	9	9	12	7	8	13	7	6	97
Advertising	3	9	7	6	6	17			2	1		51
Non-renewal									1			1
Eviction								1	1	1	4	7
Harassment			5	4	3		2	2	1	4	5	26
Steering		2		1	3							6
Terms of rental	7	7	9	12	9	15	8	3	6	3	7	86
Modification	2			1				1				4
Retaliation			1	3		6	1	1				12
Refusal to rent	1	12	5	11	8	8	3	4	4		3	59
Financing	1	1				1						3
Other	1											1
Accessibility			1									1
Refusal to sell						1				1	1	3
Restrictive occupancy code				1								1
Refusal to show										1		1
Total Issues Found with Cause	**17**	**45**	**38**	**48**	**38**	**60**	**21**	**20**	**28**	**18**	**26**	**359**
Total Complaints Found with Cause	10	14	11	20	13	25	11	8	13	7	15	147

Additional HMDA Tables

Table D.9
Owner-Occupied Home Purchase Loan Applications by Loan Type
Non-Entitlement Areas of North Dakota
2004–2013 HMDA Data

Loan Type	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	Total
Conventional	6,463	7,868	7,755	6,747	4,537	3,318	3,515	3,787	4,601	5,268	53,859
FHA - Insured	1,197	1,398	1,416	1,283	2,342	2,562	2,742	2,593	2,533	2,313	20,379
VA - Guaranteed	501	576	636	600	685	1,086	973	994	1,045	1,256	8,352
Rural Housing Service or Farm Service Agency	172	219	224	185	288	545	463	695	727	693	4,211
Total	**8,333**	**10,061**	**10,031**	**8,815**	**7,852**	**7,511**	**7,693**	**8,069**	**8,906**	**9,530**	**86,801**

Denial Rates

Table D.10
Loan Applications by Selected Action Taken by Race/Ethnicity of Applicant
Non-Entitlement Areas of North Dakota
2004–2013 HMDA Data

Race		2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	Total
American Indian	Originated	57	48	72	67	57	56	45	33	52	59	546
	Denied	27	28	24	20	21	22	24	20	30	39	255
	Denial Rate	32.1%	36.8%	25.0%	23.0%	26.9%	34.8%	34.8%	37.7%	36.6%	39.8%	31.8%
Asian	Originated	36	41	37	48	36	36	36	28	43	39	380
	Denied	4	5	3	7	2	3	4	1	8	8	45
	Denial Rate	10.0%	10.9%	7.5%	12.7%	5.3%	7.7%	10.0%	3.4%	15.7%	17.0%	10.6%
Black	Originated	25	34	43	28	24	25	21	21	28	50	299
	Denied	9	7	2	3	7	4	2	8	11	5	58
	Denial Rate	26.5%	17.1%	4.4%	9.7%	22.6%	13.8%	8.7%	27.6%	28.2%	9.1%	16.2%
White	Originated	4,886	5,435	5,202	4,772	4,570	4,267	4,451	4,371	4,828	5,088	47,870
	Denied	570	746	805	668	574	555	642	774	942	878	7,154
	Denial Rate	10.4%	12.1%	13.4%	12.3%	11.2%	11.5%	12.6%	15.0%	16.3%	14.7%	13.0%
Not Available	Originated	198	348	318	252	163	202	149	141	139	182	2,092
	Denied	80	104	85	62	49	41	39	58	75	69	662
	Denial Rate	28.8%	23.0%	21.1%	19.7%	23.1%	16.9%	20.7%	29.1%	35.0%	27.5%	24.0%
Not Applicable	Originated	40	0	1	3	1	4	1	0	3	3	56
	Denied	0	0	0	0	0	0	0	0	0	0	0
	Denial Rate	28.8%	23.0%	21.1%	19.7%	23.1%	16.9%	20.7%	29.1%	35.0%	27.5%	.0%
Total	**Originated**	**5,242**	**5,906**	**5,673**	**5,170**	**4,851**	**4,590**	**4,703**	**4,594**	**5,093**	**5,421**	**51,243**
	Denied	**690**	**890**	**919**	**760**	**653**	**625**	**711**	**861**	**1,066**	**999**	**8,174**
	Denial Rate	**11.6%**	**13.1%**	**13.9%**	**12.8%**	**11.9%**	**12.0%**	**13.1%**	**15.8%**	**17.3%**	**15.6%**	**13.8%**
Non-Hispanic	Originated	4,475	5,454	5,286	4,847	4,633	4,324	4,495	4,389	4,881	5,173	47,957
	Denied	560	744	808	678	586	563	643	765	942	877	7,166
	Denial Rate	11.1%	12.0%	13.3%	12.3%	11.2%	11.5%	12.5%	14.8%	16.2%	14.5%	13.0%
Hispanic	Originated	60	50	58	62	47	55	39	56	53	71	551
	Denied	13	14	14	12	12	18	8	19	26	28	164
	Denial Rate	17.8%	21.9%	19.4%	16.2%	20.3%	24.7%	17.0%	25.3%	32.9%	28.3%	22.9%

Table D.11
Loan Applications by Reason for Denial by Race/Ethnicity of Applicant
Non-Entitlement Areas of North Dakota
2004–2013 HMDA Data

Denial Reason	American Indian	Asian	Black	White	Not Available	Not Applicable	Total	Hispanic (Ethnicity)
Debt-to-Income Ratio	24	8	10	1,307	96	0	1,445	19
Employment History	8	2	4	324	27	0	365	7
Credit History	68	12	25	1,936	170	0	2,211	58
Collateral	15	2	4	861	64	0	946	15
Insufficient Cash	3	3	0	222	6	0	234	6
Unverifiable Information	1	1	0	166	20	0	188	3
Credit Application Incomplete	2	3	0	271	46	0	322	8
Mortgage Insurance Denied	1	0	0	10	1	0	12	0
Other	15	4	3	587	70	0	679	6
Missing	118	10	12	1,470	162	0	1,772	42
Total	**255**	**45**	**58**	**7,154**	**662**	**0**	**8,174**	**164**
% Missing	46.3%	22.2%	20.7%	20.5%	24.5%	%	21.7%	25.6%

Table D.12
Loan Applications by Selected Action Taken by Gender of Applicant
Non-Entitlement Areas of North Dakota
2004–2013 HMDA Data

Gender		2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	Total
Male	Originated	4,039	4,387	4,218	3,825	3,722	3,484	3,575	3,564	4,038	4,261	39,113
	Denied	478	569	602	510	442	442	500	644	778	726	5,691
	Denial Rate	10.6%	11.5%	12.5%	11.8%	10.6%	11.3%	12.3%	15.3%	16.2%	14.6%	12.7%
Female	Originated	1,043	1,259	1,238	1,127	1,007	952	1,024	933	955	1,037	10,575
	Denied	174	270	260	205	169	153	182	176	253	229	2,071
	Denial Rate	14.3%	17.7%	17.4%	15.4%	14.4%	13.8%	15.1%	15.9%	20.9%	18.1%	16.4%
Not Available	Originated	125	260	216	215	121	150	103	97	97	120	1,504
	Denied	38	51	57	45	42	30	29	41	35	44	412
	Denial Rate	23.3%	16.4%	20.9%	17.3%	25.8%	16.7%	22.0%	29.7%	26.5%	26.8%	21.5%
Not Applicable	Originated	35	0	1	3	1	4	1	0	3	3	51
	Denied	0	0	0	0	0	0	0	0	0	0	0
	Denial Rate	.0%	%	.0%	.0%	.0%	.0%	.0%	%	.0%	.0%	.0%
Total	**Originated**	**5,242**	**5,906**	**5,673**	**5,170**	**4,851**	**4,590**	**4,703**	**4,594**	**5,093**	**5,421**	**51,243**
	Denied	**690**	**890**	**919**	**760**	**653**	**625**	**711**	**861**	**1,066**	**999**	**8,174**
	Denial Rate	**11.6%**	**13.1%**	**13.9%**	**12.8%**	**11.9%**	**12.0%**	**13.1%**	**15.8%**	**17.3%**	**15.6%**	**13.8%**

Table D.13
Loan Applications by Income of Applicant: Originated and Denied
Non-Entitlement Areas of North Dakota
2004–2013 HMDA Data

Income		2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	Total
$15,000 or Below	Loan Originated	53	45	33	27	23	12	7	10	5	4	219
	Application Denied	48	48	40	28	30	25	21	15	16	17	288
	Denial Rate	47.5%	51.6%	54.8%	50.9%	56.6%	67.6%	75.0%	60.0%	76.2%	81.0%	56.8%
$15,001 –$30,000	Loan Originated	820	788	666	529	436	338	322	265	212	169	4,545
	Application Denied	200	218	199	163	138	138	108	138	138	96	1,536
	Denial Rate	19.6%	21.7%	23.0%	23.6%	24.0%	29.0%	25.1%	34.2%	39.4%	36.2%	25.3%
$30,001 –$45,000	Loan Originated	1,337	1,439	1,252	1,169	1,059	1,012	946	819	829	732	10,594
	Application Denied	182	249	228	181	145	157	171	182	218	187	1,900
	Denial Rate	12.0%	14.8%	15.4%	13.4%	12.0%	13.4%	15.3%	18.2%	20.8%	20.3%	15.2%
$45,001 –$60,000	Loan Originated	1,201	1,386	1,307	1,164	1,060	967	990	920	962	986	10,943
	Application Denied	127	163	171	157	130	120	159	173	188	183	1,571
	Denial Rate	9.6%	10.5%	11.6%	11.9%	10.9%	11.0%	13.8%	15.8%	16.3%	15.7%	12.6%
$60,001 –$75,000	Loan Originated	773	890	918	845	763	802	787	782	860	975	8,395
	Application Denied	47	75	118	93	79	69	82	123	154	163	1,003
	Denial Rate	5.7%	7.8%	11.4%	9.9%	9.4%	7.9%	9.4%	13.6%	15.2%	14.3%	10.7%
Above $75,000	Loan Originated	918	1,206	1,341	1,323	1,429	1,350	1,553	1,716	2,146	2,475	15,457
	Application Denied	63	99	128	126	121	105	148	209	341	344	1,684
	Denial Rate	6.4%	7.6%	8.7%	8.7%	7.8%	7.2%	8.7%	10.9%	13.7%	12.2%	9.8%
Data Missing	Loan Originated	140	152	156	113	81	109	98	82	79	80	1,090
	Application Denied	23	38	35	12	10	11	22	21	11	9	192
	Denial Rate	14.1%	20.0%	18.3%	9.6%	11.0%	9.2%	18.3%	20.4%	12.2%	10.1%	15.0%
Total	**Loan Originated**	**5,242**	**5,906**	**5,673**	**5,170**	**4,851**	**4,590**	**4,703**	**4,594**	**5,093**	**5,421**	**51,243**
	Application Denied	**690**	**890**	**919**	**760**	**653**	**625**	**711**	**861**	**1,066**	**999**	**8,174**
	Denial Rate	**11.6%**	**13.1%**	**13.9%**	**12.8%**	**11.9%**	**12.0%**	**13.1%**	**15.8%**	**17.3%**	**15.6%**	**13.8%**

Table D.14
Loan Applications by Income and Race/Ethnicity of Applicant: Originated and Denied
Non-Entitlement Areas of North Dakota
2004–2013 HMDA Data

Race		<= $15K	$15K–$30K	$30K–$45K	$45K–$60K	$60K–$75K	> $75K	Data Missing	Total
American Indian	Loan Originated	14	76	111	120	75	145	5	546
	Application Denied	17	58	52	56	22	47	3	255
	Denial Rate	54.8%	43.3%	31.9%	31.8%	22.7%	24.5%	37.5%	31.8%
Asian	Loan Originated	3	20	73	92	43	146	3	380
	Application Denied	1	9	5	14	5	11	0	45
	Denial Rate	25.0%	31.0%	6.4%	13.2%	10.4%	7.0%	.0%	10.6%
Black	Loan Originated	0	13	81	57	45	100	3	299
	Application Denied	1	11	15	15	4	11	1	58
	Denial Rate	100.0%	45.8%	15.6%	20.8%	8.2%	9.9%	25.0%	16.2%
White	Loan Originated	191	4,262	9,902	10,215	7,896	14,410	994	47,870
	Application Denied	248	1,309	1,701	1,366	906	1,474	150	7,154
	Denial Rate	56.5%	23.5%	14.7%	11.8%	10.3%	9.3%	13.1%	13.0%
Not Available	Loan Originated	11	172	426	458	335	656	34	2,092
	Application Denied	21	149	127	120	66	141	38	662
	Denial Rate	65.6%	46.4%	23.0%	20.8%	16.5%	17.7%	52.8%	24.0%
Not Applicable	Loan Originated	0	2	1	1	1	0	51	56
	Application Denied	0	0	0	0	0	0	0	0
	Denial Rate	%	.0%	.0%	.0%	.0%	%	.0%	.0%
Total	**Loan Originated**	**219**	**4,545**	**10,594**	**10,943**	**8,395**	**15,457**	**1,090**	**51,243**
	Application Denied	**288**	**1,536**	**1,900**	**1,571**	**1,003**	**1,684**	**192**	**8,174**
	Denial Rate	**56.8%**	**25.3%**	**15.2%**	**12.6%**	**10.7%**	**9.8%**	**15.0%**	**13.8%**
Non-Hispanic	Loan Originated	203	4,220	9,892	10,227	7,898	14,532	985	47,957
	Application Denied	261	1,320	1,705	1,377	899	1,460	144	7,166
	Denial Rate	56.3%	23.8%	14.7%	11.9%	10.2%	9.1%	12.8%	13.0%
Hispanic	Loan Originated	3	54	141	121	85	140	7	551
	Application Denied	3	40	34	26	15	41	5	164
	Denial Rate	50.0%	42.6%	19.4%	17.7%	15.0%	22.7%	41.7%	22.9%

PREDATORY LENDING

Table D.15
Loans by Loan Purpose by HAL Status
Non-Entitlement Areas of North Dakota
2004–2013 HMDA Data

Loan Purpose		2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	Total
Home Purchase	Other	4,821	5,020	4,665	4,574	4,281	4,185	4,490	4,370	4,810	5,198	46,414
	HAL	421	886	1,008	596	570	405	213	224	283	223	4,829
	Percent HAL	8.0%	15.0%	17.8%	11.5%	11.8%	8.8%	4.5%	4.9%	5.6%	4.1%	9.4%
Home Improvement	Other	1,019	1,108	1,201	1,327	972	901	985	1,084	1,088	1,262	10,947
	HAL	199	230	224	266	258	163	53	40	53	62	1,548
	Percent HAL	16.3%	17.2%	15.7%	16.7%	21.0%	15.3%	5.1%	3.6%	4.6%	4.7%	12.4%
Refinancing	Other	3,948	3,063	2,398	2,569	3,100	6,172	6,246	5,168	6,180	5,107	43,951
	HAL	904	1,090	1,144	1,033	963	594	80	98	80	85	6,071
	Percent HAL	18.6%	26.2%	32.3%	28.7%	23.7%	8.8%	1.3%	1.9%	1.3%	1.6%	12.1%
Total	**Other**	**9,788**	**9,191**	**8,264**	**8,470**	**8,353**	**11,258**	**11,721**	**10,622**	**12,078**	**11,567**	**101,312**
	HAL	**1,524**	**2,206**	**2,376**	**1,895**	**1,791**	**1,162**	**346**	**362**	**416**	**370**	**12,448**
	Percent HAL	**13.5%**	**19.4%**	**22.3%**	**18.3%**	**17.7%**	**9.4%**	**2.9%**	**3.3%**	**3.3%**	**3.3%**	**10.9%**

Table D.16
HALs Originated by Race of Borrower
Non-Entitlement Areas of North Dakota
2004–2013 HMDA Data

Race	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	Total
American Indian	17	14	18	8	7	16	11	5	9	7	112
Asian	2	6	2	4	3	1	1	0	3	2	24
Black	2	4	8	2	2	0	0	1	1	1	21
White	381	788	907	549	536	370	197	214	265	209	4,416
Not Available	19	74	73	33	22	16	4	4	5	4	254
Not Applicable	0	0	0	0	0	2	0	0	0	0	2
Total	**421**	**886**	**1,008**	**596**	**570**	**405**	**213**	**224**	**283**	**223**	**4,829**
Non-Hispanic	374	791	905	545	545	375	190	212	263	210	4,410
Hispanic	8	10	18	15	5	5	3	0	2	4	70

Table D.17
Loans by HAL Status by Race/Ethnicity of Borrower
Non-Entitlement Areas of North Dakota
2004–2013 HMDA Data

Race	Loan Type	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	Total
American Indian	Other	40	34	54	59	50	40	34	28	43	52	434
	HAL	17	14	18	8	7	16	11	5	9	7	112
	Percent HAL	29.8%	29.2%	25.0%	11.9%	12.3%	28.6%	24.4%	15.2%	17.3%	11.9%	20.5%
Asian	Other	34	35	35	44	33	35	35	28	40	37	356
	HAL	2	6	2	4	3	1	1	0	3	2	24
	Percent HAL	5.6%	14.6%	5.4%	8.3%	8.3%	2.8%	2.8%	.0%	7.0%	5.1%	6.3%
Black	Other	23	30	35	26	22	25	21	20	27	49	278
	HAL	2	4	8	2	2	0	0	1	1	1	21
	Percent HAL	8.0%	11.8%	18.6%	7.1%	8.3%	.0%	.0%	4.8%	3.6%	2.0%	7.0%
White	Other	4,505	4,647	4,295	4,223	4,034	3,897	4,254	4,157	4,563	4,879	43,454
	HAL	381	788	907	549	536	370	197	214	265	209	4,416
	Percent HAL	7.8%	14.5%	17.4%	11.5%	11.7%	8.7%	4.4%	4.9%	5.5%	4.1%	9.2%
Not Available	Other	179	274	245	219	141	186	145	137	134	178	1,838
	HAL	19	74	73	33	22	16	4	4	5	4	254
	Percent HAL	9.6%	21.3%	23.0%	13.1%	13.5%	7.9%	2.7%	2.8%	3.6%	2.2%	12.1%
Not Applicable	Other	40	0	1	3	1	2	1	0	3	3	54
	HAL	0	0	0	0	0	2	0	0	0	0	2
	Percent HAL	.0%	%	.0%	.0%	.0%	50.0%	.0%	%	.0%	.0%	3.6%
Total	**Other**	**4,821**	**5,020**	**4,665**	**4,574**	**4,281**	**4,185**	**4,490**	**4,370**	**4,810**	**5,198**	**46,414**
	HAL	**421**	**886**	**1,008**	**596**	**570**	**405**	**213**	**224**	**283**	**223**	**4,829**
	Percent HAL	**8.0%**	**15.0%**	**17.8%**	**11.5%**	**11.8%**	**8.8%**	**4.5%**	**4.9%**	**5.6%**	**4.1%**	**9.4%**
Non -Hispanic	Other	4,101	4,663	4,381	4,302	4,088	3,949	4,305	4,177	4,618	4,963	43,547
	HAL	374	791	905	545	545	375	190	212	263	210	4,410
	Percent HAL	8.4%	14.5%	17.1%	11.2%	11.8%	8.7%	4.2%	4.8%	5.4%	4.1%	9.2%
Hispanic	Other	52	40	40	47	42	50	36	56	51	67	481
	HAL	8	10	18	15	5	5	3	0	2	4	70
	Percent HAL	13.3%	20.0%	31.0%	24.2%	10.6%	9.1%	7.7%	.0%	3.8%	5.6%	12.7%

Table D.18
Rates of HALs by Income of Borrower
Non-Entitlement Areas of North Dakota
2004–2013 HMDA Data

Income	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	Average
$15,000 or Below	20.8%	24.4%	33.3%	14.8%	69.6%	33.3%	28.6%	10.0%	20.0%	.0%	27.9%
$15,001–$30,000	13.2%	22.3%	26.9%	19.3%	19.7%	14.8%	8.7%	11.3%	9.9%	8.3%	17.5%
$30,001–$45,000	8.6%	20.2%	22.0%	12.8%	12.1%	7.7%	5.0%	4.9%	6.2%	4.6%	11.4%
$45,001 -$60,000	7.5%	13.9%	18.2%	11.1%	11.2%	6.3%	3.9%	4.7%	5.8%	4.2%	9.2%
$60,001–$75,000	6.6%	9.0%	14.6%	11.0%	10.0%	7.9%	4.6%	4.5%	5.5%	3.2%	7.7%
Above $75,000	4.7%	10.2%	10.1%	7.7%	9.7%	9.9%	3.9%	4.3%	4.9%	4.0%	6.6%
Data Missing	2.1%	7.9%	21.8%	14.2%	7.4%	14.7%	.0%	1.2%	2.5%	3.8%	8.5%
Average	**8.0%**	**15.0%**	**17.8%**	**11.5%**	**11.8%**	**8.8%**	**4.5%**	**4.9%**	**5.6%**	**4.1%**	**9.4%**

Table D.19
Loans by HAL Status by Income of Borrower
Non-Entitlement Areas of North Dakota
2004–2013 HMDA Data

Income		2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	Total
$15,000 or Below	Other	42	34	22	23	7	8	5	9	4	4	158
	HAL	11	11	11	4	16	4	2	1	1	0	61
	Percent HAL	20.8%	24.4%	33.3%	14.8%	69.6%	33.3%	28.6%	10.0%	20.0%	.0%	27.9%
$15,001 –$30,000	Other	712	612	487	427	350	288	294	235	191	155	3,751
	HAL	108	176	179	102	86	50	28	30	21	14	794
	Percent HAL	13.2%	22.3%	26.9%	19.3%	19.7%	14.8%	8.7%	11.3%	9.9%	8.3%	17.5%
$30,001 –$45,000	Other	1,222	1,148	976	1,019	931	934	899	779	778	698	9,384
	HAL	115	291	276	150	128	78	47	40	51	34	1,210
	Percent HAL	8.6%	20.2%	22.0%	12.8%	12.1%	7.7%	5.0%	4.9%	6.2%	4.6%	11.4%
$45,001 –$60,000	Other	1,111	1,193	1,069	1,035	941	906	951	877	906	945	9,934
	HAL	90	193	238	129	119	61	39	43	56	41	1,009
	Percent HAL	7.5%	13.9%	18.2%	11.1%	11.2%	6.3%	3.9%	4.7%	5.8%	4.2%	9.2%
$60,001 –$75,000	Other	722	810	784	752	687	739	751	747	813	944	7,749
	HAL	51	80	134	93	76	63	36	35	47	31	646
	Percent HAL	6.6%	9.0%	14.6%	11.0%	10.0%	7.9%	04.6%	4.5%	5.5%	3.2%	7.7%
Above $75,000	Other	875	1,083	1,205	1,221	1,290	1,217	1,492	1,642	2,041	2,375	14,441
	HAL	43	123	136	102	139	133	61	74	105	100	1,016
	Percent HAL	4.7%	10.2%	10.1%	7.7%	9.7%	9.9%	3.9%	4.3%	4.9%	4.0%	6.6%
Data Missing	Other	137	140	122	97	75	93	98	81	77	77	997
	HAL	3	12	34	16	6	16	0	1	2	3	93
	Percent HAL	2.1%	7.9%	21.8%	14.2%	7.4%	14.7%	.0%	1.2%	2.5%	3.8%	8.5%
Total	**Other**	**4,821**	**5,020**	**4,665**	**4,574**	**4,281**	**4,185**	**4,490**	**4,370**	**4,810**	**5,198**	**46,414**
	HAL	**421**	**886**	**1,008**	**596**	**570**	**405**	**213**	**224**	**283**	**223**	**4,829**
	Percent HAL	**8.0%**	**15.0%**	**17.8%**	**11.5%**	**11.8%**	**8.8%**	**4.5%**	**4.9%**	**5.6%**	**4.1%**	**9.4%**

E. Letter from High Plains Fair Housing Center

High Plains Fair Housing Center
P.O. Box 5222, Grand Forks, ND 58206
1-866-380-2738
highplainsfairhousing@gmail.com

April 24, 2015

North Dakota Department of Commerce
Division of Community Services
PO Box 2057
Bismarck, ND 58502-2057

Re: Comments on Draft Analysis of Impediments to Fair Housing

Dear Madam/Sir:

High Plains Fair Housing Center thanks the North Dakota Department of Commerce for distributing the recent draft Analysis of Impediments to Fair Housing ("AI") and appreciates the opportunity to provide comments. High Plains Fair Housing Center has been pleased to collaborate with the Department in our joint efforts to provide fair housing information, training, and support. In addition, we aim to further fair housing by helping people understand and enforce their rights under the law through our efforts to take, investigate, and resolve complaints.

High Plains Fair Housing Center is frequently referenced in the draft Analysis of Impediments as a primary component of the action items. Without a fair housing center, it appears that the Department of Commerce would be unable to address federal requirements for affirmatively furthering fair housing and eliminating identified impediments to housing choice.

Accordingly, High Plains must point out that a significant funding commitment will be required for the organization to provide the comprehensive fair housing services that are clearly needed throughout the state, including extensive outreach, education, training, testing, and individualized advocacy. A budget supporting the cost for this work can be provided and discussed in the future, but it is expected to entail at least $200,000.

The capacity of High Plains to provide services has relied on unstable funding – small public and private grants – throughout its existence. Although High Plains has applied twice for HUD funding under FHIP, High Plains has come a few points short of receiving any FHIP funding. As a result, without consistent and reliable funding, our organization is able to provide only limited support of the Action Items enumerated in the AI. We would certainly be in favor of providing comprehensive fair housing services throughout the state, but reliable financial support is needed to sustain our organization. Also, a substantial funding commitment from the Department will demonstrate the state support HUD is looking for, making High Plains more likely to receive this federal funding in the next grant cycle. We look forward to continuing to develop the existing, cooperative relationship between our organizations as we work to fulfill federal requirements and eliminate housing discrimination in this state.

High Plains supports the findings reported in the draft Analysis of Impediments and the proposals to dismantle the barriers to fair housing choice that have been identified. However we also wanted to submit information as to what we have seen during our 3 years of operating as a primary resource on these issues.

Our intakes in North Dakota during the past year show continuing evidence of housing discrimination, particularly against persons with disabilities, Native Americans, New Americans, and families with children. For example, even large property managers who have been sued in the past on similar claims continue to request "pet deposits" for assistive animals, for example. Limited English Proficient (LEP) tenants in housing, supported through federal money, are not receiving language translation services, despite the steady increase in population from African countries, in particular. Persons who decide to pursue these claims through the FHAP process are seeing their complaints conciliated for $500 - $1500, settlement amounts that are not nearly sufficient to provide incentive for housing providers to follow the law.

In North Dakota, 10.6% of the state's population has a disability. Our experience in counseling callers and training housing providers shows that the basic design and construction mandates of the Fair Housing Act are not well understood, requests for reasonable accommodations are frequently resisted, and stereotypes about people with disabilities have created NIMBYism. This past year, controversy erupted in the Fargo/Moorhead area over a nonprofit's plan to construct transitional supportive housing for very low income homeless persons – especially veterans and the elderly. Local residents opposed the plan, citing concerns that residents would include alcoholics and persons with drug addiction issues.

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1. **The draft should be revised to include, as Action Items, support for testing of fair housing compliance.**

We suggest revising the draft to include testing of compliance with fair housing laws as Action Items. Testing is a vehicle for investigation approved both by HUD and by federal legal precedent. Outreach and education are crucial, but without testing and other enforcement activities, the barriers to fair housing are unlikely to be removed.

Testing refers to the use of an individual or individuals ("testers") who, without a bona fide intent to rent or purchase a house, apartment, or other dwelling, pose as prospective renters or purchasers for the purpose of gathering information that may indicate whether a housing provider is complying with fair housing laws.

Testing is an indispensable tool for obtaining evidence of housing discrimination, as is indicated in the draft AI, many persons who are turned down for housing are unaware that discriminatory treatment has even taken place. Courts have long recognized that "it would be difficult indeed to prove discrimination in housing without this means of gathering evidence." *Hamilton v. Miller*, 477 F.2d 908, 910 n.l (10th Cir. 1973). Testing is so critical that attempts to ban testing as a means of gathering evidence of discrimination have been struck down as unconstitutional, given such a restriction's chilling effect on equal housing opportunities. See *United States v. Wisconsin*, 395 F. Supp. 732, 733 (W.D. Wis. 1975). Testing requires careful training, coordination, and documentation efforts to ensure the results accurately reflect the housing practices being tested.

Actions Items that use the tools of testing, accompanied by outreach and education, will help communities in North Dakota focus their efforts on their biggest fair housing problems. The AI should contain Action Items for testing. The result will be stronger, healthier communities.

2. **The draft should be revised to include, as Measurable Objectives, support for follow-up testing of fair housing compliance.**

Our organization has provided fair housing training for approximately 780 persons this year, but violations of the law continue to occur. Follow-up testing should be added to support the proposed Measurable Objectives. Fair housing training and testing work hand-in-hand. After confirming initial reports of discriminatory treatment via testing, education should be done to target uncovered violations. Once such training is conducted, follow-up testing should

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be performed to measure the effectiveness of the training. This method is the only way to determine that this outreach training is accomplishing what it is intended to accomplish.

3. Information concerning High Plains Fair Housing Center should be revised.

High Plains Fair Housing Center is referenced multiple times in the draft. Our mission is to ensure equal access to fair housing in the region through training, education, enforcement, and advocacy. High Plains provides fair housing training, follows up with testing, and assists individuals by providing lay assistance and advocacy.

We look forward to continuing to develop and serve the purposes of fair housing in the region. However, several times our organization is mis-named in the AI as the Fair Housing "Council."

In addition, the AI misstates our interaction with the Housing and Employment Law Clinic at the University of North Dakota School of Law. While High Plains does attempt to refer some persons with potential housing claims to the Law Clinic, by no means is the Law Clinic able to represent or otherwise assist a volume of these persons. As an educational program of the School of Law with the primary mission of teaching students, the Law Clinic is able to accept only a small number of cases. Please revise page 73 of the draft AI, as well as any other similar references, to remove the text indicating that the Law Clinic "investigates complaints and serves as legal advocates." More accurately, the Law Clinic considers potential claims and is able to represent a small number of complainants in pursuing their fair housing matters as feasible under its curriculum.

In addition, the draft should look at the capacity of the state FHAP to take, investigate, and resolve complaints. Our understanding is that the North Dakota Department of Labor and Human Rights may be dealing with a relatively large volume of work spread among its staff. Information in the draft should include facts about the level of staffing, staff turnover, and type/amount of training that staff has received, particularly with respect to conducting investigations of fair housing complaints. Information should also be provided regarding the level of fair housing experience and training of legal staff engaged by the FHAP to prosecute fair housing cases when judicial enforcement is elected. Assisting the North Dakota Department of Labor and Human Rights, by supporting its investigation of housing discrimination, is among the ways in which a fully functioning High Plains Fair Housing Center aims to enhance its service to the state. As a non-profit with a mission of helping people understand and assert

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their basic rights, High Plains can alleviate some of the burdens faced by this important state agency.

Where a person lives impacts his or her trajectory in life. Some neighborhoods provide access to the assets that open the door to quality opportunity, where other neighborhoods have fewer of these assets. Too often, people of color, families with children, and people with disabilities have been shut out of those communities with the greatest assets. Instead, the communities where they are concentrated have been starved for the kinds of investment that support access to opportunity. This dearth of access perpetuates and compounds disparities in wealth, education, homeownership, employment, health and much more. The imbalance weakens our society, and undermines our conjoint prosperity and our reputation as a land of opportunity.

On behalf of the Board, we thank you again for the opportunity to submit these comments.

Sincerely,

Margaret Moore Jackson
President, Board of Directors
High Plains Fair Housing Center

The mission of High Plains Fair Housing Center is strengthen communities and to ensure equal access to fair housing in the region through training, education, enforcement, and advocacy.

Fair Housing is a right protected by federal and state laws. Fair Housing means you may freely choose a place to live without regard to your race, color, religion, sex, national origin, or because you are disabled or have children in your family or because you are on public assistance.

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