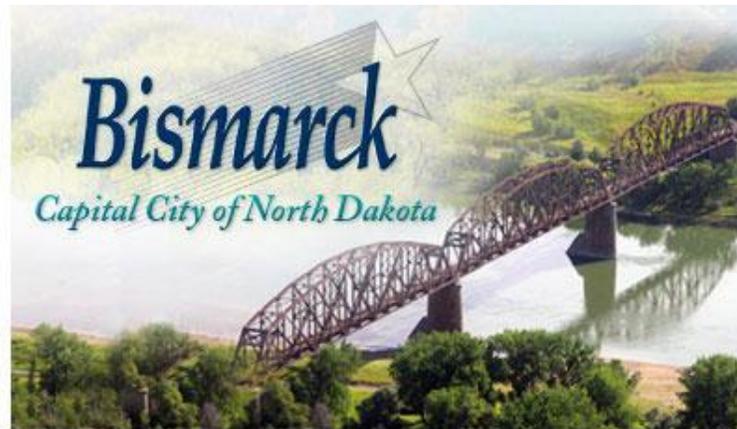


2015 CITY OF BISMARCK ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING CHOICE



**FINAL REPORT
JULY 31, 2015**

**2015 CITY OF BISMARCK
ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING CHOICE:**



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**Final Report
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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:

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

Website: labor@nd.gov or humanrights@nd.gov

High Plains Fair Housing Center

P.O. Box 5222

Grand Forks, North Dakota 58206

Telephone: (701) 203-1077

Toll Free: 1(866) 380-2738

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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:

1. Complete an Analysis of Impediments to Fair Housing Choice (AI),
2. Take actions to overcome the effects of any impediments identified, and
3. 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:

- 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.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 City of Bismarck is undertaking this AI to evaluate impediments to fair housing choice within the city.

Residents of the City of Bismarck 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 status². North Dakota Century Code (Chapter 14-02.5)

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

expands upon these protections by prohibiting discrimination against North Dakota residents in the housing market on the basis of age (40 years or over), marital status, and use of public assistance.

The purpose of this report is to determine current impediments to fair housing choice at work in the City of Bismarck 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 City of Bismarck 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 the Home Mortgage Disclosure Act, and
- Housing complaint data from HUD.

Qualitative research included evaluation of relevant existing fair housing research and national and city 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 City of Bismarck Fair Housing Survey distributed to stakeholders, interested parties, and participants as part of the public input process.

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 City of Bismarck. 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.

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 city were identified; along with actions the city 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 the City of Bismarck to identify practices or conditions that may operate to limit fair housing choice in the city. Analysis of demographic, economic, and housing data included in that review establish the context 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 city'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, city, and federal fair housing laws shapes the complaint and advocacy processes available in the city, as do the services provided by local, city, 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 City of Bismarck has grown considerably since 2000: the city's population grew steadily between 2000 and 2010, adding 574 new residents per year on average. That rate of growth accelerated considerably after 2010, matching the growth of the prior decade in just three years, according to population estimates from 2013. Much of the growth between Census counts was attributable to a considerably increase in the number of residents aged 55 and older. These residents accounted for over 80 percent of the population growth between 2000 and 2010.

During that time, the city also experienced some minor shifts in its racial and ethnic composition. White residents accounted for 94.8 percent of the city's population in 2000, and 70 percent of the city's population growth. However, the rate of growth for the white population, at 7.6 percent, was below the citywide average, and by 2010 white residents represented a smaller share of the city's population than they had at the beginning of the decade. The American Indian population grew more rapidly, and grew as a share of the total population from 3.4 to 4.5 percent. These residents tended to be concentrated in Census block groups in the city center, and accounted for more than a fifth of the population in one block group to the west of the city center. No other group accounted for more than one percent of the city's population in either year, with the exception of those who identified themselves as belonging to two or more races. In terms of ethnicity, the Hispanic population nearly doubled in number and as a share of the total population, representing 1.3 percent of the city's residents in 2010.

There were no Census tracts in the city that would be considered racially or ethnically concentrated areas of poverty (R/ECAP) in 2000 or 2009-2013. According to HUD, Census tracts in which non-Hispanic white residents account for less than 50 percent of the population are considered R/ECAPs if the poverty rate exceeds 40 percent or is three times greater than the area average, whichever threshold is lower.

Just over 17 percent of the population was living with some form of disability in 2000, and residents with disabilities tended to be concentrated in Census tracts in the city center, along the State/North 9th Street corridor. Residents with disabilities represented 11.3 percent of the population in 2009-2013: however, it should be noted that disability estimates from 2008 onward reflect a different framework for disability, and set of questions, than what was employed in the 2000 Census and pre-2008 ACS estimates. For that reason, the Census Bureau

discourages direct comparison between the 2000 count and post-2008 estimates. In spite of these changes, the population with disabilities in 2009-2013 was observed to be concentrated in roughly the same area in 2009-2013 as in 2000.

After a period of overall strong growth after 1990, growth in the labor force began to slow after 2007, and to decline after 2009. Growth in the number of employed has generally followed trends in the labor force very closely: however, a spike in the size of the labor force in 2009 was not matched by an equally marked increase in the number of employed, and as a result the employment rate in the city rose from 2.7 to 3.5 percent. Since early to mid-2010, however, the unemployment rate has declined considerably, and stood at 2.4 percent in 2013.

Unlike growth in the number of employed, growth in the total number of full- and part-time jobs in the city has been uniformly positive, and generally steady, and since 1969. The same has not been true of the earnings that workers have earned at those jobs, which grew very little between 1969 and 1996. However, since that time, real average earnings per job have grown considerably, from around \$35,000 to nearly \$41,000 by 2004, and after a period of stagnation in earnings that lasted until 2009, earnings rose dramatically through 2013. In that year, the average worker was earning \$47,517 per year at his or her job. Growth in real per capita income has been steadier, though it also accelerated after 2009. By 2013, real PCI in the city stood at \$49,601, a slight decline over the previous year.

As one might expect, rising earnings and income have led to an increase in the number of high-income households, or those with incomes of \$75,000 per year or more. These households represented 36.1 percent of all households in 2009-2013, up from 16.5 percent in 2000. The percentage of households in all income brackets below \$75,000 per year fell during the same period. Nevertheless, the poverty rate in the city rose by 1.2 percentage points, to 9.6 percent. The poverty rate was higher than that in Census tracts in the city center, and to the west of the city center. These areas, along with large Census block groups to the north of the interchange of Interstate 94 and Highway 83, also held relatively large concentrations of low- to moderate-income households.

The city's housing stock grew by 18.3 percent between the 2000 and 2010 Decennial Census counts, slightly outpacing growth in the number of households. Over 95 percent of housing units in the city were occupied in both years, and 62.8 percent of these were occupied by their owners in 2000, a slight reduction over 2000. Vacant housing units increased in number by 34.2 percent and as a share of overall housing units by 0.5 percentage points. More than half of these units were available for sale or rent in 2010, and another 10.3 percent were dedicated to seasonal, recreational, or occasional use.

However, the decade also saw an increase in the share of vacant units classified as "other vacant", which are not available to the market place. These can represent a blighting influence where they are concentrated in close geographic proximity to one another, as they were in several Census tracts in the city center, and one large tract in the southwest of the city.

Households in the city appeared to grow smaller over the decade, the result of rapid growth in the number of one- to two-person households. By 2009-2013, single family homes came to account for 55.5 percent of the city's housing stock, up from 53.2 percent in 2000. At the same time, apartment units declined as a share of the city's housing stock by 1.2 percentage points.

As one might expect, given the shift toward smaller households described above, the incidence of overcrowding in the city had fallen by 2009-2013, when only around 1.2 percent of households experienced any degree of overcrowding. The incidence of overcrowding in the city had been low in 2000 as well, when less than two percent of households were overcrowded or severely overcrowded. Similarly, relatively few households lacked complete plumbing or kitchen facilities (around one percent or less).

However, considerably more households were cost-burdened, or severely cost burdened. The percentage of households in the city that were cost-burdened to any degree increased slightly after 2000, and by 2009-2013 nearly 23 percent of all households in the city spent more than thirty percent of their income on housing costs. Housing costs consumed more than fifty percent of household incomes for 10.3 percent of households in 2009-2013. As had been the case with over-crowding, renter-occupied households were more heavily impacted by cost-burdening than owner-occupied households.

Growth in the incidence of cost-burdening came as median housing costs in the city were rising: In 2000, the median contract rent price in the city was \$447 and the median home value of owner-occupied homes was \$97,400. By 2009-2013, the median contract rent had risen to \$625 and the median home value of owner-occupied homes stood at \$163,900.

Fair Housing Law, Study, and Case Review

Residents of Bismarck, like all North Dakota residents, 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 residents of Bismarck, 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 no longer in a form that is as overt and obvious as it was when the laws were passed. Discrimination on the basis of disability represents the most common violation of the Fair Housing Act nationwide, according to national studies of fair housing complaints. In this connection, it is not surprising that the one fair housing complaint in the state in which the Department of Justice has become involved over the last ten years has concerned alleged discrimination on the basis of disability.

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, is now slated for March of this year.

Fair Housing Structure

Fair housing services are provided to residents of North Dakota, including Bismarck residents, 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 those 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 residents of Bismarck and North Dakota 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, including Bismarck residents, 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 School of Law at the University of North Dakota, which provides a range of legal services, to those who are unable to obtain legal representation, through its Housing and Employment Law Clinic. Though the School is primarily an educational institution, it is able to accept a small number of complainants referred by the Fair Housing Center and represent them throughout the complaint process.

Residents of the city are also served by the City of Bismarck Human Relations Committee, which serves as an advisory body to the Mayor and City Commission. As part of its mission to "protect and promote the personal dignity of all Bismarck citizens and eliminate any discriminatory barriers that prevent them from reaching their full human potential," the Committee conducts outreach and education activities focusing on civil and human rights; identifies issues, priorities, and objectives relating to human rights; and works to encourage compliance with state and federal antidiscrimination laws.

Fair Housing in the Private Sector

A number of factors in the private sector affect the housing choices available to residents of Bismarck: such factors include patterns in home purchase and small business lending, perceived and actual discrimination in the housing market, and policies and practices of individuals and businesses in the housing market. For the present study, assessment of these

factors was undertaken through a review of lending data collected from the Federal Financial Institutions Examination Council (FFIEC); complaint data collected by HUD and the North Dakota Department of Labor and Human Rights; and the 2015 Fair Housing Survey.

Financial and lending institutions in the city processed 43,683 loans and loan applications from 2004 through 2013. Around 43.8 percent of these loans and loan applications were intended to finance the purchase of a home, and over 90 percent of those home purchase loans and applications, or 17,531, were intended to finance the purchase of a home in which the applicant or borrower intended to live. Nearly 11,600 owner-occupied home purchase loan applications led to successful loan originations.

However, 916 owner-occupied home purchase loan applications were denied over the same period, for a denial rate of 7.3 percent. Yearly denial rates exceeded that figure from 2004 through 2006, but have remained below 7 percent since 2007. Geographically, loan applications were more likely to be denied in Census tracts in the city center, along the Highway 83/State/North 9th Street corridor, than in peripheral Census tracts to the east and west of the city center. Applications were also more likely to be turned down if the applicants were female than if they were male, American Indians than if they were white, and Hispanic than if they were non-Hispanic. Applicants were most frequently denied due to their credit history; however, unfavorable debt-to-income ratios were also frequently cited as a primary reason in loan denials in the city. As one might expect, the rate of loan denials declined considerably as the income of the applicant rose. However, denial rates for American Indian applicants were still higher than denial rates for white applicants, even when the two were similarly situated with respect to income; the same was largely true of Hispanic applicants, as compared to non-Hispanic applicants.

In addition to the differential denial rates described above, the share of home loan applications submitted by American Indian applicants was 0.8 percent. American Indian residents accounted for 4.6 percent of the city's population in 2010, suggesting that these residents are less likely, on average, to seek a home purchase loan than white residents, who submitted 98.4 percent of the home purchase loan applications from 2004 through 2013, while representing 94.2 percent of the population in 2010. Similarly, 0.6 percent of loan applications came from Hispanic residents, who represented 1.3 percent of the population in 2010.

Small business lending activity in the city, as gathered and reported under the Community Reinvestment Act, tended to be concentrated in Census tracts in the city center, as well as in the large Census tract to the northeast of the Highway 83-Interstate 94 interchange. A large majority of these loans were issued in middle-income Census tracts, as compared to median family incomes in the Bismarck metropolitan statistical area.

In keeping with national trends in fair housing complaints, those lodged with HUD by residents of Bismarck most commonly alleged discrimination on the basis of disability: 51 complaints cited mental disability as the protected class affected by discriminatory housing practices while 28 cited physical disability. Discrimination based on familial status was the next most frequent allegation, cited in 19 complaints, followed by racial discrimination. Complainants most frequently cited "failure to make reasonable accommodation" as the discriminatory practice at issue in these complaints. "Discrimination in terms, conditions, or privileges relating to rental" was the next most common allegation in complaints overall; it was

also the second most common among complaints considered to have cause, tied with “discriminatory advertising, statements, and notices”.

Data on complaints filed with the North Dakota Department of Labor and Human Rights largely reflects trends in complaints filed with HUD. However, disability-based discrimination accounted for an even larger share of complaints filed with the state agency than with HUD, and race was the second-most common complaint basis among those complaints. In addition, just under ten percent of complaints filed with the DOLHR by city residents cited discrimination against recipients of public assistance, illegal under state but not federal law. State law also extends prohibitions against discrimination on the basis of age, which was cited in four complaints. The most common discriminatory issues, both among complaints filed with the DOLHR overall and those considered to have cause, related to “terms of rental” and reasonable accommodation.

Finally, the assessment of fair housing in the private sector included analysis of responses to the 2015 Fair Housing Survey. Relatively few of those surveyed were aware of any practices or policies in the private sector that, in their estimation, amounted to barriers to fair housing choice. Awareness of such barriers was more common in questions pertaining to the rental housing market and housing construction or accessible housing design fields, and those who provided additional commentary cited the persistence of covert discrimination in the rental market and the failure to fully incorporate accessibility requirements into the design and construction of housing in the city.

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, and the 2015 Fair Housing Survey.

The US Department of Housing and Urban development offers housing subsidies through a variety of programs designed to aid low-income and special needs populations. The agency maintains an online database of projects funded through these subsidies, which includes data on five HUD-funded housing projects in the city. Two of these projects were located in the north of the city; three in the western part of the city center. All of these projects were located in Census block groups with high concentrations of low- to moderate-income households. In addition to HUD multifamily housing, the Burleigh County Housing Authority owns and administers housing projects subsidized through the Public Housing Program, as well as administering projects subsidized under the HOME Investment Partnerships Program (HOME). Like the HUD multifamily projects described above, Public Housing projects in the city tended to be concentrated in low- to moderate-income Census tracts, mainly in the city center and to the west of the city center, as were HOME assisted projects administered by the Housing Authority. Assisted housing projects financed in part through Low Income Housing Tax Credits also tended to be located in projects with relatively high concentrations of low- to moderate-income families, though these projects were largely absent from the city center.

The concentration of public-assisted housing units in LMI areas appears to be a relatively recent trend, as many of these areas were not LMI areas when the housing units were constructed.

Likewise, the above-average concentrations of American Indian and Hispanic residents in these areas also appear to be relatively recent phenomena.

Review of the city's land-use and zoning regulations, in consultation with the city Planning Manager, revealed no substantial barriers to fair housing choice. While the zoning code does not include some provisions that could promote the development of affordable and mixed-use housing, the planning official did not consider that zoning provisions could present a hindrance to such development. The city has also been considering changes to the zoning code to include a zoning district for affordable housing units. There are no development standards that promote accessibility in housing beyond those included in the building code; however, the city does provide an administrative process for requesting reasonable accommodations or modifications for residents with disabilities, allowing those residents to forego requests for variances or an appearance before a board or commission.

As had been the case in responses to the private sector portion of the fair housing survey, fewer than ten percent of respondents were typically aware of any discriminatory practices or barriers to fair housing choice in the public housing sector. Exceptions included zoning laws, property tax policies, housing construction standards, and access to government services: between 13 and 22 percent of respondents affirmed that they were aware of barriers to fair housing choice in these areas, with associated commentary focusing on the need for incentives to promote the development of affordable and accessible housing, challenges facing low-income households, failure to account for accessibility in new construction, and the need for improved public transportation, and expanded access to public transportation.

Public Involvement

Efforts to promote public and local stakeholder participation in the development of the city's analysis of impediments to fair housing choice included the 2015 Fair Housing Survey and Fair Housing Forum. Participants in the survey included homeowners, service providers, advocates, and local government officials, among others. These respondents were largely familiar with, and supportive of, fair housing laws and policies, though many found those laws to be difficult to understand or follow. There was only limited support for any changes to current fair housing laws, though more than a third of respondents felt that current laws are not well-enforced.

A third of respondents were aware of any fair housing training process available to city residents, and fewer respondents had participated in such training. It is therefore not surprising that a majority of respondents felt that current levels of outreach and education were insufficient. Awareness of fair housing testing activities was likewise limited. Similarly, very few residents were aware of any city or county fair housing ordinance, regulation, or plan: more than three quarters of respondent either stated that they were not aware of any law or plan, or selected "Don't know" in response. A majority of respondents were aware that fair housing laws prohibited discrimination on the basis of gender, family status, or religion, and more than forty percent correctly identified "age" as a protected class. Fewer respondents correctly identified color, income, national origin, or marital status as protected classes.

Finally, public outreach efforts during the AI process included the 2015 City of Bismarck Fair Housing Forum, which was designed to introduce the public to the AI process, present preliminary findings from the analysis, and glean the perspectives and insights of local

residents and stakeholders concerning the state of fair housing in the city. The discussion following the presentation of findings touched upon a variety of topics, including trends in home lending; the need for enhanced fair housing testing, outreach, and education; failure to allow reasonable modifications to existing units to render them accessible to residents with disabilities; and the role of the High Plains Fair Housing Center and the state Department of Labor and Human Rights in fair housing policy and enforcement.

IMPEDIMENTS TO FAIR HOUSING CHOICE AND SUGGESTED ACTIONS

Private Sector Impediments, Suggested Actions, and Measurable Objectives

Impediment 1: Discrimination on the basis of disability and familial status. This impediment was identified through review of fair housing complaints that Bismarck residents lodged with HUD and the state Department of Labor and Human Rights (DOLHR) from 2004 through 2014; the 2015 Fair Housing Survey, and the 2015 Fair Housing Forum. Among complaints filed with HUD, those alleging discrimination on the basis of disability, mental or physical, were the most common by a considerable margin, followed by familial status. Disability was also the most common perceived motivation for discrimination among complaints filed with the DOLHR, with alleged discrimination based on familial status the third most common behind racial discrimination. In addition, though awareness of barriers to fair housing choice in the public or private sectors was limited overall, questions pertaining to discrimination affecting residents with disabilities received more affirmative responses. Finally, according to a participant in the 2015 Fair Housing Forum, “[requests for modification are] just being turned down.”

Action 1.1: Increase outreach and education to local housing providers, in partnership with the High Plains Fair Housing Center and other local non-profit groups, to increase awareness of discrimination based on disability and familial status. This outreach and education may be targeted to housing providers that are identified by High Plains Fair Housing through telephone testing that uncovers discriminatory practices. Part of this outreach should include an overview of what the law requires, with respect to disability and familial status, as well as what the law does not require (e.g., extensive and permanent modifications at the owner’s expense).

Measurable Objective 1.1: The number of outreach and education activities conducted and the number of participants.

Action 1.2: In coordination with the High Plains Fair Housing Center, conduct follow-up testing to determine whether the discriminatory practices identified in the original fair housing tests have ceased.

Measurable Objective 1.2: The number of follow-up tests conducted and the results of those tests.

Impediment 2: Failure to make reasonable accommodation or modification. Like the previous impediment, this impediment was identified through review of fair housing complaints that Bismarck residents lodged with HUD and the state Department of Labor and Human Rights (DOLHR) from 2004 through 2014; the 2015 Fair Housing Survey, and the 2015 Fair Housing Forum. This impediment relates to a specific form of discrimination against residents with disabilities, which these residents may encounter when a landlord or property manager refuses

to allow modifications to his or her property that would make the property more accessible to residents with disabilities. Failure to make reasonable accommodation was the most common discriminatory policy or practice cited in complaints lodged with HUD, and among complaints that were filed with the DOLHR and considered to have cause. This is an impediment that impacts residents with disabilities.

Action 2.1: Increase outreach and education to local housing providers, in partnership with the High Plains Fair Housing Center, to increase awareness of legal requirements concerning reasonable accommodation. This outreach and education may be targeted to housing providers that are identified by High Plains Fair Housing through telephone testing that uncovers discriminatory practices.

Measurable Objective 2.1: The number of outreach and education activities conducted and the number of participants in those activities.

Action 2.2: Conduct accessibility audits of a sample of local apartment complexes, in partnership with the Apartment Association, the Dakota Center for Independent Living, and other organizations to determine the degree to which accessibility requirements have been incorporated into the construction of city rental housing.

Measurable Objective 2.2: The establishment of partnership with local advocacy and other organizations, the number of housing complexes audited, and the results of those audits.

Action 1.2: In coordination with the High Plains Fair Housing Center, conduct follow-up testing to determine whether the discriminatory practices identified in the original fair housing tests have ceased.

Measurable Objective 1.2: The number of follow-up tests conducted and the results of those tests.

Impediment 3: Discriminatory advertising. This impediment was identified through review of complaints filed with HUD and the Department of Labor and Human Rights (DOLHR). Discrimination in advertising, statements, and notices was the second most common complaint basis among HUD complaints that were considered to have cause, and the third most common among all complaints lodged with the DOLHR. In addition, the National Fair Housing Alliance found, in a 2009 study, that discriminatory advertising persists on popular websites such as Craigslist, which is not subject to the same restrictions on discriminatory content as content-generating sites (though the property managers who post such advertisements on Craigslist would be liable for discriminatory language in those advertisements). This impediment was most frequently cited in complaints of discrimination based on familial status and disability.

Action 3.1: Designate a person or committee, in partnership with the City of Bismarck Human Relations Committee, to undertake periodic reviews of housing advertisements on Bis-Man online and other sites through which housing providers advertise available housing, to identify instances of discriminatory language or discriminatory statements of preference regarding potential rental applicants or homebuyers.

Measurable Objective 3.1: The designation of the person or committee responsible for periodic reviews of housing advertisements, the number of advertisements reviewed, and the number that include discriminatory language.

Impediment 4: American Indian and Hispanic home purchase loan applicants tend to have higher denial rates than white or non-Hispanic applicants, respectively. This impediment was identified through review of home purchase loan data gathered under the Home Mortgage Disclosure Act (HMDA) According to these data, American Indian applicants were nearly three times as likely to be turned down for a home purchase loan as white applicants, while Hispanic applicants were more than twice as likely as non-Hispanic applicants to be denied a loan. These discrepancies persisted, in most cases, even when applicants were similarly situated with respect to income.

Action 4.1: Conduct outreach and education to prospective homebuyers, high school students, and college students, focusing on the importance of establishing and keeping good credit.

Measurable Objective 4.1: The number of outreach and education activities conducted

Impediment 5: Discrimination against recipients of public assistance income. This impediment was identified through review of complaints filed with the DOLHR. In spite of the fact that the state Fair Housing Law prohibits discrimination against state residents on the basis that they are recipients of public income assistance, discrimination on that basis was the fourth most common allegation among complaints that city residents lodged with the DOLHR from 2004 through 2014.

Action 5.1: Conduct outreach and education to city housing providers, focusing on public assistance discrimination and noting that housing providers may not turn down potential applicants for housing on the basis that they receive public income assistance.

Measurable Objective 5.1: The number of outreach and education activities conducted, and the number of participants.

Action 5.2: Produce materials concerning unlawful discrimination, in partnership with the city's Human Relations Committee and other city agencies or committees, to be distributed to property managers and landlords. Include a description of public assistance discrimination, noting that it is illegal under state law to turn down an applicant on the grounds that he or she is a recipient of public income assistance.

Measurable Objective 5.2: The materials produced and the number of landlords and property managers to whom those materials are distributed.

Impediment 6: Lack of understanding of fair housing laws and policy. This impediment was identified through review of results of the 2015 Fair Housing Survey. Around 29 to 57 percent of respondents selected "Don't know" in responses to questions in the private sector portion of the fair housing survey, and 27 to 50 percent of respondents selected "Don't know" in response to questions in the public sector portion, suggesting that a large share of respondents did not feel confident that they could identify barriers to fair housing choice in most of the private and public sector areas mentioned in the survey. In addition, over a quarter of respondents considered themselves to be unfamiliar with fair housing laws, and a majority of respondents considered current fair housing outreach and education activities to be insufficient. Finally, respondents were not able to identify many of the protected classes designated by state and local fair housing laws. Where it amounts to a wholesale lack of

awareness of the fair housing rights of Bismarck residents, this impediment has the potential to impact individuals of all protected class designations.

Action 6.1: Increase outreach and education to local housing providers and consumers, in partnership with the city's Human Relations Committee and/or the High Plains Fair Housing Center, to increase awareness of fair housing laws and policies.

Measurable Objective 6.1: The number of outreach and education activities conducted, and the number of participants.

Public Sector Impediments, Suggested Actions, and Measurable Objectives

Impediment 1: Apparent shortage of accessible housing in Bismarck. This impediment was identified through review of the 2015 Fair Housing Survey. As noted previously, questions from the public and private sector sections of the survey concerning the accessibility of housing units to persons with disabilities received relatively high numbers of affirmative responses, indicating a greater awareness of fair housing issues affecting persons with disabilities. In commentary submitted with those questions, respondents frequently cited factors limiting the availability of accessible housing, whether due to a lack of accessible units or a failure to completely incorporate accessibility requirements into the design and construction of new housing. This is an impediment that impacts residents with disabilities.

Action 1.1: Conduct outreach and education to housing developers and builders in the city, focusing on the city's need for accessible housing and legal requirements concerning accessibility.

Measurable Objective 1.1: The number of outreach and education activities conducted, and the number of participants in those activities.

Action 1.2: Continue CDBG funding of the housing accessibility program, providing grant assistance to low- and moderate-income households seeking to make accessibility improvements to owner-occupied and rental housing and residential facilities.

Measurable Objective 1.2: The number of households assisted

Impediment 2: Lack of understanding of fair housing law and policy. As noted above, the results of the 2015 Fair Housing Survey suggest that understanding of fair housing law, and awareness of issues that represent barriers to fair housing choice, is limited among city residents and stakeholders. The impediment was numbered among the private sector impediments to underscore the role that outreach to private sector actors may play in alleviating it, and is included among public sector impediments to highlight the role that public figures and agencies may play in addressing. Where it amounts to a wholesale lack of awareness of the fair housing rights of Bismarck residents, this impediment has the potential to impact individuals of all protected class designations.

Action 2.1: Highlight fair housing issues and concerns every year during Fair Housing Month (April) through outreach and education activities, public meetings, and web-based advertising on the city website, in partnership with the city's Human Relations Committee and/or by contract with local and state non-profit organizations, including High Plains Fair Housing.

Measurable Objective 2.1: The number of outreach and education activities conducted and the number of participants, the amount of funding allotted to contract with local non-profit organizations.

Action 2.2: Draft a Fair Housing Month proclamation summarizing state and federal fair housing laws. Request that the Mayor endorse and sign the proclamation.

Measurable Objective 2.2: The drafting of the fair housing month proclamation, the request to the Mayor, and the Mayor's response.

Action 2.3: Conduct fair housing training sessions with local planning and zoning officials, in partnership with the High Plains Fair Housing Center, to highlight the impact of land-use and zoning decisions on fair housing choice. Televis the training sessions on the local public access television channel.

Measurable Objective 2.3: The number of training sessions conducted and the number of officials participating in those training sessions, along with the broadcasting of the training sessions on local public access television.

Impediment 3: Concentration of public assisted housing projects in areas with relatively high concentrations of low income households and American Indian and Hispanic residents. This impediment was identified through review of the location of housing projects in Bismarck that were funded through a variety of federally subsidized programs and administered by the Burleigh County Housing Authority, including Section 8 and Public Housing. Though the majority of these units, when originally constructed in the 1970s, were not placed in areas with high concentrations of low- to moderate-income and minority residents, these areas have since come to hold high concentrations of American Indian, Hispanic, and low-to-moderate income residents.

Action 3.1: Contact the Burleigh County Housing Authority, noting that subsidized housing units have become concentrated in low-income areas with relatively high shares of minority residents and asking the Housing Authority to establish criteria for future projects taking this historical pattern into account. Such criteria should be designed to promote the placement of units in higher-income areas, or to assess the feasibility of placing units in such areas.

Measurable Objective 3.1: The record of contact with the Burleigh County Housing Authority, their response, and any new criteria developed or identified.

FAIR HOUSING ACTION PLAN

Estimated timetable for activities to address identified impediments: It should be noted that implementation of most of the activities are dependent upon the availability of the High Plains Fair Housing Center, Human Relations Committee, or other small organizations that may have only part-time staff or no paid staff. As a small entitlement community (CDBG only), the City has limited resources and only part-time staff. However, it will set aside a portion of its CDBG public service monies on an annual basis to fund Fair Housing activities implemented in cooperation with High Plains Fair Housing Center or other agencies if such entities request funding and are able to implement activities. It will also work with the State of North Dakota and other cities to try to secure more funding for High Plains Fair Housing.

1. Sponsor one outreach/educational activity in cooperation with High Plains Fair Housing Center annually. Efforts could include one or more of the following topics:

- a. Discrimination based on disability and familial status
 - b. Requirements concerning reasonable accommodation
 - c. Homebuyer education
 - d. Public assistance discrimination
 - e. Fair Housing laws and policies
 - f. Need for accessible housing and requirements concerning accessibility
 - g. Fair housing issues and concerns
 - h. Fair Housing for local planning and zoning officials
2. Fund housing accessibility program annually with CDBG funds
 3. Do follow-up testing in coordination with High Plains Fair Housing Center annually or as possible.
 4. Conduct accessibility audits of local apartment complexes in partnership with the local Apartment Association, Dakota Center for Independent Living, and other interested entities once in the next five years.
 5. Review on-line advertising every two years.
 6. Develop and/or distribute existing materials on Fair Housing to property managers and landlords in conjunction with other outreach and education activities (at least once in the next five years or as needed with educational activities)
 7. Conduct Fair Housing month activities annually
 8. Contact/work with Burleigh County Housing Authority on criteria for future housing projects (once in the next five years or before any new housing construction activities).

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 at the national level 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 Shelter Grants (ESG)³, 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. 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.

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

³ The Emergency Shelter Grants program was renamed the Emergency Solutions Grants program in 2011.

- “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.”⁴

State and local governments may enact fair housing laws that extend protection to other groups as well. 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.⁵ The City of Bismarck’s Code of Ordinances does not currently include a provision relating to housing discrimination, though there is a provision that makes it a penalty to prevent the exercise of civil rights (§6-02-07). 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 cause a problem for fair housing choice in some cases, e.g., by contributing to the segregation 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;

⁴ *Fair Housing Planning Guide*.

⁵ 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.”⁶

The objective of the 2015 AI process was to research, analyze, and identify prospective impediments to fair housing choice throughout the city. The goal of the completed AI is to suggest actions that the sponsoring jurisdictions 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 City of Bismarck was the City of Bismarck Community Development Department.

Commitment to Fair Housing

In accordance with the applicable statutes and regulations governing the Consolidated Plan, the city certifies that it will *affirmatively further fair housing*. This statement means that it will conduct 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 City of Bismarck. Map I.1 on the following page displays the City of Bismarck, along with selected major highways and county and Census tract boundaries.

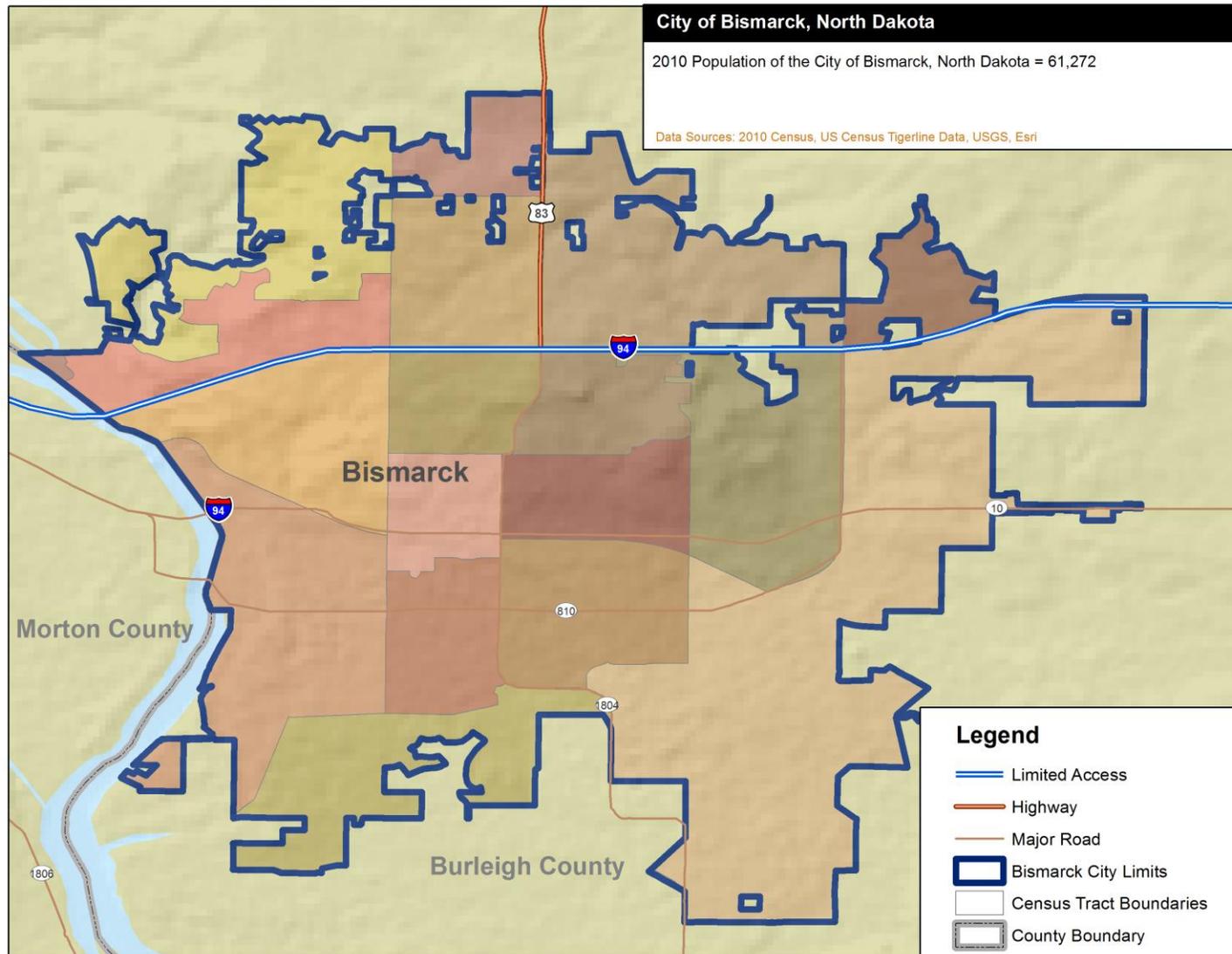
RESEARCH METHODOLOGY

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.

⁶ *Fair Housing Planning Guide*, p.1-3.

Map I.1
City of Bismarck Study Area
City of Bismarck
2010 Census Bureau 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 trends in 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 City of Bismarck.

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 city from 2004 through August 2014. 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 116 fair housing complaints lodged with HUD from within the city, along with the 122 filed with the North Dakota Department of Labor, 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 city 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 City of Bismarck Fair Housing Survey, an internet-based instrument, has received 50 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 city, 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 city, 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 City of Bismarck'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 city.

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 city regarding zoning, building codes, accessibility compliance, subdivision regulations, displacement issues, development practices, residency requirements, property tax policies, land use policies, and NIMBYism.⁷

Additional Questions

Finally, respondents were asked about their awareness of any local fair housing plans and to share any additional comments they might have.

Research Conclusions

The final list of impediments to fair housing choice for the City of Bismarck 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 City of Bismarck 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 city-wide impediments to fair housing choice. However, survey and forum comments that support findings from other parts

⁷ "Not In My Backyard" mentality

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. The 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 in some cases by block group, 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 the City of Bismarck.

To supplement this analysis, data were 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 in these datasets is that ACS data reported herein represent a five-year average of annual data estimates as opposed to a point-in-time 100 percent count, spanning 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 essential review of the background context of the City of Bismarck markets in which housing choices are made, detailed population and demographic data are included to describe the city's residents. These data summarize not only the protected class populations, but characteristics of the total population for the entire city, 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 city are most affected.

POPULATION DYNAMICS

Table II.1 at right presents population counts for the City of Bismarck, drawn from the 2000 and 2010 Censuses, and intercensal estimates from 2001 through 2009 and 2011 through 2013. These figures indicate that growth in the city's population has been steady since 2000. However, the pace of population growth appears to have tripled since 2010, from roughly 570 per year to over 1,900 per year. In total, the city's population increased by an estimated 20.7 percent between 2000 and 2013.

POPULATION BY AGE

The population of Bismarck increased by 10.3 percent between 2000 and 2010. As shown in Table II.2 on the following page,

Table II.1
Census and Intercensal
Population Estimates
City of Bismarck
2000, 2010 Census and
Intercensal Estimates

Year	City of Bismarck
Census 2000	55,532
July 2001 Est.	55,888
July 2002 Est.	56,275
July 2003 Est.	56,587
July 2004 Est.	56,885
July 2005 Est.	57,700
July 2006 Est.	58,542
July 2007 Est.	59,350
July 2008 Est.	59,895
July 2009 Est.	60,643
Census 2010	61,272
July 2011 Est.	62,821
July 2012 Est.	64,777
July 2013 Est.	67,034
Change 00 – 13	20.7%

residents aged 5 to 19 accounted for a smaller share of the population in 2010 than they had in 2000, the result of a reduction in the number of residents in that age cohort over the decade; the same was true of residents aged 35 to 54. Together, residents in these cohorts represented 42.9 percent of the city's 61,272 people in 2010, down from 50.8 percent in 2000. The share of residents in all other age cohorts grew, with particularly strong growth occurring in the number of residents aged 25 to 34, those aged 55 to 64, and those aged 65 or older.

Table II.2
Population by Age

City of Bismarck
2000 & 2010 Census SF1 Data

Age	2000 Census		2010 Census		% Change 00-10
	Population	% of Total	Population	% of Total	
Under 5	3,356	6.0%	3,896	6.4%	16.1%
5 to 19	11,529	20.8%	10,546	17.2%	-8.5%
20 to 24	4,380	7.9%	5,035	8.2%	15.0%
25 to 34	7,339	13.2%	9,110	14.9%	24.1%
35 to 54	16,657	30.0%	15,765	25.7%	-5.4%
55 to 64	4,629	8.3%	7,509	12.3%	62.2%
65 or Older	7,642	13.8%	9,411	15.4%	23.1%
Total	55,532	100.0%	61,272	100.0%	10.3%

This latter cohort represents the city's elderly population, which grew by 23.1 percent over the decade and accounted for around 31 percent of the overall population growth. As shown in Table II.3 below, the most rapid growth within the elderly population occurred among residents at the upper and lower ends of this cohort: The number of residents aged 65 to 66 grew by 35.8 percent. Meanwhile, the number of residents aged 80 to 84 grew by 31.6 percent, while the number of residents aged 85 and older increased by 42.2 percent. Residents in these three cohorts accounted for larger shares of the elderly population in 2010 than in 2000. At the same time, slower-than-average growth in the number of residents aged 67 to 74 meant that these residents accounted for a smaller share of the city's elderly at the end of the decade.

Table II.3
Elderly Population by Age

City of Bismarck
2000 & 2010 Census SF1 Data

Age	2000 Census		2010 Census		% Change 00-10
	Population	% of Total	Population	% of Total	
65 to 66	816	10.7%	1,108	11.8%	35.8%
67 to 69	1,188	15.5%	1,393	14.8%	17.3%
70 to 74	1,884	24.7%	1,934	20.6%	2.7%
75 to 79	1,490	19.5%	1,878	20.0%	26.0%
80 to 84	1,141	14.9%	1,501	15.9%	31.6%
85 or Older	1,123	14.7%	1,597	17.0%	42.2%
Total	7,642	100.0%	9,411	100.0%	23.1%

POPULATION BY RACE AND ETHNICITY

The city also experienced minor shifts in its population in terms of race and ethnicity. As shown in Table II.4 on the following page, white residents represented 92.4 percent of the city's population in 2010, down from 94.8 percent in 2000. This minor decline was not caused by a reduction in the size of the white population, but rather by below-average growth in the white population coupled with rapid growth in the number of American Indian residents, as

well as those who identified themselves as belonging to two or more races. In fact, all racial groups other than white grew at a rate that was above-average over the decade, though most accounted for less than one percent of the population in 2010. In terms of ethnicity, the Hispanic population also grew considerably over the decade, nearly doubling in number and as a share of the city's population. However, these residents only accounted for 1.3 percent of the population in 2010.

Table II.4
Population by Race and Ethnicity

City of Bismarck
2000 & 2010 Census SF1 Data

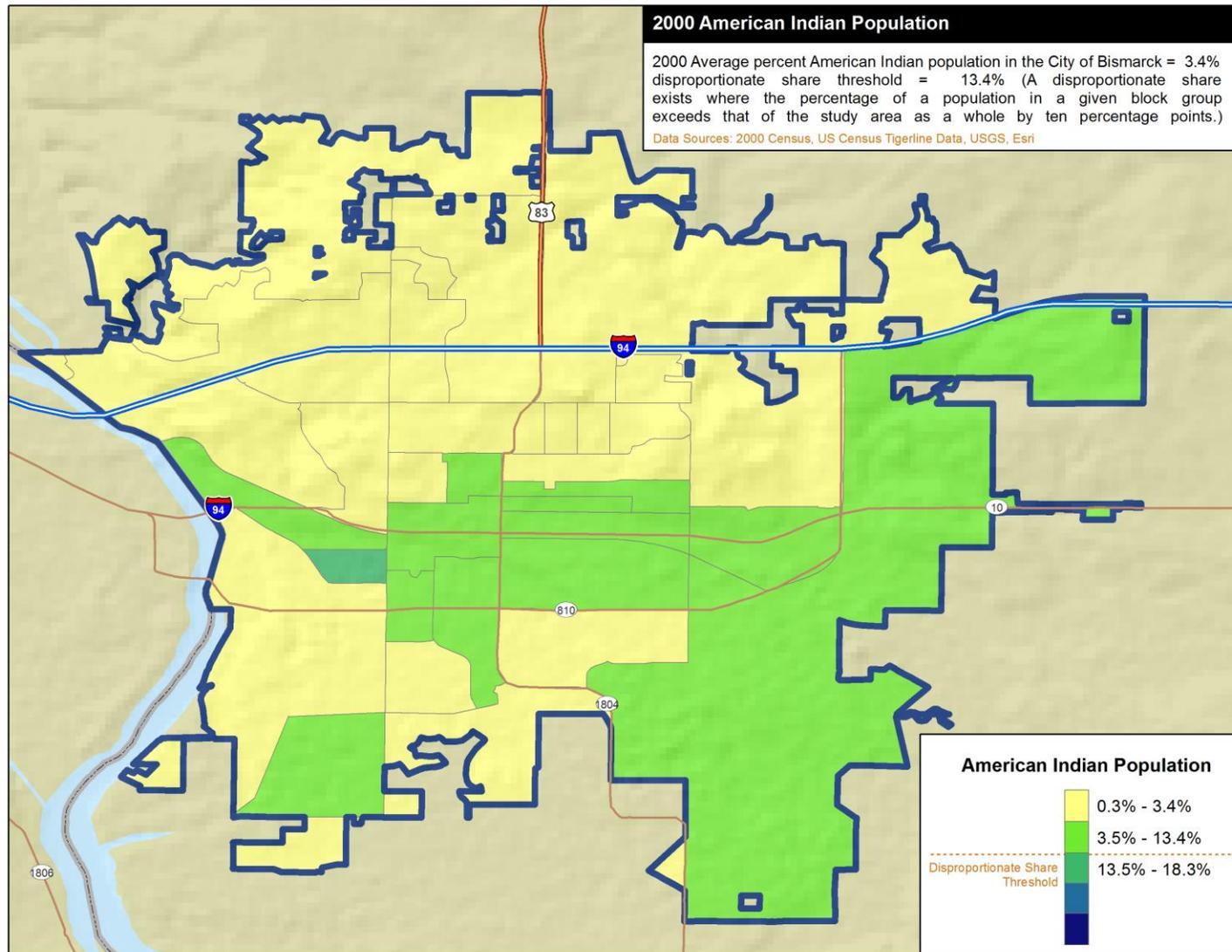
Race	2000 Census		2010 Census		% Change 00-10
	Population	% of Total	Population	% of Total	
White	52,634	94.8%	56,616	92.4%	7.6%
Black	156	0.3%	400	0.7%	156.4%
American Indian	1,884	3.4%	2,773	4.5%	47.2%
Asian	251	0.5%	343	0.6%	36.7%
Native Hawaiian/ Pacific Islander	15	0.0%	17	0.0%	13.3%
Other	95	0.2%	181	0.3%	90.5%
Two or More Races	497	0.9%	942	1.5%	89.5%
Total	55,532	100.0%	61,272	100.0%	10.3%
Non-Hispanic	55,117	99.3%	60,460	98.7%	9.7%
Hispanic	415	0.7%	812	1.3%	95.7%

The geographic distributions of black and Hispanic residents are presented in the following pages in a series of demographic maps. The maps portray the population of a given race as a percentage of the overall population of a Census block group, and indicate which block groups contain "disproportionate shares" of a racial or ethnic group. For the purposes of this study, a disproportionate share exists where the percentage of a population in a given block group exceeds that group's share of the city population by ten percentage points. For example, American Indian residents accounted for 3.4 percent of the population of the City of Bismarck in 2000. Accordingly, any area in which American Indian residents made up more than 13.4 percent of the block group population would be considered to have a disproportionate share of American Indian residents.

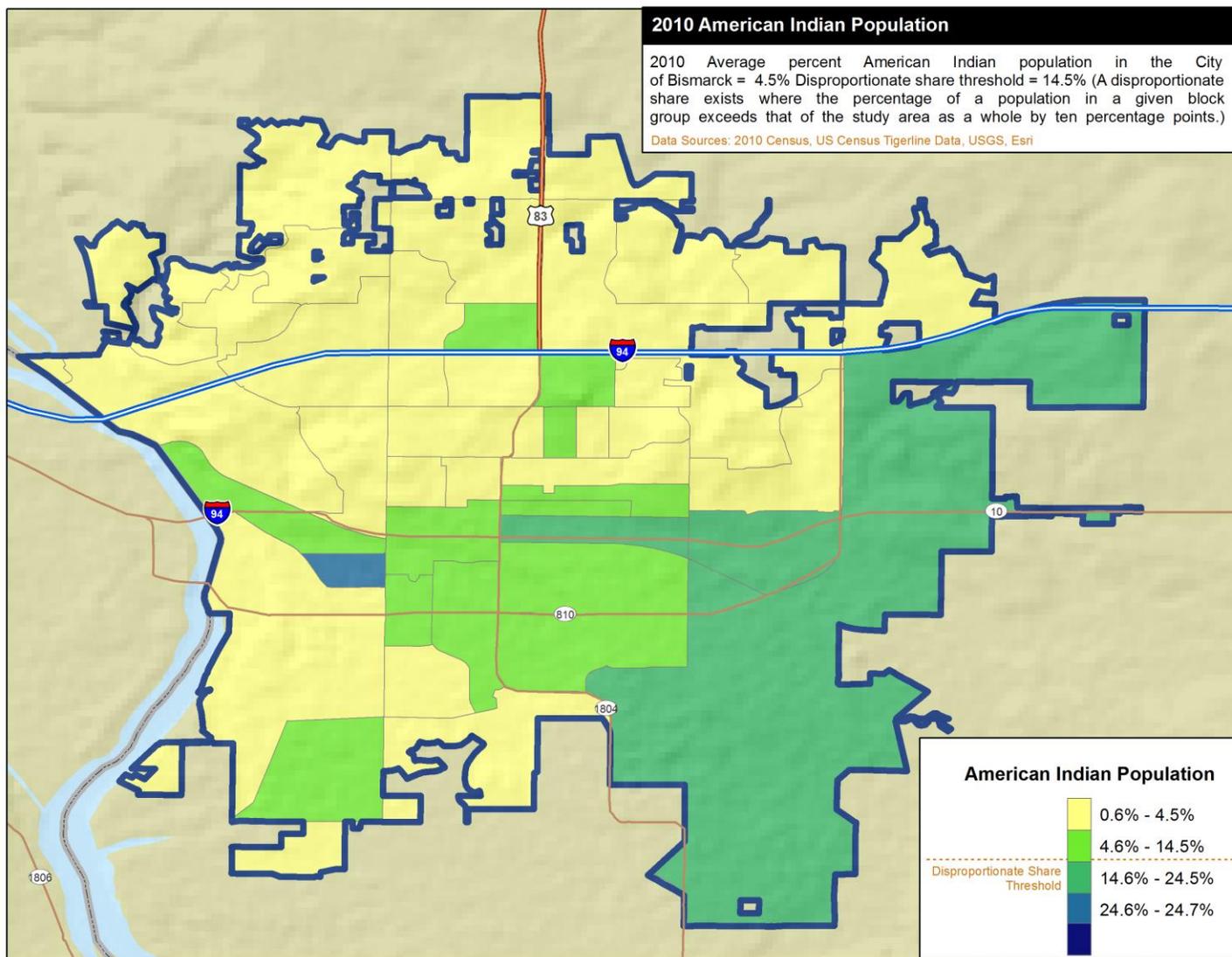
Most block groups in the city were not observed to hold disproportionate shares of the city's American Indian population in 2000, as shown in Map II.1 on the following page. The sole exception was the block group to the west of the city center, bounded by South Washington Street, West Arbor Avenue, Riverside Park Road, and West Bowen Avenue. American Indian residents accounted for 18.3 percent of the population in that block group in 2000.

By 2010 American Indian residents had come to account for nearly a quarter of the population in that same block group, as shown in Map II.2 on page 29. In addition, the American Indian population had grown as a share of the overall population in several Census block groups throughout the center of the city, including several of those bisected by East Main Street. The large block group in the southeast of the city was observed to hold a large concentration of American Indian residents in 2010; however, this block group is sparsely inhabited within the city boundaries, and includes areas outside of the city boundaries, including outlying areas of Lincoln and the United Tribes Technical College.

Map II.1
American Indian Population by Census Block Group
City of Bismarck
2000 Census Data



Map II.2
American Indian Population by Census Block Group
 City of Bismarck
 2010 Census Data



Hispanic residents were not observed to be concentrated in any Census block group in the city in 2000 or 2010, as shown in Map II.3 on the following page and Map II.4 on page 32. However, there were block groups throughout the city center with above-average concentrations of Hispanic residents in both years. Growth in the Hispanic population was uneven over the decade: Hispanic residents, as a share of the overall population, grew by 0.6 percentage points from 2000 through 2010. However, in some block groups the growth in the Hispanic population was more rapid, topping two percentage points in several block groups in the city center near East Main Street and one percentage point in many block groups bounded by State Street/Northeast 9th Street to the West.

RACIALLY AND ETHNICALLY CONCENTRATED AREAS OF POVERTY

The Office of Policy Development and Research (“PD & R”) at the Department of Housing and Urban Development has developed a tract-level definition of racially- and ethnically-concentrated areas of poverty (R/ECAPs). According to PD & R, Census tracts are to count as R/ECAPs if non-Hispanic white residents account for less than 50 percent of tract residents, and one of the following two conditions occurs:

1. The poverty rate, or share of residents living in poverty, exceeds 40 percent, or
2. The poverty rate is three times the area average, whichever threshold is lower.

By that definition, there were no R/ECAPs in the city in 2000, according to the 2000 Census, or in 2009-2013, according to the five-year American Community Survey data from that time period.

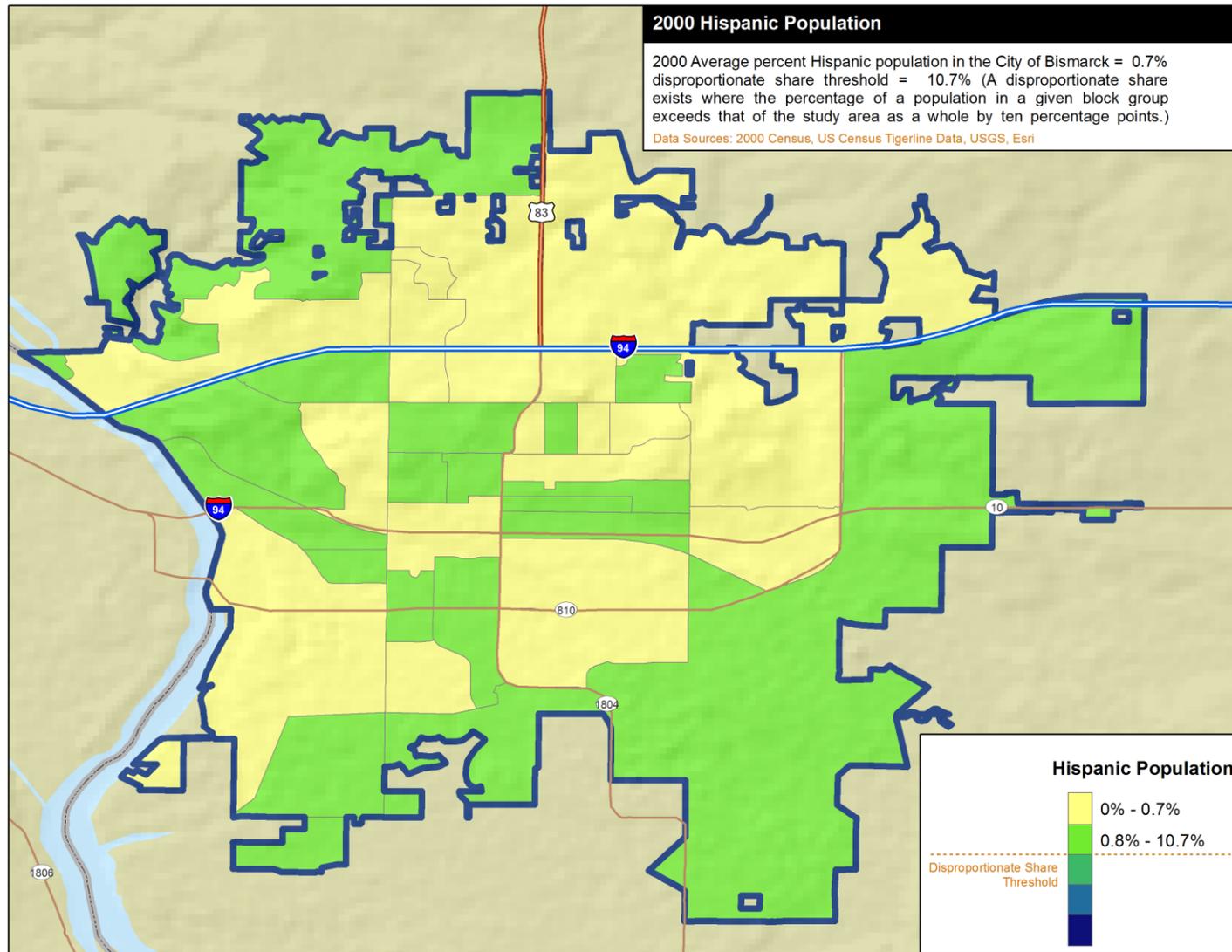
DISABILITY STATUS

According to the 2000 Census, 17.1 percent of the population aged 5 and older was living with some form of disability in that year. As shown in Table II.5 below, over 40 percent of the elderly population was living with some form of disability, along with 15.1 percent of the population aged 16 to 64 and 5.8 percent of the population aged 5 to 15.

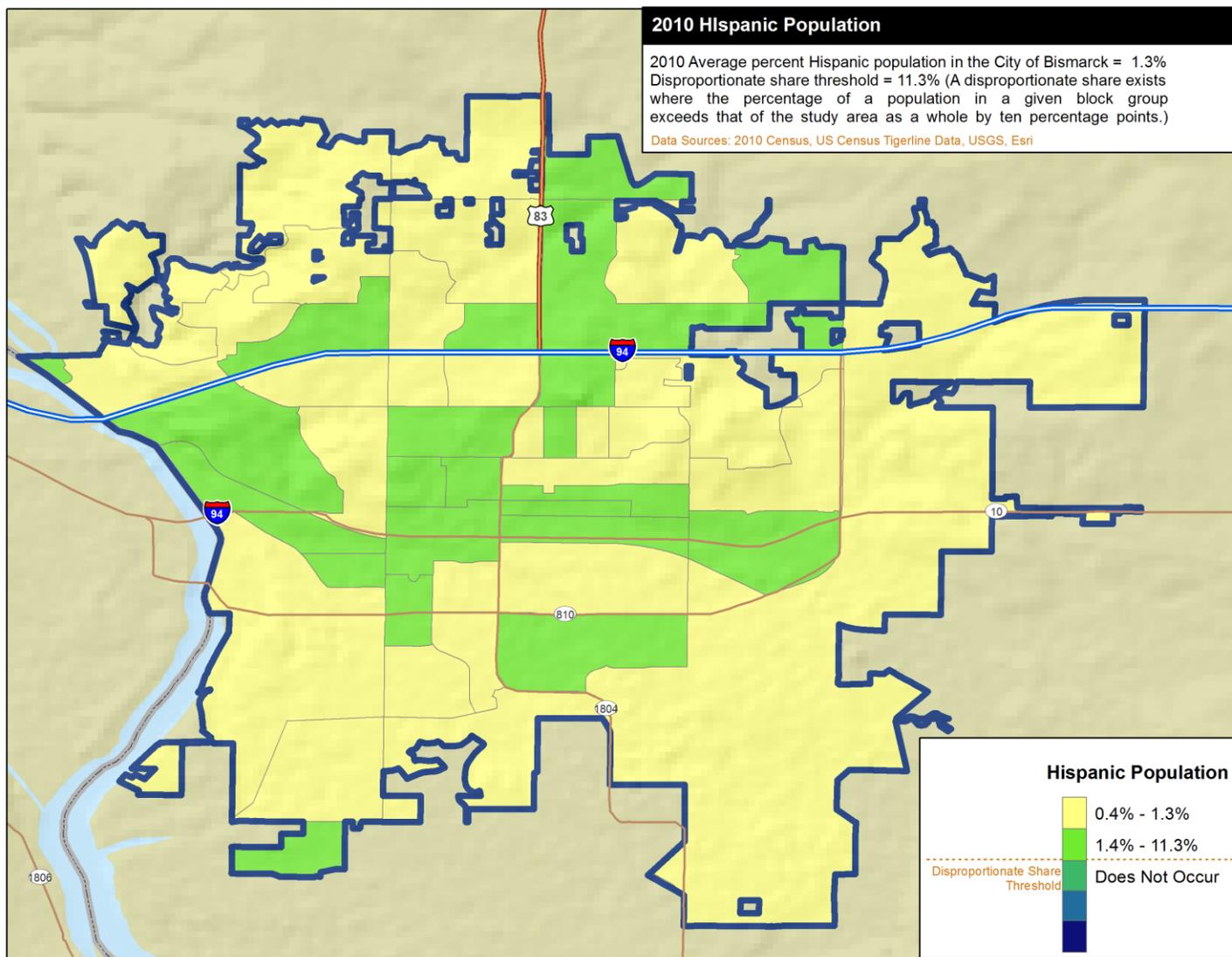
Table II.5
Disability by Age
City of Bismarck
2000 Census SF3 Data

Age	Total	
	Disabled Population	Disability Rate
5 to 15	470	5.8%
16 to 64	5,371	15.1%
65 and older	2,822	40.3%
Total	8,663	17.1%

Map II.3
Hispanic Population by Census Block Group
City of Bismarck
2000 Census Data



Map II.4
Hispanic Population by Census Block Group
 City of Bismarck
 2010 Census Data



According to the 2013 Five-Year ACS, 11.3 percent of the population was living with some form of disability in 2009-2013, as shown in Table II.6 below.⁸ Overall trends from 2000 data continue to be reflected in data gathered from 2009-2013, as the incidence of disability was observed to increase with entry into higher age brackets.

Table II.6
Disability by Age
City of Bismarck
2013 Five-Year ACS Data

Age	Male		Female		Total	
	Disabled Population	Disability Rate	Disabled Population	Disability Rate	Disabled Population	Disability Rate
Under 5	0	.0%	0	.0%	0	.0%
5 to 17	291	6.4%	206	4.3%	497	5.3%
18 to 34	409	5.1%	384	4.7%	793	4.9%
35 to 64	1,357	12.3%	1,068	8.9%	2,425	10.5%
65 to 74	534	25.8%	502	19.5%	1,036	22.3%
75 or Older	822	49.3%	1,434	49.6%	2,256	49.5%
Total	3,413	11.6%	3,594	11.1%	7,007	11.3%

The geographic distribution of the population with disabilities in the year 2000 is presented, by Census tract, on the following page in Map II.5. There was no Census tract in which these residents were observed to be disproportionately concentrated in that year; however, above-average concentrations of residents appeared in several Census tracts in the city center. The same Census tracts held above-average shares of residents with disabilities in the years from 2009-2013, as shown in Map II.6 on page 35. However, though all Census tracts with above-average shares of residents with disabilities had been located to the south of Interstate 94 in 2000, there were two Census tracts to north of the interstate with above-average concentrations of residents with disabilities in 2009-2013.

ECONOMICS

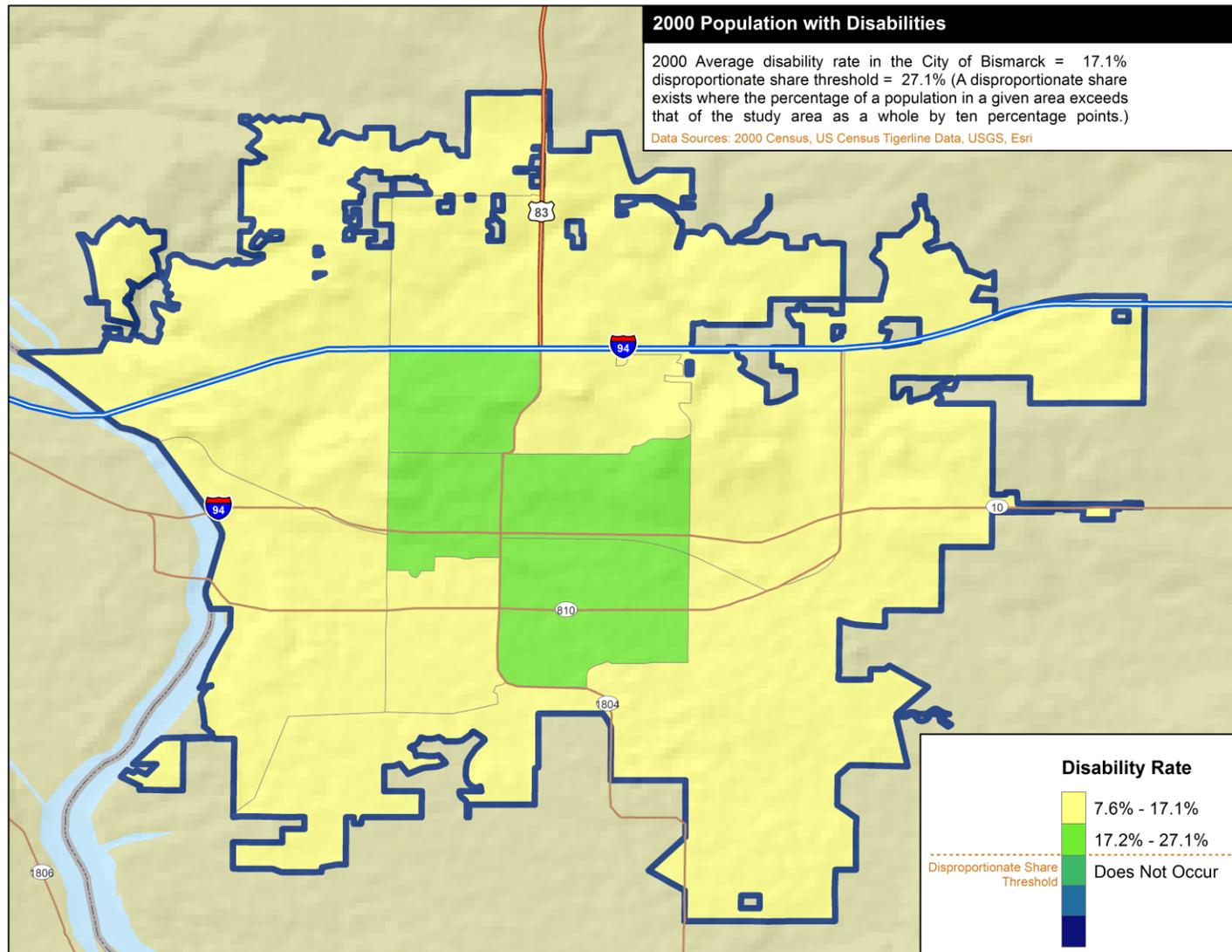
Data indicating the size and dynamics of the City of Bismarck's job markets, workforce, incomes, and persons in poverty provide essential contextual background and indicate the potential buying power or other limitations of city residents when making a housing choice. A review of the city's residents in such a context shows where additional attention may be needed to address needs and challenges.

LABOR FORCE AND EMPLOYMENT

The size of the labor force, which includes residents either working or looking for work, and the number of workers employed in Bismarck have both grown for more than two decades, although growth did taper off after 2010. While the city did experience a slight increase in unemployment starting in 2009, it has since continued to fall. As shown in Diagram II.1 on page 36, the labor force had increased to 35,289 persons in 2013 and employment had reached 35,289.

⁸ It should be noted that this does not necessarily represent a true decrease in the population with disabilities: Due to changes to the ACS questionnaire adopted in 2008, subsequent survey estimates capture a somewhat different population than prior estimates and figures from the 2000 Census. For example, some residents that might have been considered to be living with a disability in 2000 would not be so considered in post-2008 estimates. For that reason, the Census Bureau discourages direct comparison between pre- and post-2008 disability figures.

Map II.5
Population with Disabilities by Census Tract, 2000
 City of Bismarck
 2000 Census Data



Map II.6
Population with Disabilities by Census Tract, 2009-2013
 City of Bismarck
 2009-2013 ACS Data

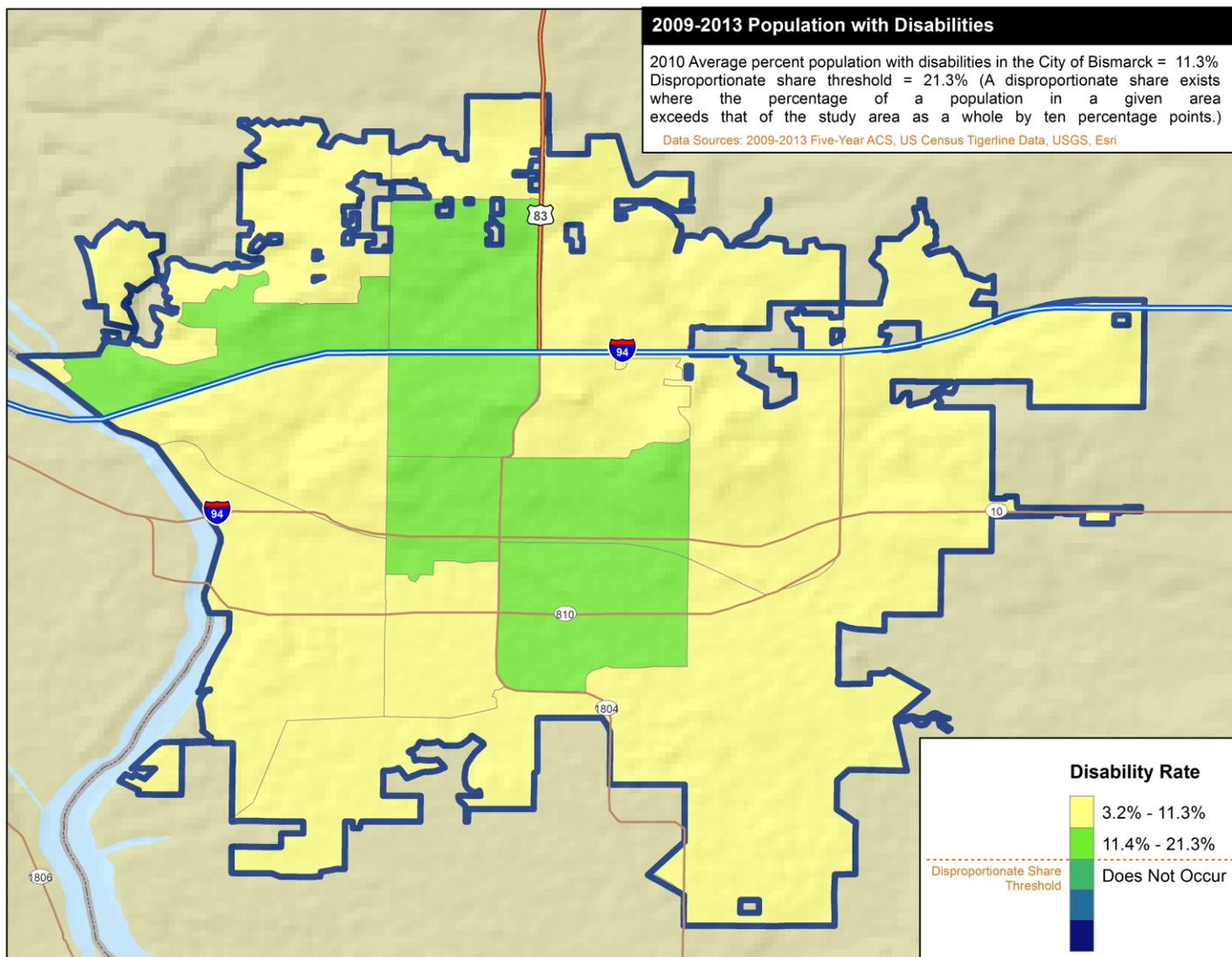
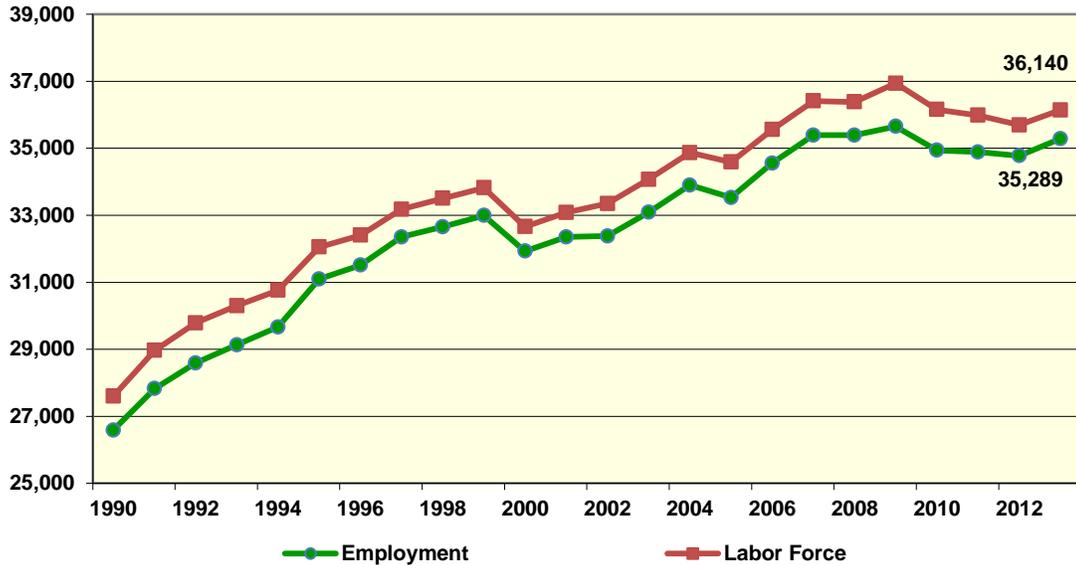


Diagram II.1
Employment and Labor Force

City of Bismarck
1990-2013 BLS



Since 1990, the unemployment rate in Bismarck has remained below the State’s unemployment rate. While both the state and the City of Bismarck’s unemployment rate rose during the recession in 2009, the City’s unemployment rate had fallen to 2.4 percent by 2013. The state and the city rate are also considerably lower than the national unemployment rates of this time period, as shown in Diagram II.2 below.

Diagram II.2
Unemployment Rate

City of Bismarck
1990–2013 BLS Data

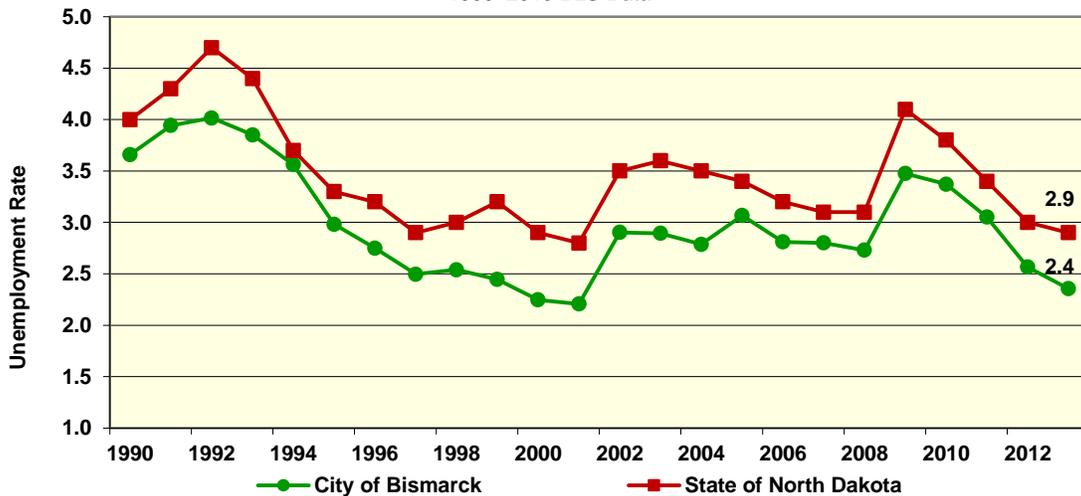
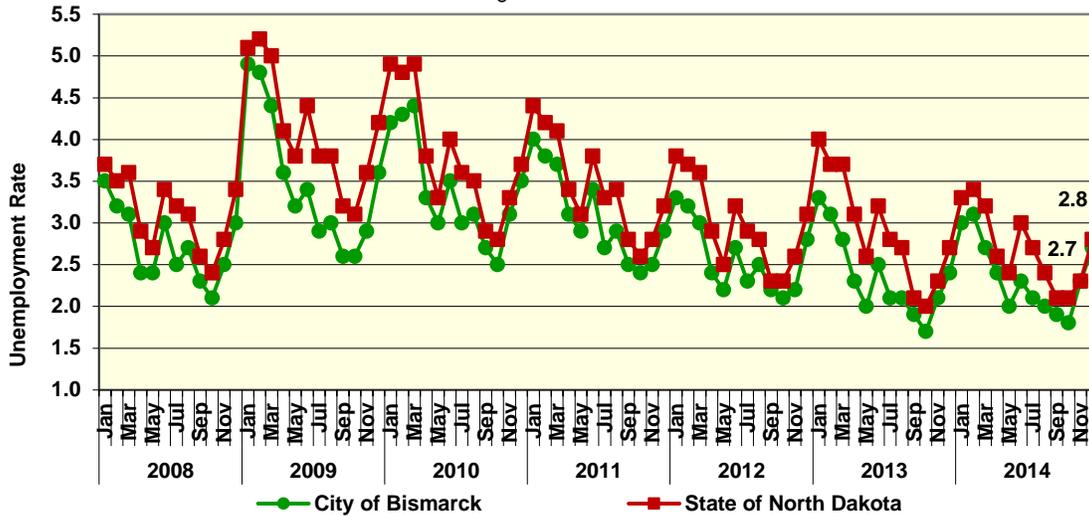


Diagram II.3 on the following page shows the monthly unemployment rate for Bismarck from January 2008 through November 2014. As shown, the city has experienced a sustained and steady decline in the unemployment rate since at least the middle of 2010, in spite of substantial seasonal fluctuation in the unemployment rate.

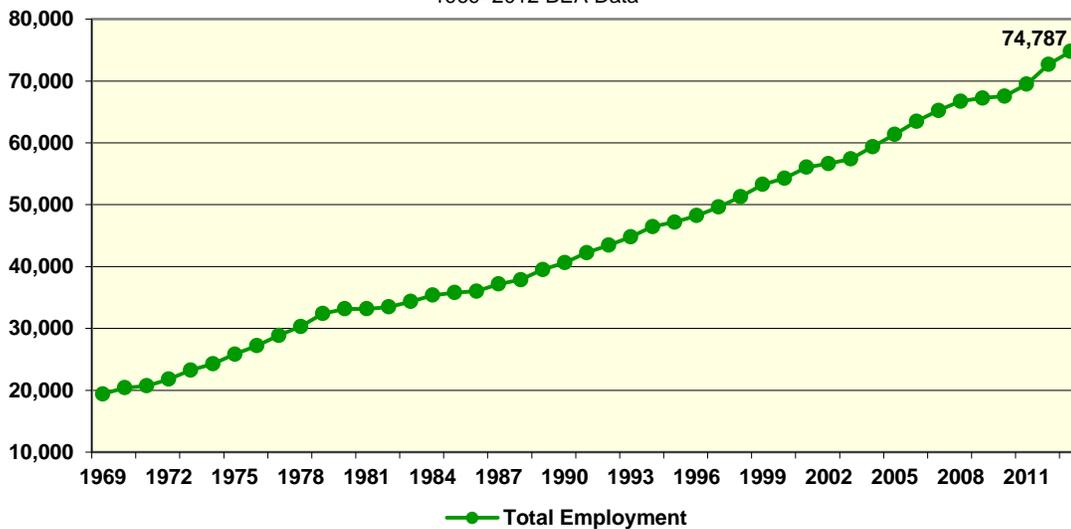
Diagram II.3
Monthly Unemployment Rate
 City of Bismarck
 2008–August 2013 BLS Data



FULL- AND PART-TIME EMPLOYMENT AND EARNINGS

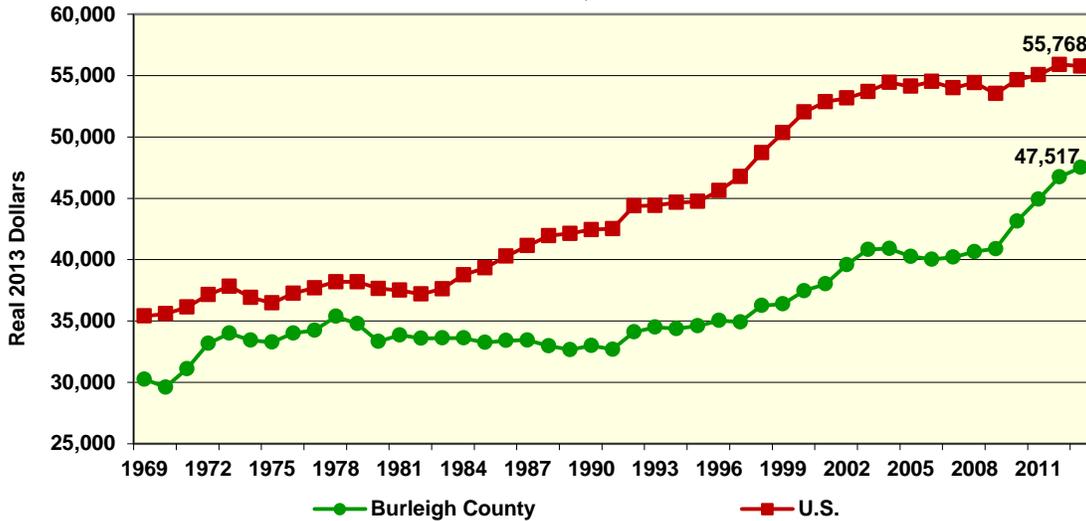
The Bureau of Economic Analysis (BEA) data pertains to Burleigh County. Average earnings per job is defined as the total earnings from all jobs statewide divided by the total number of jobs in the state, adjusted for inflation. National growth in these earnings, which had been uniformly positive since 1969, leveled off in 2002. As seen in Diagram II.4 below, the real average earnings per job for Burleigh County were \$47,517 in 2013. This was significantly lower than the national average of \$55,768.

Diagram II.4
Full- and Part-Time Employment
 Burleigh County
 1969–2012 BEA Data



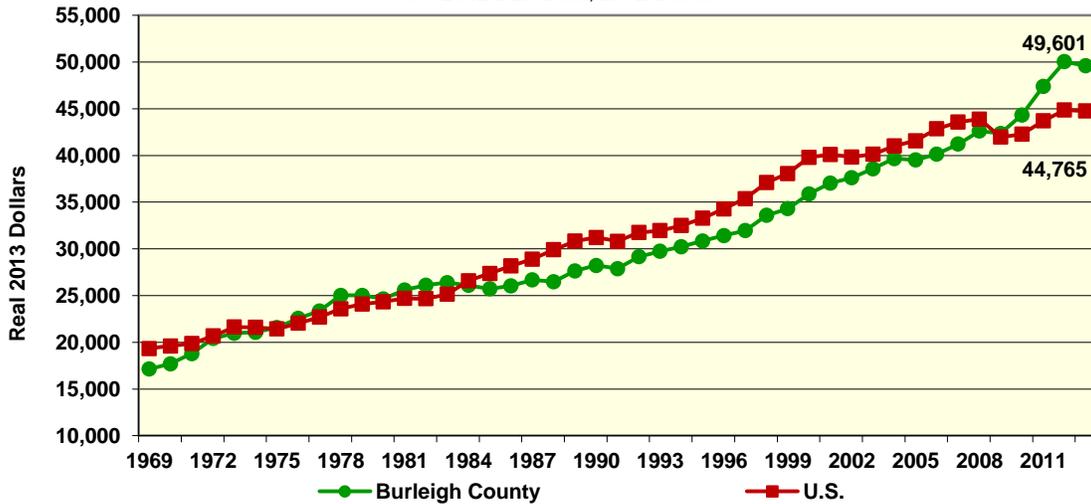
Average earning has risen, however, consistently since the 1990s, as shown in Diagram II.5 on the following page.

Diagram II.5
Real Average Earnings Per Job
 Burleigh County
 1969–2012 BEA Data, 2012 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. Burleigh County’s real per capita income had remained below national levels for the most part until 2009 when it surpassed the national average. As seen in Diagram II.6 below, Burleigh County’s real per capita income reached \$49,601 in 2013, while the U.S. average was \$44, 765.

Diagram II.6
Real Average Per Capita Income
 Burleigh County
 1969–2012 BEA Data, 2012 Dollars



HOUSEHOLD INCOME

Along with growth in real average earnings and real per capita income in Burleigh County came a shift toward higher household incomes in the city of Bismarck after 2000. As shown in Table II.7 below, the share of households earning \$75,000 per more increased considerably between 2000 and 2009-2013, with a nearly threefold increase the share of households earning \$100,000 or more. At the same time, households earning less than \$75,000 per year

came to account for a smaller share of households overall between 2000 and 2009-2013. Diagram II.7 below portrays the trend toward higher incomes after 2000. Note that the impact of this shift has been particularly marked at the lowest and highest ends of the income range.

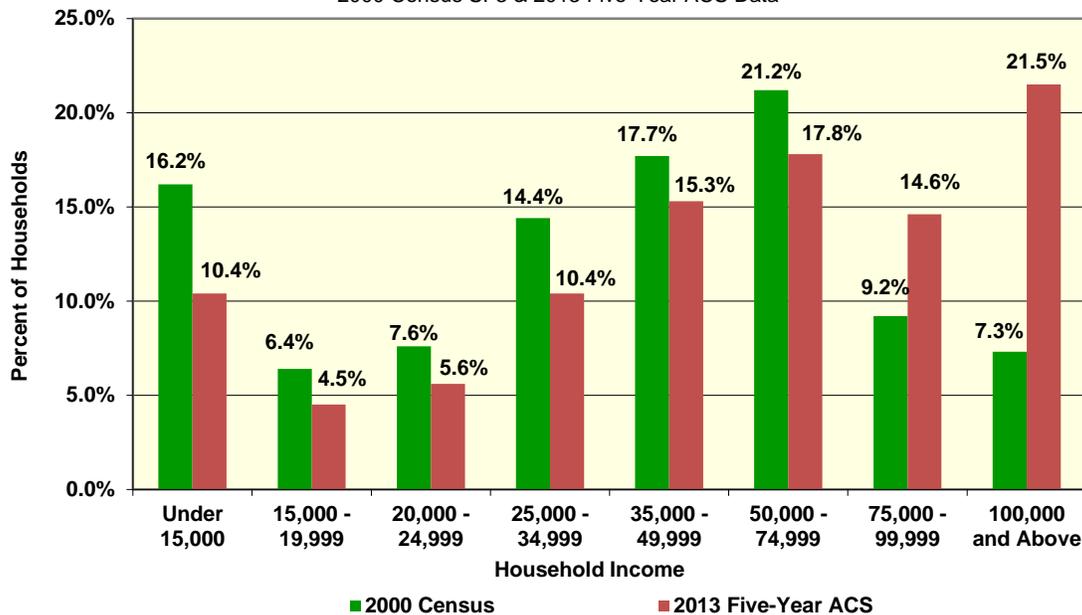
Table II.7
Households by Income

City of Bismarck
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	3,747	16.2%	2,879	10.4%
\$15,000 to \$19,999	1,485	6.4%	1,244	4.5%
\$20,000 to \$24,999	1,770	7.6%	1,558	5.6%
\$25,000 to \$34,999	3,337	14.4%	2,873	10.4%
\$35,000 to \$49,999	4,102	17.7%	4,241	15.3%
\$50,000 to \$74,999	4,910	21.2%	4,938	17.8%
\$75,000 to \$99,999	2,129	9.2%	4,044	14.6%
\$100,000 or More	1,683	7.3%	5,971	21.5%
Total	23,163	100.0%	27,748	100.0%

Diagram II.7
Households by Income

City of Bismarck
2000 Census SF3 & 2013 Five-Year ACS Data



POVERTY

In spite of the overall shift toward higher household incomes, the poverty rate in the city increased by 1.2 percentage points from 2000 through 2009-2013. As shown in Table II.8 on the following page, 9.6 percent of the population was living in poverty in 2009-2013. Residents aged 18 to 64 were more heavily impacted by poverty than residents in other age groups: 58.1 percent of residents in that age range were living in poverty in 2009-2013. However, that figure represents a slight reduction over 2000, when 60.7 percent of residents aged 18 to 64 were living in poverty. By contrast, the share of children aged less than 6 years who were living in poverty grew after 2000, by nearly five percentage points.

Table II.8
Poverty by Age

City of Bismarck
2000 Census SF3 & 2013 Five-Year ACS Data

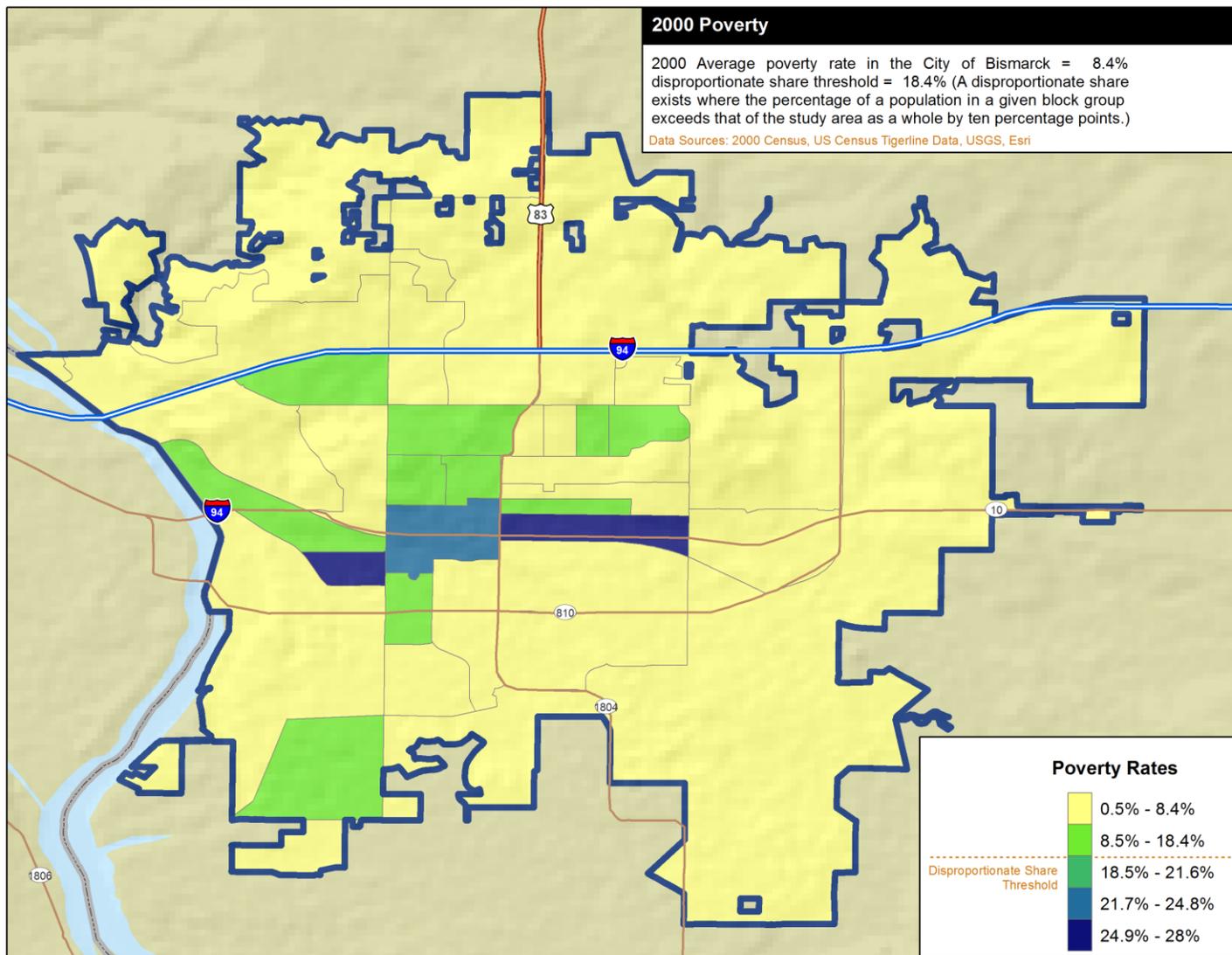
Age	2000 Census		2013 Five-Year ACS	
	Persons in Poverty	% of Total	Persons in Poverty	% of Total
Under 6	532	11.8%	977	16.5%
6 to 17	716	15.9%	795	13.4%
18 to 64	2,728	60.7%	3,447	58.1%
65 or Older	517	11.5%	718	12.1%
Total	4,493	100.0%	5,937	100.0%
Poverty Rate	8.4%	.	9.6%	.

The geographic distribution of households living in poverty in 2000 is presented by Census block group in Map II.7 on the following page. As shown, block groups with relatively high concentrations of residents in poverty were clustered in the city center in that year, along with block groups to the immediate west of the city center. In addition, the poverty rate was above-average in one large block group in the southwest of the city.

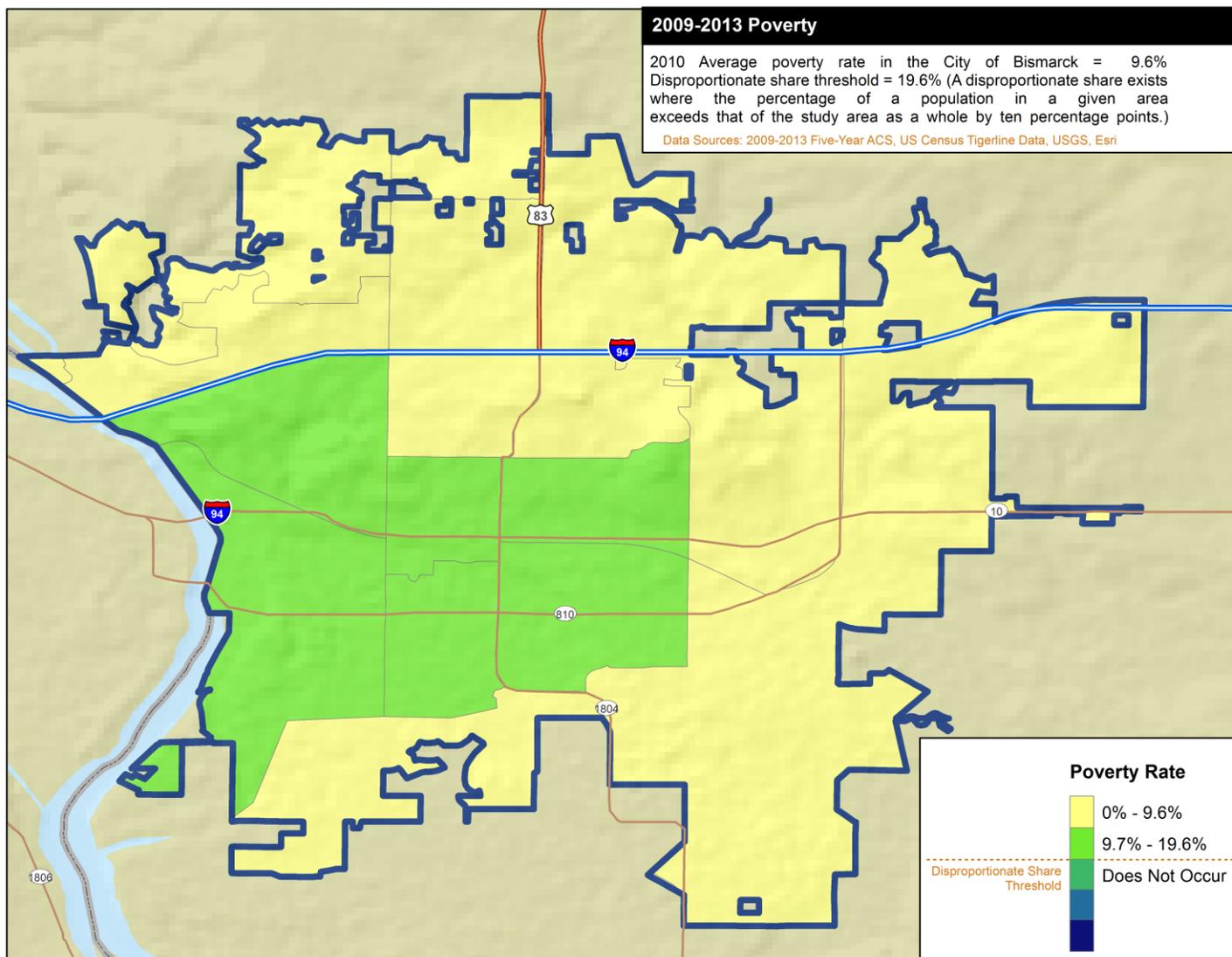
Because poverty data from the 2009-2013 ACS are not available at the block group level, these data are presented by Census tract in Map II.8 on page 42. As shown, it was Census tracts in the city center and to the west of the city center that were observed to hold above-average concentrations of households in poverty in 2009-2013. These areas encompassed many of the block groups that were observed to hold relatively high concentrations of household in poverty in 2000. Moreover, these Census tracts also largely encompassed block groups with high shares of low- to moderate-income households⁹, as shown in Map II.9 on page 44. However, many areas with such concentrations of low- to moderate-income households were located outside of Census tracts with above-average concentrations of poverty.

⁹ Households are considered low-income when the combined household income is fifty percent or less of the median family income for the Metropolitan Statistical Area in which the household is located, while moderate-income households are those with incomes that range from 50.1 to 80 percent of the area median family income. The Bismarck Metropolitan Area encompasses the counties of Burleigh, Oliver, Morton, and Sioux.

Map II.7
Poverty Rate by Census Tract
 City of Bismarck
 2000 Census Data



Map II.8
Poverty Rate by Census Tract
 City of Bismarck
 2009-2013 Five-Year ACS Data



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 the city 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 city can shop, and may help to identify needs for certain populations.

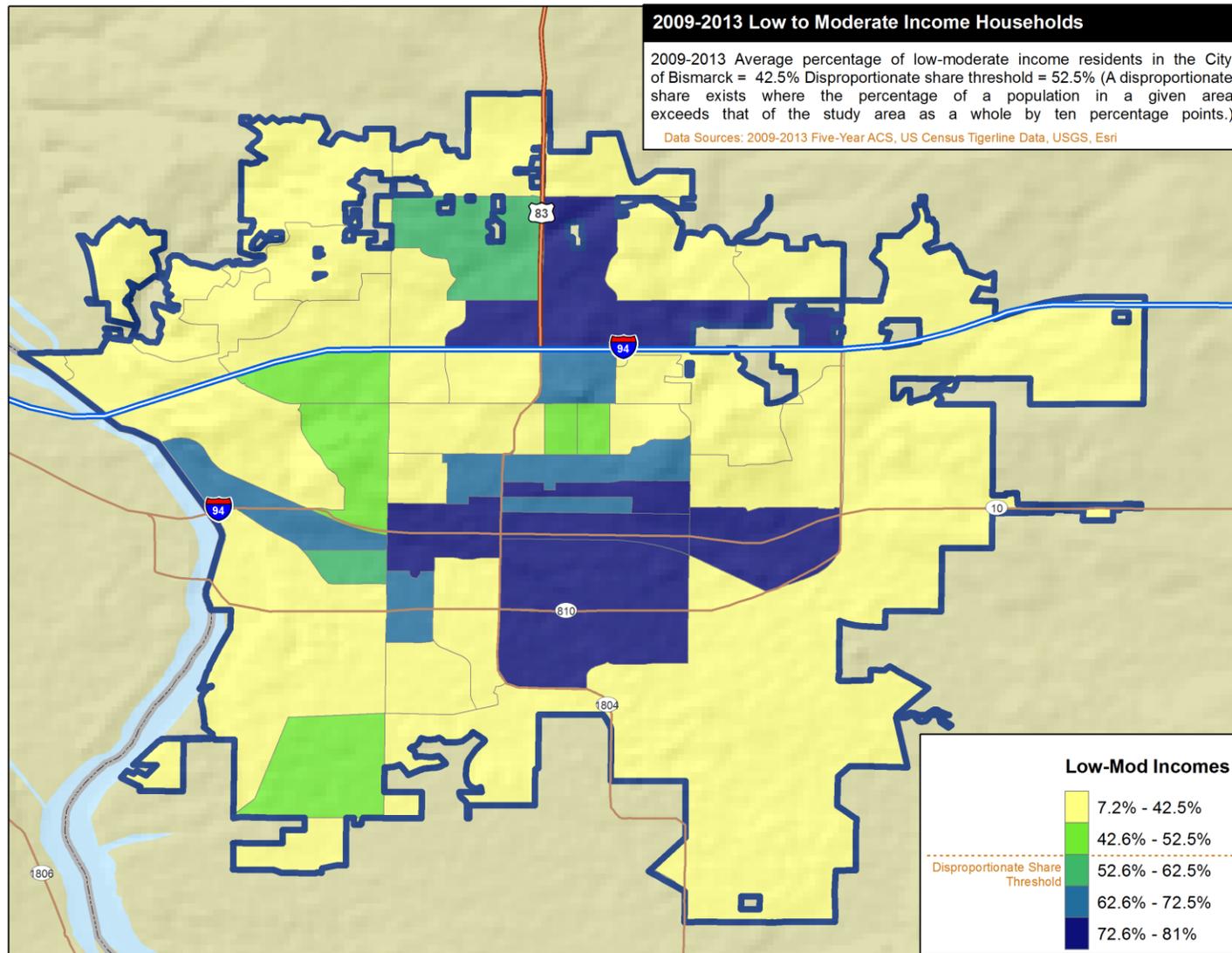
CHARACTERISTICS OF THE HOUSING STOCK

The city's housing stock grew by 18.3 percent between 2000 and 2010, only slightly outpacing growth in the number of households. As shown in Table II.9 below, most of the city's housing units were occupied in 2010, though the share of units that were occupied did slip by half a percentage point over the decade. The ratio of homeowners to rental tenants likewise changed very little over the decade: owner-occupied units accounted for 62.8 percent of all occupied housing units in 2010, down 0.6 percentage points from 2000. The share of renter-occupied units grew by a corresponding amount. The number of vacant units grew by 34.2 percent over the decade, and accounted for 4.8 percent of all housing units in the city in 2010.

Table II.9
Housing Units by Tenure
City of Bismarck
2000 & 2010 Census SF1 Data

Tenure	2000 Census		2010 Census		% Change 00–10
	Units	% of Total	Units	% of Total	
Occupied Housing Units	23,185	95.7%	27,263	95.2%	17.6%
Owner-Occupied	14,689	63.4%	17,122	62.8%	16.6%
Renter-Occupied	8,496	36.6%	10,141	37.2%	19.4%
Vacant Housing Units	1,032	4.3%	1,385	4.8%	34.2%
Total Housing Units	24,217	100.0%	28,648	100.0%	18.30%

Map II.9
Low-Moderate Income Households by Block Group, 2009-2013
 City of Bismarck
 2009-2013 Five-Year ACS Data



Owner-occupied housing in 2010 tended to be concentrated in peripheral Census tracts, as shown in Map II.10 on the following page. The highest concentrations of owner-occupied housing units were observed in large Census tracts on the northwestern and southeastern outskirts of the city, where more 90 percent or more of housing units were occupied by their owners. Owner-occupied units also accounted for relatively large shares of housing units in Census tracts to the south of the city center.

By contrast, renter-occupied units were more concentrated in Census tracts in the city center, as shown in Map II.11 on page 47. Just over 70 percent of housing units were occupied by renters in the Census tract to the immediate west of North 9th Street, in the city center, and more than 47 percent of units were renter-occupied in two Census tracts bounded to the west by the State/9th Street corridor and to the north by Interstate 94, and a similar share were renter occupied in a large Census tract in the northwest of the city.

VACANT HOUSING

Fewer vacant units were available for rent in 2010 than had been in 2000, as shown in Table II.10 below, though the number of vacant units for sale increased considerably over the decade. Together, these units accounted for over half of the vacant housing stock in 2010. However, the number of units classified as “other vacant” also grew considerably, and these units were the second most common type of vacant housing unit in 2010, accounting for 27.9 percent of all vacant housing units. This latter type of vacant unit tends to be the most problematic; such units are not available to the market place and may represent a blighting influence where they are grouped in close physical proximity.

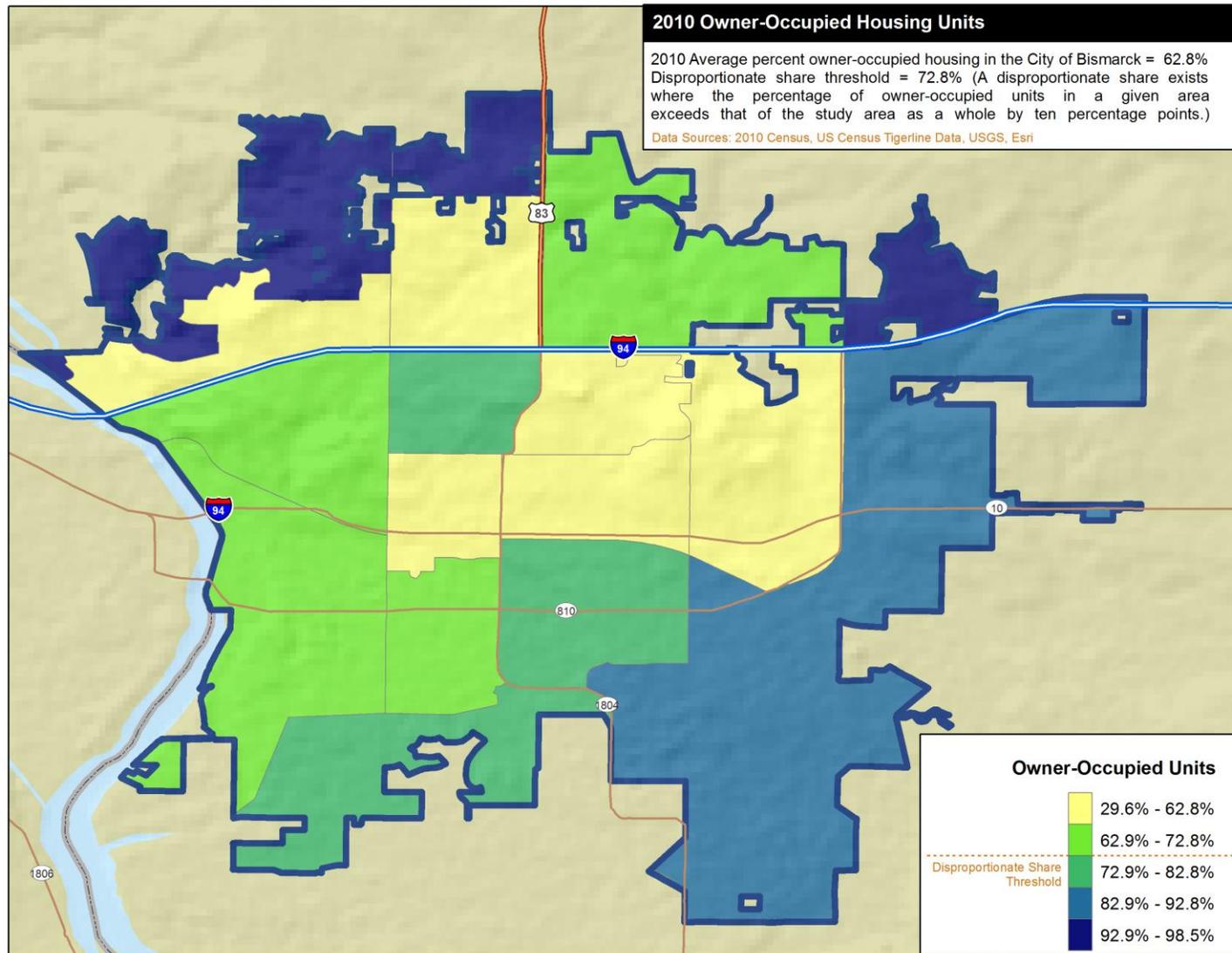
Table II.10
Disposition of Vacant Housing Units
City of Bismarck
2000 & 2010 Census SF1 Data

Disposition	2000 Census		2010 Census		% Change 00–10
	Units	% of Total	Units	% of Total	
For Rent	494	47.9%	451	32.6%	-8.70%
For Sale	162	15.7%	307	22.2%	89.51%
Rented or Sold, Not Occupied	66	6.4%	98	7.1%	48.48%
For Seasonal, Recreational, or Occasional Use	100	9.7%	142	10.3%	42.00%
For Migrant Workers	0	0.0%	1	0.1%	%
Other Vacant	210	20.3%	386	27.9%	83.81%
Total	1,032	100.0%	1,385	100.0%	34.2%

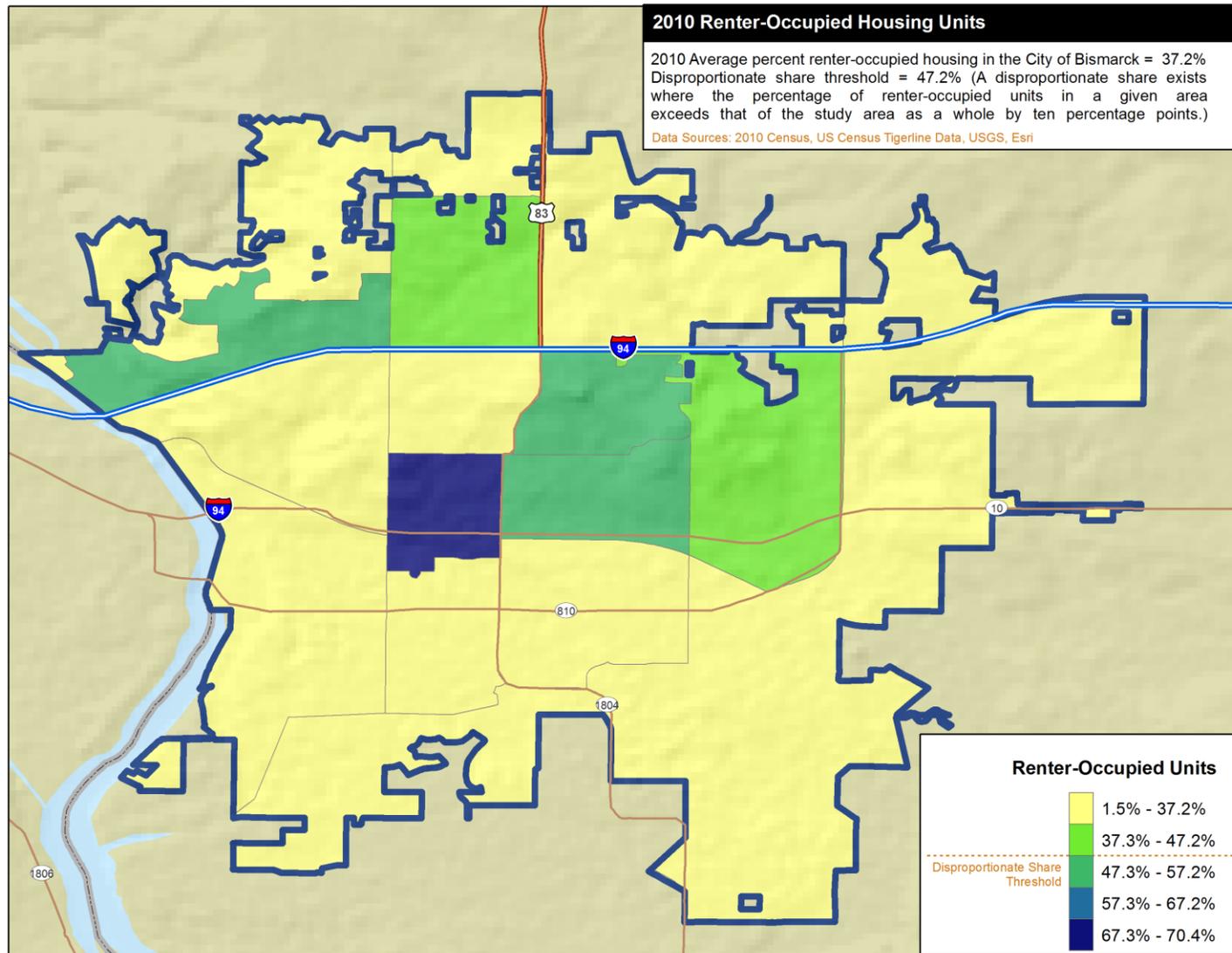
There were no disproportionate concentrations of vacant housing units in any Census tracts within the City of Bismarck. However, several Census tracts held above-average shares of vacant units, as shown in Map II.12 on page 48. Two of these tracts appeared in the city center, the rest on the northern and southern outskirts of the city.

However, vacant housing units that were classified as “other vacant” were disproportionately concentrated in several Census tracts in the city, as shown in Map II.13 on page 49. The highest concentrations of these units appeared in the center of the city, as well as in the large Census tracts in the southwest of the city. In those areas, roughly half of all vacant housing units were classified as “other vacant”. Such units may represent a blighting influence in those areas.

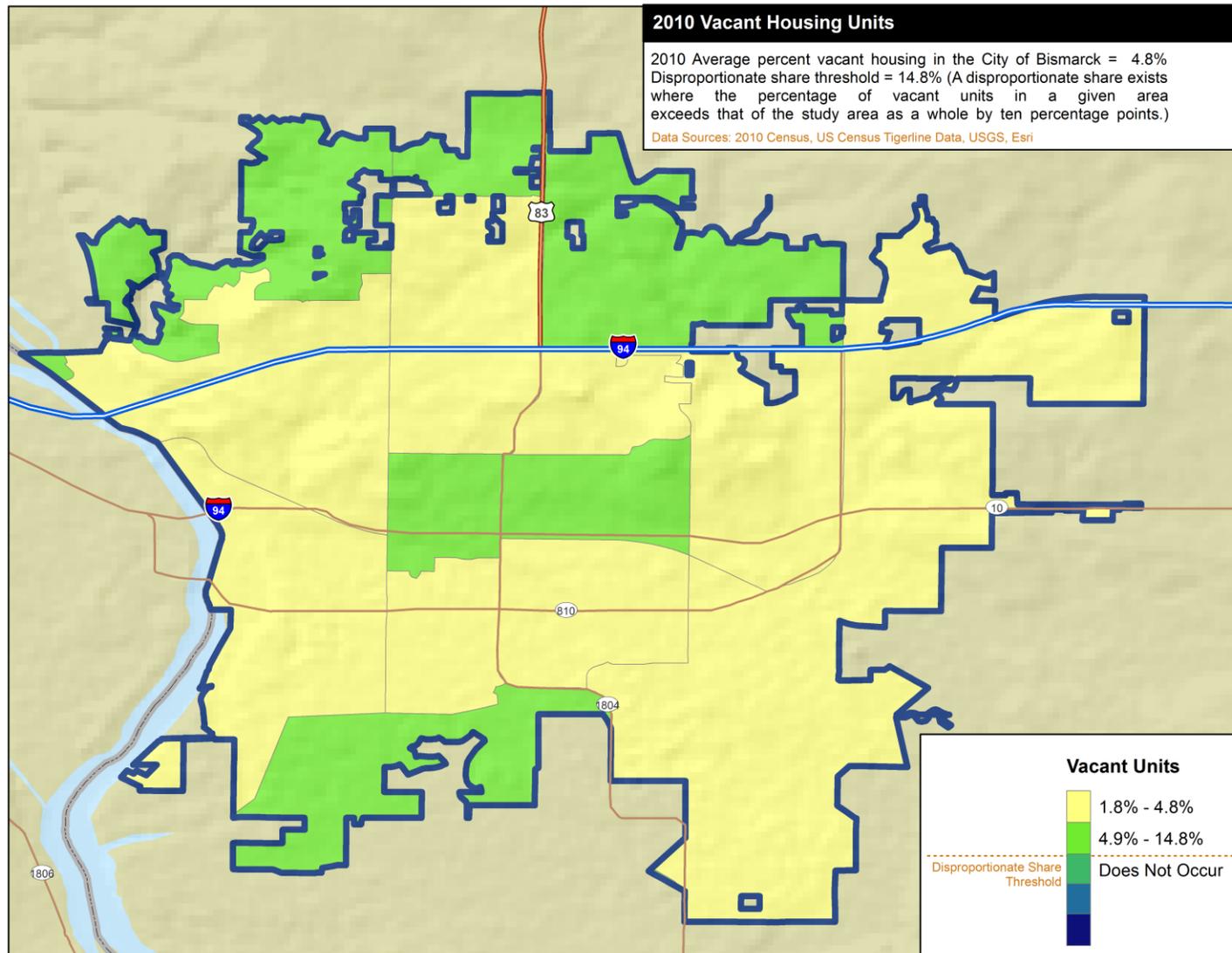
Map II.10
Owner-Occupied Housing Units
 City of Bismarck
 2010 Census Data



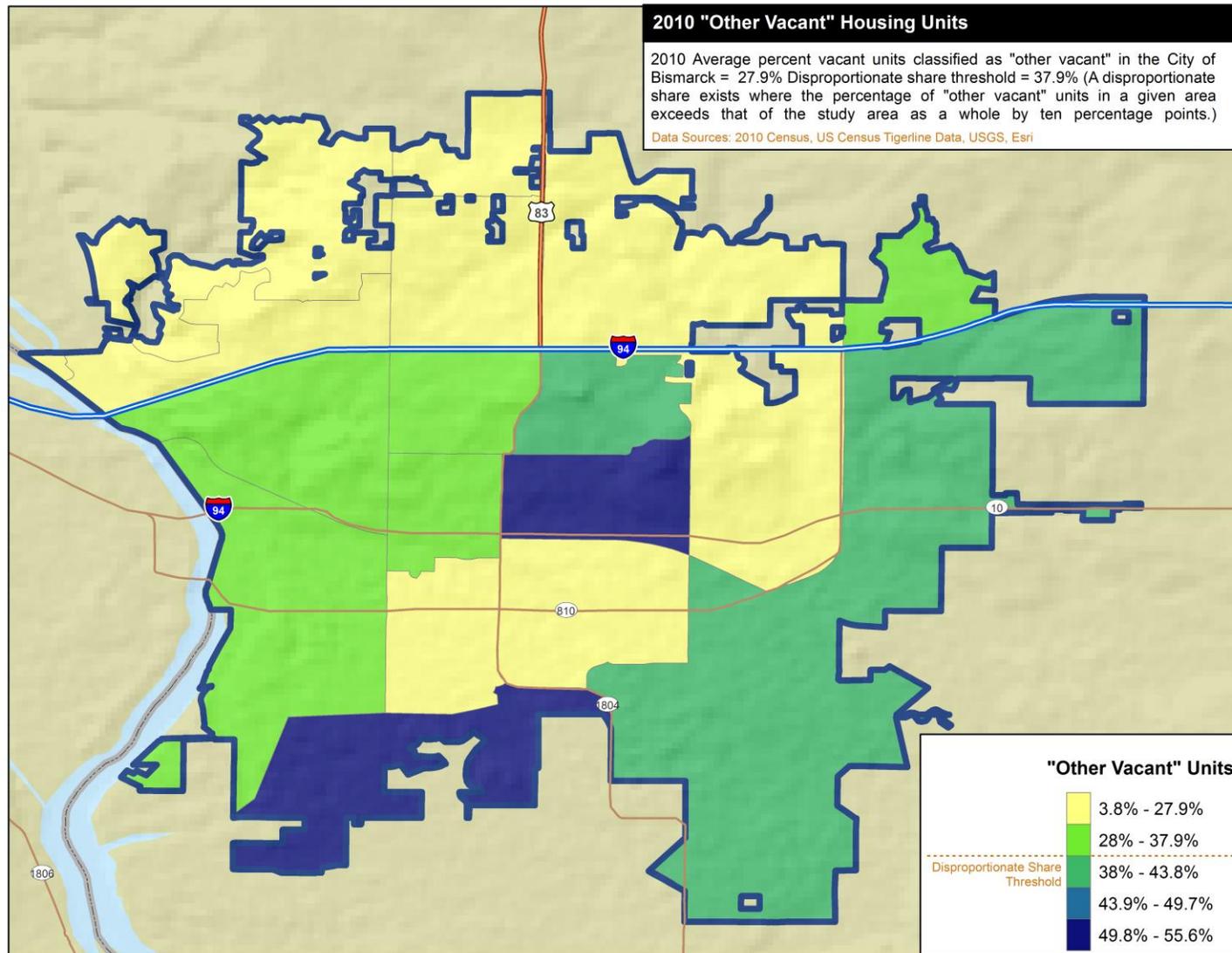
Map II.11
Renter-Occupied Housing Units
 City of Bismarck
 2010 Census Data



Map II.12
Vacant Housing Units
City of Bismarck
2010 Census Data



Map II.13
“Other Vacant” Housing Units
 City of Bismarck
 2010 Census Data



HOUSEHOLD SIZE

Households in the city also appeared to become smaller on average over the decade, owing to rapid growth in the number of one- and two-person households. As shown in Table II.11 below, these smaller households grew in number by 32.0 and 21.4 percent between 2000 and 2010, respectively. Moreover, growth in smaller households accounted for over 98 percent of overall growth in the number of households during that time.

Table II.11
Households by Household Size

City of Bismarck
2000 & 2010 Census SF1 Data

Size	2000 Census		2010 Census		% Change 00–10
	Households	% of Total	Households	% of Total	
One Person	7,177	31.0%	9,477	34.8%	32.0%
Two Persons	8,079	34.8%	9,807	36.0%	21.4%
Three Persons	3,394	14.6%	3,745	13.7%	10.3%
Four Persons	2,957	12.8%	2,705	9.9%	-8.5%
Five Persons	1,174	5.1%	1,068	3.9%	-9.0%
Six Persons	305	1.3%	322	1.2%	5.6%
Seven Persons or More	99	.4%	139	.5%	40.4%
Total	23,185	100.0%	27,263	100.0%	017.6%

The composition of the city's housing stock was largely similar in 2009-2013 to what it had been in 2000. As shown in Table II.12 below, over 80 percent of all housing units in the city in both periods were single family homes or apartment units. However, single family homes came to account for a slightly larger share of housing units in 2009-2013 than they had in 2000, while apartment units slipped as a share of all housing units by just over a percentage point. Triplexes and mobile homes also represented a smaller share of the city's housing stock in 2009-2013, while duplexes accounted for a slightly larger share, at 5.3 percent.

Table II.12
Housing Units by Type

City of Bismarck
2000 Census SF3 & 2013 Five-Year ACS Data

Unit Type	2000 Census		2013 Five-Year ACS	
	Units	% of Total	Units	% of Total
Single-Family	12,852	53.2%	16,320	55.5%
Duplex	1,227	5.1%	1,548	5.3%
Tri- or Four-Plex	973	4.0%	1,133	3.9%
Apartment	6,550	27.1%	7,615	25.9%
Mobile Home	2,560	10.6%	2,772	9.4%
Boat, RV, Van, Etc.	0	0.0%	0	0.0%
Total	24,162	100.0%	29,388	100.0%

HOUSING PROBLEMS

While the 2000 Census did not report significant details regarding the physical condition of housing units, some information can be derived from the SF3 data. These data relate to overcrowding, incomplete plumbing or kitchen facilities, and cost burdens. While these data were not collected during the 2010 Census, data were available for comparison from the 2009 to 2013 ACS averages.

As one might expect, given the growth in the number of smaller households described above, overcrowding was less prevalent in 2009-2013 than it had been in 2000 (though it had not been particularly widespread in 2000). As shown in Table II.13 below, the share of housing units that were overcrowded, meaning that they included more than one resident per room but less than 1.5, fell from 1.3 to 1.1 percent. At the same time, the share of housing units that were severely overcrowded, or those with more than 1.5 persons per room, fell from 0.5 to 0 percent.

Table II.13
Overcrowding and Severe Overcrowding

City of Bismarck
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	14,552	99.3%	82	.6%	22	.2%	14,656
2013 Five-Year ACS	18,162	99.5%	90	.5%	0	.0%	18,252
Renter							
2000 Census	8,178	96.4%	219	2.6%	90	1.1%	8,487
2013 Five-Year ACS	9,260	97.5%	223	2.3%	13	0.1%	9,496
Total							
2000 Census	22,730	98.2%	301	1.3%	112	.5%	23,143
2013 Five-Year ACS	27,422	98.8%	313	1.1%	13	.0%	27,748

Unlike overcrowded housing units, the share of housing units with complete plumbing or kitchen facilities grew over the decade. Like overcrowding, however, these housing problems affected only a small share of housing units in 2009-2013. As shown in Table II.14 below, only 0.3 percent of housing units lacked complete plumbing facilities in 2009-2013. Housing units are considered to have incomplete plumbing facilities when they are missing any of the following: piped hot and cold water, a flush toilet, and a bathtub or shower.

Table II.14
Households with Incomplete Plumbing Facilities

City of Bismarck
2000 Census SF3 & 2013 Five-Year ACS Data

Households	2000 Census	2013 Five-Year ACS
With Complete Plumbing Facilities	23,113	27,653
Lacking Complete Plumbing Facilities	30	95
Total Households	23,143	27,748
Percent Lacking	0.1%	0.3%

Similarly, 1.0 percent housing units had incomplete kitchen facilities, as shown in Table II.15 below. Housing units are considered to have incomplete kitchen facilities when they are missing a sink with piped hot and cold water, a range or cook top and oven, or a refrigerator.

Table II.15
Households with Incomplete Kitchen Facilities

City of Bismarck
2000 Census SF3 & 2013 Five-Year ACS Data

Households	2000 Census	2013 Five-Year ACS
With Complete Kitchen Facilities	22,991	27,464
Lacking Complete Kitchen Facilities	152	284
Total Households	23,143	27,748
Percent Lacking	.7%	1.0%

Though relatively few households were affected by the problems of overcrowding or incomplete facilities, considerably more were impacted by cost burdening, as shown in Table II.16 below. A household is considered cost-burdened when more than 30 and less than 50 percent of its monthly income goes toward housing costs, and severely cost-burdened when housing costs consume more than 50 percent of household income. The incidence of cost-burdening also increased slightly: 12.6 percent of households were cost-burdened in 2009-2013, up from 11.8 percent in 2000. Similarly, the share of severely cost-burdened households grew from 9.2 to 10.3 percent. In both years, rental households were observed to be considerably more impacted by cost-burdening than homeowners, a discrepancy that was more pronounced still among severely cost-burdened households. A complete version of this table with data for all households is included in Appendix D as Table D.1.

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 neighborhood blight problem. All three of these situations should be of concern to policymakers and program managers.

Table II.16
Cost Burden and Severe Cost Burden by Tenure

City of Bismarck
2000 Census & 2013 Five-Year ACS Data

Data Source	31%-50%		Above 50%		Total
	Households	% of Total	Households	% of Total	
2000 Census	723	9.7%	307	4.1%	7,490
2013 Five-Year ACS	1,408	12.9%	538	4.9%	10,953
2000 Census	195	5.8%	90	2.7%	3,344
2013 Five-Year ACS	307	4.2%	382	5.2%	7,299
2000 Census	1,359	16.1%	1,381	16.3%	8,457
2013 Five-Year ACS	1,779	18.7%	1,930	20.3%	9,496
2000 Census	2,277	11.8%	1,778	9.2%	19,291
2013 Five-Year ACS	3,494	12.6%	2,850	10.3%	27,748

HOUSING COSTS

Median housing costs grew from 2000 through 2013, as shown in Table II.17 at right. Median contract rent, which does not include additional charges such as utilities and garbage, rose from \$447 to \$625 from 2000 through 2009-2013. At the same time, the median home value rose from \$97,400 to \$163,900.

Table II.17
Median Housing Costs

City of Bismarck
2000 Census SF3 & 2013 Five-Year ACS Data

Housing Cost	2000	2013 Five-Year ACS
Median Contract Rent	\$447	\$625
Median Home Value	\$97,400	\$163,900

The median contract rent price in Census tracts in the city tended to increase with distance from the city center, as shown in Map II.14 on page 54. Rent prices were well below the

citywide median in the Census tract to the immediate west of the city center, where half of the tract population paid less than \$442 in rent. (This was also the Census tract in which renter occupied units were most highly concentrated.) By contrast, half of the population paid more than \$765 for rent in two large peripheral tracts in the north and south of the city.

Similarly, the median value of owner-occupied units in city Census tracts also tended to increase with distance from the city center, as shown in Map II.15 on page 55. The lowest-valued owner-occupied homes in the city were located in the city center, in a tract bounded to the north by the railroad tracts that bisect the city from east to west. In that Census tract, the median home was valued at less than \$25,000. Home values were higher in peripheral Census tracts, notably in the large Census tract in the northwest of the city, where half of all owner-occupied homes were valued at more than \$294,900.

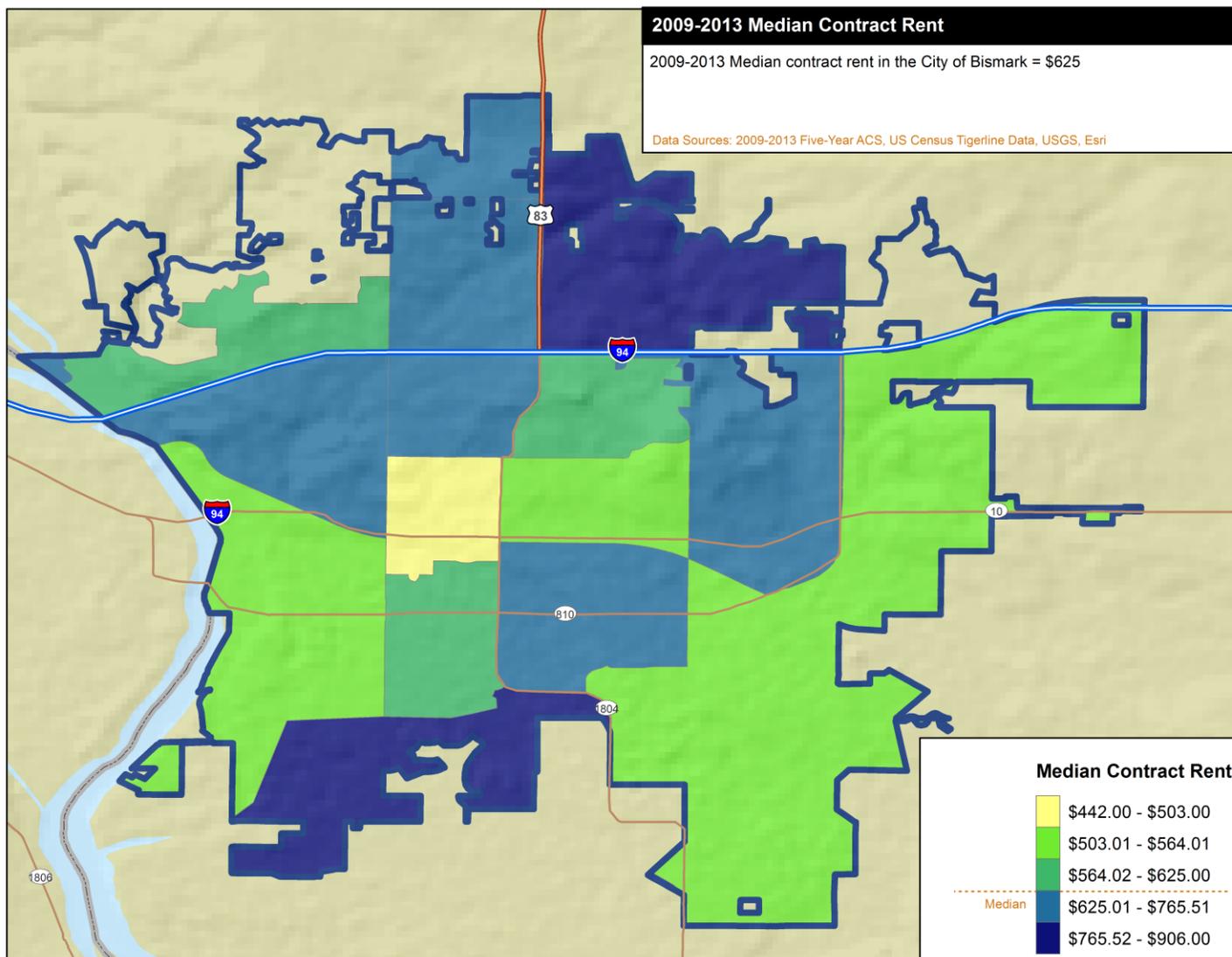
SUMMARY

The City of Bismarck has grown considerably since 2000: the city's population grew steadily between 2000 and 2010, adding 574 new residents per year on average. That rate of growth accelerated considerably after 2010, matching the growth of the prior decade in just three years, according to population estimates from 2013. Much of the growth between Census counts was attributable to a considerably increase in the number of residents aged 55 and older. These residents accounted for over 80 percent of the population growth between 2000 and 2010.

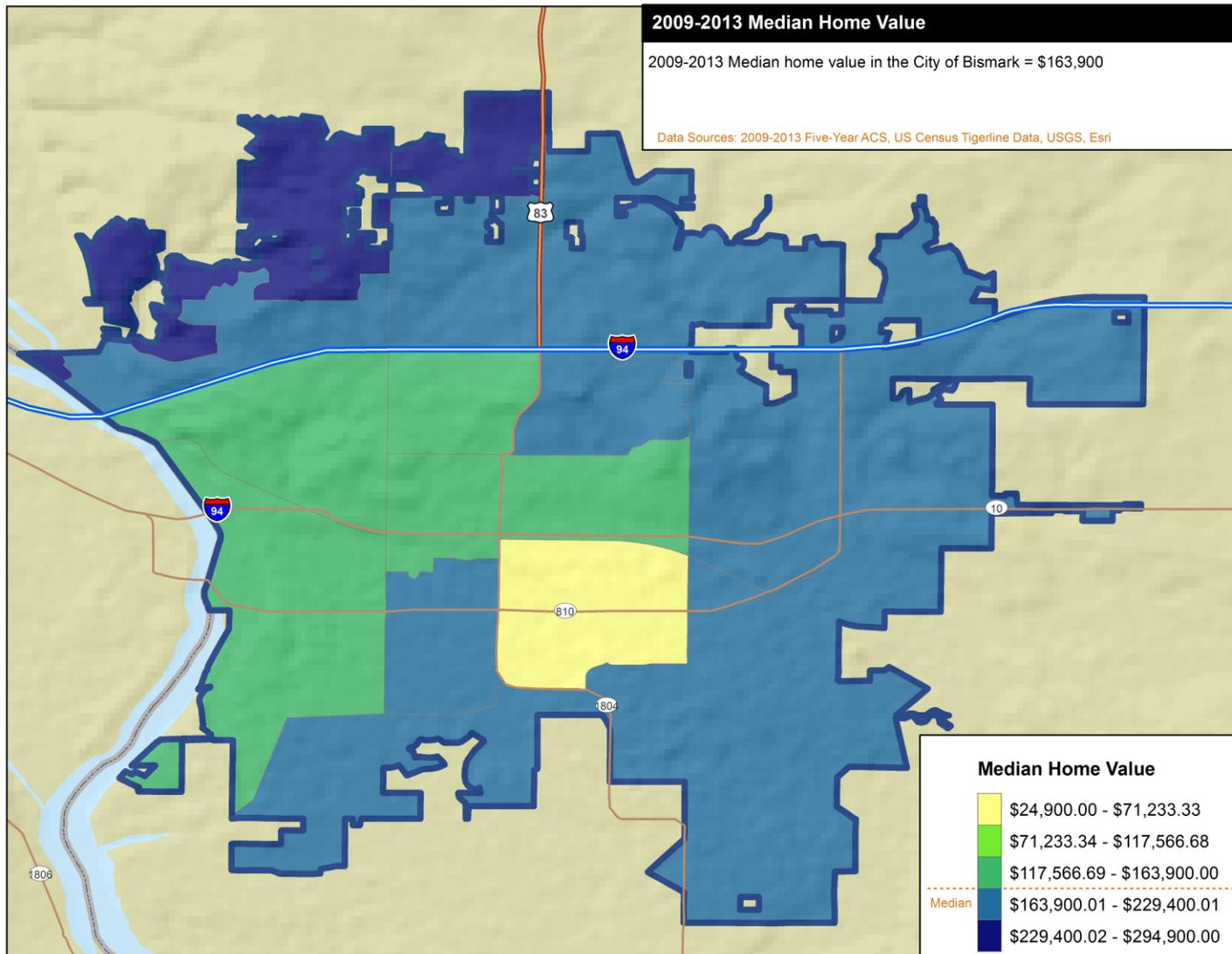
During that time, the city also experienced some minor shifts in its racial and ethnic composition. White residents accounted for 94.8 percent of the city's population in 2000, and 70 percent of the city's population growth. However, the rate of growth for the white population, at 7.6 percent, was below the citywide average, and by 2010 white residents represented a smaller share of the city's population than they had at the beginning of the decade. The American Indian population grew more rapidly, and grew as a share of the total population from 3.4 to 4.5 percent. These residents tended to be concentrated in Census block groups in the city center, and accounted for more than a fifth of the population in one block group to the west of the city center. No other group accounted for more than one percent of the city's population in either year, with the exception of those who identified themselves as belonging to two or more races. In terms of ethnicity, the Hispanic population nearly doubled in number and as a share of the total population, representing 1.3 percent of the city's residents in 2010.

Just over 17 percent of the population was living with some form of disability in 2000, and residents with disabilities tended to be concentrated in Census tracts in the city center, along the State/North 9th Street corridor. Residents with disabilities represented 11.3 percent of the population in 2009-2013: however, it should be noted that disability estimates from 2008 onward reflect a different framework for disability, and set of questions, than what was employed in the 2000 Census and pre-2008 ACS estimates. For that reason, the Census Bureau discourages direct comparison between the 2000 count and post-2008 estimates. In spite of these changes, the population with disabilities in 2009-2013 was observed to be concentrated in roughly the same area in 2009-2013 as in 2000.

Map II.14
Median Contract Rent
 City of Bismarck
 2012 Five-Year ACS Data



Map II.15
Median Home Value
 City of Bismarck
 2012 Five-Year ACS Data



After a period of overall strong growth after 1990, growth in the labor force began to slow after 2007, and to decline after 2009. Growth in the number of employed has generally followed trends in the labor force very closely: however, a spike in the size of the labor force in 2009 was not matched by an equally marked increase in the number of employed, and as a result the employment rate in the city rose from 2.7 to 3.5 percent. Since early to mid-2010, however, the unemployment rate has declined considerably, and stood at 2.4 percent in 2013.

Unlike growth in the number of employed, growth in the total number of full- and part-time jobs in the city has been uniformly positive, and generally steady, and since 1969. The same has not been true of the earnings that workers have earned at those jobs, which grew very little between 1969 and 1996. However, since that time, real average earnings per job have grown considerably, from around \$35,000 to nearly \$41,000 by 2004, and after a period of stagnation in earnings that lasted until 2009, earnings rose dramatically through 2013. In that year, the average worker was earning \$47,517 per year at his or her job. Growth in real per capita income has been steadier, though it also accelerated after 2009. By 2013, real PCI in the city stood at \$49,601, a slight decline over the previous year.

As one might expect, rising earnings and income have led to an increase in the number of high-income households, or those with incomes of \$75,000 per year or more. These households represented 36.1 percent of all households in 2009-2013, up from 16.5 percent in 2000. The percentage of households in all income brackets below \$75,000 per year fell during the same period. Nevertheless, the poverty rate in the city rose by 1.2 percentage points, to 9.6 percent. The poverty rate was higher than that in Census tracts in the city center, and to the west of the city center. These areas, along with large Census block groups to the north of the interchange of Interstate 94 and Highway 83, also held relatively large concentrations of low- to moderate-income households.

The city's housing stock grew by 18.3 percent between the 2000 and 2010 Decennial Census counts, slightly outpacing growth in the number of households. Over 95 percent of housing units in the city were occupied in both years, and 62.8 percent of these were occupied by their owners in 2000, a slight reduction over 2000. Vacant housing units increased in number by 34.2 percent and as a share of overall housing units by 0.5 percentage points. More than half of these units were available for sale or rent in 2010, and another 10.3 percent were dedicated to seasonal, recreational, or occasional use.

However, the decade also saw an increase in the share of vacant units classified as "other vacant", which are not available to the market place. These can represent a blighting influence where they are concentrated in close geographic proximity to one another, as they were in several Census tracts in the city center, and one large tract in the southwest of the city.

Households in the city appeared to grow smaller over the decade, the result of rapid growth in the number of one- to two-person households. By 2009-2013, single family homes came to account for 55.5 percent of the city's housing stock, up from 53.2 percent in 2000. At the same time, apartment units declined as a share of the city's housing stock by 1.2 percentage points. As one might expect, given the shift toward smaller households described above, the incidence of overcrowding in the city had fallen by 2009-2013, when only around 1.2 percent of households experienced any degree of overcrowding. The incidence of overcrowding in the city had been low in 2000 as well, when less than two percent of households were

overcrowded or severely overcrowded. Similarly, relatively few households lacked complete plumbing or kitchen facilities (around one percent or less).

However, considerably more households were cost-burdened, or severely cost burdened. The percentage of households in the city that were cost-burdened to any degree increased slightly after 2000, and by 2009-2013 nearly 23 percent of all households in the city spent more than thirty percent of their income on housing costs. Housing costs consumed more than fifty percent of household incomes for 10.3 percent of households in 2009-2013. As had been the case with over-crowding, renter-occupied households were more heavily impacted by cost-burdening than owner-occupied households.

Growth in the incidence of cost-burdening came as median housing costs in the city were rising: In 2000, the median contract rent price in the city was \$447 and the median home value of owner-occupied homes was \$97,400. By 2009-2013, the median contract rent had risen to \$625 and the median home value of owner-occupied homes stood at \$163,900.

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).¹⁰

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, 1991.¹¹

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

¹⁰ "HUD Fair Housing Laws and Presidential Executive Orders."

http://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp/FHLaws

¹¹ "Title VIII: Fair Housing and Equal Opportunity."

http://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp/progdesc/title8

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.¹²

These laws pertain to programs receiving federal assistance, and in some cases expand the scope of fair housing policy beyond that of the fair housing act by including additional conditions on the use of federal funding.

STATE 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,

¹²"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.¹³

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.¹⁴

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

¹³ "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>

¹⁴ 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 2005.¹⁵

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.¹⁶

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.¹⁷

¹⁵ 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/FairHsgSurvey.html>

¹⁶ 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>

¹⁷ 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.¹⁸

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.¹⁹

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 disproportionately 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.²⁰

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

¹⁸ 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>

¹⁹ 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>

²⁰ 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.²¹

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 communities²².” 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.²³

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.²⁴

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

²¹*The Big Picture: How Fair Housing Organizations Challenge Systemic and Institutionalized Discrimination*. National Fair Housing Alliance 2011 Fair Housing Trends Report. 29 April 2011.

²²<http://www.nationalfairhousing.org/LinkClick.aspx?fileticket=SbZH3pTEZhs%3d&tabid=3917&mid=5321>

²³<http://www.nationalfairhousing.org/LinkClick.aspx?fileticket=GBv0ZVJp6Gg%3d&tabid=3917&mid=5321>

²⁴ *Ibid.*

²⁴ *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.²⁵

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.²⁶ 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.²⁷ 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))".²⁸

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

²⁵ *Expanding Opportunity: Systemic Approaches to Fair Housing*. National Fair Housing Alliance. August 13, 2014.

²⁶ U.S. HUD. *39 Steps Toward Fair Housing*. <http://www.hud.gov/offices/ftheo/39steps.pdf>

²⁷ Orfield, Myron. "Racial Integration and Community Revitalization: Applying the Fair Housing Act to the Low Income Housing Tax Credit." *Vanderbilt Law Review*, November 2005.

²⁸ <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 County²⁹. 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).³⁰ In 2009, HUD noted that many of the AIs 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 minimal³¹. 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 review³²."

The conclusion of the GAO study is reflected 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 proposed 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.³³ The comment period for the proposed rule ended in September of 2013. A final action on the rule, originally scheduled for December 2014, is now slated for March 2015.

²⁹ *United States v Westchester County* 712 F.3d 761 2013 U.S. App.

³⁰ 24 CFR §5, 91, 92, et al. (2013)(Proposed Rule)

³¹ "HUD Needs to Enhance Its Requirements and Oversight of Jurisdictions' Fair Housing Plans". *Government Accountability Office*. September 2010.

³² *Ibid.*, page 32.

³³ 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 classes³⁴.”

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 choice³⁵.” 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 Act³⁶.” 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 1971³⁷ that the Civil Rights Act “proscribes not only overt discrimination but also practices that are fair in form, but discriminatory in operation³⁸.” The first test of “disparate impact theory” in housing law came in 1974, with *United States v. City of Black Jack*³⁹. 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.⁴⁰

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 discriminatory⁴¹. 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

³⁴ 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>

³⁵ *Ibid.*

³⁶ 24 CFR §100 (2013)

³⁷ Garrow, David J. “Toward a Definitive History of *Griggs v. Duke Power Company*”. 67 *Vand. L. Rev.* 197 (2014).

³⁸ *Griggs v. Duke Power Co.*, 401 U.S. 430 (1971).

³⁹ 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.

⁴⁰ *United States v. City of Black Jack, Missouri*, 508 F.2d 1179, 1184 (8th Cir. 1974)

⁴¹ *Ibid.*

of housing discrimination.⁴² However, this theory of liability is facing its most severe challenge in decades in a case that is currently before the Supreme Court.⁴³

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.⁴⁴ 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 areas⁴⁵, which serves to limit housing options for low-income, minority residents to areas with high concentrations of racial minority residents.⁴⁶ 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.⁴⁷ 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?”⁴⁸ 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 are the standards and burdens of proof that should apply.”⁴⁹ 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.⁵⁰

⁴² 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.

⁴³ 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/>

⁴⁴ *Inclusive Communities Project v. Texas Department of Housing and Community Affairs* (2014).

⁴⁵ *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.

⁴⁶ *Ibid.*

⁴⁷ 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/>”

⁴⁸ *Texas Department of Housing and Community Affairs v. The Inclusive Communities Project* (2014). Petition for a Writ of Certiorari.

⁴⁹ *Ibid.*

⁵⁰ 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.⁵¹

Fair Housing of the Dakotas, et al. v. Goldmark Property Management, Inc.

The DOJ has not filed any complaints against housing providers in the State of North Dakota 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.*, a company with properties in Bismarck. 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.⁵² Goldmark’s motion for summary judgment in the case was denied in March of 2011.⁵³ In September of that same year, a district court judge denied the plaintiff’s motion to consider the complaint as a class action.⁵⁴

SUMMARY

Residents of Bismarck, like all North Dakota residents, 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 no longer in a form that is as overt and obvious as it was when the laws were passed. Discrimination on the basis of

⁵¹ “The Fair Housing Act.” The United States Department of Justice. http://www.justice.gov/crt/about/hce/housing_coverage.php

⁵² *Fair Housing of the Dakotas, et al. v. Goldmark Property Management, Inc.* (Amicus brief)(2010)

⁵³ *Fair Housing of the Dakotas, et al. v. Goldmark Property Management, Inc.* (March 2011)

⁵⁴ *Fair Housing of the Dakotas, et al. v. Goldmark Property Management, Inc.* (September 2011)

disability represents the most common violation of the Fair Housing Act nationwide, according to national studies of fair housing complaints. In this connection, it is not surprising that the one fair housing complaint in the state 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.

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, is now slated for March of this year.

SECTION IV. REVIEW OF THE EXISTING FAIR HOUSING STRUCTURE

The purpose of this section is to provide a profile of fair housing in the City of Bismarck 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.

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).

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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 initiatives⁵⁶: 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.⁵⁷

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 believe that they have been subjected to unlawful discrimination on the basis of race, sex,

⁵⁶ Though there are four initiatives included in the FHIP, no funds are currently available through the Administrative Enforcement Initiative.

⁵⁷ 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.

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

LOCAL AGENCIES

The City of Bismarck Human Relations Committee

The Human Relations Committee was created by city ordinance in 2002. In furtherance of its mission to “protect and promote the personal dignity of all Bismarck citizens and eliminate any discriminatory barriers that prevent them from reaching their full human potential,” the Committee serves as an advisory body for the Mayor and City Commission. In this capacity, the Committee works in part to promote compliance with state and federal fair housing laws, to “educate the public about civil and human rights”, to “identify issues of principal concern in the area of civil and human rights”, and makes recommendations concerning priorities and objectives relating to civil and human rights. The Commission also holds monthly meetings on 5:15 on the third Thursday of every month at the following location:

City and County Office Building
 First Floor Conference Room
 221 North 5th Street
 Bismarck, North Dakota 58501

The commission also accepts complaints from residents who believe that they have been the victims of discrimination. The complaint forms are available for download at the Human Relations Committee website⁵⁸, and may be sent by mail or FAX to the following address:

Address:

Bismarck Human Relations Committee
 c/o City of Bismarck
 221 North 5th Street
 PO Box 5503
 Bismarck, North Dakota 58506-5503
FAX: (701) 222-6470

⁵⁸ <http://www.bismarcknd.gov/index.aspx?NID=646>

PRIVATE ORGANIZATION

High Plains Fair Housing

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 region⁵⁹”, the fair housing center accepts fair housing complaints from North Dakota residents who believe that they have been the victims of illegal discrimination in the state 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 state 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 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 Clinic also supports the High Plains Fair Housing Center in its mission by accepting cases referred to it by the Fair Housing Center. It should be noted, however, that as the School of Law is primarily an educational institution, it 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

⁵⁹ “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.

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.⁶⁰ 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.⁶¹

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 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.⁶²

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

⁶⁰ "HUD's Title VIII Fair Housing Complaint Process." <http://www.hud.gov/offices/ftheo/complaint-process.cfm>

⁶¹ "Fair Housing—It's Your Right." <http://www.hud.gov/offices/ftheo/FHLaws/yourrights.cfm>

⁶² "HUD's Title VIII Fair Housing Complaint Process." <http://www.hud.gov/offices/ftheo/complaint-process.cfm>

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 party⁶³ 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 “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.⁶⁴

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

⁶³ 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.”

⁶⁴ N.D.C.C. Chapter 14-02.5

serves as an advocate for those residents during the complaint process. Typically, the Center complaints it receives to the Housing and Employment Law Clinic at the University of North Dakota School of Law, which is able to accept a small number of fair housing cases for representation.

SUMMARY

Fair housing services are provided to residents of North Dakota, including Bismarck residents, 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 those 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 residents of Bismarck and North Dakota 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 School of Law at the University of North Dakota, which provides a range of legal services, to those who are unable to obtain legal representation, through its Housing and Employment Law Clinic. Though the School is primarily an educational institution, it is able to accept a small number of complainants referred by the Fair Housing Center and represent them throughout the complaint process.

Residents of the city are also served by the City of Bismarck Human Relations Committee, which serves as an advisory body to the Mayor and City Commission. As part of its mission to “protect and promote the personal dignity of all Bismarck citizens and eliminate any discriminatory barriers that prevent them from reaching their full human potential,” the Committee conducts outreach and education activities focusing on civil and human rights; identifies issues, priorities, and objectives relating to human rights; and works to encourage compliance with state and federal antidiscrimination laws.

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 City of Bismarck's 's public sectors is presented in **Section VI**, while this section focuses on research regarding the city'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.⁶⁵ The analysis presented herein is from the HMDA data system.

⁶⁵ *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.⁶⁶ Both types of lending institutions must meet the following set of reporting criteria:

1. The institution must be a bank, credit union, or savings association;
2. The total assets must exceed the coverage threshold;⁶⁷
3. The institution must have had an office in a Metropolitan Statistical Area (MSA);
4. 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;
5. The institution must be federally insured or regulated; and
6. 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:

1. The institution must be a for-profit organization;
2. 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;
3. 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
4. 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

Financial and lending institutions in Bismarck handled 43,683 home loans and loan applications from 2004-2013. As shown in Table V.1 on the following page, 19,126 of these were related to home purchases, or approximately 43.8 percent. The remainder was related either to home improvement or refinancing.

⁶⁶ 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.

⁶⁷ 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
 City of Bismarck
 2004–2013 HMDA Data

Purpose	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	Total
Home Purchase	2,014	2,278	2,388	2,170	1,635	1,671	1,653	1,868	1,759	1,690	19,126
Home Improvement	339	378	368	358	274	256	200	218	224	269	2,884
Refinancing	1,905	1,725	1,651	1,492	1,790	3,407	3,024	2,059	2,656	1,964	21,673
Total	4,258	4,381	4,407	4,020	3,699	5,334	4,877	4,145	4,639	3,923	43,683

Because the focus of this analysis is on the ability of city residents to choose where they live, consideration of denial rates and rates of predatory lending will be confined to home purchase loans, and specifically to loans that are intended to finance the purchase of homes in which the loan applicant or borrower intends to live. These “owner-occupied” home purchase loans and loan applications accounted for 91.7 of all home purchase loans in the city over the ten year period, or 17,531 out of the 19,126 total, as shown in Table V.2 below.

Table V.2
Occupancy Status for Home Purchase Loan Applications
 City of Bismarck
 2004–2013 HMDA Data

Status	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	Total
Owner-Occupied	1,880	2,121	2,162	2,000	1,504	1,594	1,546	1,694	1,522	1,508	17,531
Not Owner-Occupied	120	150	217	163	126	73	100	164	221	169	1,503
Not Applicable	14	7	9	7	5	4	7	10	16	13	92
Total	2,014	2,278	2,388	2,170	1,635	1,671	1,653	1,868	1,759	1,690	19,126

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. Approximately 11,583 owner-occupied home purchase loans were originated in the city, as shown in Table V.3 on the following page. However, 916 loan applications were denied, leading to a denial rate of 7.3 percent.

**Table V.3
Loan Applications by Action Taken**

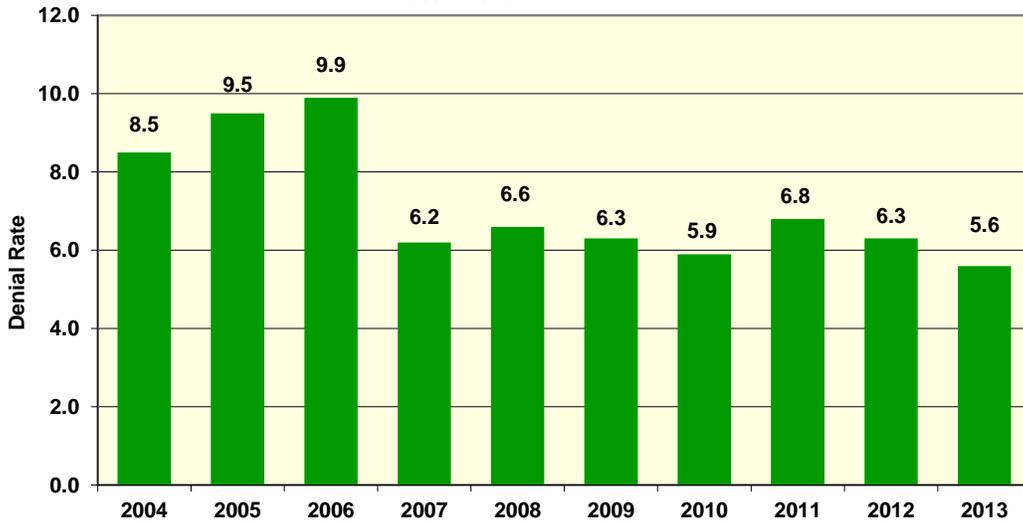
City of Bismarck
2004–2013 HMDA Data

Action	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	Total
Loan Originated	1,256	1,403	1,334	1,306	1,002	1,065	1,058	1,076	1,058	1,025	11,583
Application Approved but not Accepted	51	60	113	81	77	42	34	45	41	47	591
Application Denied	117	147	147	87	71	71	66	78	71	61	916
Application Withdrawn by Applicant	102	101	111	63	62	83	68	108	59	70	827
File Closed for Incompleteness	25	69	78	57	25	10	1	19	10	3	297
Loan Purchased by the Institution	329	340	379	406	267	323	319	368	283	302	3,316
Preapproval Request Denied	0	1	0	0	0	0	0	0	0	0	1
Preapproval Approved but not Accepted	0	0	0	0	0	0	0	0	0	0	0
Total	1,880	2,121	2,162	2,000	1,504	1,594	1,546	1,694	1,522	1,508	17,531
Denial Rate	8.5%	9.5%	9.9%	6.2%	6.6%	6.3%	5.9%	6.8%	6.3%	5.6%	7.3%

The denial rate was higher in the years from 2004 through 2006 than it has been in recent years, as shown in Diagram V.1 below. Following that latter year, denial rates fell markedly, from 9.9 to 6.2 percent, and have stayed within a percentage point of that figure for the last seven years.

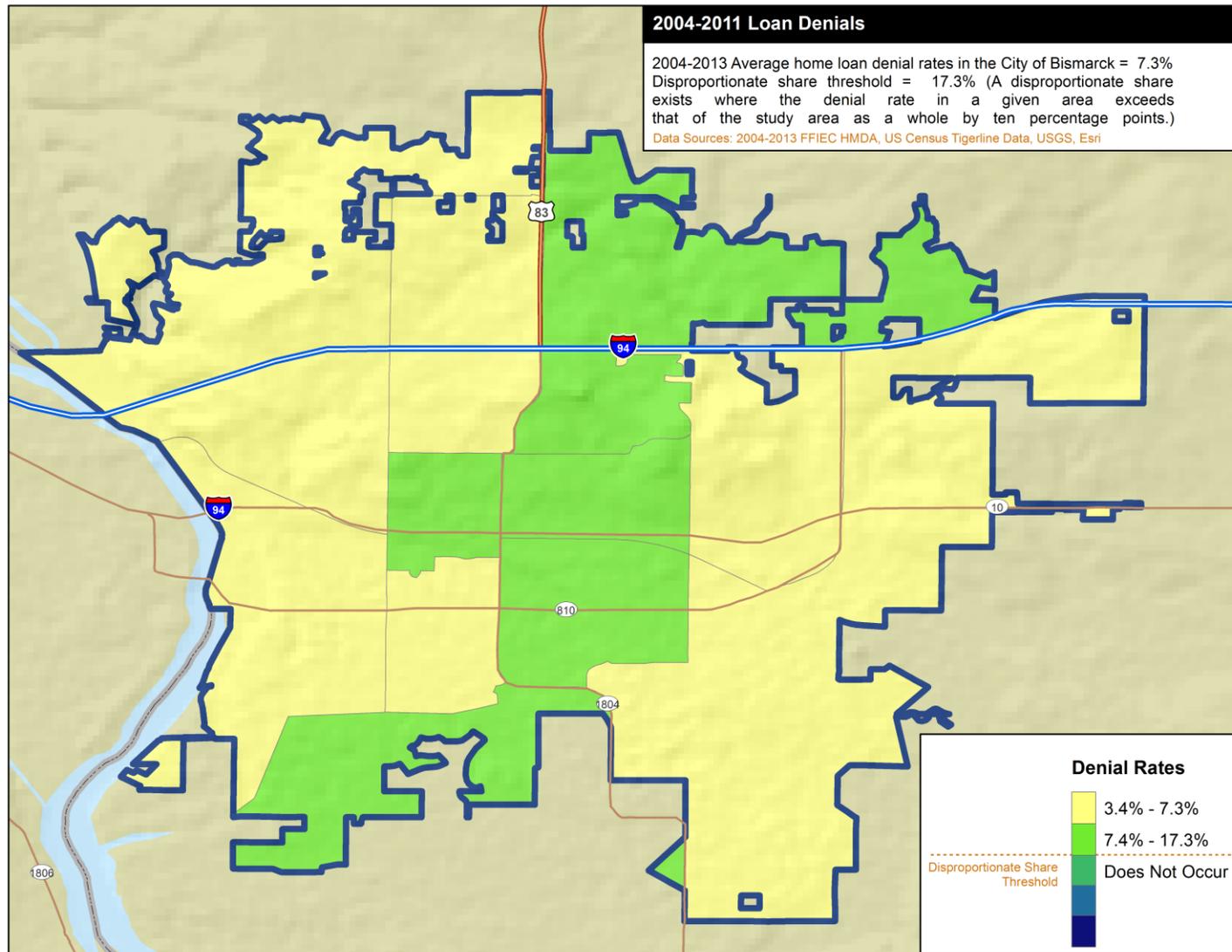
**Diagram V.1
Denial Rates by Year**

City of Bismarck
2004–2013 HMDA Data

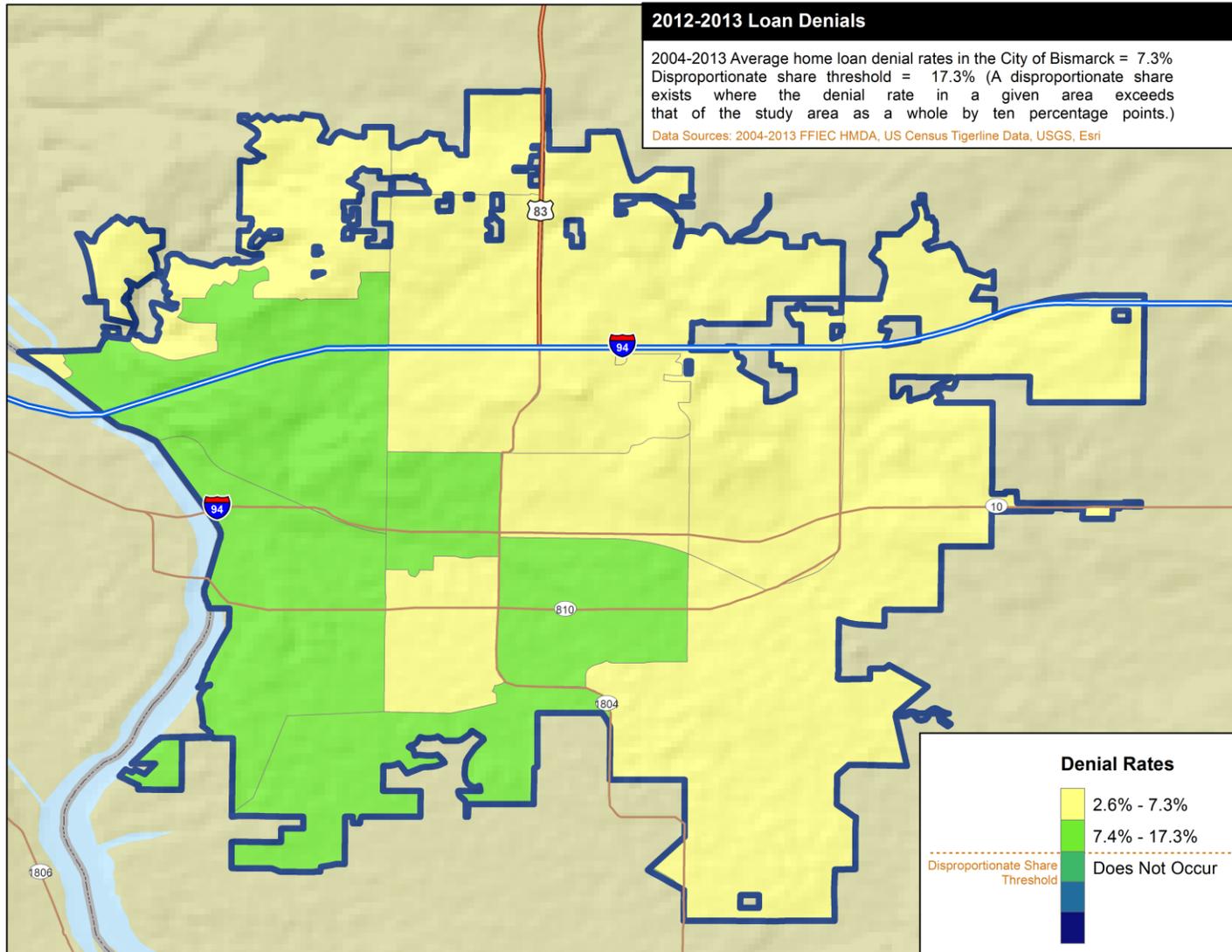


Census tracts in which above-average shares of home purchase loan applications were denied tended to be clustered in the city center, as shown in Map V.1 on the following page. Most of these tracts lay in a line running north to south, bordered on the west by State/North 9th Street. One Census tract, encompassing St. Mary’s and Bismarck High Schools, also saw an above-average rate of loan denials from 2004-2011, along with two large tracts on the southern and northern outskirts of the city. In 2012-2013, Census tracts with high rates of loan denials tended to be located in the west and southwest of the city, as shown in Map V.2 on page 84. There were also several central Census tracts continued to show above-average rates of loan denials. There was no Census tract in either year in which the denial rate was disproportionately high.

Map V.1 Denial Rates by Census Tract, 2004-2011 City of Bismarck 2004-2011 HMDA Data



Map V.2
Denial Rates by Census Tract, 2012-2013
City of Bismarck
2012-2013 HMDA Data



In addition to the yearly variation in denial rates described above, denial rates were also observed to differ markedly according to the gender of the loan applicant. As shown in Table V.4 below, female loan applicants were turned down in 10.2 percent of owner-occupied home purchase loan applications, compared to a denial rate of 5.8 percent for male applicants. The difference between the two was greatest in 2005, when 17.4 percent of applications from female applicants were denied, more than two and a half times the denial rate for male applicants in that year. However, as denial rates have fallen in recent year, the discrepancy between the two has been considerably reduced.

Table V.4
Denial Rates by Gender of Applicant

City of Bismarck
2004–2013 HMDA Data

Year	Male	Female	Not Available	Not Applicable	Average
2004	7.3%	10.3%	20.8%	0.0%	8.5%
2005	6.5%	17.4%	7.5%	0.0%	9.5%
2006	6.4%	16.2%	16.9%	0.0%	9.9%
2007	5.7%	7.5%	7.1%	0.0%	6.2%
2008	4.8%	10.3%	12.2%	0.0%	6.6%
2009	4.9%	8.4%	12.0%	0.0%	6.3%
2010	5.3%	6.3%	18.5%	0.0%	5.9%
2011	5.8%	7.8%	25.0%	0.0%	6.8%
2012	5.6%	7.9%	11.1%	0.0%	6.3%
2013	5.2%	6.7%	4.5%	0.0%	5.6%
Average	5.8%	10.2%	12.1%	0.0%	7.3%

The rate at which loans were denied to Bismarck residents also differed according to the race and ethnicity of the applicant, as shown in Table V.5 below. White applicants in the city were denied loans at a rate of 6.7 percent, below the average rate. By contrast, the denial rate for American Indian residents was over ten percentage points higher than average, and nearly three times the average rate for white applicants: the same was true of black loan applicants, while the loan denial rate for Asian applicants was roughly double the overall average. Likewise, the denial rate for Hispanic residents, at 16.7 percent, exceeded the denial rate for non-Hispanic residents by ten percentage points.

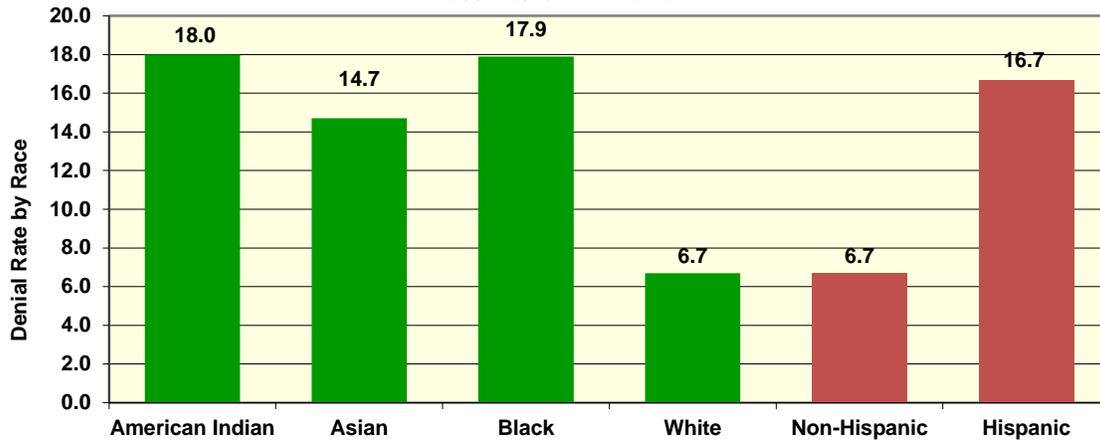
Table V.5
Denial Rates by Race/Ethnicity of Applicant

City of Bismarck
2004–2013 HMDA Data

Race/Ethnicity	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	Average
American Indian	.0%	16.7%	28.6%	11.1%	20.0%	.0%	30.0%	.0%	16.7%	41.7%	18.0%
Asian	25.0%	30.0%	.0%	14.3%	.0%	20.0%	.0%	25.0%	28.6%	.0%	14.7%
Black	.0%	66.7%	.0%	.0%	.0%	.0%	.0%	%	25.0%	%	17.9%
White	7.6%	8.5%	8.9%	6.1%	5.8%	6.0%	5.5%	6.2%	5.9%	5.3%	6.7%
Not Available	23.3%	13.3%	16.6%	6.8%	14.0%	8.7%	10.6%	19.1%	9.4%	5.1%	12.7%
Not Applicable	%	.0%	%	%	%	0%	0%	%	%	%	.0%
Average	8.5%	9.5%	9.9%	6.2%	6.6%	6.3%	5.9%	6.8%	6.3%	5.6%	7.3%
Non-Hispanic	7.7%	8.5%	9.0%	5.9%	5.8%	5.9%	5.6%	6.0%	6.1%	5.3%	6.7%
Hispanic	.0%	50.0%	.0%	18.8%	.0%	.0%	.0%	14.3%	11.1%	50.0%	16.7%

Diagram V.2 on the following page shows overall denial rates by race and ethnicity from 2004 through 2013, illustrated the discrepancies in denial rates described above.

Diagram V.2
Denial Rates by Race/Ethnicity of Applicant
 City of Bismarck
 2004–2013 HMDA Data



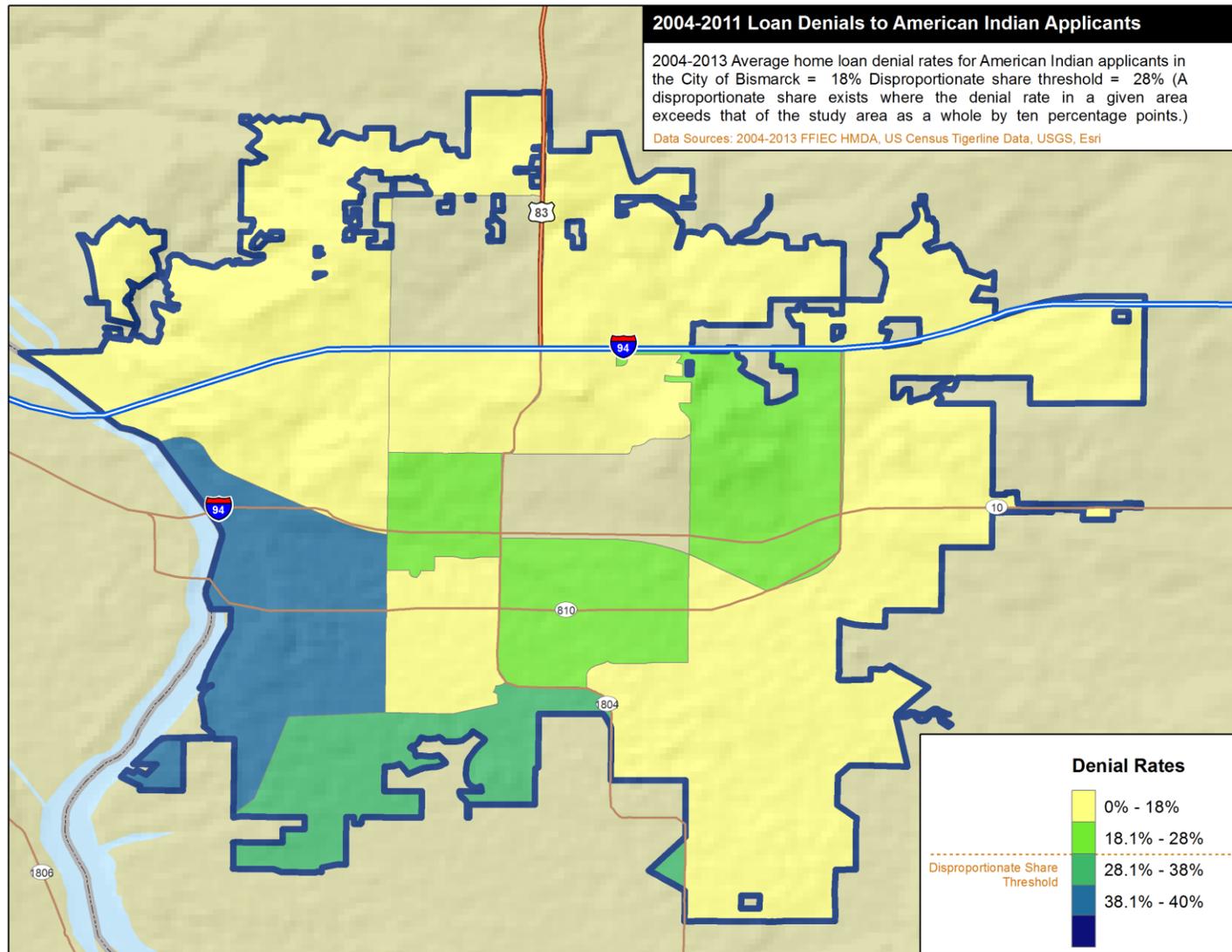
American Indian loan applicants were subjected to higher rates of loan denials than applicants of any other race in Census tracts throughout the city center. Denial rates to American Indian applicants were higher still in several Census tracts in the city center, as shown in Map V.3 on the following page. However, denial rates to American Indian applicants were higher still in two Census tracts in the southwest of the city center, where more than 28 percent of applications from American Indian applicants were turned down. Hispanic residents were also turned down at a relatively high rate throughout the city, and these residents tended to be subjected to relatively high denial rates in a central Census tract to the east of North 9th Street, along with large peripheral tracts in the north and south of the city, as shown in Map V.4 on page 88. Note that the central tract in which the denial rate was 100 percent, presented in dark blue in the map, received only one application.

Credit history and debt-to-income ratio were the most common primary factors in loan denials in the city, as shown in Table V.6 below. These factors figured in 21.4 and 19 percent of all loan denials over the ten year period, respectively. However, the relative importance of these two factors has varied over time: From 2004 through 2006, credit history was the most common primary factor in loan denials. From 2007 onwards, debt-to-income ratio has been the predominant reason for loan denials in the city.

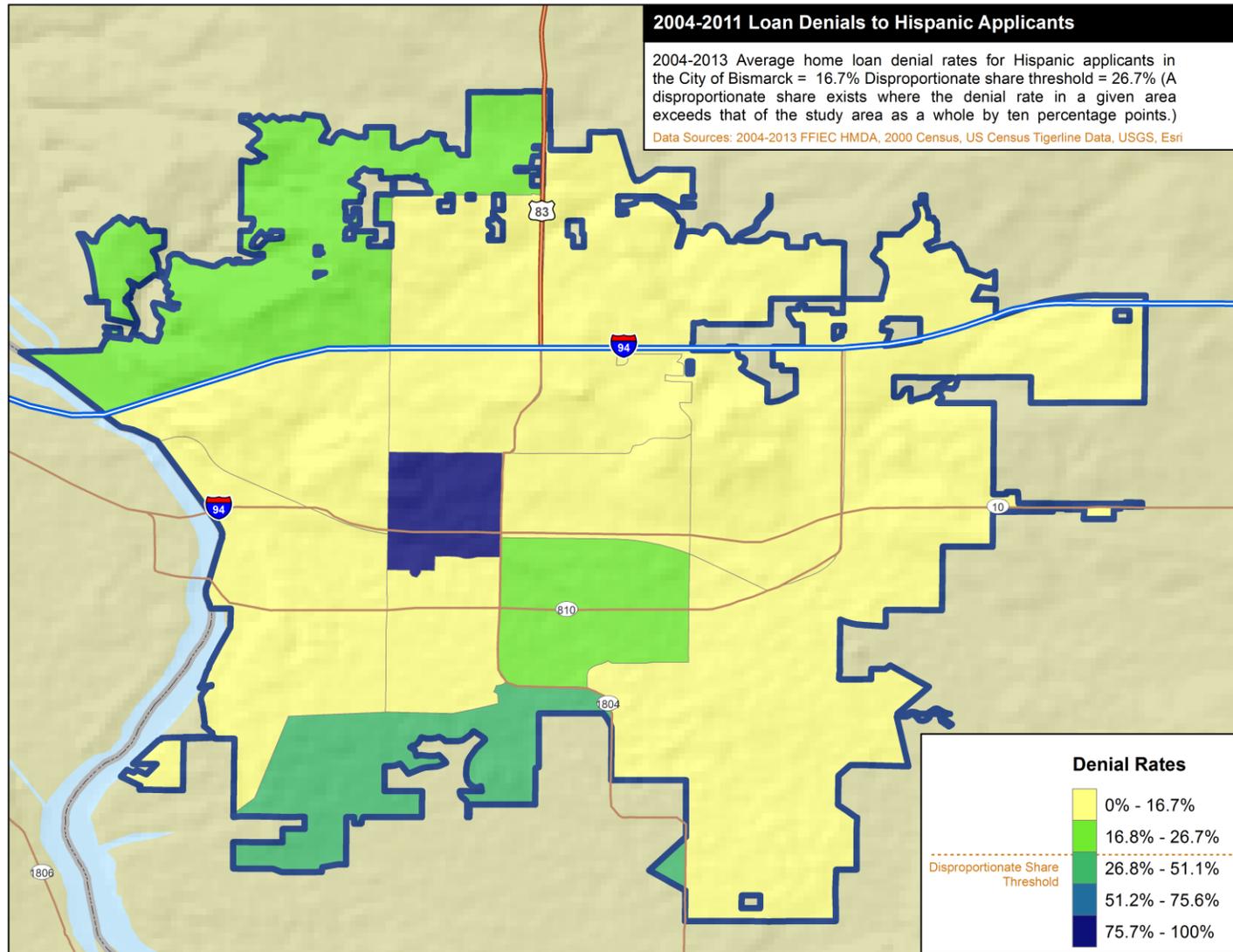
Table V.6
Loan Applications by Reason for Denial
 City of Bismarck
 2004–2013 HMDA Data

Denial Reason	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	Total
Debt-to-Income Ratio	23	18	17	20	15	18	17	21	13	12	174
Employment History	6	4	7	4	4	6	4	7	4	4	50
Credit History	25	44	36	19	15	11	9	16	11	10	196
Collateral	11	10	9	8	11	6	9	12	10	10	96
Insufficient Cash	4	3	5	1	1	3	2	2	2	1	24
Unverifiable Information	0	1	5	4	2	3	2	0	6	2	25
Credit Application Incomplete	7	7	11	7	4	3	4	1	6	1	51
Mortgage Insurance Denied	0	0	1	0	0	0	0	0	0	0	1
Other	13	26	25	7	5	2	2	3	5	1	89
Missing	28	34	31	17	14	19	17	16	14	20	210
Total	117	147	147	87	71	71	66	78	71	61	916

Map V.3
Denial Rates for American Indian Applicants, 2004-2011
City of Bismarck
2004-2011 HMDA Data



Map V.4
Denial Rates for Hispanic Applicants, 2004-2011
 City of Bismarck
 2004-2011 HMDA Data



As one might expect, particularly given the impact of unfavorable debt-to-income ratios on the loan application process, denial rates fell rapidly as the income of the applicant increased. As shown in Table V.7 below, only four percent of Bismarck applicants earning more than \$75,000 per year were denied loans, compared to 40.8 percent of applicants earning less than \$15,000 per year. Between those extremes, denial rates were observed to fall progressively with entry into higher income brackets.

Table V.7
Denial Rates by Income of Applicant
 City of Bismarck
 2004–2013 HMDA Data

Income	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	Total
\$15,000 or Below	18.2%	45.0%	30.8%	54.5%	50.0%	66.7%	.0%	66.7%	60.0%	.0%	40.8%
\$15,001–\$30,000	17.7%	23.4%	22.3%	14.5%	15.1%	16.2%	13.0%	19.4%	12.2%	17.0%	17.9%
\$30,001–\$45,000	10.3%	8.7%	11.7%	8.2%	7.1%	6.6%	6.4%	9.2%	8.6%	6.2%	8.6%
\$45,001–\$60,000	8.1%	11.1%	11.1%	4.0%	6.6%	8.0%	4.7%	6.1%	6.2%	8.7%	7.7%
\$60,001–\$75,000	3.9%	5.8%	4.5%	4.2%	3.7%	2.5%	4.5%	5.3%	8.6%	5.5%	4.8%
Above \$75,000	4.9%	2.9%	5.2%	4.1%	5.8%	3.0%	4.9%	3.8%	3.2%	2.9%	4.0%
Data Missing	8.1%	2.4%	18.2%	.0%	3.6%	8.6%	6.5%	19.0%	9.1%	10.5%	7.9%
Total	8.5%	9.5%	9.9%	6.2%	6.6%	6.3%	5.9%	6.8%	6.3%	5.6%	7.3%

Nevertheless, previously observed differences in denial rights along racial and ethnic lines persisted even after income was taken into account. As shown in Table V.8 below, white applicants earning \$60,000 to \$75,000 were denied loans 4.7 percent of the time. By contrast, the denial rate for American Indian applicants was nearly seven times as high at 28.6 percent. In terms of ethnicity, the denial rate for Hispanic applicants in the same income range was 23.5 percent, exactly five times as high as the denial rate for non-Hispanic applicants who were similarly situated with respect to income.

Table V.8
Denial Rates of Loans by Race/Ethnicity and Income of Applicant
 City of Bismarck
 2004–2013 HMDA Data

Race	<= \$15K	\$15K–\$30K	\$30K–\$45K	\$45K–\$60K	\$60K–\$75K	Above \$75K	Data Missing	Average
American Indian	%	42.9%	16.7%	20.8%	28.6%	6.5%	50.0%	18.0%
Asian	.0%	75.0%	10.0%	38.5%	.0%	3.2%	%	14.7%
Black	%	50.0%	44.4%	.0%	.0%	.0%	.0%	17.9%
White	40.3%	16.6%	7.6%	6.8%	4.7%	3.8%	5.7%	6.7%
Not Available	57.1%	27.7%	17.7%	14.3%	5.0%	6.6%	41.2%	12.7%
Not Applicable	%	%	%	%	%	%	.0%	.0%
Average	40.8%	17.9%	8.6%	7.7%	4.8%	4.0%	7.9%	7.3%
Non-Hispanic	40.0%	16.9%	7.8%	6.9%	4.5%	3.7%	5.7%	6.7%
Hispanic	100.0%	25.0%	6.7%	20.0%	23.5%	5.3%	%	16.7%

In addition to experiencing relatively high loan denial rates over the decade, racial minority residents also accounted for smaller shares of loan applicants than they represented shares of the population overall in 2010. As shown in Table V.9 on the following page, applications from American Indian residents represented approximately 0.8 percent of all applications from 2004 through 2013, while American Indian residents accounted for 4.6 percent of the population in 2010⁶⁸. By contrast, white residents submitted 98.4 percent of loan applications

⁶⁸To facilitate comparison between HMDA and Census data, population figures and percentages include only American Indian, Asian, Black, and White residents. Accordingly, the population figures cited in this table differ from those presented in Section II, which

over the decade, while representing 94.2 percent of the population in 2010. Similarly, 0.6 percent of applications were from Hispanic residents, who represented 1.3 percent of the population in 2010.

Table V.9
Loan Originations/Denials by Race of Applicant

City of Bismarck
2004–2013 HMDA Data

Race	Originations/ Denials	% of Originations/ Denials	2010 Population*	% of 2010 Population
American Indian	89	0.8%	2,773	4.6%
Asian	68	0.6%	343	0.6%
Black	28	0.2%	400	0.7%
White	11,299	98.4%	56,616	94.2%
Total	11,484	100.0%	60,132	100.0%

*Population and population percentage figures presented in this table include only American Indian, Asian, black, and white residents/loan applicants.

Predatory 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;⁶⁹
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 (APR) 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.⁷⁰

For the 2015 AI analysis, originated owner-occupied home purchase loans qualifying as HALs were examined for the period from 2004 through 2013. In the City of Bismarck, 10 percent of home purchase loans issued from 2004 through 2013 were HALs, as shown in Table V.10 below.

Table V.10
Originated Owner-Occupied Loans by HAL Status

City of Bismarck
2004–2013 HMDA Data

Loan Type	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	Total
Other	1,148	1,223	1,104	1,132	870	951	1,017	1,021	996	957	10,419
HAL	108	180	230	174	132	114	41	55	62	68	1,164
Total	1,256	1,403	1,334	1,306	1,002	1,065	1,058	1,076	1,058	1,025	11,583
Percent HAL	8.6%	12.8%	17.2%	13.3%	13.2%	10.7%	3.9%	5.1%	5.9%	6.6%	10.0%

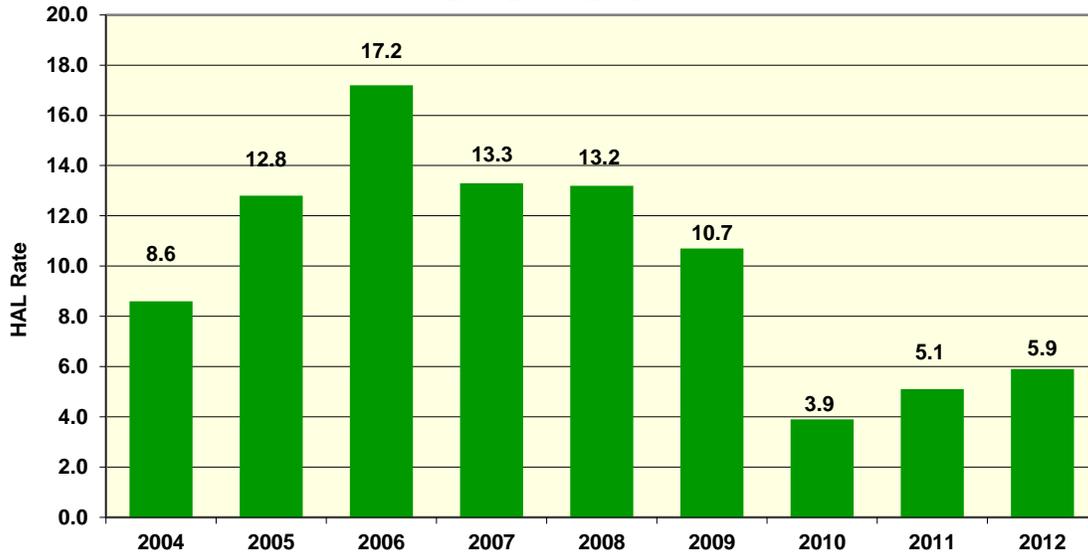
included Native Hawaiian and Pacific Islander residents, residents who identified their race as other, identified themselves as belonging to two or more racial groups.

⁶⁹ 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>

⁷⁰ 12 CFR Part 203, http://www.ffiec.gov/hmda/pdf/regc_020702.pdf

HAL rates during this time period were higher than denial rates primarily due to above-average HAL rates in the years from 2005 through 2009. These high cost loans have accounted for less than six percent of all loan originations since 2009, as shown in Diagram V.3 below.

Diagram V.3
HAL Rates by Year
 City of Bismarck
 2004–2013 HMDA Data

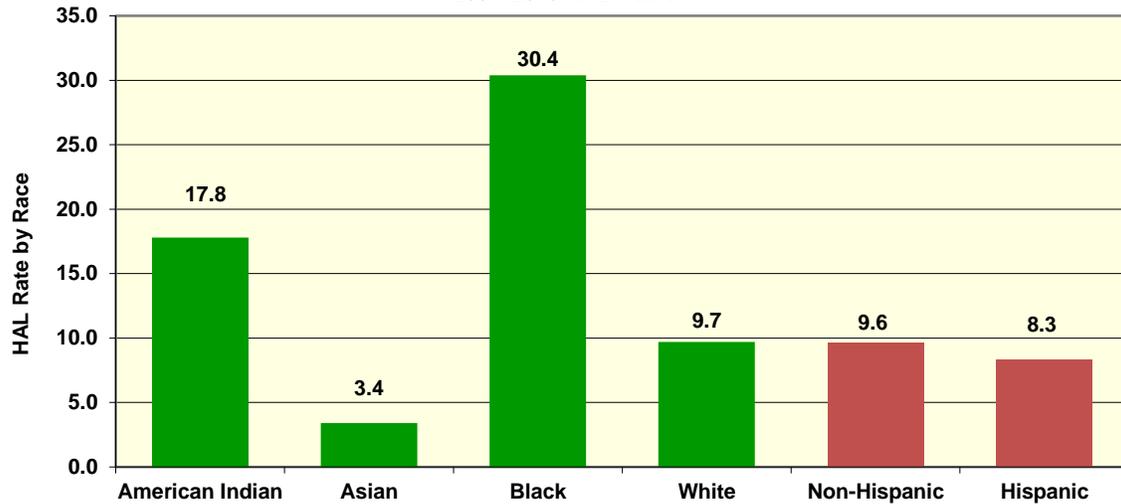


As had been the case with loan denials, the rate of HALs varied by race and ethnicity, with American Indian borrowers being issued HALs more frequently than white borrowers. As shown in table V.11 below, the HAL rate for American Indian borrowers, at 17.8 percent, was nearly twice the rate of HALs for white borrowers in the City of Bismarck. By contrast, the HAL rate for Hispanic borrowers was slightly less than that of non-Hispanic borrowers, which was 9.6 percent. These discrepant HAL rates are presented in Diagram V.4 on the following page.

Table V.11
Rate of HALs Originated by Race/Ethnicity of Borrower
 City of Bismarck
 2004–2013 HMDA Data

Race	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	Average
American Indian	42.9%	20.0%	20.0%	12.5%	37.5%	.0%	14.3%	.0%	30.0%	.0%	17.8%
Asian	.0%	.0%	50.0%	.0%	.0%	.0%	.0%	.0%	.0%	.0%	3.4%
Black	.0%	100.0%	25.0%	60.0%	25.0%	.0%	.0%	%	.0%	%	30.4%
White	8.2%	12.6%	15.9%	12.4%	13.1%	11.9%	4.0%	5.2%	5.8%	6.9%	9.7%
Not Available	14.3%	14.1%	25.5%	18.4%	11.6%	.0%	.0%	5.3%	.0%	2.7%	13.3%
Not Applicable	%	.0%	%	%	%	%	%	%	%	%	.0%
Average	8.6%	12.8%	17.2%	13.3%	13.2%	10.7%	3.9%	5.1%	5.9%	6.6%	10.0%
Non-Hispanic	8.8%	11.8%	15.6%	11.9%	13.7%	11.6%	4.1%	5.0%	6.0%	6.8%	9.6%
Hispanic	14.3%	.0%	20.0%	15.4%	.0%	50.0%	.0%	.0%	.0%	.0%	8.3%

Diagram V.4
Rate of HALs Originated by Race/Ethnicity of Borrower
 City of Bismarck
 2004–2013 HMDA Data

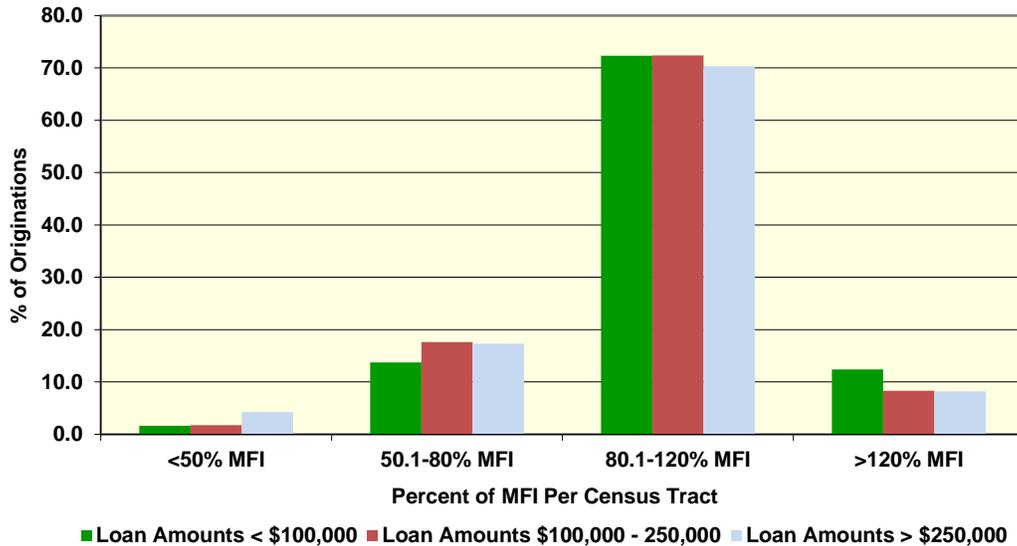


COMMUNITY REINVESTMENT ACT DATA

Economic vitality of neighborhoods can partly be measured through Community Reinvestment Act (CRA) data. According to these data, 20,845 small business loans were extended to businesses in the City of Bismarck during the period from 2000 to 2013, of which approximately 43.5 percent were valued at less than \$1,000,000.

Small business loans were also analyzed to determine the location of funding in relation to the median family income (MFI) of the Census tract in which those loans were issued. The MFI of a Census tract is considered low when it is less than 50 percent of the median family income for the Bismarck Metropolitan Statistical Area (MSA), which includes the counties of Burleigh, Oliver, Morton, and Sioux. Tract MFIs are considered moderate when they range from 50.1 to 80 percent of the median family income in the MSA as a whole, medium when they range from 80.1 to 120 percent, and high when they exceed 120 percent. As shown in Diagram V.5 on the following page, small business funding in Bismarck tended to be most common in medium income Census tracts, relatively uncommon in moderate-income Census tracts, and rare in low-income tracts.

Diagram V.5
Percent of Small Business
Loans Originated by Census Tract MFI
 City of Bismarck
 2000–2013 CRA Data

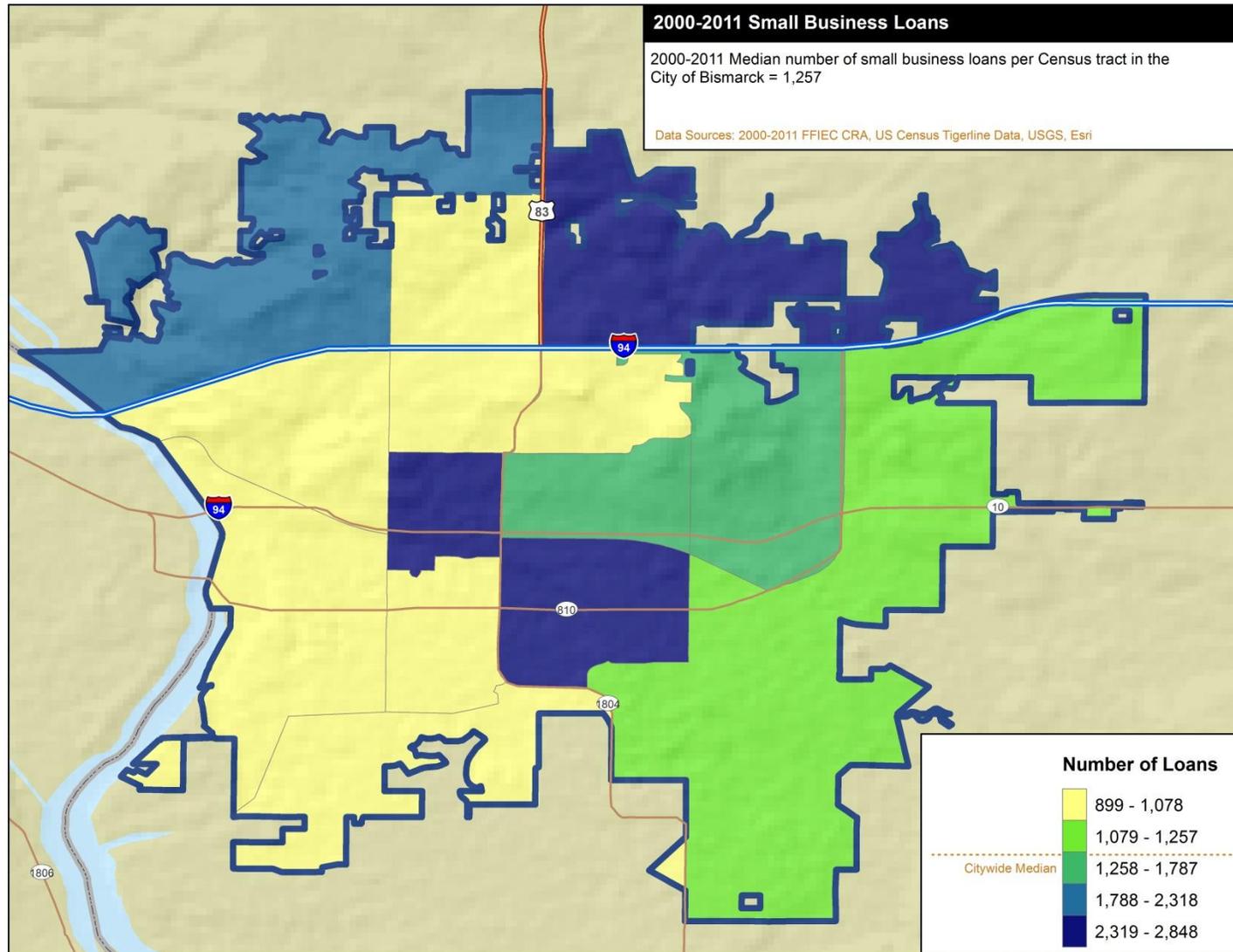


As shown in Map V.5 on the following page, small business lending within the city tended to be directed toward the city center, and to the large Census tract to the northeast of the interchange of Interstate 94 and Highway 83. More than 2,318 small business loans were issued in those areas from 2000 through 2011. Meanwhile, the number of small business loans was at or below the citywide median in Census tracts to the immediate southeast, southwest, and northwest of the afore-mentioned interchange, as well as in peripheral Census tracts in the east, west, and southwest of the city.

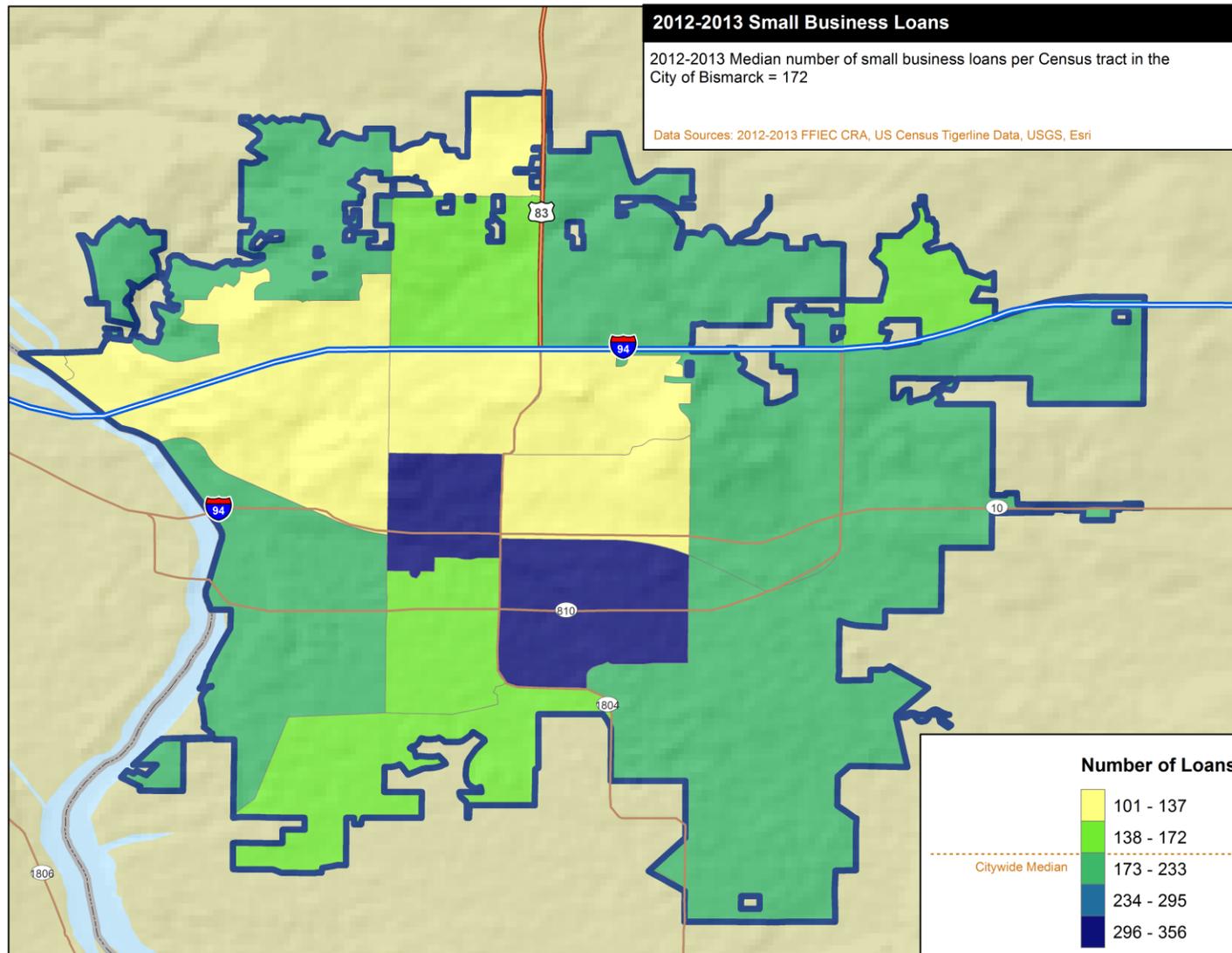
Substantial small business lending activity continued in the city center in 2012-2013, as shown in Map V.6 on page 95. Meanwhile, the number of small business loans in most peripheral Census tracts exceeded the statewide median, and was below median in Census tracts to the east, northeast, north, and west of the city center.

As one might expect, the distribution of small business loan dollars in the city was similar to the distribution of small business loans. As shown in Map V.7 on page 96, the total value of small business loans issued from 2000 through 2011 was well above median in several tracts in the city center, along with the large tract to the northeast of the interchange of Interstate 94 and Highway 83. Conversely, the total value of small business loans issued in Census tracts in the west of the city tended to be relatively low. A similar pattern was observed in the years since 2011, as shown in Map V.8 on page 97.

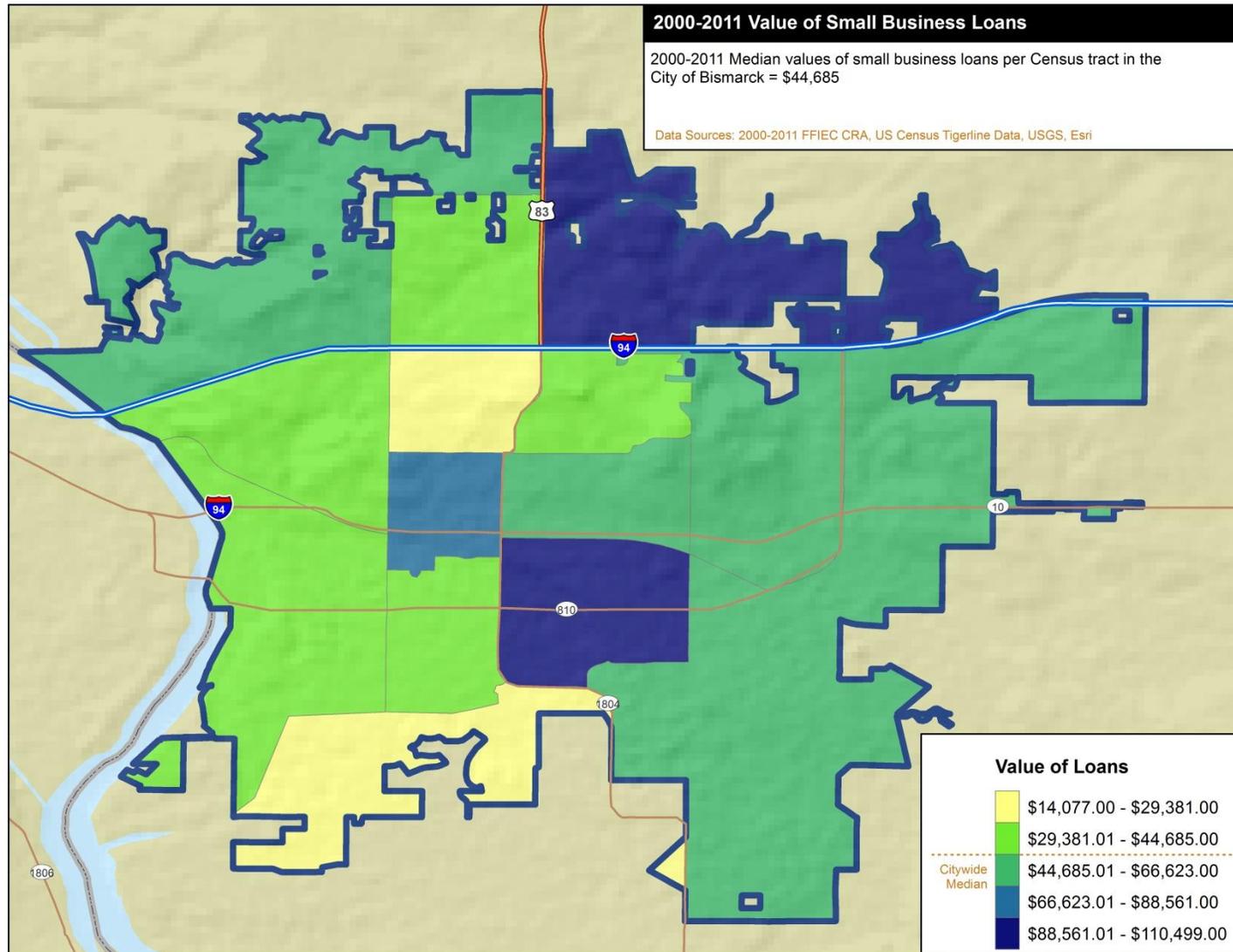
Map V.5
Number of Small Business Loans, 2000-2011
 City of Bismarck
 2000-2011 CRA Data



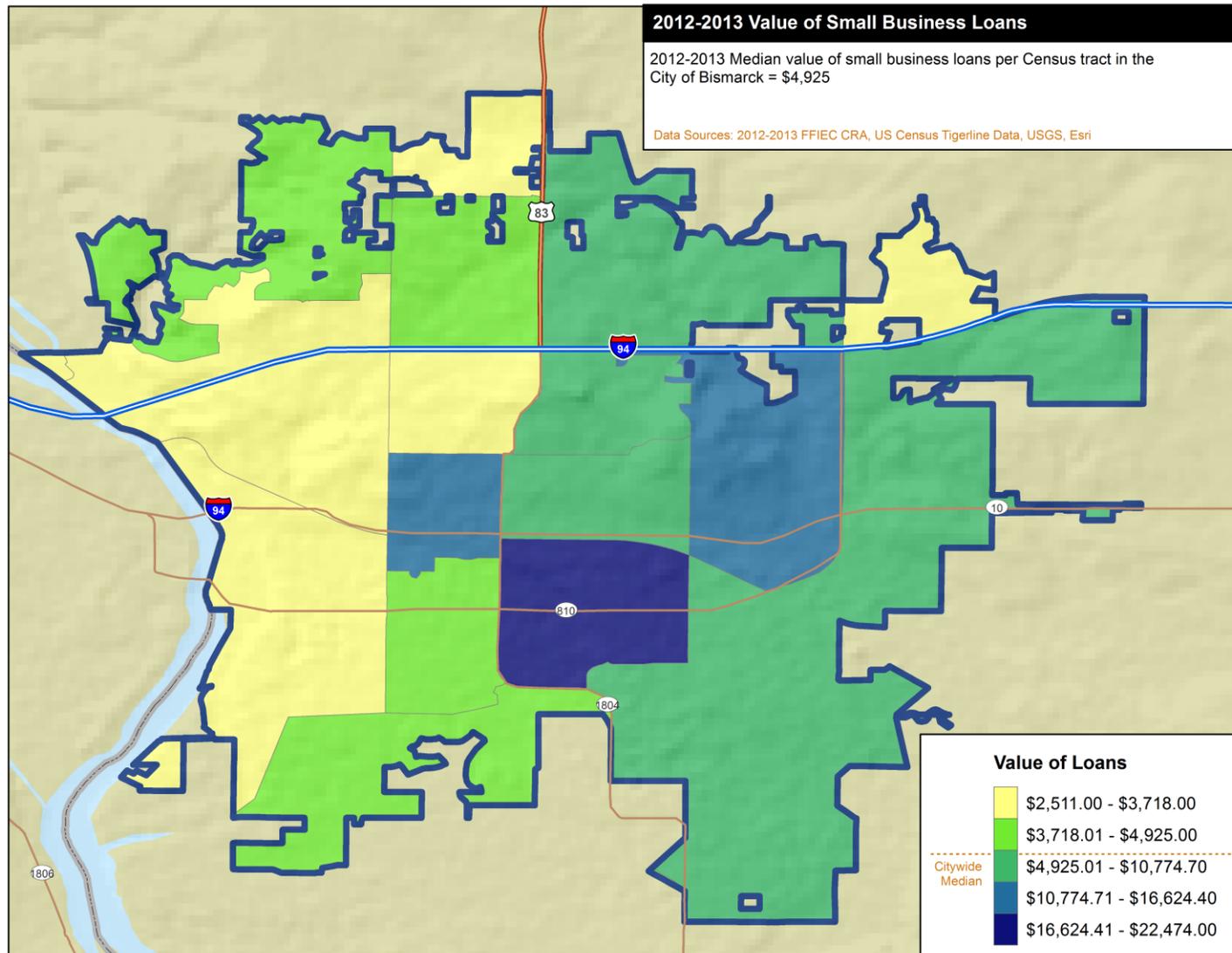
Map V.6
Number of Small Business Loans, 2012-2013
City of Bismarck
2012-2013 CRA Data



Map V.7
Amount of Small Business Loan Dollars, 2000-2011
 City of Bismarck
 2000-2011 CRA Data



Map V.8
Amount of Small Business Loan Dollars, 2012-2013
 City of Bismarck
 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 in **Section IV**. According to those data, 116 Bismarck residents lodged complaints against housing providers in the period from 2004 through 2014. As shown in Table V.12 at right, complaints alleging discrimination on the basis of disability were the most common, with 51 complaints citing alleged discrimination on the basis of mental disability and 28 on the basis of physical disability. The next most common discriminatory basis, or perceived motivation for discrimination was familial status, cited in 19 complaints, followed by racial discrimination against Native American residents, cited in 10 complaints.

Table V.12
Basis of Fair Housing
Complaints
City of Bismarck
HUD Data 2004 - 2014

Basis	Total
Disability - Mental	51
Disability - Physical	28
Familial Status	19
Race - Native American	10
Race - Black	9
Retaliation	8
Color	5
National Origin - Hispanic	4
Sex - Female	2
National Origin - Other Origin	2
Sex - Male	1
Total Basis	139
Total Complaints	116

Table V.13
Issue of Fair Housing Complaints
City of Bismarck
HUD Data 2004 - 2014

Issues	Total
Failure to make reasonable accommodation	47
Discrimination in term, conditions or privileges relating to rental	29
Discriminatory terms, conditions, privileges, or services and facilities	27
Discriminatory acts under Section 818 (coercion, etc.)	27
Discriminatory refusal to rent	20
Discriminatory advertising, statements and notices	20
Discriminatory advertisement - rental	6
Discrimination in terms, conditions, privileges relating to sale	3
Failure to permit reasonable modification	3
Discriminatory refusal to sell	2
False denial or representation of availability - rental	2
Discrimination in the terms or conditions for making loans	2
Non-compliance with design and construction requirements (handicap)	2
Discriminatory refusal to sell and negotiate for sale	1
Discriminatory financing (includes real estate transactions)	1
Steering	1
Total Issues	193
Total Complaints	116

In addition to the basis for discrimination, HUD records the issue, or alleged discriminatory action related to each complaint: these are presented in Table V.13 at left (A complete version of this table with yearly complaint data is included in Appendix D). Failure to make reasonable accommodation was the most common issue cited in these complaints, figuring in 47 complaints. This issue relates specifically to persons with disabilities. The next most common discriminatory was “discrimination in terms, conditions, or privileges relating to rental”, cited in 29 complaints; followed by “discriminatory terms, conditions, privileges, or services” and “discriminatory acts under Section 818”, each cited in 27 complaints. Acts which are prohibited under Section 818 are those which are intended to prevent the complainant from exercising his or her right to

fair housing choice: an example would be a threat, on the part of a landlord, to evict a tenant if he or she reports any unlawful discriminatory act committed by the landlord.

Many of the fair housing complaints lodged with HUD from 2004 through 2014 were determined to have no cause during the subsequent investigation, as shown in Table V.14 at right. More often, those complaints were settled or conciliated, which was the outcome of 52 complaints filed by residents of Bismarck. For the purposes of this analysis, these complaints, along with the 7 complaints withdrawn after resolution and the 3 which had been closed by FHAP judicial consent order, were considered to have cause.

Table V.14
Closure of Fair Housing Complaints
City of Bismarck
HUD Data 2004 - 2014

Closure	Total
Conciliation/settlement successful	52
No cause determination	41
Complaint withdrawn by complainant after resolution	7
Complaint withdrawn by complainant without resolution	4
Closed because trial has begun	3
FHAP judicial consent order	3
Dismissed for lack of jurisdiction	1
Unable to locate complainant	1
Complainant failed to cooperate	1
Litigation ended - no discrimination found	1
Case still open	2
Total Closure	116

Table V.15
Basis of Fair Housing Complaints Found with Cause

City of Bismarck
HUD Data 2004 - 2014

Basis	Total
Disability - Mental	33
Disability - Physical	13
Familial Status	11
Race - Native American	3
Retaliation	3
National Origin - Hispanic	2
Color	1
National Origin - Other Origin	1
Total Basis Found With Cause	67
Total Complaints Found With Cause	62

As had been the case in complaints overall, mental and physical disability were the most common complaint bases among those considered to have cause, as shown in Table V.15 at left; these bases were cited in 33 and 13 complaints, respectively. Familial status was next, cited in eleven complaints. A complete version of this table, with complaint data for all years, is included in Appendix D.

The 62 complaints considered to have cause are separated by issue in Table V.16 below. A complete version of this table is included in Appendix D. As shown, failure to make reasonable accommodation remained the most common discriminatory issue among those considered to have cause, cited in 34 complaints. The next most common issues among those considered to have cause were “discriminatory advertising, statements and notices” and “discrimination in terms, conditions, or privileges relating to rental”, each cited in 13 complaints. Outright refusal to rent figured in 12 complaints.

Table V.16
Issue of Fair Housing Complaints Found with Cause

City of Bismarck
HUD Data 2004 - 2014

Issues	Total
Failure to make reasonable accommodation	34
Discriminatory advertising, statements and notices	13
Discrimination in term, conditions or privileges relating to rental	13
Discriminatory refusal to rent	12
Discriminatory acts under Section 818 (coercion, etc.)	10
Discriminatory terms, conditions, privileges, or services and facilities	9
Discriminatory advertisement - rental	4
Discriminatory refusal to sell	2
Discriminatory refusal to sell and negotiate for sale	1
Discrimination in the terms or conditions for making loans	1
Discrimination in terms, conditions, privileges relating to sale	1
Total Issues	100
Total Complaints	62

DEPARTMENT OF LABOR AND HUMAN RIGHTS

The North Dakota Department of Labor and Human Rights also accepts and catalogs complaints from North Dakota residents who believe that they have been subjected to unlawful discrimination in the housing market. As a FHAP participant, the agency also receives and investigates complaints that were filed with HUD.⁷¹ The 122 complaints received by the DOLHR are presented in Table V.17 at right. As shown, 76 of these complaints alleged discrimination on the basis of disability, more than 62 percent of all complaints. The next most common complaint alleged discrimination on the basis of race, cited in 24 complaints, followed by family status, cited in 20. As noted previously, North Dakota’s Fair Housing Law is more comprehensive in its protected class designations than the federal Fair Housing Law. Accordingly, the DOLHR also accepts complaints from residents who believe that they have suffered discrimination on the basis of age and use of public assistance. Age-based discrimination was a relatively uncommon complaint among those filed by Bismarck residents. Perceived discrimination against those who receive public assistance was more common, figuring in 12 complaints.

Table V.17
Basis of Fair Housing Complaints

City of Bismarck
North Dakota Department of Labor and Human Rights

Basis	Total
Disability	76
Race	24
Family Status	20
Receipt of Public Assistance	12
Color	8
National Origin	6
Age	4
Retaliation	3
Sex	1
Gender	1
Religion	1
Total Basis	156
Total Complaints	122

Table V.18
Issues of Fair Housing Complaints

City of Bismarck
North Dakota Department of Labor and Human Rights

Issues	Total
Terms of rental	56
Accommodation	48
Advertising	23
Refusal to rent	20
Harassment	12
Retaliation	8
Eviction	7
Non-renewal	6
Refusal to sell	3
Modification	2
Financing	2
Steering	1
Other	1
Restrictive occupancy code	1
Total Issues	190
Total Complaints	122

As had been the case with complaints filed with HUD, complaints relating to reasonable accommodation represented a relatively large share of complaints overall. However, as shown in Table V.18 at left, the most common complaint pertained to discrimination in the terms of rental, which was cited in 56 complaints. Discrimination in advertising was the third most common allegation, figuring in 23 complaints, followed by refusal to rent, cited in 20.

Table V.19
Outcome of Fair Housing Complaints

City of Bismarck
North Dakota Department of Labor and Human Rights

Outcome	Total
Settled	53
No Reasonable Cause	44
Withdrawn with Resolution	10
Open	4
Withdrawn without Resolution	4
Charge Issued	3
Dismissed	3
Failure to Cooperate	1
Total Outcomes	122

Over 43 percent of the fair housing complaints lodged with the DOLHR were settled; or 53 complaints, as shown in Table V.19 at right. Investigation by the DOLHR produced insufficient evidence to conclude that discrimination had occurred or was about to occur in 44 complaints, and were issued a “no reasonable cause” determination. Ten

complaints were withdrawn after resolution.

The alleged discriminatory actions or practices cited in complaints that were lodged with the DOLHR and considered to have cause are summarized in Table

⁷¹ It should be noted in this connection that many of the same complaints are likely to have appeared in data from HUD and the DOLHR.

V.20 below. As shown, the most common discriminatory issue in these complaints related to reasonable accommodation, which was cited in 30 complaints. “Terms of rental”, which had been the most common issue in DOLHR complaints overall, was the second most common issue cited in complaints with cause, figuring in 21 complaints, followed by “advertising” and “refusal to rent”, each cited in 14 complaints.

Table V.20
Issue of Fair Housing Complaints
Found With Cause
 City of Bismarck
 North Dakota Department of Labor and
 Human Rights

Issues	Total
Accommodation	30
Terms of rental	21
Advertising	14
Refusal to rent	14
Refusal to sell	3
Retaliation	2
Non-renewal	1
Eviction	1
Harassment	1
Financing	1
Restrictive occupancy code	1
Total Issues Found with Cause	89
Total Complaints Found with Cause	60

FAIR HOUSING SURVEY – PRIVATE SECTOR RESULTS

Additional evaluation of fair housing within the City of Bismarck was conducted through an online survey of stakeholders that began in November 2014. The purpose of the survey, a relatively qualitative component of the AI, 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 in the following narrative, and additional survey results are discussed in **Sections VI** and **VII**.

The 2015 Fair Housing Survey was completed by 50 persons 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.

In order to address perceptions of fair housing in the City of Bismarck’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 below in Table V.21. Note that where percentages are reported in the following narrative, those percentages are based on the number of respondents who actually answered each question: “Missing” responses have been omitted.

As shown in the table, very few respondents were aware of any discriminatory practices or barriers to fair housing choice in the city in most of the private sector industries and areas mentioned. The areas in which such barriers were most commonly perceived were the rental housing market and the housing construction or accessible housing design fields: around 16 percent of respondents were aware of discriminatory issues in rental housing, while more than a fifth professed to be aware of such barriers in accessible design and construction. Respondents who maintained that they were not aware of any such barriers accounted for between 42 and 57 percent of respondents to each question, while those who responded with “Don’t know” accounted for between 28 and 56 percent of respondents.

Table V.21
Barriers to Fair Housing in the Private Sector
 City of Bismarck
 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?	6	22	11	11	50
The real estate industry?	3	21	14	12	50
The mortgage and home lending industry?		19	19	12	50
The housing construction or accessible housing design fields?	8	19	11	12	50
The home insurance industry?		17	21	12	50
The home appraisal industry?	1	16	21	12	50
Any other housing services?	3	16	17	14	50

Due to the low number of affirmatively responses to each question, commentary on any particular policy, industry, or practice was limited. Those who claimed to be aware of discrimination in the rental housing market maintained that discrimination persists in that area, though it is rarely overt: “Landlords can NOT rent to whomever they wish and can evict for whatever reason they like,” according to one respondent. Those who commented on barriers to fair housing choice in the housing construction or accessible design fields maintained that builders do not always comply with accessibility requirements, and that those who do frequently comply only with the minimum that the law requires. One commenter observed that, “[h]aving accessible places means much more than just having no steps to get into the building and some landlords/companies do not understand that.”

SUMMARY

A number of factors in the private sector affect the housing choices available to residents of Bismarck: such factors include patterns in home purchase and small business lending, perceived and actual discrimination in the housing market, and policies and practices of individuals and businesses in the housing market. For the present study, assessment of these factors was undertaken through a review of lending data collected from the Federal Financial Institutions Examination Council (FFIEC); complaint data collected by HUD and the North Dakota Department of Labor and Human Rights; and the 2015 Fair Housing Survey.

Financial and lending institutions in the city processed 43,683 loans and loan applications from 2004 through 2013. Around 43.8 percent of these loans and loan applications were intended to finance the purchase of a home, and over 90 percent of those home purchase loans and applications, or 17,531, were intended to finance the purchase of a home in which the applicant or borrower intended to live. Nearly 11,600 owner-occupied home purchase loan applications led to successful loan originations.

However, 916 owner-occupied home purchase loan applications were denied over the same period, for a denial rate of 7.3 percent. Yearly denial rates exceeded that figure from 2004 through 2006, but have remained below 7 percent since 2007. Geographically, loan applications were more likely to be denied in Census tracts in the city center, along the Highway 83/State/North 9th Street corridor, than in peripheral Census tracts to the east and west of the city center. Applications were also more likely to be turned down if the applicants were female than if they were male, American Indians than if they were white, and Hispanic than if they were non-Hispanic. Applicants were most frequently denied due to their credit history; however, unfavorable debt-to-income ratios were also frequently cited as a primary reason in loan denials in the city. As one might expect, the rate of loan denials declined considerably as the income of the applicant rose. However, denial rates for American Indian applicants were still higher than denial rates for white applicants, even when the two were similarly situated with respect to income; the same was largely true of Hispanic applicants, as compared to non-Hispanic applicants.

In addition to the differential denial rates described above, the share of home loan applications submitted by American Indian applicants was 0.8 percent. American Indian residents accounted for 4.6 percent of the city's population in 2010, suggesting that these residents are less likely, on average, to seek a home purchase loan than white residents, who submitted 98.4 percent of the home purchase loan applications from 2004 through 2013, while representing 94.2 percent of the population in 2010. Similarly, 0.6 percent of loan applications came from Hispanic residents, who represented 1.3 percent of the population in 2010.

Small business lending activity in the city, as gathered and reported under the Community Reinvestment Act, tended to be concentrated in Census tracts in the city center, as well as in the large Census tract to the northeast of the Highway 83-Interstate 94 interchange. A large majority of these loans were issued in middle-income Census tracts, as compared to median family incomes in the Bismarck metropolitan statistical area.

In keeping with national trends in fair housing complaints, those lodged with HUD by residents of Bismarck most commonly alleged discrimination on the basis of disability: 51

complaints cited mental disability as the protected class affected by discriminatory housing practices while 28 cited physical disability. Discrimination based on familial status was the next most frequent allegation, cited in 19 complaints, followed by racial discrimination. Complainants most frequently cited “failure to make reasonable accommodation” as the discriminatory practice at issue in these complaints. “Discrimination in terms, conditions, or privileges relating to rental” was the next most common allegation in complaints overall; it was also the second most common among complaints considered to have cause, tied with “discriminatory advertising, statements, and notices”.

Data on complaints filed with the North Dakota Department of Labor and Human Rights largely reflects trends in complaints filed with HUD. However, disability-based discrimination accounted for an even larger share of complaints filed with the state agency than with HUD, and race was the second-most common complaint basis among those complaints. In addition, just under ten percent of complaints filed with the DOLHR by city residents cited discrimination against recipients of public assistance, illegal under state but not federal law. State law also extends prohibitions against discrimination on the basis of age, which was cited in four complaints. The most common discriminatory issues, both among complaints filed with the DOLHR overall and those considered to have cause, related to “terms of rental” and reasonable accommodation.

Finally, the assessment of fair housing in the private sector included analysis of responses to the 2015 Fair Housing Survey. Relatively few of those surveyed were aware of any practices or policies in the private sector that, in their estimation, amounted to barriers to fair housing choice. Awareness of such barriers was more common in questions pertaining to the rental housing market and housing construction or accessible housing design fields, and those who provided additional commentary cited the persistence of covert discrimination in the rental market and the failure to fully incorporate accessibility requirements into the design and construction of housing in the city.

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 housing as well as its access to government services.

PUBLIC HOUSING

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 of low-income and other populations. Additional maps detailing the distribution of public housing by race and ethnicity are included in Appendix E.

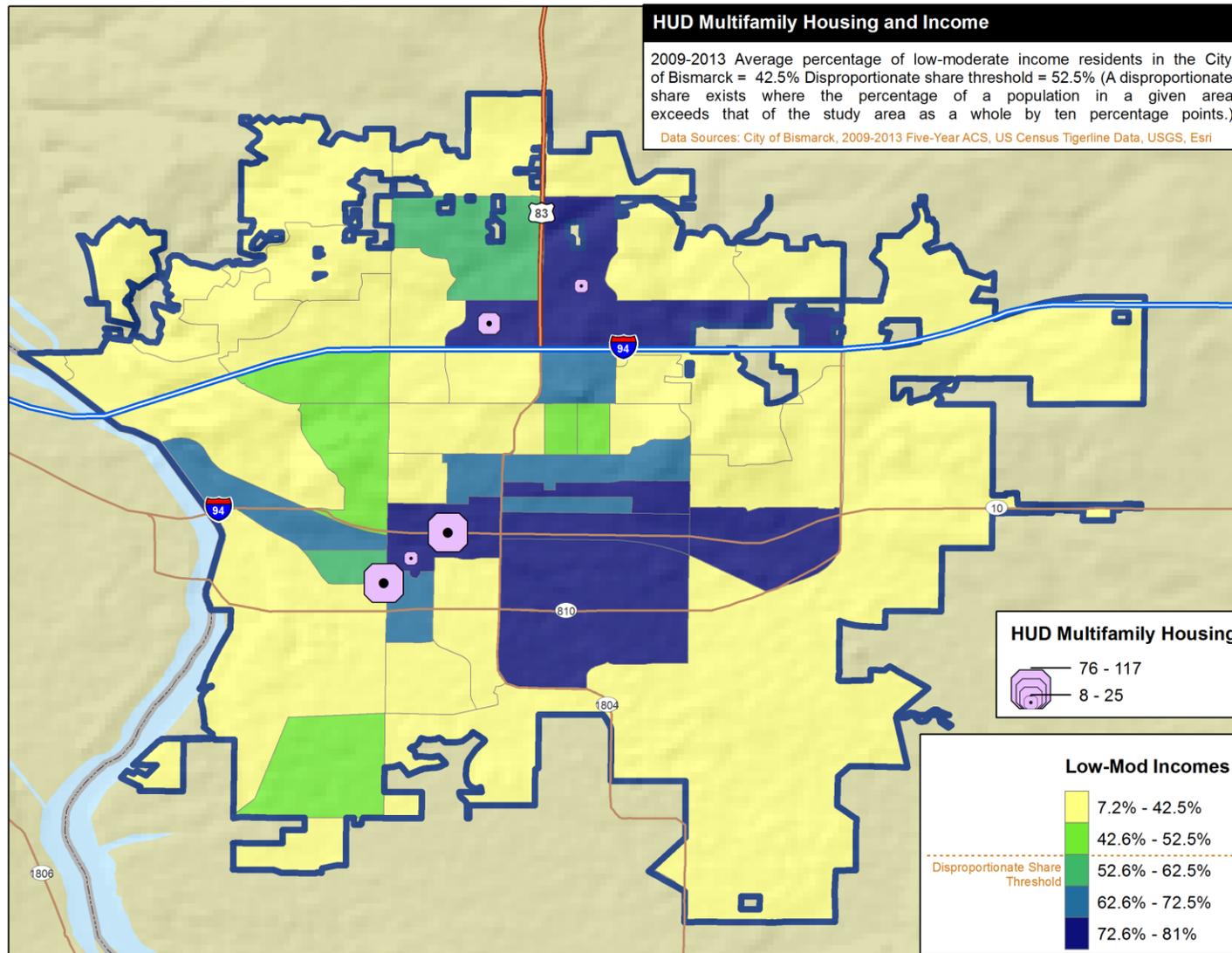
MULTI-FAMILY ASSISTED HOUSING UNITS

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. The locations of these housing projects in the City of Bismarck are presented in Map VI.1 on the following page, along with the distribution of block groups by income level. As shown, these units were all located in block groups with relatively high concentrations of households with low to moderate incomes, including block groups in the north of the city and in the west of the city center.

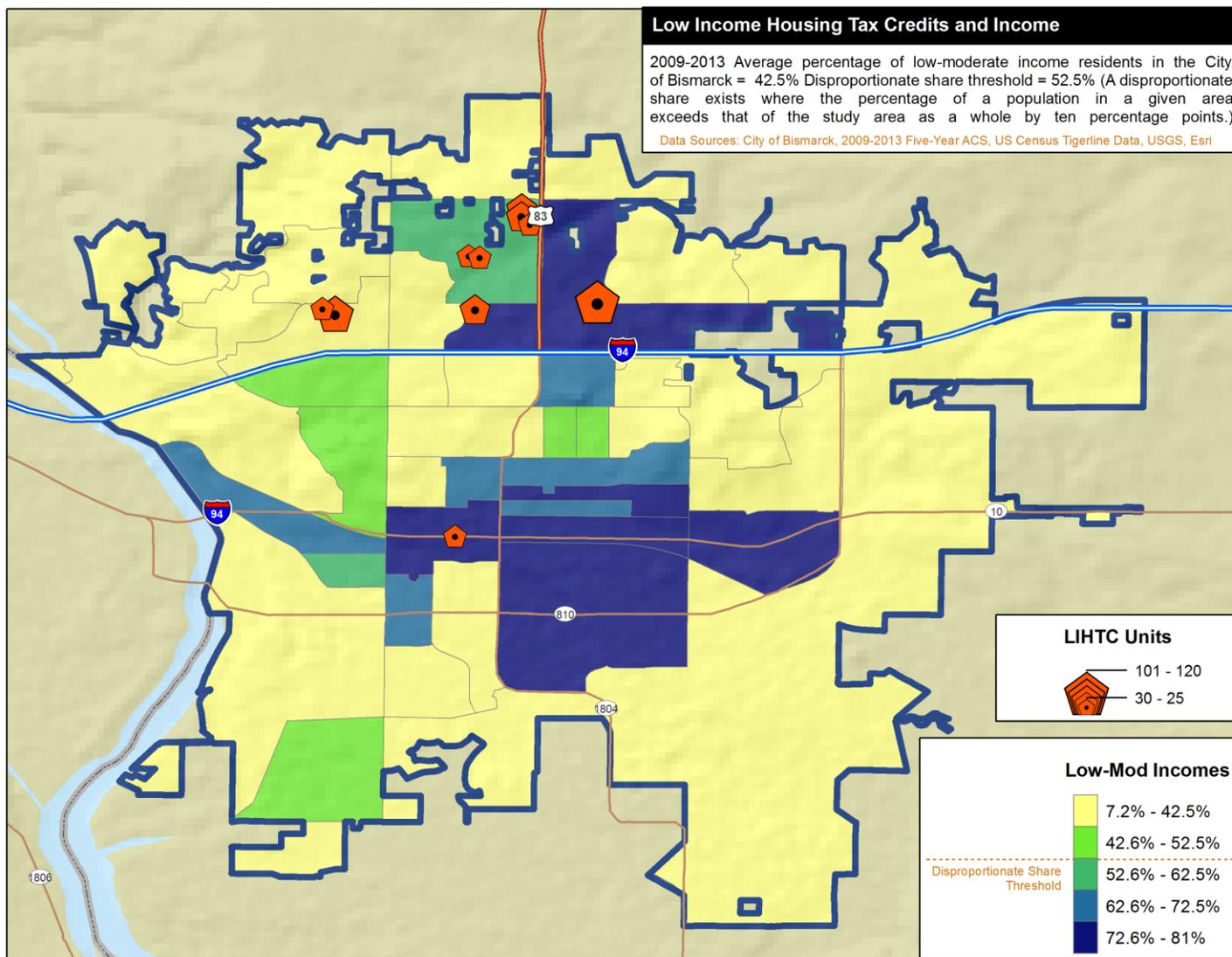
LOW-INCOME HOUSING TAX CREDIT PROGRAM

The distribution of units financed through the Low-Income Housing Tax Credit (LIHTC) Program followed a similar distribution to HUD-assisted multifamily units, as shown in Map VI.2 on page 107. 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. With the exception of one project in the city center, all LIHTC projects in the city are located to the north of Highway 94. Like HUD multifamily housing projects, these units tended strongly to be located in areas with relatively large shares of households with low to moderate incomes (LMI), though many of these areas appear to have become LMI areas after the construction of those housing units.

Map VI.1
Multi-Family Assisted Housing Units
 City of Bismarck
 2015 HUD Multifamily Database



Map VI.2
Low-Income Housing Tax Credit Units
 City of Bismarck
 2014 HUD LIHTC Data



PUBLIC HOUSING UNITS

Public Housing units are subsidized by HUD, but owned and administered by the Burleigh County Housing Authority (BCHA), which serves Burleigh County and City of Bismarck residents by providing affordable housing opportunities in a safe environment with priority given to special needs populations and forming effective partnerships to maximize social and economic opportunities. The types of units administered by the Housing Authority range from large high-rise projects with over a hundred units to scattered single-family units. As shown in Map VI.3 on the following page, public housing projects were located almost exclusively to the south of Interstate 94, and tended to be clustered in central Census tracts with relatively large shares of low- and moderate-income residents.

HOME ASSISTED HOUSING

The Housing Authority also administers assisted housing units that are subsidized under the HOME Investment Partnerships Program (HOME). The locations of these units in the city are presented in Map VI.4 on page 110. As had been the case with Public Housing projects and HUD multifamily projects, HOME assisted units tended to be concentrated in Census tract with high concentrations of low- to moderate-income households.

LAND-USE POLICY AND ZONING LAWS

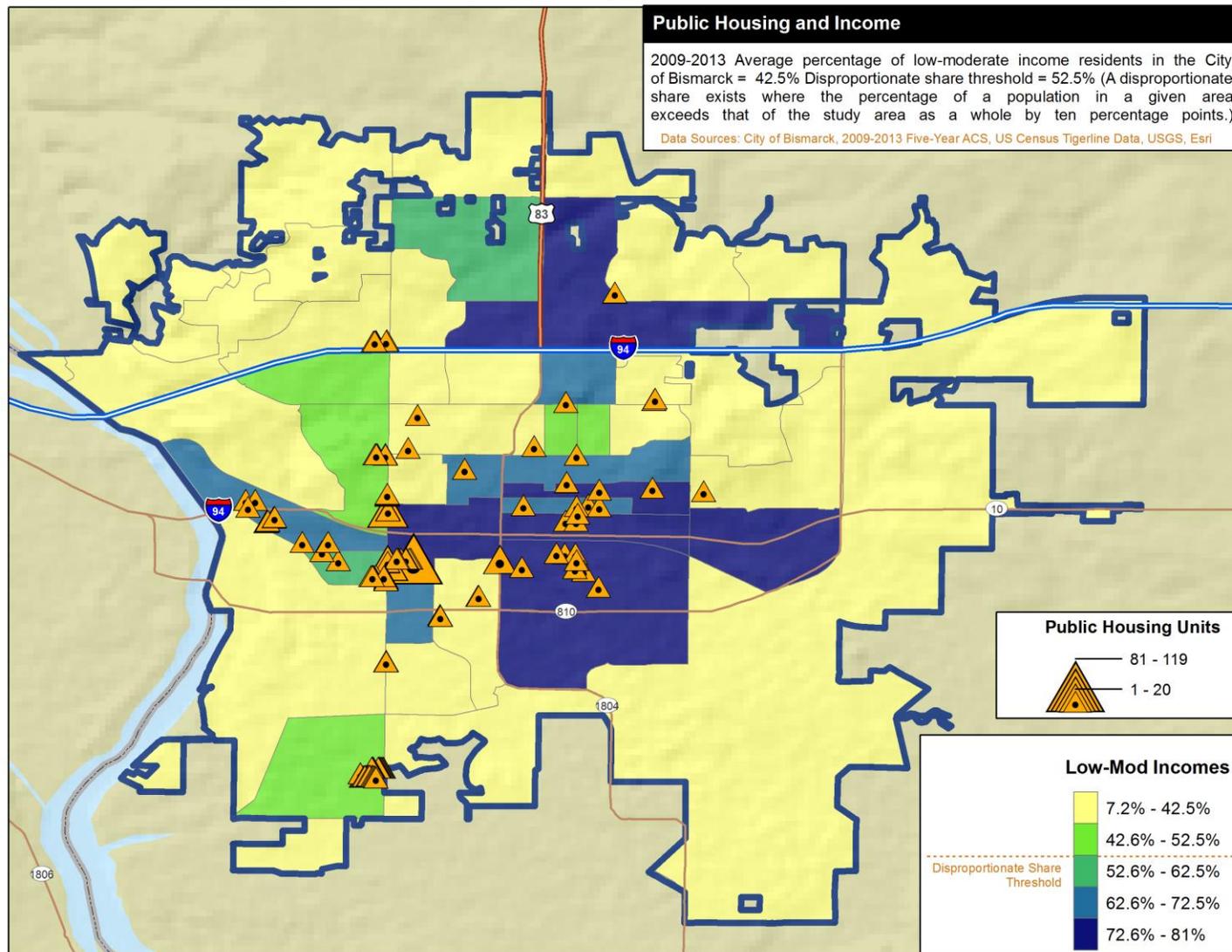
The presence or absence of barriers to fair housing choice in land-use policies or zoning laws was investigated in consultation with the Planning Manager for the City of Bismarck.

Bismarck's zoning laws include definitions for "family" and "dwelling": up to four unrelated people who form a single household may be considered a family for the purposes of the zoning code, though no more than four people who are not related by marriage, adoption, or blood may live together. Single-family dwellings are subject to certain requirements concerning size and square-footage, those these requirements were relaxed considerably with changes to the zoning code in 2011. The definition of family was also updated in 2011, and now applies to a group home serving up to six persons with developmentally disabilities as a family in single-family zoning districts, and group homes serving up to eight residents with developmentally disabilities in all other residential districts.

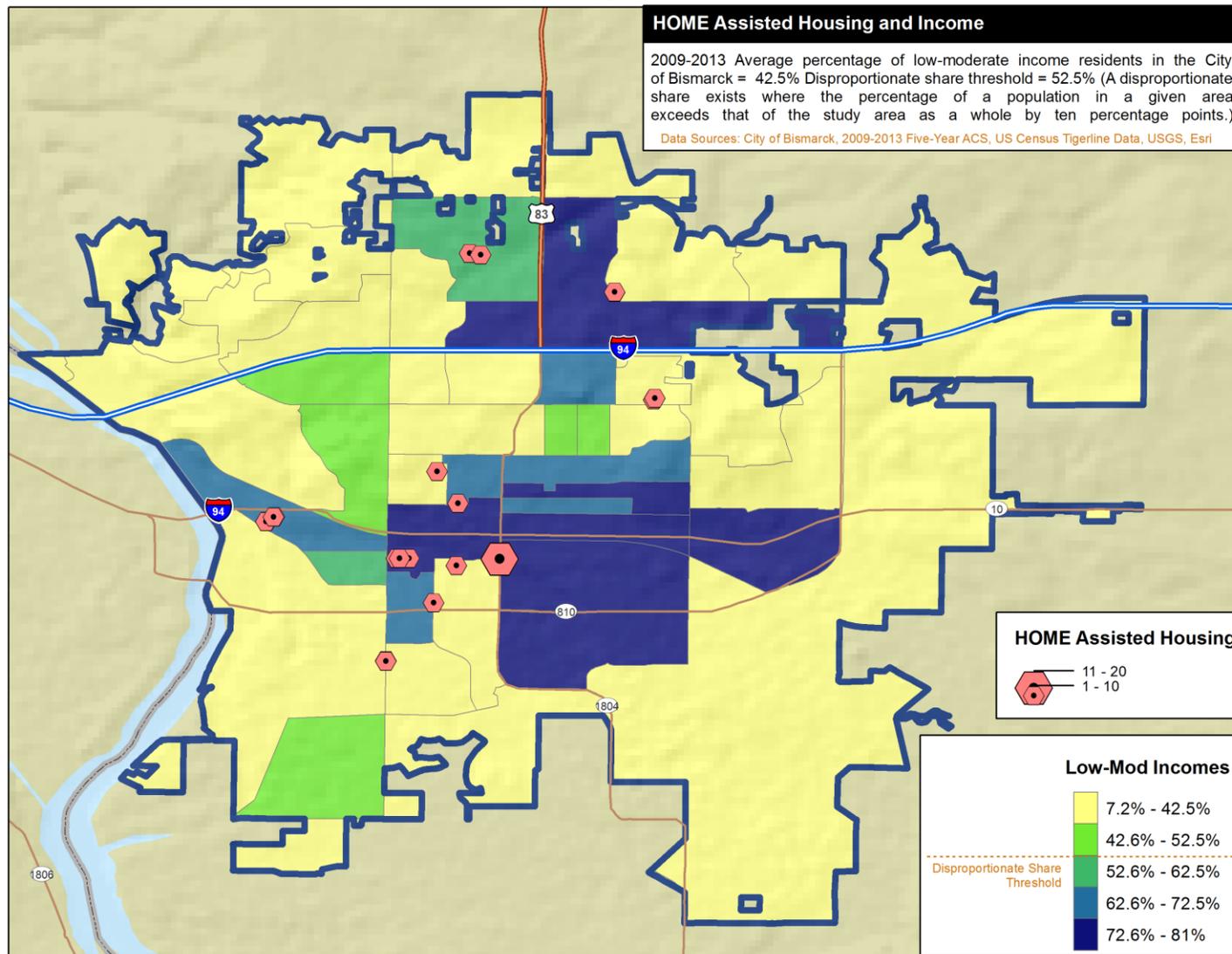
While there is no language in the city's zoning codes encouraging the development of mixed-use housing; with the exception the Downtown Core and Downtown Fringe zoning districts; the RT residential district allows a variety of uses by right, as does the CA- and CG-Commercial zoning districts, including residential, commercial, office, institutional, or other uses. There is nothing in the zoning code to encourage or promote the development of low- to moderate-income housing, nor is there any provision that would hinder the development of such units. The town has generally enabled such projects through planned unit development (PUDs).

There is no definition of disability in the zoning code, nor are there standards to promote accessibility for persons with disabilities. However, there is an administrative process by which residents with disabilities may obtain permission to make reasonable modifications to their dwelling, without having to apply for a variance.

Map VI.3
Public Housing Units
 City of Bismarck
 2015 City of Bismarck



Map VI.4
HOME Assisted Housing Units
 City of Bismarck
 2015 City of Bismarck



FAIR HOUSING SURVEY – PUBLIC SECTOR RESULTS

As mentioned previously, further evaluation of the status of fair housing within City of Bismarck was conducted via an online 2015 Fair Housing Survey, which was completed by 50 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.1 on the following page. As shown, awareness of discriminatory practices or barriers to fair housing choice in the public sector was typically low. Those who responded to each question with “No” or “Don’t know” accounted for between 78 and 100 percent of respondents. Approximately 13 percent of respondents stated that they were aware of barriers to fair housing choice in zoning laws, around 16 percent were aware of such barriers in property tax policies and housing construction standards, and over a fifth of respondents felt that limited access to government services, such as transportation or employment services, constituted a barrier to fair housing choice in some cases.

Table VI.1
Barriers to Fair Housing in the Public Sector
 City of Bismarck
 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?	3	18	17	12	50
Zoning laws?	5	18	15	12	50
Occupancy standards or health and safety codes?	3	21	14	12	50
Property tax policies?	6	21	11	12	50
Permitting process?		22	16	12	50
Housing construction standards?	6	19	13	12	50
Neighborhood or community development policies?	1	20	17	12	50
Limited access to government services, such as transportation or employment services?	8	20	10	12	50
Public administrative actions or regulations?	2	17	18	13	50

Due to the low number of affirmative responses to each question, commentary concerning specific barriers to fair housing choice in the city was relatively sparing. However, a few issues were raised at several points in the overall commentary, and by several respondents. Such issues included the following:

- The need to provide or enhance incentives for private sector development of affordable units and accessible units;
- Challenges facing lower-income households, in spite of legal protections against low-income residents;
- Failure to account for accessibility in new construction;
- The need for improved public transportation options, and access to public transportation; and
- Perceived limitations on the placement of public and supportive housing stemming from land-use and zoning policies. One respondent, in commenting on land use policies, maintained that “[l]ow income housing is limited to certain locations”.

SUMMARY

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, and the 2015 Fair Housing Survey.

The US Department of Housing and Urban development offers housing subsidies through a variety of programs designed to aid low-income and special needs populations. The agency maintains an online database of projects funded through these subsidies, which includes data on five HUD-funded housing projects in the city. Two of these projects were located in the north of the city; three in the western part of the city center. All of these projects were located in Census block groups with high concentrations of low- to moderate-income households. In addition to HUD multifamily housing, the Burleigh County Housing Authority owns and administers housing projects subsidized through the Public Housing Program, as well as administering projects subsidized under the HOME Investment Partnerships Program (HOME). Like the HUD multifamily projects described above, Public Housing projects in the city tended to be concentrated in low- to moderate-income Census tracts, mainly in the city center and to the west of the city center, as were HOME assisted projects administered by the Housing

Authority. Assisted housing projects financed in part through Low Income Housing Tax Credits also tended to be located in projects with relatively high concentrations of low- to moderate-income families, though these projects were largely absent from the city center.

The concentration of public-assisted housing units in LMI areas appears to be a relatively recent trend, as many of these areas were not LMI areas when the housing units were constructed. Likewise, the above-average concentrations of American Indian and Hispanic residents in these areas also appear to be relatively recent phenomena.

Review of the city's land-use and zoning regulations, in consultation with the city Planning Manager, revealed no substantial barriers to fair housing choice. While the zoning code does not include some provisions that could promote the development of affordable and mixed-use housing, the planning official did not consider that zoning provisions could present a hindrance to such development. The city has also been considering changes to the zoning code to include a zoning district for affordable housing units. There are no development standards that promote accessibility in housing beyond those included in the building code; however, the city does provide an administrative process for requesting reasonable accommodations or modifications for residents with disabilities, allowing those residents to forego requests for variances or an appearance before a board or commission.

As had been the case in responses to the private sector portion of the fair housing survey, fewer than ten percent of respondents were typically aware of any discriminatory practices or barriers to fair housing choice in the public housing sector. Exceptions included zoning laws, property tax policies, housing construction standards, and access to government services: between 13 and 22 percent of respondents affirmed that they were aware of barriers to fair housing choice in these areas, with associated commentary focusing on the need for incentives to promote the development of affordable and accessible housing, challenges facing low-income households, failure to account for accessibility in new construction, and the need for improved public transportation, and expanded access to public transportation.

SECTION VII. PUBLIC INVOLVEMENT

This section discusses analysis of fair housing in the City of Bismarck 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 citywide 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, the remaining survey findings are presented below.

The purpose of the 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 city were solicited to participate.

A total of 50 persons in the City of Bismarck 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**.

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, 11 respondents identified their role as “homeowner”, 7 were service providers, 6 were advocates or service providers, and the same number were representatives of local government.

Table VII.1
Role of Respondent

City of Bismarck
2015 Fair Housing Survey Data

Primary Role	Total
Homeowner	11
Service Provider	7
Advocate/Service Provider	6
Local Government	6
Banking/Finance	3
Property Management	3
Renter/Tenant	3
Construction/Development	1
Law/Legal Services	1
Other Role	8
Missing	1
Total	50

Table VII.2
How Familiar are you with Fair Housing Laws?

City of Bismarck
2015 Fair Housing Survey Data

Familiarity	Total
Not Familiar	10
Somewhat Familiar	23
Very Familiar	6
Missing	11
Total	50

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, 23 respondents considered themselves to be “somewhat” familiar with fair housing laws, and six considered themselves to be “very familiar”. Of the remainder, ten felt that they were not familiar with fair housing laws, and eleven declined to answer this question.

Table VII.3 on the following page shows the responses to four questions regarding federal, city, and local fair housing laws. As shown, most applicants considered fair housing laws to be

useful; none denied that they were useful, though seven responded “don’t know”. Nevertheless, a relatively large share of respondents considered those laws to be difficult to understand or follow: around 45 percent of respondents. Support for changes to existing fair housing laws was limited, with only 8 respondents stating that they would like to see changes to current laws. However, respondents were more evenly divided on the question of whether those current laws are adequately enforced: 15 felt that they were and 14 felt that they were not.

Table VII.3
Federal, State, and Local Fair Housing Laws

City of Bismarck
2015 Fair Housing Survey Data

Question	Yes	No	Don't Know	Missing	Total
Do you think fair housing laws are useful?	32		7	11	50
Are fair housing laws difficult to understand or follow?	17	9	13	11	50
Do you think additional groups should be protected under the State fair housing law?	8	13	20	9	50
Do you think fair housing laws are adequately enforced?	15	14	10	11	50

The next section in the survey related to fair housing activities, including outreach and education and testing and enforcement. As shown in Table VII.4 below, 15 respondents were aware of a training process relating to fair housing laws, though 14 also stated that they were unaware of such a process. Eleven respondents had participated in fair housing training sessions, and eleven had not. A majority of respondents were not aware of fair housing testing activities in the city or responded with “don’t know”, around 71 percent of respondents. Twenty-one respondents felt that current levels of outreach and education were insufficient, a majority of those who responded to the question, while five respondents felt that current levels were adequate and none thought they were excessive. Respondents also tended to consider current levels of fair housing testing to be insufficient, though over sixty percent of those who responded to this question responded with “don’t know”.

Table VII.4
Fair Housing Activities

City of Bismarck
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?	15	14	10	11	50	
Have you participated in fair housing training?	11	11	3	25	50	
Are you aware of any fair housing testing?	11	25	3	11	50	
Testing and education	Too Little	Right Amount	Too Much	Don't Know	Missing	Total
Is there sufficient outreach and education activity?	21	5		13	11	50
Is there sufficient testing?	9	4	1	25	11	50

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, city, 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. As shown in Table VII.5 on the following page, eighteen respondents correctly identified “gender”, or nearly three quarters of those who

responded to this question. More than half correctly identified “family status” and “religion” as protected classes, and more than forty percent correctly identified “age”⁷². Fewer than thirty percent correctly identified “color”, “income”, “national origin”, or “marital status” as protected classes under federal or state laws. By contrast, eight respondents, more than a third of those who responded, incorrectly identified “sexual orientation” as a protected class. Though discrimination against residents based on their sexual orientation is prohibited under certain provisions of federal law that relate to the use of federal funding, “sexual orientation” is not presently included as a protected class in state or federal law.

Table VII.6 below presents tallied responses to a survey question related to the status of fair housing in the City of Bismarck. In this question, respondents were asked if they were aware of a fair housing plan in their communities. Only eight respondents stated that they were aware of such policies; more than three quarters of respondents were not aware of any such ordinance, regulation, or plan, or responded with “don’t know”.

Respondents were also asked to offer any additional comments that they might have regarding fair housing in their communities. Only two respondents took the opportunity to offer additional commentary on the state of fair housing in Bismarck: one respondent highlighted what he or she perceived to be the inadequacy of current accessibility requirements, and maintained that many landlords or property managers who advertise their units as accessible are not conversant with those accessibility requirements, necessitating time-consuming inspections by disability-advocates.

Table VII.5
Protected Classes

City of Bismarck
2015 Fair Housing Survey Data

Protected Class	Total
Gender	18
Family Status	14
Religion	13
Age	10
Sexual Orientation	8
Color	7
National Origin	7
Income	6
Marital Status	4
Military	2
Disability	1
Ethnicity	1
Other	9
Total	100

Table VII.6
Local Fair Housing

City of Bismarck
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?	8	17	10	15	50

FAIR HOUSING FORUM

In addition to the Fair Housing Survey, the participation of residents and stakeholders in Bismarck was sought through participation in the 2015 Fair Housing Forum. One fair housing forum discussion was held in City of Bismarck as part of the AI process, on February 26, 2015. The purpose of the forum presentation and subsequent discussion was to provide the public with an opportunity to learn more about the AI process and why it was conducted, and to share preliminary findings from the study. The complete minutes from the meetings are presented in Appendix C. The discussion following the presentation focused on a range of topics relating to fair housing, including the following:

⁷² Discrimination against residents forty years of age or older is protected under N.D.C.C. 24-02.5.

- Differential rates of home loan denials for racial and ethnic minority residents, and factors that might contributed to those differences;
- The need for fair housing testing, outreach, and education, the role of the High Plains Fair Housing Center and Legal Services of North Dakota in those activities;
- Failure to allow reasonable modifications for residents with disabilities; and
- The role of High Plains Fair Housing and the Department of Labor and Human Rights in fair housing enforcement.

SUMMARY

Efforts to promote public and local stakeholder participation in the development of the city's analysis of impediments to fair housing choice included the 2015 Fair Housing Survey and Fair Housing Forum. Participants in the survey included homeowners, service providers, advocates, and local government officials, among others. These respondents were largely familiar with, and supportive of, fair housing laws and policies, though many found those laws to be difficult to understand or follow. There was only limited support for any changes to current fair housing laws, though more than a third of respondents felt that current laws are not well-enforced.

A third of respondents were aware of any fair housing training process available to city residents, and fewer respondents had participated in such training. It is therefore not surprising that a majority of respondents felt that current levels of outreach and education were insufficient. Awareness of fair housing testing activities was likewise limited. Similarly, very few residents were aware of any city or county fair housing ordinance, regulation, or plan: more than three quarters of respondent either stated that they were not aware of any law or plan, or selected "Don't know" in response. A majority of respondents were aware that fair housing laws prohibited discrimination on the basis of gender, family status, or religion, and more than forty percent correctly identified "age" as a protected class. Fewer respondents correctly identified color, income, national origin, or marital status as protected classes.

Finally, public outreach efforts during the AI process included the 2015 City of Bismarck Fair Housing Forum, which was designed to introduce the public to the AI process, present preliminary findings from the analysis, and glean the perspectives and insights of local residents and stakeholders concerning the state of fair housing in the city. The discussion following the presentation of findings touched upon a variety of topics, including trends in home lending; the need for enhanced fair housing testing, outreach, and education; failure to allow reasonable modifications to existing units to render them accessible to residents with disabilities; and the role of the High Plains Fair Housing Center and the state Department of Labor and Human Rights in fair housing policy and enforcement.

SECTION VIII. SUMMARY OF FINDINGS

This AI reviews both the public and private sector contexts for the City of Bismarck's housing markets, 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 city's residents.

Once this contextual background analysis has been performed, detailed review of fair housing laws, cases, studies, complaints, and public involvement data can be 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 city, 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 City of Bismarck has grown considerably since 2000: the city's population grew steadily between 2000 and 2010, adding 574 new residents per year on average. That rate of growth accelerated considerably after 2010, matching the growth of the prior decade in just three years, according to population estimates from 2013. Much of the growth between Census counts was attributable to a considerably increase in the number of residents aged 55 and older. These residents accounted for over 80 percent of the population growth between 2000 and 2010.

During that time, the city also experienced some minor shifts in its racial and ethnic composition. White residents accounted for 94.8 percent of the city's population in 2000, and 70 percent of the city's population growth. However, the rate of growth for the white population, at 7.6 percent, was below the citywide average, and by 2010 white residents represented a smaller share of the city's population than they had at the beginning of the decade. The American Indian population grew more rapidly, and grew as a share of the total population from 3.4 to 4.5 percent. These residents tended to be concentrated in Census block groups in the city center, and accounted for more than a fifth of the population in one block group to the west of the city center. No other group accounted for more than one percent of the city's population in either year, with the exception of those who identified themselves as belonging to two or more races. In terms of ethnicity, the Hispanic population nearly doubled in number and as a share of the total population, representing 1.3 percent of the city's residents in 2010.

Just over 17 percent of the population was living with some form of disability in 2000, and residents with disabilities tended to be concentrated in Census tracts in the city center, along the State/North 9th Street corridor. Residents with disabilities represented 11.3 percent of the population in 2009-2013; however, it should be noted that disability estimates from 2008 onward reflect a different framework for disability, and set of questions, than what was employed in the 2000 Census and pre-2008 ACS estimates. For that reason, the Census Bureau discourages direct comparison between the 2000 count and post-2008 estimates. In spite of these changes, the population with disabilities in 2009-2013 was observed to be concentrated in roughly the same area in 2009-2013 as in 2000.

After a period of overall strong growth after 1990, growth in the labor force began to slow after 2007, and to decline after 2009. Growth in the number of employed has generally followed trends in the labor force very closely: however, a spike in the size of the labor force in 2009 was not matched by an equally marked increase in the number of employed, and as a result the employment rate in the city rose from 2.7 to 3.5 percent. Since early to mid-2010, however, the unemployment rate has declined considerably, and stood at 2.4 percent in 2013.

Unlike growth in the number of employed, growth in the total number of full- and part-time jobs in the city has been uniformly positive, and generally steady, and since 1969. The same has not been true of the earnings that workers have earned at those jobs, which grew very little between 1969 and 1996. However, since that time, real average earnings per job have grown considerably, from around \$35,000 to nearly \$41,000 by 2004, and after a period of stagnation in earnings that lasted until 2009, earnings rose dramatically through 2013. In that year, the average worker was earning \$47,517 per year at his or her job. Growth in real per capita income has been steadier, though it also accelerated after 2009. By 2013, real PCI in the city stood at \$49,601, a slight decline over the previous year.

As one might expect, rising earnings and income have led to an increase in the number of high-income households, or those with incomes of \$75,000 per year or more. These households represented 36.1 percent of all households in 2009-2013, up from 16.5 percent in 2000. The percentage of households in all income brackets below \$75,000 per year fell during the same period. Nevertheless, the poverty rate in the city rose by 1.2 percentage points, to 9.6 percent. The poverty rate was higher than that in Census tracts in the city center, and to the west of the city center. These areas, along with large Census block groups to the north of the interchange of Interstate 94 and Highway 83, also held relatively large concentrations of low-to moderate-income households.

The city's housing stock grew by 18.3 percent between the 2000 and 2010 Decennial Census counts, slightly outpacing growth in the number of households. Over 95 percent of housing units in the city were occupied in both years, and 62.8 percent of these were occupied by their owners in 2000, a slight reduction over 2000. Vacant housing units increased in number by 34.2 percent and as a share of overall housing units by 0.5 percentage points. More than half of these units were available for sale or rent in 2010, and another 10.3 percent were dedicated to seasonal, recreational, or occasional use.

However, the decade also saw an increase in the share of vacant units classified as "other vacant", which are not available to the market place. These can represent a blighting influence

where they are concentrated in close geographic proximity to one another, as they were in several Census tracts in the city center, and one large tract in the southwest of the city.

Households in the city appeared to grow smaller over the decade, the result of rapid growth in the number of one- to two-person households. By 2009-2013, single family homes came to account for 55.5 percent of the city's housing stock, up from 53.2 percent in 2000. At the same time, apartment units declined as a share of the city's housing stock by 1.2 percentage points. As one might expect, given the shift toward smaller households described above, the incidence of overcrowding in the city had fallen by 2009-2013, when only around 1.2 percent of households experienced any degree of overcrowding. The incidence of overcrowding in the city had been low in 2000 as well, when less than two percent of households were overcrowded or severely overcrowded. Similarly, relatively few households lacked complete plumbing or kitchen facilities (around one percent or less).

However, considerably more households were cost-burdened, or severely cost burdened. The percentage of households in the city that were cost-burdened to any degree increased slightly after 2000, and by 2009-2013 nearly 23 percent of all households in the city spent more than thirty percent of their income on housing costs. Housing costs consumed more than fifty percent of household incomes for 10.3 percent of households in 2009-2013. As had been the case with over-crowding, renter-occupied households were more heavily impacted by cost-burdening than owner-occupied households.

Growth in the incidence of cost-burdening came as median housing costs in the city were rising: In 2000, the median contract rent price in the city was \$447 and the median home value of owner-occupied homes was \$97,400. By 2009-2013, the median contract rent had risen to \$625 and the median home value of owner-occupied homes stood at \$163,900.

Fair Housing Law, Study, and Case Review

Residents of Bismarck, like all North Dakota residents, 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 no longer in a form that is as overt and obvious as it was when the laws were passed. Discrimination on the basis of disability represents the most common violation of the Fair Housing Act nationwide, according to national studies of fair housing complaints. In this connection, it is not surprising that the one fair housing complaint in the state 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.

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, is now slated for March of this year.

Fair Housing Structure

Fair housing services are provided to residents of North Dakota, including Bismarck residents, 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 those 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 residents of Bismarck and North Dakota 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 School of Law at the University of North Dakota, which provides a range of legal services, to those who are unable to obtain legal representation, through its Housing and Employment Law Clinic. Though the School is primarily an educational institution, it is able to accept a small number of complainants referred by the Fair Housing Center and represent them throughout the complaint process.

Residents of the city are also served by the City of Bismarck Human Relations Committee, which serves as an advisory body to the Mayor and City Commission. As part of its mission to “protect and promote the personal dignity of all Bismarck citizens and eliminate any discriminatory barriers that prevent them from reaching their full human potential,” the Committee conducts outreach and education activities focusing on civil and human rights; identifies issues, priorities, and objectives relating to human rights; and works to encourage compliance with state and federal antidiscrimination laws.

Fair Housing in the Private Sector

A number of factors in the private sector affect the housing choices available to residents of Bismarck: such factors include patterns in home purchase and small business lending, perceived and actual discrimination in the housing market, and policies and practices of individuals and businesses in the housing market. For the present study, assessment of these factors was undertaken through a review of lending data collected from the Federal Financial Institutions Examination Council (FFIEC); complaint data collected by HUD and the North Dakota Department of Labor and Human Rights; and the 2015 Fair Housing Survey.

Financial and lending institutions in the city processed 43,683 loans and loan applications from 2004 through 2013. Around 43.8 percent of these loans and loan applications were intended to finance the purchase of a home, and over 90 percent of those home purchase loans and applications, or 17,531, were intended to finance the purchase of a home in which the applicant or borrower intended to live. Nearly 11,600 owner-occupied home purchase loan applications led to successful loan originations.

However, 916 owner-occupied home purchase loan applications were denied over the same period, for a denial rate of 7.3 percent. Yearly denial rates exceeded that figure from 2004 through 2006, but have remained below 7 percent since 2007. Geographically, loan applications were more likely to be denied in Census tracts in the city center, along the Highway 83/State/North 9th Street corridor, than in peripheral Census tracts to the east and west of the city center. Applications were also more likely to be turned down if the applicants were female than if they were male, American Indians than if they were white, and Hispanic than if they were non-Hispanic. Applicants were most frequently denied due to their credit history; however, unfavorable debt-to-income ratios were also frequently cited as a primary reason in loan denials in the city. As one might expect, the rate of loan denials declined considerably as the income of the applicant rose. However, denial rates for American Indian applicants were still higher than denial rates for white applicants, even when the two were similarly situated with respect to income; the same was largely true of Hispanic applicants, as compared to non-Hispanic applicants.

In addition to the differential denial rates described above, the share of home loan applications submitted by American Indian applicants was 0.8 percent. American Indian residents accounted for 4.6 percent of the city's population in 2010, suggesting that these residents are less likely, on average, to seek a home purchase loan than white residents, who submitted 98.4 percent of the home purchase loan applications from 2004 through 2013, while representing 94.2 percent of the population in 2010. Similarly, 0.6 percent of loan applications came from Hispanic residents, who represented 1.3 percent of the population in 2010.

Small business lending activity in the city, as gathered and reported under the Community Reinvestment Act, tended to be concentrated in Census tracts in the city center, as well as in the large Census tract to the northeast of the Highway 83-Interstate 94 interchange. A large majority of these loans were issued in middle-income Census tracts, as compared to median family incomes in the Bismarck metropolitan statistical area.

In keeping with national trends in fair housing complaints, those lodged with HUD by residents of Bismarck most commonly alleged discrimination on the basis of disability: 51

complaints cited mental disability as the protected class affected by discriminatory housing practices while 28 cited physical disability. Discrimination based on familial status was the next most frequent allegation, cited in 19 complaints, followed by racial discrimination. Complainants most frequently cited “failure to make reasonable accommodation” as the discriminatory practice at issue in these complaints. “Discrimination in terms, conditions, or privileges relating to rental” was the next most common allegation in complaints overall; it was also the second most common among complaints considered to have cause, tied with “discriminatory advertising, statements, and notices”.

Data on complaints filed with the North Dakota Department of Labor and Human Rights largely reflects trends in complaints filed with HUD. However, disability-based discrimination accounted for an even larger share of complaints filed with the state agency than with HUD, and race was the second-most common complaint basis among those complaints. In addition, just under ten percent of complaints filed with the DOLHR by city residents cited discrimination against recipients of public assistance, illegal under state but not federal law. State law also extends prohibitions against discrimination on the basis of age, which was cited in four complaints. The most common discriminatory issues, both among complaints filed with the DOLHR overall and those considered to have cause, related to “terms of rental” and reasonable accommodation.

Finally, the assessment of fair housing in the private sector included analysis of responses to the 2015 Fair Housing Survey. Relatively few of those surveyed were aware of any practices or policies in the private sector that, in their estimation, amounted to barriers to fair housing choice. Awareness of such barriers was more common in questions pertaining to the rental housing market and housing construction or accessible housing design fields, and those who provided additional commentary cited the persistence of covert discrimination in the rental market and the failure to fully incorporate accessibility requirements into the design and construction of housing in the city.

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, and the 2015 Fair Housing Survey.

The US Department of Housing and Urban development offers housing subsidies through a variety of programs designed to aid low-income and special needs populations. The agency maintains an online database of projects funded through these subsidies, which includes data on five HUD-funded housing projects in the city. Two of these projects were located in the north of the city; three in the western part of the city center. All of these projects were located in Census block groups with high concentrations of low- to moderate-income households. In addition to HUD multifamily housing, the Burleigh County Housing Authority owns and administers housing projects subsidized through the Public Housing Program, as well as administering projects subsidized under the HOME Investment Partnerships Program (HOME). Like the HUD multifamily projects described above, Public Housing projects in the city tended to be concentrated in low- to moderate-income Census tracts, mainly in the city center and to the west of the city center, as were HOME assisted projects administered by the Housing Authority. Assisted housing projects financed in part through Low Income Housing Tax Credits

also tended to be located in projects with relatively high concentrations of low- to moderate-income families, though these projects were largely absent from the city center.

The concentration of public-assisted housing units in LMI areas appears to be a relatively recent trend, as many of these areas were not LMI areas when the housing units were constructed. Likewise, the above-average concentrations of American Indian and Hispanic residents in these areas also appear to be relatively recent phenomena.

Review of the city's land-use and zoning regulations, in consultation with the city Planning Manager, revealed no substantial barriers to fair housing choice. While the zoning code does not include some provisions that could promote the development of affordable and mixed-use housing, the planning official did not consider that zoning provisions could present a hindrance to such development. The city has also been considering changes to the zoning code to include a zoning district for affordable housing units. There are no development standards that promote accessibility in housing beyond those included in the building code; however, the city does provide an administrative process for requesting reasonable accommodations or modifications for residents with disabilities, allowing those residents to forego requests for variances or an appearance before a board or commission.

As had been the case in responses to the private sector portion of the fair housing survey, fewer than ten percent of respondents were typically aware of any discriminatory practices or barriers to fair housing choice in the public housing sector. Exceptions included zoning laws, property tax policies, housing construction standards, and access to government services: between 13 and 22 percent of respondents affirmed that they were aware of barriers to fair housing choice in these areas, with associated commentary focusing on the need for incentives to promote the development of affordable and accessible housing, challenges facing low-income households, failure to account for accessibility in new construction, and the need for improved public transportation, and expanded access to public transportation.

Public Involvement

Efforts to promote public and local stakeholder participation in the development of the city's analysis of impediments to fair housing choice included the 2015 Fair Housing Survey and Fair Housing Forum. Participants in the survey included homeowners, service providers, advocates, and local government officials, among others. These respondents were largely familiar with, and supportive of, fair housing laws and policies, though many found those laws to be difficult to understand or follow. There was only limited support for any changes to current fair housing laws, though more than a third of respondents felt that current laws are not well-enforced.

A third of respondents were aware of any fair housing training process available to city residents, and fewer respondents had participated in such training. It is therefore not surprising that a majority of respondents felt that current levels of outreach and education were insufficient. Awareness of fair housing testing activities was likewise limited. Similarly, very few residents were aware of any city or county fair housing ordinance, regulation, or plan: more than three quarters of respondent either stated that they were not aware of any law or plan, or selected "Don't know" in response. A majority of respondents were aware that fair housing laws prohibited discrimination on the basis of gender, family status, or religion, and more than

forty percent correctly identified “age” as a protected class. Fewer respondents correctly identified color, income, national origin, or marital status as protected classes.

Finally, public outreach efforts during the AI process included the 2015 City of Bismarck Fair Housing Forum, which was designed to introduce the public to the AI process, present preliminary findings from the analysis, and glean the perspectives and insights of local residents and stakeholders concerning the state of fair housing in the city. The discussion following the presentation of findings touched upon a variety of topics, including trends in home lending; the need for enhanced fair housing testing, outreach, and education; failure to allow reasonable modifications to existing units to render them accessible to residents with disabilities; and the role of the High Plains Fair Housing Center and the state Department of Labor and Human Rights in fair housing policy and enforcement.

SECTION IX. IMPEDIMENTS AND SUGGESTED ACTIONS

Private Sector Impediments, Suggested Actions, and Measurable Objectives

Impediment 1: Discrimination on the basis of disability and familial status. This impediment was identified through review of fair housing complaints that Bismarck residents lodged with HUD and the state Department of Labor and Human Rights (DOLHR) from 2004 through 2014; the 2015 Fair Housing Survey, and the 2015 Fair Housing Forum. Among complaints filed with HUD, those alleging discrimination on the basis of disability, mental or physical, were the most common by a considerable margin, followed by familial status. Disability was also the most common perceived motivation for discrimination among complaints filed with the DOLHR, with alleged discrimination based on familial status the third most common behind racial discrimination. In addition, though awareness of barriers to fair housing choice in the public or private sectors was limited overall, questions pertaining to discrimination affecting residents with disabilities received more affirmative responses. Finally, according to a participant in the 2015 Fair Housing Forum, “[requests for modification are] just being turned down.”

Action 1.1: Increase outreach and education to local housing providers, in partnership with the High Plains Fair Housing Center and other local non-profit groups, to increase awareness of discrimination based on disability and familial status. This outreach and education may be targeted to housing providers that are identified by High Plains Fair Housing through telephone testing that uncovers discriminatory practices. Part of this outreach should include an overview of what the law requires, with respect to disability and familial status, as well as what the law does not require (e.g., extensive and permanent modifications at the owner’s expense).

Measurable Objective 1.1: The number of outreach and education activities conducted and the number of participants.

Action 1.2: In coordination with the High Plains Fair Housing Center, conduct follow-up testing to determine whether the discriminatory practices identified in the original fair housing tests have ceased.

Measurable Objective 1.2: The number of follow-up tests conducted and the results of those tests.

Impediment 2: Failure to make reasonable accommodation or modification. Like the previous impediment, this impediment was identified through review of fair housing complaints that Bismarck residents lodged with HUD and the state Department of Labor and Human Rights (DOLHR) from 2004 through 2014; the 2015 Fair Housing Survey, and the 2015 Fair Housing Forum. This impediment relates to a specific form of discrimination against residents with disabilities, which these residents may encounter when a landlord or property manager refuses to allow modifications to his or her property that would make the property more accessible to residents with disabilities. Failure to make reasonable accommodation was the most common discriminatory policy or practice cited in complaints lodged with HUD, and among complaints that were filed with the DOLHR and considered to have cause. This is an impediment that impacts residents with disabilities.

Action 2.1: Increase outreach and education to local housing providers, in partnership with the High Plains Fair Housing Center, to increase awareness of legal requirements concerning reasonable accommodation. This outreach and education may be targeted to housing providers that are identified by High Plains Fair Housing through telephone testing that uncovers discriminatory practices.

Measurable Objective 2.1: The number of outreach and education activities conducted and the number of participants in those activities.

Action 2.2: Conduct accessibility audits of a sample of local apartment complexes, in partnership with the Apartment Association, the Dakota Center for Independent Living, and other organizations to determine the degree to which accessibility requirements have been incorporated into the construction of city rental housing.

Measurable Objective 2.2: The establishment of partnership with local advocacy and other organizations, the number of housing complexes audited, and the results of those audits.

Action 1.2: In coordination with the High Plains Fair Housing Center, conduct follow-up testing to determine whether the discriminatory practices identified in the original fair housing tests have ceased.

Measurable Objective 1.2: The number of follow-up tests conducted and the results of those tests.

Impediment 3: Discriminatory advertising. This impediment was identified through review of complaints filed with HUD and the Department of Labor and Human Rights (DOLHR). Discrimination in advertising, statements, and notices was the second most common complaint basis among HUD complaints that were considered to have cause, and the third most common among all complaints lodged with the DOLHR. In addition, the National Fair Housing Alliance found, in a 2009 study, that discriminatory advertising persists on popular websites such as Craigslist, which is not subject to the same restrictions on discriminatory content as content-generating sites (though the property managers who post such advertisements on Craigslist would be liable for discriminatory language in those advertisements). This impediment was most frequently cited in complaints of discrimination based on familial status and disability.

Action 3.1: Designate a person or committee, in partnership with the City of Bismarck Human Relations Committee, to undertake periodic reviews of housing advertisements on Bis-Man online and other sites through which housing providers advertise available housing, to identify instances of discriminatory language or discriminatory statements of preference regarding potential rental applicants or homebuyers.

Measurable Objective 3.1: The designation of the person or committee responsible for periodic reviews of housing advertisements, the number of advertisements reviewed, and the number that include discriminatory language.

Impediment 4: American Indian and Hispanic home purchase loan applicants tend to have higher denial rates than white or non-Hispanic applicants, respectively. This impediment was identified through review of home purchase loan data gathered under the Home Mortgage Disclosure Act (HMDA) According to these data, American Indian applicants were nearly three times as likely to be turned down for a home purchase loan as white applicants, while

Hispanic applicants were more than twice as likely as non-Hispanic applicants to be denied a loan. These discrepancies persisted, in most cases, even when applicants were similarly situated with respect to income.

Action 4.1: Conduct outreach and education to prospective homebuyers, high school students, and college students, focusing on the importance of establishing and keeping good credit.

Measurable Objective 4.1: The number of outreach and education activities conducted

Impediment 5: Discrimination against recipients of public assistance income. This impediment was identified through review of complaints filed with the DOLHR. In spite of the fact that the state Fair Housing Law prohibits discrimination against state residents on the basis that they are recipients of public income assistance, discrimination on that basis was the fourth most common allegation among complaints that city residents lodged with the DOLHR from 2004 through 2014.

Action 5.1: Conduct outreach and education to city housing providers, focusing on public assistance discrimination and noting that housing providers may not turn down potential applicants for housing on the basis that they receive public income assistance.

Measurable Objective 5.1: The number of outreach and education activities conducted, and the number of participants.

Action 5.2: Produce materials concerning unlawful discrimination, in partnership with the city's Human Relations Committee and other city agencies or committees, to be distributed to property managers and landlords. Include a description of public assistance discrimination, noting that it is illegal under state law to turn down an applicant on the grounds that he or she is a recipient of public income assistance.

Measurable Objective 5.2: The materials produced and the number of landlords and property managers to whom those materials are distributed.

Impediment 6: Lack of understanding of fair housing laws and policy. This impediment was identified through review of results of the 2015 Fair Housing Survey. Around 29 to 57 percent of respondents selected "Don't know" in responses to questions in the private sector portion of the fair housing survey, and 27 to 50 percent of respondents selected "Don't know" in response to questions in the public sector portion, suggesting that a large share of respondents did not feel confident that they could identify barriers to fair housing choice in most of the private and public sector areas mentioned in the survey. In addition, over a quarter of respondents considered themselves to be unfamiliar with fair housing laws, and a majority of respondents considered current fair housing outreach and education activities to be insufficient. Finally, respondents were not able to identify many of the protected classes designated by state and local fair housing laws. Where it amounts to a wholesale lack of awareness of the fair housing rights of Bismarck residents, this impediment has the potential to impact individuals of all protected class designations.

Action 6.1: Increase outreach and education to local housing providers and consumers, in partnership with the city's Human Relations Committee and/or the High

Plains Fair Housing Center, to increase awareness of fair housing laws and policies.

Measurable Objective 6.1: The number of outreach and education activities conducted, and the number of participants.

Public Sector Impediments, Suggested Actions, and Measurable Objectives

Impediment 1: Apparent shortage of accessible housing in Bismarck. This impediment was identified through review of the 2015 Fair Housing Survey. As noted previously, questions from the public and private sector sections of the survey concerning the accessibility of housing units to persons with disabilities received relatively high numbers of affirmative responses, indicating a greater awareness of fair housing issues affecting persons with disabilities. In commentary submitted with those questions, respondents frequently cited factors limiting the availability of accessible housing, whether due to a lack of accessible units or a failure to completely incorporate accessibility requirements into the design and construction of new housing. This is an impediment that impacts residents with disabilities.

Action 1.1: Conduct outreach and education to housing developers and builders in the city, focusing on the city's need for accessible housing and legal requirements concerning accessibility.

Measurable Objective 1.1: The number of outreach and education activities conducted, and the number of participants in those activities.

Action 1.2: Continue CDBG funding of the housing accessibility program, providing grant assistance to low- and moderate-income households seeking to make accessibility improvements to owner-occupied and rental housing and residential facilities.

Measurable Objective 1.2: The number of households assisted

Impediment 2: Lack of understanding of fair housing law and policy. As noted above, the results of the 2015 Fair Housing Survey suggest that understanding of fair housing law, and awareness of issues that represent barriers to fair housing choice, is limited among city residents and stakeholders. The impediment was numbered among the private sector impediments to underscore the role that outreach to private sector actors may play in alleviating it, and is included among public sector impediments to highlight the role that public figures and agencies may play in addressing. Where it amounts to a general lack of awareness of the fair housing rights of Bismarck residents, this impediment has the potential to impact individuals of all protected class designations.

Action 2.1: Highlight fair housing issues and concerns every year during Fair Housing Month (April) through outreach and education activities, public meetings, and web-based advertising on the city website, in partnership with the city's Human Relations Committee and/or by contract with local and state non-profit organizations, including High Plains Fair Housing.

Measurable Objective 2.1: The number of outreach and education activities conducted and the number of participants, the amount of funding allotted to contract with local non-profit organizations.

Action 2.2: Draft a Fair Housing Month proclamation summarizing state and federal fair housing laws. Request that the Mayor endorse and sign the proclamation.

Measurable Objective 2.2: The drafting of the fair housing month proclamation, the request to the Mayor, and the Mayor's response.

Action 2.3: Conduct fair housing training sessions with local planning and zoning officials, in partnership with the High Plains Fair Housing Center, to highlight the impact of land-use and zoning decisions on fair housing choice. Televising the training sessions on the local public access television channel.

Measurable Objective 2.3: The number of training sessions conducted and the number of officials participating in those training sessions, along with the broadcasting of the training sessions on local public access television.

Impediment 3: Concentration of public assisted housing projects in areas with relatively high concentrations of low income households and American Indian and Hispanic residents. This impediment was identified through review of the location of housing projects in Bismarck that were funded through a variety of federally subsidized programs and administered by the Burleigh County Housing Authority, including Section 8 and Public Housing. Though the majority of these units, when originally constructed in the 1970s, were not placed in areas with high concentrations of low- to moderate-income and minority residents, these areas have since come to hold high concentrations of American Indian, Hispanic, and low-to-moderate income residents.

Action 3.1: Contact the Burleigh County Housing Authority, noting that subsidized housing units have become concentrated in low-income areas with relatively high shares of minority residents and asking the Housing Authority to establish criteria for future projects taking this historical pattern into account. Such criteria should be designed to promote the placement of units in higher-income areas, or to assess the feasibility of placing units in such areas.

Measurable Objective 3.1: The record of contact with the Burleigh County Housing Authority, their response, and any new criteria developed or identified.

FAIR HOUSING ACTION PLAN

Estimated timetable for activities to address identified impediments. It should be noted that implementation of most of the activities are dependent upon the availability of the High Plains Fair Housing Center, Human Relations Committee, or other small organizations that may have only part-time staff or no paid staff. As a small entitlement community (CDBG only), the City has limited resources and only part-time staff. However, it will set aside a portion of its CDBG public service monies on an annual basis to fund Fair Housing activities implemented in cooperation with High Plains Fair Housing Center or other agencies if such entities request funding and are able to implement activities. It will also work with the State of North Dakota and other cities to try to secure more funding for High Plains Fair Housing.

1. Sponsor one outreach/educational activity in cooperation with High Plains Fair Housing Center annually. Efforts could include one or more of the following topics:
 - a. Discrimination based on disability and familial status
 - b. Requirements concerning reasonable accommodation
 - c. Homebuyer education
 - d. Public assistance discrimination
 - e. Fair Housing laws and policies

- f. Need for accessible housing and requirements concerning accessibility
 - g. Fair housing issues and concerns
 - h. Fair Housing for local planning and zoning officials
2. Fund housing accessibility program annually with CDBG funds
 3. Do follow-up testing in coordination with High Plains Fair Housing Center annually or as possible.
 4. Conduct accessibility audits of local apartment complexes in partnership with the local Apartment Association, Dakota Center for Independent Living, and other interested entities once in the next five years.
 5. Review on-line advertising every two years.
 6. Develop and/or distribute existing materials on Fair Housing to property managers and landlords in conjunction with other outreach and education activities (at least once in the next five years or as needed with educational activities)
 7. Conduct Fair Housing month activities annually
 8. Contact/work with Burleigh County Housing Authority on criteria for future housing projects (once in the next five years or before any new housing construction activities).

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. A **severe cost burden** occurs when gross housing costs represent 50.1 percent or more 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 repackages 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.⁷³

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. **Severe overcrowding** occurs when a housing unit has more than 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:

1. If they are HOEPA loans;⁷⁴
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 HALs. For full definition, see **HAL**.

⁷³ 12 CFR Part 203, http://www.ffiec.gov/hmda/pdf/regc_020702.pdf

⁷⁴ 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. Bismarck residents are protected from housing discrimination based on race, sex, religion, familial status, disability, national origin, color, marital status, age, and receipt of 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: (See **Cost Burden**).

Severe overcrowding: (See **Overcrowding**)

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 City of Bismarck 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
 City of Bismarck
 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	95	367	29	0	491
2001	0	173	752	45	0	970
2002	0	302	1,045	142	0	1,489
2003	0	252	1,248	145	0	1,645
2004	0	279	1,387	165	0	1,831
2005	0	234	1,220	205	0	1,659
2006	0	269	1,407	253	0	1,929
2007	0	299	1,654	304	0	2,257
2008	0	258	1,302	255	0	1,815
2009	0	117	719	140	0	976
2010	0	118	627	136	0	881
2011	0	153	885	148	0	1,186
2012	164	58	698	220	0	1,140
2013	150	64	747	217	0	1,178
Total	314	2,671	14,058	2,404	0	19,447
Loan Amount (\$1,000s)						
2000	0	1,597	5,279	499	0	7,375
2001	0	2,574	11,194	516	0	14,284
2002	0	3,482	10,954	1,068	0	15,504
2003	0	3,332	13,399	1,286	0	18,017
2004	0	3,776	18,947	2,475	0	25,198
2005	0	2,543	14,099	2,094	0	18,736
2006	0	2,599	15,152	2,871	0	20,622
2007	0	2,916	18,050	3,580	0	24,546
2008	0	2,898	14,644	2,819	0	20,361
2009	0	1,746	11,155	1,801	0	14,702
2010	0	1,889	9,241	1,758	0	12,888
2011	0	1,951	12,418	2,023	0	16,392
2012	1,902	794	8,257	2,574	0	13,527
2013	1,745	751	9,359	2,447	0	14,302
Total	3,647	32,848	172,148	27,811	0	236,454

Table A.2
Small Business Loans Originated: \$100,001 to \$250,000 by Tract MFI
 City of Bismarck
 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	11	19	1	0	31
2001	0	17	49	4	0	70
2002	0	13	53	6	0	72
2003	0	14	44	8	0	66
2004	0	22	80	11	0	113
2005	0	6	29	2	0	37
2006	0	4	36	1	0	41
2007	0	9	23	2	0	34
2008	0	6	25	6	0	37
2009	0	3	34	3	0	40
2010	0	3	26	2	0	31
2011	0	8	33	1	0	42
2012	6	3	20	5	0	34
2013	6	2	27	5	0	40
Total	12	121	498	57	0	688
Loan Amount (\$1,000s)						
2000	0	2,187	3,153	150	0	5,490
2001	0	2,795	9,061	556	0	12,412
2002	0	2,246	9,147	847	0	12,240
2003	0	2,523	7,895	1,627	0	12,045
2004	0	4,083	14,884	1,923	0	20,890
2005	0	1,325	4,731	230	0	6,286
2006	0	883	6,432	123	0	7,438
2007	0	1,734	4,133	376	0	6,243
2008	0	1,148	4,343	919	0	6,410
2009	0	444	5,877	493	0	6,814
2010	0	482	4,908	304	0	5,694
2011	0	1,545	6,155	121	0	7,821
2012	1,020	551	3,298	799	0	5,668
2013	1,246	489	4,748	875	0	7,358
Total	2,266	22,435	88,765	9,343	0	122,809

Table A.3
Small Business Loans Originated: More than \$250,000 by Tract MFI
 City of Bismarck
 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	8	16	0	0	24
2001	0	10	43	4	0	57
2002	0	17	34	3	0	54
2003	0	12	45	2	0	59
2004	0	12	67	2	0	81
2005	0	8	33	5	0	46
2006	0	6	37	9	0	52
2007	0	8	37	6	0	51
2008	0	8	42	7	0	57
2009	0	8	32	3	0	43
2010	0	8	29	6	0	43
2011	0	11	28	3	0	42
2012	15	3	29	3	0	50
2013	15	4	27	5	0	51
Total	30	123	499	58	0	710
Loan Amount (\$1,000s)						
2000	0	3,300	7,820	0	0	11,120
2001	0	3,779	20,270	2,502	0	26,551
2002	0	7,216	17,533	1,070	0	25,819
2003	0	6,131	19,715	874	0	26,720
2004	0	7,100	31,194	1,000	0	39,294
2005	0	3,823	19,616	2,361	0	25,800
2006	0	3,565	20,318	4,669	0	28,552
2007	0	4,253	19,201	3,360	0	26,814
2008	0	4,080	23,439	4,494	0	32,013
2009	0	4,687	19,637	2,200	0	26,524
2010	0	4,122	17,780	4,056	0	25,958
2011	0	5,745	19,179	1,778	0	26,702
2012	8,445	2,598	17,811	1,998	0	30,852
2013	8,116	2,352	17,394	2,395	0	30,257
Total	16,561	62,751	270,907	32,757	0	382,976

Table A.4
Small Business Loans to Businesses with Gross Annual Revenues of Less Than
\$1 Million by Tract MFI

City of Bismarck
 2000–2012 CRA Data

Year	<50% MFI	50.1-80% MFI	80.1-120% MFI	>120% MFI	Missing MFI	Total
Number of Loans						
2000	0	47	192	16	0	255
2001	0	94	393	27	0	514
2002	0	113	375	42	0	530
2003	0	114	537	49	0	700
2004	0	142	641	63	0	846
2005	0	113	627	111	0	851
2006	0	100	735	122	0	957
2007	0	138	809	149	0	1,096
2008	0	101	600	110	0	811
2009	0	29	338	56	0	423
2010	0	36	282	63	0	381
2011	0	58	469	70	0	597
2012	37	30	363	119	0	549
2013	48	32	373	109	0	562
Total	85	1,147	6,734	1,106	0	9,072
Loan Amount (\$1,000s)						
2000	0	1,229	9,278	527	0	11,034
2001	0	4,025	19,261	2,553	0	25,839
2002	0	5,811	15,774	1,417	0	23,002
2003	0	5,813	23,225	1,575	0	30,613
2004	0	7,882	32,621	2,955	0	43,458
2005	0	1,080	11,221	2,231	0	14,532
2006	0	1,922	20,774	3,636	0	26,332
2007	0	1,927	17,531	3,696	0	23,154
2008	0	1,670	16,759	3,445	0	21,874
2009	0	513	11,234	1,079	0	12,826
2010	0	719	6,930	2,804	0	10,453
2011	0	2,816	10,532	2,139	0	15,487
2012	1,678	811	10,479	2,224	0	15,192
2013	2,380	605	12,316	2,383	0	17,684
Total	4,058	36,823	217,935	32,664	0	291,480

B. 2015 FAIR HOUSING SURVEY: OPEN RESPONSES

Table B.1
Where would you refer someone if they felt that their fair housing rights had been violated?

City of Bismarck
 2013 Fair Housing Survey Data

Comments:
?? Ablr Dept Attorney General's office? attorney's office Department of Labor Dept of labor Dept of labor in ND Dept of Labor or High Plains Dept. of Labor Dept. of Labor and Human Rights Don't know dont know Fair Housing I don't know, would have to make a few phone calls 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. look it up using a search engine ND Department of Labor ND Dept. of Labor ND Fair Housing Council ND housing authority ND Labor & Human Rights ND Labor Dept. or HUD Denver Fair Housing State Dept. of Labor State ND

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

City of Bismarck
 2013 Fair Housing Survey Data

Comments:
Am a rental landlord and work with low-income, working poor, assisting with rent Attended Fair Housing Conference/Training Banking compliance and education employment/HUD grants Extended family Have been working in rental housing for over 30 years. I am somewhat aware of fair housing laws through work. I have been a county comm. for 14 years and have become acquainted with housing issues during that time. 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. other peoples experience previous employment, internet Their newsletter and other literature Through fair housing presentations, legislative, committees Through literature and colleagues Through local discussion of state legislation prohibiting housing and job discrimination against our LGBT community. 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 Work Experience worked as an outreach minister for years

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

City of Bismarck
2013 Fair Housing Survey Data

Comments:
<p>add sexual orientation Easier to understand with clarity as to where to take complaints Include LGBT as protected classes. 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. 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. Mandate to respond in a reasonable time Service Animals should be limited. Ex: dogs in 1 apartment is not needed.</p>

LOCAL FAIR HOUSING

Table B.4
Please share any additional comments.

City of Bismarck
2013 Fair Housing Survey Data

Comments:
<p>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 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.</p>

FAIR HOUSING IN THE PRIVATE SECTOR

Table B.5
Are you aware of any questionable practices or barriers to fair housing choice in the rental housing market?

City of Bismarck
2013 Fair Housing Survey Data

Comments:
<p>housing and apt rentals not indicating what kind of access, if any is available, for people with disabilities. I think landlords discriminate based on color but they find another reason to get around it and decline someone. Landlords can NOT rent to whomever they wish and can evict for whatever reason they like, including wanting to raise rents. Refusal to rent based on color, rental costs too high, shortage of rental housing (esp. affordable) limits choice and may give unfair advantage to landlords</p>

Table B.6
Are you aware of any questionable practices or barriers to fair housing choice in the real estate industry?

City of Bismarck
2013 Fair Housing Survey Data

Comments:
<p>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 "accessibility"</p>

Table B.7
Are you aware of any questionable practices or barriers to fair housing choice in the housing construction or accessible housing design fields?

City of Bismarck
 2013 Fair Housing Survey Data

Comments:
Having accessible spaces means much more than just having no steps to get into the building and some landlords/companies do not understand that. I have heard of housing areas where houses had to be built a certain type of construction and steel roofs prohibited. 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.8
Are you aware of any questionable practices or barriers to fair housing choice in any other housing services?

City of Bismarck
 2013 Fair Housing Survey Data

Comments:
Access to a building is going to depend on if Public or Private money was used to develop 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. People are losing their houses because they can not receive assistance with mortgage. 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.

FAIR HOUSING IN THE PUBLIC SECTOR

Table B.9
Are you aware of any questionable practices or barriers to fair housing choice in land use policies?

City of Bismarck
 2013 Fair Housing Survey Data

Comments:
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. Zoning

Table B.10
Are you aware of any questionable practices or barriers to fair housing choice in zoning laws?

City of Bismarck
 2013 Fair Housing Survey Data

Comments:
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. The local authorities are good to work with in taking care of these type of situations Too close to neighborhoods with small children etc.

Table B.11
Are you aware of any questionable practices or barriers to fair housing choice in occupancy standards or health and safety codes?

City of Bismarck
 2013 Fair Housing Survey Data

Comments:
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.

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

City of Bismarck
 2013 Fair Housing Survey Data

Comments:
I feel that the current system of special assessments could inadvertently, negatively affect elderly and young families by forcing debt payments without the consent of the property owner. 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 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.13
Are you aware of any questionable practices or barriers to fair housing choice in housing construction standards?

City of Bismarck
 2013 Fair Housing Survey Data

Comments:
Constant change of regulations, it is difficult to keep up with what is in effect at a particular time 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. 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

Table B.14
Are you aware of any barriers that limit access to government services, such as a lack of transportation or employment services?

City of Bismarck
 2013 Fair Housing Survey Data

Comments:
could improve access to transportation It would be great if Bismarck could give low-income residents free bus passes. Lack of transportation is a big concern in most areas of the state. 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. 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 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.15
Are you aware of any questionable practices or barriers to fair housing choice in any other public administrative actions or regulations?

City of Bismarck
2013 Fair Housing Survey Data

Comments:
No one really understands Section 8 housing and other possible assistance programs for low to moderate income individuals with disabilities. zoning restrictions

C. MINUTES FROM THE 2015 FAIR HOUSING FORUM

Analysis of Impediments Fair Housing Forum

Comment 1: So are those the ones that are taken off?

Rob Gaudin: These are the ones that have been conciliated. It also includes those that have not been conciliated and the case may be open and headed towards litigation.

(Presentation)

Comment 2: Or I am going to live with something the way that it is.

Rob Gaudin: If that is the case then yes. I'll pay the \$200 rather than the \$100 to apply.

(Presentation)

Comment 3: Denied and who also applied.

Rob Gaudin: Yes, who also applied. They had to apply to get denied.

Comment 4: What I am saying is going along with that.

(Presentation)

Comment 5: Do you look at what is the percentage of black persons are in a community and what percent that they...

Rob Gaudin: Yes, in the beginning we offer the slide on the percentage of blacks.

Comment 6: I am just wondering if part of the problem too is they are not applying.

Rob Gaudin: Blacks and other minorities don't apply at the rate that they are in the community to begin. Secondly when they do apply they have a tendency to be denied more often.

(Presentation)

Comment 7: They are probably also the same households and they are paying more than 30 percent of their income.

Rob Gaudin: That is probably likely and it is these households.

(Presentation)

Comment 8: Something to be watched?

Rob Gaudin: It is something that we need to keep an eye on. It is something that we also need to talk with our clientele about. So we do have some lending issues.

(Presentation)

Comment 9: Are we just starting testing in this state?

Rob Gaudin: There has been starting testing with fair housing with the High Plains Fair Housing Council. Prior to that it has been a couple of years, but there was another group called Fair Housing of the Dakotas, both North and South Dakota and they had challenges and closed their offices. So there was fair testing within this five year window for both groups.

(Presentation)

Comment 10: For our AI and the State AI will the results of testing be made available?

Rob Gaudin: High Plains Fair Housing said that, yesterday said that they would provide some testing data. Now where that is, I don't know where that testing is, but if they do provide it...

Comment 11: It may not be in Bismarck.

Rob Gaudin: It may not be in Bismarck. It would be incorporated with the document.

Comment 12: So we would know.

Rob Gaudin: We would know if it is related to Bismarck, it would appear.

(Presentation)

Comment 13: What we have been doing in the past is funding organizations like High Plains to provide public education and put on the annual workshop for fair housing. I don't know if that is a question because the people that mainly come to the workshops are or maybe it is. It is people who have clients working in that housing and also the Apartment Association people. We do get that out. In the past we have also done mailings. I don't know if we will be doing that again, but we probably will. Mailing to rental households particularly in neighborhoods that are perhaps lower income and brochures on information on what fair housing means and if you have a complaint or a question on who to contact. We have done some of that. This year for the first time and we have a very small public service section. We have also funded the Legal Services of North Dakota to work with some of the clients that are experiencing fair housing problems. So waiting to see what is going to happen there if that is going to be making an impact and what sort of information they are giving and how strong the claims are. That is what we have done in the past. We have made a couple of zoning changes that were identified in our last AI. Key statistics. I don't know what else we could do.

Rob Gaudin: I don't think there is much here. Outreach and education is important. If we found the fact that and one piece that we don't have yet, which is something that we need to talk about is the location of public housing or housing choice vouchers and how do those and are they clustered in areas or are they...

Comment 14: Public housing is. I don't know about the vouchers. I can try to and maybe I need to call the Housing Authority.

Rob Gaudin: What we would need is the physical address.

Comment 15: For a map with all the little dots.

Rob Gaudin: Right. We would underlay that with other concerns. That would be like an audit. Here is where we are today and what do we need to do in the future?

Comment 16: What about reasonable modification. Is there something our Inspections Department could be doing?

Rob Gaudin: I don't know about the Inspections Department. Modification is generally speaking if you step forward and ask for the modification.

Comment 17: It is just being turned down. Sometimes they, I think people if they would understand what they needed to do or how they could do it.

Rob Gaudin: Right, so that is outreach and education.

Comment 18: I know that is what High Plains is working on with this workshop in Bismarck that we all went to. That will be well attended by the Apartment Association.

(Presentation)

Comment 19: It's been late before.

Rob Gaudin: We don't want it to be late under my watch.

Comment 20: I know, but I understand that we were late and we had a response to our proposal.

Rob Gaudin: Then you get your money late, etc.

Comment 21: Did you learn about fair housing?

Comment 22: I did.

Comment 23: Do you if you have a plan if there are problems with fair housing of people feeling they are discriminated against because they are black? Do you know where to send them to help them?

Comment 24: I haven't run into that yet.

Comment 25: If you do it is the Department of Labor. That is important to know or High Plains Fair Housing.

Comment 26: Is that the same or are the separate?

Comment 27: Separate. High Plains is a non-profit and they have done a lot of outreach and organization and education and testing as to investigate the complaints.

Comment 28: Do they investigate the claim.

Comment 29: Sometimes they send them to court.

Rob Gaudin: They will do an intake and determine whether it is a housing violation and then they will do some preliminary work and if the landlord or person or provider goes opps sorry I didn't mean that, then it is done. It was conciliated.

Comment 30: They also do some mediation if it isn't exactly fairly well defined as a violation. That is actually a help. So in some ways it is sometimes tenant/landlord counseling by another name. Right? I think so?

D. OVERSIZED AND ADDITIONAL TABLES

Table D.1
Cost Burden and Severe Cost Burden by Tenure

City of Bismarck
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	6,441	86.0%	723	9.7%	307	4.1%	19	.3%	7,490
2013 Five-Year ACS	8,987	82.1%	1,408	12.9%	538	4.9%	20	0.2%	10,953
Owner Without a Mortgage									
2000 Census	3,051	91.2%	195	5.8%	90	2.7%	8	.2%	3,344
2013 Five-Year ACS	6,511	89.2%	307	4.2%	382	5.2%	99	1.4%	7,299
Renter									
2000 Census	5,457	64.5%	1,359	16.1%	1,381	16.3%	260	3.1%	8,457
2013 Five-Year ACS	5,558	58.5%	1,779	18.7%	1,930	20.3%	229	2.4%	9,496
Total									
2000 Census	14,949	77.5%	2,277	11.8%	1,778	9.2%	287	1.5%	19,291
2013 Five-Year ACS	21,056	75.9%	3,494	12.6%	2,850	10.3%	348	1.3%	27,748

Table D.2
Basis of Fair Housing Complaints

City of Bismarck
HUD Data 2004 - 2014

Basis	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	Total
Disability - Mental	3	11	3	3	6	2	6	4	4	6	3	51
Disability - Physical	1	7	1	.	1	7	2	2	3	2	2	28
Familial Status	1	2	2	4	2	5	.	1	.	2	.	19
Race - Native American	1	3	1	.	2	1	.	.	.	2	.	10
Race - Black	1	.	.	4	1	.	.	1	.	2	.	9
Retaliation	2	1	.	.	.	2	.	1	1	.	1	8
Color	.	.	.	2	.	.	.	1	.	1	1	5
National Origin - Hispanic	.	2	.	.	.	.	.	1	.	.	1	4
Sex - Female	.	.	.	1	.	.	.	.	1	.	.	2
National Origin - Other Origin	.	.	1	.	.	.	1	.	.	.	.	2
Sex - Male	.	.	.	.	.	1	.	.	.	.	.	1
Total Basis	9	26	8	14	12	18	9	11	9	15	8	139
Total Complaints	7	19	7	11	10	17	8	7	9	14	7	116

Table D.3
Closure of Fair Housing Complaints

City of Bismarck
HUD Data 2004 - 2014

Closure	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	Total
Conciliation/settlement successful	.	10	3	3	3	12	4	2	6	3	6	52
No cause determination	5	6	2	7	5	4	.	2	3	7	.	41
Complaint withdrawn by complainant after resolution	.	.	1	.	.	1	.	3	.	2	.	7
Complaint withdrawn by complainant without resolution	1	1	1	1	.	.	.	.	.	.	.	4
Closed because trial has begun	.	.	.	.	.	.	3	.	.	.	.	3
FHAP judicial consent order	1	.	.	.	2	.	.	.	.	.	.	3
Dismissed for lack of jurisdiction	.	1	.	.	.	.	.	.	.	.	.	1
Unable to locate complainant	.	.	.	.	.	.	.	.	.	1	.	1
Complainant failed to cooperate	.	.	.	.	.	.	1	.	.	.	.	1
Litigation ended - no discrimination found	.	1	.	.	.	.	.	.	.	.	.	1
Case still open	0	0	0	0	0	0	0	0	0	1	1	2
Total Closure	7	19	7	11	10	17	8	7	9	14	7	116

Table D.4
Issue of Fair Housing Complaints

City of Bismarck
HUD Data 2004 - 2014

Issues	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	Total
Failure to make reasonable accommodation	2	8	3	1	4	6	4	3	7	6	3	47
Discrimination in term, conditions or privileges relating to rental	.	.	.	5	2	4	3	5	1	7	2	29
Discriminatory terms, conditions, privileges, or services and facilities	2	6	2	3	2	3	2	1	1	3	3	27
Discriminatory acts under Section 818 (coercion, etc.)	6	2	1	3	1	3	1	2	1	4	3	27
Discriminatory refusal to rent	.	7	3	1	2	2	1	.	3	1	.	20
Discriminatory advertising, statements and notices	1	3	2	1	1	4	1	1	1	3	2	20
Discriminatory advertisement - rental	.	3	.	1	.	2	.	.	.	.	.	6
Discrimination in terms, conditions, privileges relating to sale	.	1	.	.	.	.	.	.	1	1	.	3
Failure to permit reasonable modification	.	1	.	.	.	1	.	.	.	1	.	3
Discriminatory refusal to sell	.	.	.	.	.	.	.	.	.	1	1	2
False denial or representation of availability - rental	.	.	.	.	.	.	.	1	.	1	.	2
Discrimination in the terms or conditions for making loans	.	2	.	.	.	.	.	.	.	.	.	2
Non-compliance with design and construction requirements (handicap)	.	1	.	.	.	1	.	.	.	.	.	2
Discriminatory refusal to sell and negotiate for sale	.	.	.	.	.	1	.	.	.	.	.	1
Discriminatory financing (includes real estate transactions)	.	1	.	.	.	.	.	.	.	.	.	1
Steering	.	1	.	.	.	.	.	.	.	.	.	1
Total Issues	11	36	11	15	12	27	12	12	15	28	14	193
Total Complaints	7	19	7	11	10	17	8	7	9	14	7	116

Table D.5
Basis of Fair Housing Complaints Found with Cause

City of Bismarck
 HUD Data 2004 - 2014

Basis	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	Total
Disability - Mental	1	8	2	1	3	2	3	4	3	4	2	33
Disability - Physical	.	1	.	.	.	3	1	2	3	1	2	13
Familial Status	.	1	1	2	2	5	.	.	.	.	.	11
Race - Native American	.	1	1	.	.	1	.	.	.	.	.	3
Retaliation	.	.	.	.	.	2	.	.	.	.	1	3
National Origin - Hispanic	.	1	.	.	.	.	.	.	.	.	1	2
Color	.	.	.	.	.	.	.	.	.	.	1	1
National Origin - Other Origin	.	.	1	.	.	.	.	.	.	.	.	1
Total Basis Found With Cause	1	12	5	3	5	13	4	6	6	5	7	67
Total Complaints Found With Cause	1	10	4	3	5	13	4	5	6	5	6	62

Table D.6
Issue of Fair Housing Complaints

City of Bismarck
 HUD Data 2004 - 2014

Issues	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	Total	
Failure to make reasonable accommodation		1	8	2		3	4	1	3	6	4	2	34
Discriminatory advertising, statements and notices			1	2	1	1	4				2	2	13
Discrimination in term, conditions or privileges relating to rental				1	1	1	4	1	3		2	1	13
Discriminatory refusal to rent			6	1	1		1	1		2			12
Discriminatory acts under Section 818 (coercion, etc.)					1			3		1	2	3	10
Discriminatory terms, conditions, privileges, or services and facilities					1		1	1		1	1	3	9
Discriminatory advertisement - rental			1			1		2					4
Discriminatory refusal to sell						1					1	1	2
Discriminatory refusal to sell and negotiate for sale							1						1
Discrimination in the terms or conditions for making loans				1									1
Discrimination in terms, conditions, privileges relating to sale										1			1
Total Issues	1	17	7	4	6	20	4	7	9	13	12	100	
Total Complaints	1	10	4	3	5	13	4	5	6	5	6	62	

Table D.7
Basis of Fair Housing Complaints

City of Bismarck
North Dakota Department of Labor and Human Rights

Basis	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	Total
Disability	6	14	4	3	6	11	6	5	7	8	6	76
Race	2	4	1	4	3	1	1	1		4	3	24
Family Status	1	2	2	4	2	6		1		2		20
Receipt of Public Assistance	1	1				4	1		1	3	1	12
Color	1			3				1		1	2	8
National Origin		1	1				1	1			2	6
Age				1			1		1		1	4
Retaliation									1	1	1	3
Sex									1			1
Gender				1								1
Religion		1										1
Total Basis	11	23	8	16	11	22	10	9	11	19	16	156
Total Complaints	8	18	7	11	10	18	7	7	11	15	10	122

Table D.8
Issues of Fair Housing Complaints

City of Bismarck
North Dakota Department of Labor and Human Rights

Issues	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	Total
Terms of rental	3	7	3	8	5	5	4	4	4	8	5	56
Accommodation	2	9	3	1	4	7	2	3	7	6	4	48
Advertising	1	6	1	2	2	7		1	1	2		23
Refusal to rent		8	2	1	1	2	1	1	3	1		20
Harassment	1	1	1	1			1	1		3	3	12
Retaliation	2	2		1		3						8
Eviction									1	1	5	7
Non-renewal									2	4		6
Refusal to sell						1				1	1	3
Modification						1				1		2
Financing		2										2
Steering		1										1
Other	1											1
Restrictive occupancy code				1								1
Total Issues	10	36	10	15	12	26	8	10	18	27	18	190
Total Complaints	8	18	7	11	10	18	7	7	11	15	10	122

Table D.9
Outcome of Fair Housing Complaints

City of Bismarck
 North Dakota Department of Labor and Human Rights

Outcome	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	Total
Settled	1	10	3	3	3	11	3	2	8	3	6	53
No Reasonable Cause	5	6	2	8	5	4	0	2	3	8	1	44
Withdrawn with Resolution	0	0	1	0	0	1	3	3	0	2	0	10
Open	0	0	0	0	0	0	0	0	0	1	3	4
Withdrawn without Resolution	1	1	1	0	0	1	0	0	0	0	0	4
Charge Issued	1	0	0	0	2	0	0	0	0	0	0	3
Dismissed	0	1	0	0	0	1	1	0	0	0	0	3
Failure to Cooperate	0	0	0	0	0	0	0	0	0	1	0	1
Total Outcomes	8	18	7	11	10	18	7	7	11	15	10	122

Table D.10
Basis of Fair Housing Complaints Found With Cause

City of Bismarck
 North Dakota Department of Labor and Human Rights

Issues	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	Total
Disability	3	9	3	1	3	6	3	2	6	3	4	43
Family Status	.	1	1	2	2	5	.	.	.	.	.	11
Receipt of Public Assistance	1	.	.	.	.	2	1	.	1	.	.	5
Race	.	1	.	.	.	1	.	.	.	.	2	4
Age	.	.	.	.	.	.	1	.	1	.	1	3
Color	.	.	.	.	.	.	.	.	.	.	1	1
National Origin	.	.	.	.	.	.	.	.	.	.	1	1
Total Basis Found with Cause	4	11	4	3	5	14	5	2	8	3	9	68
Total Complaints Found with Cause	3	11	4	3	5	12	3	2	8	3	6	60

Table D.11
Issue of Fair Housing Complaints Found With Cause
 City of Bismarck
 North Dakota Department of Labor and Human Rights

Issues	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	Total
Accommodation	1	8	3	.	3	3	.	2	6	2	2	30
Terms of rental	2	2	1	1	2	4	2	.	2	1	4	21
Advertising	.	4	1	2	1	6	.	.	.	.	.	14
Refusal to rent	.	7	1	1	.	1	1	1	2	.	.	14
Refusal to sell	.	.	.	.	.	1	.	.	.	1	1	3
Retaliation	.	.	.	.	.	2	.	.	.	.	.	2
Non-renewal	.	.	.	.	.	.	.	.	1	.	.	1
Eviction	.	.	.	.	.	.	.	.	.	.	1	1
Harassment	.	.	.	.	.	.	.	.	.	.	1	1
Financing	.	1	.	.	.	.	.	.	.	.	.	1
Restrictive occupancy code	.	.	.	1	.	.	.	.	.	.	.	1
Total Issues Found with Cause	3	22	6	5	6	17	3	3	11	4	9	89
Total Complaints Found with Cause	3	11	4	3	5	12	3	2	8	3	6	60

ADDITIONAL HMDA TABLES

Table D.12
Owner-Occupied Home Purchase Loan Applications by Loan Type
 City of Bismarck
 2004–2013 HMDA Data

Loan Type	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	Total
Conventional	1,637	1,881	1,911	1,825	1,181	1,007	913	1,082	1,127	1,167	13,731
FHA - Insured	181	156	148	118	257	513	547	461	285	212	2,878
VA - Guaranteed	55	78	87	53	53	67	82	140	108	118	841
Rural Housing Service or Farm Service Agency	7	6	16	4	13	7	4	11	2	11	81
Total	1,880	2,121	2,162	2,000	1,504	1,594	1,546	1,694	1,522	1,508	17,531

DENIAL RATES

Table D.13
Loan Applications by Selected Action Taken by Race/Ethnicity of Applicant
 City of Bismarck
 2004–2013 HMDA Data

Race		2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	Total
American Indian	Originated	7	5	5	8	8	10	7	6	10	7	73
	Denied	0	1	2	1	2	0	3	0	2	5	16
	Denial Rate	.0%	16.7%	28.6%	11.1%	20.0%	30.0%	30.0%	.0%	16.7%	41.7%	18.0%
Asian	Originated	6	7	4	6	6	4	4	3	5	13	58
	Denied	2	3	0	1	0	1	0	1	2	0	10
	Denial Rate	25.0%	30.0%	.0%	14.3%	.0%	20.0%	.0%	25.0%	28.6%	.0%	14.7%
Black	Originated	1	2	4	5	4	3	1	0	3	0	23
	Denied	0	4	0	0	0	0	0	0	1	0	5
	Denial Rate	.0%	66.7%	.0%	.0%	.0%	.0%	.0%	%	25.0%	%	17.9%
White	Originated	1,186	1,225	1,160	1,108	898	954	1,004	1,029	1,011	968	10,543
	Denied	98	114	113	72	55	61	58	68	63	54	756
	Denial Rate	7.6%	8.5%	8.9%	6.1%	5.8%	6.0%	5.5%	6.2%	5.9%	5.3%	6.7%
Not Available	Originated	56	163	161	179	86	94	42	38	29	37	885
	Denied	17	25	32	13	14	9	5	9	3	2	129
	Denial Rate	23.3%	13.3%	16.6%	6.8%	14.0%	8.7%	10.6%	19.1%	9.4%	5.1%	12.7%
Not Applicable	Originated	0	1	0	0	0	0	0	0	0	0	1
	Denied	0	0	0	0	0	0	0	0	0	0	0
	Denial Rate	23.3%	13.3%	16.6%	6.8%	14.0%	8.7%	10.6%	19.1%	9.4%	5.1%	.0%
Total	Originated	1,256	1,403	1,334	1,306	1,002	1,065	1,058	1,076	1,058	1,025	11,583
	Denied	117	147	147	87	71	71	66	78	71	61	916
	Denial Rate	8.5%	9.5%	9.9%	6.2%	6.6%	6.3%	5.9%	6.8%	6.3%	5.6%	7.3%
Non-Hispanic	Originated	1,072	1,222	1,164	1,108	918	967	1,003	1,031	1,020	983	10,488
	Denied	89	114	115	69	57	61	59	66	66	55	751
	Denial Rate	7.7%	8.5%	9.0%	5.9%	5.8%	5.9%	5.6%	6.0%	6.1%	5.3%	6.7%
Hispanic	Originated	7	3	5	13	2	2	10	6	8	4	60
	Denied	0	3	0	3	0	0	0	1	1	4	12
	Denial Rate	.0%	50.0%	.0%	18.8%	.0%	.0%	.0%	14.3%	11.1%	50.0%	16.7%

Table D.14
Loan Applications by Reason for Denial by Race/Ethnicity of Applicant

City of Bismarck
 2004–2013 HMDA Data

Denial Reason	American Indian	Asian	Black	White	Not Available	Not Applicable	Total	Hispanic (Ethnicity)
Debt-to-Income Ratio	4	5	0	147	18	0	174	2
Employment History	0	0	0	46	4	0	50	1
Credit History	4	1	2	162	27	0	196	4
Collateral	1	1	0	82	12	0	96	0
Insufficient Cash	0	1	0	20	3	0	24	0
Unverifiable Information	0	0	0	20	5	0	25	0
Credit Application Incomplete	0	0	0	38	13	0	51	1
Mortgage Insurance Denied	0	0	0	1	0	0	1	0
Other	2	0	0	70	17	0	89	1
Missing	5	2	3	170	30	0	210	3
Total	16	10	5	756	129	0	916	12
% Missing	31.3%	20.0%	60.0%	22.5%	23.3%	%	22.9%	25.0%

Table D.15
Loan Applications by Selected Action Taken by Gender of Applicant

City of Bismarck
 2004–2013 HMDA Data

Gender		2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	Total
Male	Originated	936	919	895	876	711	725	737	763	773	740	8,075
	Denied	74	64	61	53	36	37	41	47	46	41	500
	Denial Rate	7.3%	6.5%	6.4%	5.7%	4.8%	4.9%	5.3%	5.8%	5.6%	5.2%	5.8%
Female	Originated	278	336	311	285	226	274	299	295	269	264	2,837
	Denied	32	71	60	23	26	25	20	25	23	19	324
	Denial Rate	10.3%	17.4%	16.2%	7.5%	10.3%	8.4%	6.3%	7.8%	7.9%	6.7%	10.2%
Not Available	Originated	42	147	128	145	65	66	22	18	16	21	670
	Denied	11	12	26	11	9	9	5	6	2	1	92
	Denial Rate	20.8%	7.5%	16.9%	7.1%	12.2%	12.0%	18.5%	25.0%	11.1%	4.5%	12.1%
Not Applicable	Originated	0	1	0	0	0	0	0	0	0	0	1
	Denied	0	0	0	0	0	0	0	0	0	0	0
	Denial Rate	%	.0%	%	%	%	%	%	%	%	%	.0%
Total	Originated	1,256	1,403	1,334	1,306	1,002	1,065	1,058	1,076	1,058	1,025	11,583
	Denied	117	147	147	87	71	71	66	78	71	61	916
	Denial Rate	8.5%	9.5%	9.9%	6.2%	6.6%	6.3%	5.9%	6.8%	6.3%	5.6%	7.3%

Table D.16
Loan Applications by Income of Applicant: Originated and Denied

City of Bismarck
 2004–2013 HMDA Data

Income		2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	Total
\$15,000 or Below	Loan Originated	9	11	9	5	1	1	2	1	2	1	42
	Application Denied	2	9	4	6	1	2	0	2	3	0	29
	Denial Rate	18.2%	45.0%	30.8%	54.5%	50.0%	66.7%	.0%	66.7%	60.0%	.0%	40.8%
\$15,001 –\$30,000	Loan Originated	149	144	115	124	79	88	94	58	43	39	933
	Application Denied	32	44	33	21	14	17	14	14	6	8	203
	Denial Rate	17.7%	23.4%	22.3%	14.5%	15.1%	16.2%	13.0%	19.4%	12.2%	17.0%	17.9%
\$30,001 –\$45,000	Loan Originated	279	324	264	246	170	226	190	177	181	166	2,223
	Application Denied	32	31	35	22	13	16	13	18	17	11	208
	Denial Rate	10.3%	8.7%	11.7%	8.2%	7.1%	6.6%	6.4%	9.2%	8.6%	6.2%	8.6%
\$45,001 –\$60,000	Loan Originated	260	303	289	264	185	206	204	200	197	178	2,286
	Application Denied	23	38	36	11	13	18	10	13	13	17	192
	Denial Rate	8.1%	11.1%	11.1%	4.0%	6.6%	8.0%	4.7%	6.1%	6.2%	8.7%	7.7%
\$60,001 –\$75,000	Loan Originated	197	212	231	206	182	154	170	161	148	155	1,816
	Application Denied	8	13	11	9	7	4	8	9	14	9	92
	Denial Rate	3.9%	5.8%	4.5%	4.2%	3.7%	2.5%	4.5%	5.3%	8.6%	5.5%	4.8%
Above \$75,000	Loan Originated	328	369	399	422	358	358	369	462	457	469	3,991
	Application Denied	17	11	22	18	22	11	19	18	15	14	167
	Denial Rate	4.9%	2.9%	5.2%	4.1%	5.8%	3.0%	4.9%	3.8%	3.2%	2.9%	4.0%
Data Missing	Loan Originated	34	40	27	39	27	32	29	17	30	17	292
	Application Denied	3	1	6	0	1	3	2	4	3	2	25
	Denial Rate	8.1%	2.4%	18.2%	.0%	3.6%	8.6%	6.5%	19.0%	9.1%	10.5%	7.9%
Total	Loan Originated	1,256	1,403	1,334	1,306	1,002	1,065	1,058	1,076	1,058	1,025	11,583
	Application Denied	117	147	147	87	71	71	66	78	71	61	916
	Denial Rate	8.5%	9.5%	9.9%	6.2%	6.6%	6.3%	5.9%	6.8%	6.3%	5.6%	7.3%

Table D.17
Loan Applications by Income and Race/Ethnicity of Applicant: Originated and Denied
 City of Bismarck
 2004–2013 HMDA Data

Race		<= \$15K	\$15K–\$30K	\$30K–\$45K	\$45K–\$60K	\$60K–\$75K	> \$75K	Data Missing	Total
American Indian	Loan Originated	0	4	15	19	5	29	1	73
	Application Denied	0	3	3	5	2	2	1	16
	Denial Rate	%	42.9%	16.7%	20.8%	28.6%	6.5%	50.0%	18.0%
Asian	Loan Originated	2	1	9	8	8	30	0	58
	Application Denied	0	3	1	5	0	1	0	10
	Denial Rate	.0%	75.0%	10.0%	38.5%	.0%	3.2%	%	14.7%
Black	Loan Originated	0	1	5	4	4	8	1	23
	Application Denied	0	1	4	0	0	0	0	5
	Denial Rate	%	50.0%	44.4%	.0%	.0%	.0%	.0%	17.9%
White	Loan Originated	37	867	2,045	2,057	1,647	3,611	279	10,543
	Application Denied	25	173	168	149	82	142	17	756
	Denial Rate	40.3%	16.6%	7.6%	6.8%	4.7%	3.8%	5.7%	6.7%
Not Available	Loan Originated	3	60	149	198	152	313	10	885
	Application Denied	4	23	32	33	8	22	7	129
	Denial Rate	57.1%	27.7%	17.7%	14.3%	5.0%	6.6%	41.2%	12.7%
Not Applicable	Loan Originated	0	0	0	0	0	0	1	1
	Application Denied	0	0	0	0	0	0	0	0
	Denial Rate	%	%	%	%	%	%	.0%	.0%
Total	Loan Originated	42	933	2,223	2,286	1,816	3,991	292	11,583
	Application Denied	29	203	208	192	92	167	25	916
	Denial Rate	40.8%	17.9%	8.6%	7.7%	4.8%	4.0%	7.9%	7.3%
Non-Hispanic	Loan Originated	33	849	2,022	2,050	1,621	3,634	279	10,488
	Application Denied	22	173	170	153	77	139	17	751
	Denial Rate	40.0%	16.9%	7.8%	6.9%	4.5%	3.7%	5.7%	6.7%
Hispanic	Loan Originated	0	3	14	12	13	18	0	60
	Application Denied	2	1	1	3	4	1	0	12
	Denial Rate	100.0%	25.0%	6.7%	20.0%	23.5%	5.3%	%	16.7%

PREDATORY LENDING

Table D.18
Loans by Loan Purpose by HAL Status
 City of Bismarck
 2004–2013 HMDA Data

Loan Purpose		2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	Total
Home Purchase	Other	1,148	1,223	1,104	1,132	870	951	1,017	1,021	996	957	10,419
	HAL	108	180	230	174	132	114	41	55	62	68	1,164
	Percent HAL	8.6%	12.8%	17.2%	13.3%	13.2%	10.7%	3.9%	5.1%	5.9%	6.6%	10.0%
Home Improvement	Other	197	207	222	223	156	148	112	145	153	185	1,748
	HAL	30	33	24	19	32	25	14	10	7	7	201
	Percent HAL	13.2%	13.8%	9.8%	7.9%	17.0%	14.5%	11.1%	6.5%	4.4%	3.6%	10.3%
Refinancing	Other	842	692	557	553	774	1,851	1,866	1,194	1,729	1,125	11,183
	HAL	118	155	197	177	146	84	21	26	17	16	957
	Percent HAL	12.3%	18.3%	26.1%	24.2%	15.9%	4.3%	1.1%	2.1%	1.0%	1.4%	7.9%
Total	Other	2,187	2,122	1,883	1,908	1,800	2,950	2,995	2,360	2,878	2,267	23,350
	HAL	256	368	451	370	310	223	76	91	86	91	2,322
	Percent HAL	10.5%	14.8%	19.3%	16.2%	14.7%	7.0%	2.5%	3.7%	2.9%	2.9%	9.0%

Table D.19
HALs Originated by Race of Borrower
 City of Bismarck
 2004–2013 HMDA Data

Race	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	Total
American Indian	3	1	1	1	3	0	1	0	3	0	13
Asian	0	0	2	0	0	0	0	0	0	0	2
Black	0	2	1	3	1	0	0	0	0	0	7
White	97	154	185	137	118	114	40	53	59	67	1,024
Not Available	8	23	41	33	10	0	0	2	0	1	118
Not Applicable	0	0	0	0	0	0	0	0	0	0	0
Total	108	180	230	174	132	114	41	55	62	68	1,164
Non-Hispanic	94	144	182	132	126	112	41	52	61	67	1,011
Hispanic	1	0	1	2	0	1	0	0	0	0	5

Table D.20
Loans by HAL Status by Income of Borrower
 City of Bismarck
 2004–2013 HMDA Data

Income		2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	Total
\$15,000 or Below	Other	6	10	4	2	0	0	1	1	2	1	27
	HAL	3	1	5	3	1	1	1	0	0	0	15
	Percent HAL	33.3%	9.1%	55.6%	60.0%	100.0%	100.0%	50.0%	.0%	.0%	.0%	35.7%
\$15,001 –\$30,000	Other	113	106	73	83	55	67	77	50	32	24	680
	HAL	36	38	42	41	24	21	17	8	11	15	253
	Percent HAL	24.2%	26.4%	36.5%	33.1%	30.4%	23.9%	18.1%	13.8%	25.6%	38.5%	27.1%
\$30,001 –\$45,000	Other	252	272	203	209	138	198	181	161	159	150	1,923
	HAL	27	52	61	37	32	28	9	16	22	16	300
	Percent HAL	9.7%	16.0%	23.1%	15.0%	18.8%	12.4%	4.7%	9.0%	12.2%	9.6%	13.5%
\$45,001 –\$60,000	Other	237	259	226	228	153	182	199	189	180	166	2,019
	HAL	23	44	63	36	32	24	5	11	17	12	267
	Percent HAL	8.8%	14.5%	21.8%	13.6%	17.3%	11.7%	2.5%	5.5%	8.6%	6.7%	11.7%
\$60,001 –\$75,000	Other	190	197	205	186	168	141	167	155	145	144	1,698
	HAL	7	15	26	20	14	13	3	6	3	11	118
	Percent HAL	3.6%	7.1%	11.3%	9.7%	7.7%	8.4%	01.8%	3.7%	2.0%	7.1%	6.5%
Above \$75,000	Other	319	342	375	394	331	332	364	449	448	455	3,809
	HAL	9	27	24	28	27	26	5	13	9	14	182
	Percent HAL	2.7%	7.3%	6.0%	6.6%	7.5%	7.3%	1.4%	2.8%	2.0%	3.0%	4.6%
Data Missing	Other	31	37	18	30	25	31	28	16	30	17	263
	HAL	3	3	9	9	2	1	1	1	0	0	29
	Percent HAL	8.8%	7.5%	33.3%	23.1%	7.4%	3.1%	3.4%	5.9%	.0%	.0%	9.9%
Total	Other	1,148	1,223	1,104	1,132	870	951	1,017	1,021	996	957	10,419
	HAL	108	180	230	174	132	114	41	55	62	68	1,164
	Percent HAL	8.6%	12.8%	17.2%	13.3%	13.2%	10.7%	3.9%	5.1%	5.9%	6.6%	10.0%

Table D.21
Loans by HAL Status by Race/Ethnicity of Borrower
 City of Bismarck
 2004–2013 HMDA Data

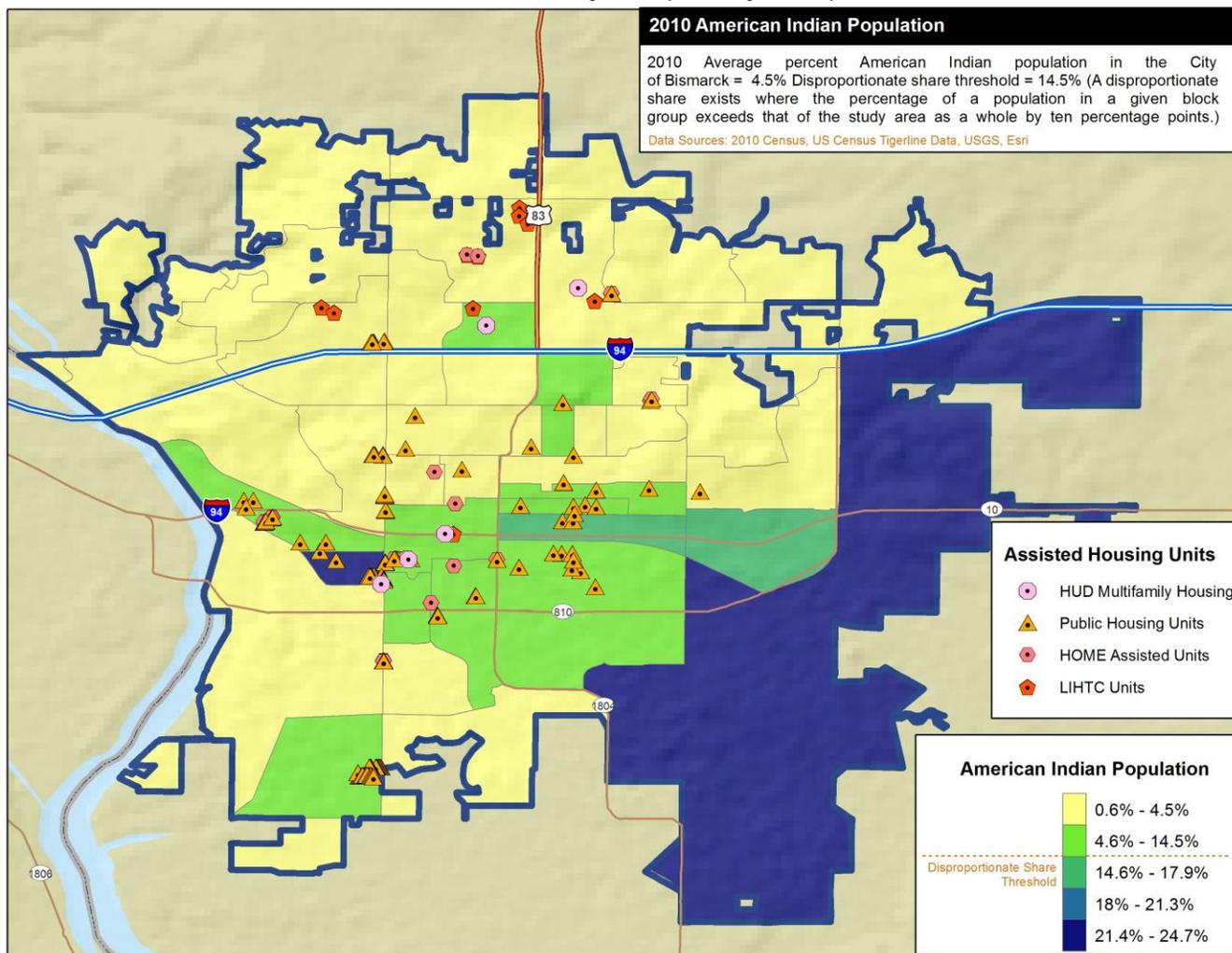
Race	Loan Type	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	Total
American Indian	Other	4	4	4	7	5	10	6	6	7	7	60
	HAL	3	1	1	1	3	0	1	0	3	0	13
	Percent HAL	42.9%	20.0%	20.0%	12.5%	37.5%	.0%	14.3%	.0%	30.0%	.0%	17.8%
Asian	Other	6	7	2	6	6	4	4	3	5	13	56
	HAL	0	0	2	0	0	0	0	0	0	0	2
	Percent HAL	.0%	.0%	50.0%	.0%	.0%	.0%	.0%	.0%	.0%	.0%	3.4%
Black	Other	1	0	3	2	3	3	1	0	3	0	16
	HAL	0	2	1	3	1	0	0	0	0	0	7
	Percent HAL	.0%	100.0%	25.0%	60.0%	25.0%	.0%	.0%	%	.0%	%	30.4%
White	Other	1,089	1,071	975	971	780	840	964	976	952	901	9,519
	HAL	97	154	185	137	118	114	40	53	59	67	1,024
	Percent HAL	8.2%	12.6%	15.9%	12.4%	13.1%	11.9%	4.0%	5.2%	5.8%	6.9%	9.7%
Not Available	Other	48	140	120	146	76	94	42	36	29	36	767
	HAL	8	23	41	33	10	0	0	2	0	1	118
	Percent HAL	14.3%	14.1%	25.5%	18.4%	11.6%	.0%	.0%	5.3%	.0%	2.7%	13.3%
Not Applicable	Other	0	1	0	0	0	0	0	0	0	0	1
	HAL	0	0	0	0	0	0	0	0	0	0	0
	Percent HAL	%	.0%	%	%	%	%	%	%	%	%	.0%
Total	Other	1,148	1,223	1,104	1,132	870	951	1,017	1,021	996	957	10,419
	HAL	108	180	230	174	132	114	41	55	62	68	1,164
	Percent HAL	8.6%	12.8%	17.2%	13.3%	13.2%	10.7%	3.9%	5.1%	5.9%	6.6%	10.0%
Non-Hispanic	Other	978	1,078	982	976	792	855	962	979	959	916	9,477
	HAL	94	144	182	132	126	112	41	52	61	67	1,011
	Percent HAL	8.8%	11.8%	15.6%	11.9%	13.7%	11.6%	4.1%	5.0%	6.0%	6.8%	9.6%
Hispanic	Other	6	3	4	11	2	1	10	6	8	4	55
	HAL	1	0	1	2	0	1	0	0	0	0	5
	Percent HAL	14.3%	.0%	20.0%	15.4%	.0%	50.0%	.0%	.0%	.0%	.0%	8.3%

Table D.22
Rates of HALs by Income of Borrower
 City of Bismarck
 2004–2013 HMDA Data

Income	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	Average
\$15,000 or Below	33.3%	9.1%	55.6%	60.0%	100.0%	100.0%	50.0%	.0%	.0%	.0%	35.7%
\$15,001–\$30,000	24.2%	26.4%	36.5%	33.1%	30.4%	23.9%	18.1%	13.8%	25.6%	38.5%	27.1%
\$30,001–\$45,000	9.7%	16.0%	23.1%	15.0%	18.8%	12.4%	4.7%	9.0%	12.2%	9.6%	13.5%
\$45,001–\$60,000	8.8%	14.5%	21.8%	13.6%	17.3%	11.7%	2.5%	5.5%	8.6%	6.7%	11.7%
\$60,001–\$75,000	3.6%	7.1%	11.3%	9.7%	7.7%	8.4%	1.8%	3.7%	2.0%	7.1%	6.5%
Above \$75,000	2.7%	7.3%	6.0%	6.6%	7.5%	7.3%	1.4%	2.8%	2.0%	3.0%	4.6%
Data Missing	8.8%	7.5%	33.3%	23.1%	7.4%	3.1%	3.4%	5.9%	.0%	.0%	9.9%
Average	8.6%	12.8%	17.2%	13.3%	13.2%	10.7%	3.9%	5.1%	5.9%	6.6%	10.0%

E. ADDITIONAL MAPS

Map E.1
2010 American Indian Population and Assisted Housing (All Types)
 City of Bismarck
 2010 Census, Burleigh County Housing Authority



Map E.2 2010 Hispanic Population and Assisted Housing (All Types)

City of Bismarck
2010 Census, Burleigh County Housing Authority

