



2020 Analysis of Impediments to Fair Housing Choice

New Mexico



HAS YOUR RIGHT TO FAIR HOUSING BEEN VIOLATED?

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

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

New Mexico Human Rights Bureau
1596 Pacheco Street, Suite 103
Santa Fe, NM 87505
Telephone: (505) 827-6838
Toll free: (800) 566-9471
Website: www.dws.state.nm.us

New Mexico Mortgage Finance Authority
Fair Housing Officer
344 4th Street SW
Albuquerque, NM 87102
Telephone: (505) 767-2242
Website: www.housingnm.org/contact/mfas-fair-housing-officer

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EXECUTIVE SUMMARY

AI PURPOSE AND PROCESS

As a requirement of receiving funds under the Community Development Block Grant (CDBG) program, the HOME Investment Partnerships (HOME program), the Emergency Solutions Grant (ESG), the Housing for Persons with AIDS (HOPWA) program and the Housing Trust Fund, 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.
3. Maintain records reflecting the actions taken in response to the analysis.

In the Fair Housing Planning Guide, pages 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.

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. New Mexico Human Rights Act extends additional protections based on physical or mental handicap, serious medical condition, spousal affiliation, ancestry, age, sexual orientation and gender identity.

The process of affirmatively furthering 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 and public meetings to collect input from citizens and interested parties along with actions to overcome the identified impediments.

METHODOLOGY

As part of the consolidated planning process, and as a requirement for receiving HUD formula grant funding, the state of New Mexico is undertaking this update to the 2015 Analysis of Impediments to Fair Housing to evaluate impediments to fair housing choice within the state.

The purpose of this report is to determine current impediments to fair housing choice at work in New Mexico and to suggest actions that the local community can consider in order to overcome the identified impediments. Thus, this report represents only the first step in the three-part certification process presented on the previous page. This AI was conducted through the assessment of a number of quantitative and qualitative sources. Quantitative sources used in analyzing fair housing choice in the state of New Mexico 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 (CRA).
- Home loan application data from the Home Mortgage Disclosure Act.
- Housing complaint data from HUD.

Qualitative research included evaluation of relevant existing fair housing research and national and state fair housing complaints. Additionally, this research included the evaluation of information gathered from several public input opportunities conducted in relation to this AI, including a survey distributed to stakeholders and citizens, stakeholder interviews, and public focus groups.

Ultimately, a list of impediments to fair housing choice 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. Impediments to fair housing choice present within the state were identified; along with actions the state may consider in attempting to address possible impediments.

OVERVIEW OF FINDINGS

This AI includes a review of both public and private sector housing market contexts in non-entitlement areas of the state of New Mexico to identify practices or conditions that may operate to limit fair housing choice in the state. Analysis of demographic, economic and housing data included in that review establish the context in which housing choices are made. Demographic data indicate the sizes of racial and ethnic populations and other protected classes; economic and employment data show additional factors in influencing housing choice; and counts of housing by type, tenure, quality and cost indicate the ability of the housing stock to meet the needs of the state's residents.

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

problems and possible impediments to housing choice for persons of protected classes and confirm suspected findings from the contextual and supporting data.

The following is a summary of the key findings. Additional detail can be found in Section IX. :

Housing Conditions

- While the percentage of New Mexico’s residents experiencing overcrowding has steadily decreased since 2000, the issue persists, especially for renters. As of 2016, 4.1% of renters experience overcrowding and 2% experience severe overcrowding. (Table II.13)
- Respondents in the resident community survey indicated that the most common issues they had faced in the last two years were related to their housing and neighborhoods.
- The State’s 2020-2024 Consolidated Plan indicated that the state’s housing stock is aging. Further, interviews with stakeholders highlighted that New Mexico’s rural areas and colonias are parts of the State that suffer from poor housing quality due to an aging stock, overcrowding, are vulnerable to predatory lending, and with little to no construction activity, there simply is no stock of new housing.

Socio-Economic Conditions

- Income limits affordable housing options and effectively narrows housing choices.
- Population growth patterns affect housing availability.

Special Populations

- Accessible and affordable housing choices for persons with disabilities and the elderly may not be keeping pace with demand.

Fair Housing Status and Enforcement

- While progress has been made in public awareness of discriminatory practices, discrimination continues to be evident based on complaints to HUD FHEO. Complaints decreased significantly between 2015 and 2018 (See Section VI, Fair Housing.)

Lending and Foreclosure

- Availability of financial resources for owner-occupant home purchases is limited for all income and racial groups, but more limited for minorities.

Barriers to Affordable Housing

- The cost of available housing is cited as the most significant barrier experienced or observed according to survey results.
- Analysis in the 2020-2024 Consolidated Plan revealed housing cost exceeds the income of households at 30% and 50% of median income. These cost burdens tended to fall more heavily on renters than homeowners. (See Consolidated Plan, Section NA-15)

Fair Housing Planning

- The availability of data is not uniform or available for all areas of the state.
- There is no central state authority or agency responsible for all aspects of fair housing planning, enforcement or outreach.

Public Awareness

- Based on focus group discussions and survey results, it appears understanding fair housing protections is improving for the general public but education and outreach are still needed, including how to file a complaint.

OVERVIEW OF IMPEDIMENTS AND ACTIONS

Based on the findings, the following impediments were identified. Additional detail can be found in Section IX.

Impediment #1 *Lack of knowledge of fair housing related laws and fair housing resources among the general public, housing providers and policy makers*

- Based on survey results and focus group discussions, the general public and housing service providers often do not understand complaint processes and may be unaware of resources available through various agencies for resolving fair housing disputes (per focus group reports);
- Although there may be understanding of fair housing law among some, enforcement is an issue; the public is not sufficiently aware of how to obtain assistance necessary to protect fair housing rights.

Impediment #2 *Disproportionate Housing Problems for Minorities, Persons with Disabilities, and the Elderly*

- The 2020-2024 Consolidated Plan revealed that housing problems are an issue in minority communities, specifically Black/African American and Asian populations. (See Section NA-15.) Housing conditions include incomplete kitchen and plumbing facilities, overcrowding, and housing cost burden. These conditions effect minority populations statewide.
- As discussed in focus groups, accessible and affordable housing choices for persons with disabilities and the elderly may not be keeping pace with demand;

- As discussed in focus groups, mental illness and substance use disorders are an increasing reason for disability and resources to address housing needs of this population has not kept up.
- Respondents in the resident community survey indicated that the most common issues they had faced in the last two years were related to their housing and neighborhoods. They indicated that difficulty paying for needed repairs to their homes, difficulty paying utilities problems with the maintenance of their plumbing, electrical, appliances and other items in their homes were the greatest household challenges. These challenges are exacerbated for low-income homeowners.

Impediment #3 *Lack of affordable housing throughout the state has a greater impact on classes protected by the Fair Housing Act.*

- As discussed in the 2020-2024 Consolidated Plan, New Mexico experiences a limited supply of affordable housing and housing costs are high, especially for extremely low- and very low- income renters, causing those renters to face significant affordability “gaps” (See Section NA-10.) While renters face greater barriers to affordable housing, homebuyers also face challenges. Less than 14% of owner-occupied homes were affordable for homeowners. (See Section MA-15) Extremely low and very low-income renters and homeowners are more likely to be in a protected class under Fair Housing laws.
- Tribal lands are a struggle to delineate ownership according to stakeholders complicating both lending and development of housing.

Impediment # 4

Protected classes are more likely to encounter greater obstacles in obtaining mortgages due to lower incomes, issues with credit scores, and insufficient knowledge of the lending process. (See Section VI, Analysis of HMDA data).

- In every year between 2007 and 2017, Native Americans were the most likely race/ethnicity group to be denied a home mortgage loan.
- There are higher denial rates for Native American, Black and Hispanic applicants relative to White applicants.
- There are higher denial rates for lower income applicants and neighborhoods (minority populations are more likely to be low income than their white counterparts).

- Minorities populations are more likely to obtain a subprime mortgage with higher interest rates.

SECTION I. INTRODUCTION

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

- The Fair Housing Act,
- The Housing Amendments Act, and
- 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), 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. The National Housing Trust Fund (NHTF) was enacted as part of the Housing and Economic Recovery Act of 2008 (HERA), P.L. 110-289 (July 30, 2008) and requires affirmatively furthering fair housing as well.

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 (AFFH). The AFFH certification process has three parts:

- Complete an Analysis of Impediments to Fair Housing Choice (AI),
- Take actions to overcome the effects of any impediments identified through the analysis, and
- 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:

- “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.”

State and local governments may enact fair housing laws that extend protection to other groups as well. For example, the New Mexico Human Rights Act prohibits discrimination on the basis of physical or mental handicap, serious medical condition, spousal affiliation, ancestry, age, sexual orientation and gender identity. Similarly, local ordinances may offer more additional protections.

Comparison of Fair Housing Laws

Protected Group	Federal Fair Housing Act	New Mexico Human Rights Act
Race	X	X
Color	X	X
Religion	X	X
Sex	X	X
Familial Status	X	
National Origin	X	X
Disability	X	X
Age		X
Ancestry		X
Spousal Affiliation		X
Physical or Mental Handicap		X
Serious Medical Condition		X
Gender Identity		X
Sexual Orientation		X

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, such as the segregation of racial or ethnic minorities. In addition, the AI does not seek to address future affordable housing needs or specific affordable housing production issues.

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;
- 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.

The objective of this AI update 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 state of New Mexico was Mortgage Finance Authority (MFA), with the participation of the Department of Finance and Administration (DFA).

SECTION II. ASSESSMENT OF PAST IMPEDIMENTS AND ACTIONS

The following chart provides a summary of impediments identified in the 2015 Analysis of Impediments to Fair Housing and the actions taken to address them.

Impediment	Suggested Action	Goals	Measurable Objective	Action Taken/Outcomes	Performed by
PRIVATE SECTOR					
1. Home loan denials to minority borrowers	Home purchase training	MFA will produce fair housing informational brochures in English and Spanish, giving information and references to applicable rules, regulations, and HUD contact information.	No. of activities each year, materials, participants	MFA printed 1,500 11x14 fair housing posters in 2018, 1,000 in English and 500 in Spanish. These were distributed in Fair Housing Month (April 2018) to more than 300 property owners/managers and more than 50 MFA service provider agencies statewide.	MFA/DFA completed the identified actions during the prior AI cycle 2015-2019, however, home loan denials for Native American and Hispanic/Latino populations carried over in Impediment #4 of the 2020 AI.
2. Predatory lending to minority borrowers	Home purchase training	MFA will produce and prominently display signage for project sites to provide notice of fair housing (Equal Opportunity Housing Logo) to attract	No. of activities each year, materials, participants	MFA confirmed site signage with the Equal Housing Opportunity logo at 160 affordable housing properties. In 2018, MFA redesigned its signage for	MFA/DFA completed the actions described which ameliorated this impediment and as such, it was

		potential renters (or homeowners in projects with homeownership) from minority and nonminority groups regardless of protected class.		introduction in 2019. The redesign includes the Equal Housing Opportunity logo.	not identified as an impediment in the 2020 AI study. Impediment 4 of the 2020 AI study addresses the obstacles that protected classes are more likely to encounter during the home buying process
3. Discriminatory terms in rental housing	Landlord/Property Management training	Staff will participate in MFA-sponsored annual fair housing trainings to better monitor compliance at MFA-funded housing projects. Developers, agencies, and managers will be invited to attend.	No. of activities each year, materials, participants	MFA sponsored 1 fair housing training with MFA staff and 45 agencies and property managers in attendance. The training was held at the biennial New Mexico Housing Summit in September 2018. MFA sponsored a fair housing training with fair housing staff and MFA program service providers from throughout the state in March 2019.	MFA/DFA completed the actions described which ameliorated this impediment and as such, it was not identified as an impediment in the 2020 AI study. Impediment 3 of the 2020 AI study addresses the lack of affordable housing

				<p>To avoid concentration of assisted housing, MFA reviewed all 2018 HOME applications for site and neighborhood standards as part of the Environmental Review process. Site and neighborhood standards were covered in MFA's 2018 training for Low Income Housing Tax Credit developers, which attracted 60 attendees.</p>	<p>affecting protected classes.</p>
<p>4. Discriminatory refusal to rent</p>	<p>Landlord/Property Management training</p>	<p>MFA will ensure that contracts and award letters alert recipients to fair housing requirements using separate information with reference to applicable rules, regulations, and HUD contact information</p>	<p>No. of activities each year, materials, participants</p>	<p>MFA's Community Development Department issued 13 HOME contracts and award letters in 2018 with fair housing requirements included.</p>	<p>MFA/DFA completed the actions described which ameliorated this impediment and as such, it was not identified as an impediment in the 2020 AI study. Impediment 2 of the 2020 AI study addresses disproportionate</p>

					housing problems affecting protected classes.
5. Failure of reasonable accommodation	Inspection of newly constructed MFA financed housing units	As part of the annual update to the Consolidated Plan, MFA will conduct an annual review of housing statewide to ascertain shortfalls in location, availability, and accessibility in a range of unit sizes (per HUD Table 2A).	No. of inspections each year and outcomes of inspections	MFA conducted property visits to confirm general FHEO compliance on property (site signage, FHEO poster, AFHMP on-site) for 160 properties, 107 of which are HUD funded and 28 of which are HOME funded. MFA conducted inspections at 10 homeless shelters. MFA identified 2 shelters where the minimum livability standards were not being met and worked with those shelters to bring them into compliance. MFA reviewed and verified housing demand and need in 8 market studies for Low Income Housing Tax Credit projects.	MFA completed the actions described which ameliorated this impediment and as such, it was not identified as an impediment in the 2020 AI study.

PUBLIC SECTOR					
1. Limited fair housing infrastructure	Support local FHIP applicant(s)	Continue to participate in state-wide forums for housing such as the Supportive Housing Coalition that includes advocates for special needs populations. In partnering with these other organizations, MFA is better able to understand and assist in a number of fair housing-related issues including: refugee housing; disposition and repairs for public housing; assistance to troubled housing authorities; homeownership in lower income areas; housing for the homeless; eviction and foreclosure prevention; housing for those previously incarcerated; youth in transition; and	Record of outreach, organizations contacted, correspondence each year	<p>MFA staff partnered with the NMCEH for 21 trainings and informational sessions on best practice in Housing First to direct service providers of emergency shelter, transitional housing, and permanent supportive housing statewide.</p> <p>MFA is a member of and actively participates in the state's Behavioral Health Collaborative, Continuum of Care Board of Directors, Independent Review Committee and partners with NMCEH to administer the annual Point in Time Count statewide. In 2018, MFA collaborated with the New Mexico Department of</p>	<p>MFA/DFA</p> <p>Carried over as Impediment 3 – Lack of affordable housing throughout the state has a greater impact on protected classes.</p>

		<p>housing for the disabled and elderly.</p>		<p>Corrections and Legislative Finance Committee to propose \$2.5 million for a pilot program to house previously incarcerated individuals. This funding was approved by the 2019 New Mexico Legislature.</p> <p>MFA received \$3.6 million in Capital Magnet funding in 2018, which requires a targeted 10% set aside for rural housing. MFA is meeting this set-aside threshold. MFA conducted a 6-month promotion of this program in non-MSA areas of the State. MFA will meet the target set asides.</p> <p>MFA hosted two annual lender forums with New Mexico lenders and realtors, providing information and</p>	
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				<p>training related to MFA's programs to assist low-income homebuyers.</p> <p>MFA sponsored, promoted and participated in the 2018 Annual Apartment Conference and Trade Show, which included fair housing training.</p> <p>MFA service providers participate in the Emergency Shelter Grant and Continuum of Care programs, addressing diverse housing needs.</p>	
2. Lack of oversight of manufactured home lenders	Outreach/education to lending institutions	MFA will incorporate into monitoring procedures and checklists a verification that project managers are affirmatively furthering fair housing, assess what percentage of occupancy is utilized	No. activities each year, materials, participants	<p>In 2018, MFA conducted 12 monthly trainings with its lender partners, all of whom provide mortgages for manufactured housing.</p> <p>As part of its strategic plan, MFA began researching how to expand its footprint in</p>	MFA/DFA completed the actions described which ameliorated this impediment and as such, it was not identified as an impediment in the 2020 AI study.

		by protected classes (disability, familial status) through set-aside tracking, verify that fair housing signage is adequately displayed, and that efforts are ongoing to market to residents from certain protected classes (to fill the corresponding set-aside). A formal set-aside policy is included in the MFA Program Rules and Guidelines to ensure existing set-aside units are being filled with the appropriate demographic		<p>manufactured home lending, particularly in rural areas.</p> <p>MFA financed 142 manufactured home mortgages in 2018.</p> <p>MFA service providers participate in the HOME Rehab program which offers manufactured home replacement opportunities where rehabilitation of an existing home is not feasible. Service providers replaced 5 homes with manufactured homes in 2018.</p>	
3. NIBMYism	Meetings/Outreach in Fair Housing Month	MFA/DFA's use of HUD funds will provide outreach for funded activities to minorities, women, and businesses owned by minorities and women including real estate firms,	Records of meetings each year, presentation and marketing materials	MFA routinely follows and maintains Section 3 guidelines. In 2018, one HUD-funded project was completed; however, that project did not report hiring minority or women-owned businesses.	MFA/DFA completed the actions described which ameliorated this impediment and as such, it was not identified as an impediment

		construction firms, appraisal firms, managements firms, underwriters, accountants, and providers of legal services. Section 3 guidelines will also be followed and maintained.		In 2018, MFA assisted 13 local governments to develop and implement affordable housing plans and ordinances. This process includes a review of local land use policies and recommendations to prevent NIMBYism and ensure all a full range of housing opportunities.	in the 2020 AI study.
PUBLIC AND PRIVATE SECTOR					
1. Lack of understanding of fair housing laws	Meeting/outreach in Fair Housing Month; Distribution of fair housing materials	MFA will investigate and potentially produce an online housing dashboard providing interactive analytical data on housing, demographics, and economics for New Mexico which will enable local jurisdictions to be more thorough in preparing their	No. of activities each year, materials, participants; No. of materials distributed each year	In 2018, MFA hosted its biennial New Mexico Housing Summit. In partnership with the Realtors Association of NM, MFA organized a plenary session celebrating the 50 th anniversary of the Fair Housing Act, which was attended by approximately 550 participants. MFA also provided a training on Fair Housing across the	MFA/DFA Carried over as Impediment 1 Lack of knowledge of fair housing related laws and fair housing resources among the general public, housing providers and policy makers

		<p>Affordable Housing Plans</p>		<p>housing spectrum (homeless assistance and prevention, rental and homeownership) which was attended by 45 participants and MFA staff.</p> <p>In 2018, MFA completed its New Mexico Affordable Housing Needs Assessment, an interactive report of housing, demographics and economics, which is downloadable from the MFA website as of April 2019.</p> <p>See Home Denials to Minority Homebuyers for distribution of fair housing materials.</p>	
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SECTION III. SOCIO-ECONOMIC CONTEXT

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

To supplement 2000 and 2010 decennial census data, data for this analysis was also gathered from the Census Bureau's American Community Survey (ACS). The ACS data cover similar topics to the decennial counts but include data not appearing in the 2010 Census, such as household income and poverty. The key difference of these datasets is that the ACS data represent a five-year average of annual data estimates as opposed to a point-in-time 100 percent count; the ACS data reported herein span the years from 2012 through 2016. The ACS figures are not directly comparable to decennial census counts because they do not account for certain population groups such as persons experiencing homelessness 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

Understanding the demographic makeup of the state is an essential part of any analysis of the State's housing market. These data summarize not only the protected class populations, but characteristics of the total population for the entire state, entitlement cities, special focus areas, and the remainder of the state, as well as the outcome of housing location choices. These data help to address whether concentrations of racial and ethnic minorities exist and identify which areas of the state are most affected. Extreme concentrations of protected class populations do not necessarily imply impediments to fair housing choice but may represent the results of impediments identified in other data.

POPULATION DYNAMICS

Table II.1 below presents population counts in non-entitlement areas of the state of New Mexico, as drawn from the 2000 and 2010 censuses and intercensal estimates for 2001 through 2009 and 2011 through 2017. In total, the population in the state grew from 1,144,360 persons in 2000 to an estimated 1,202,428 in 2017, an increase of 5.1 percent. However, the total population of all non-entitlement areas of the state began to decline in 2012, according to the intercensal estimates.

Table II.1
Census and Population Estimates
Non-Entitlement Areas of New Mexico
2000, 2010 Census and Annual Population Estimates as of July 1 (PEPANNRES)

Year	Estimate
Census 2000	1,144,360
July 2001 Est.	1,137,648
July 2002 Est.	1,143,730
July 2003 Est.	1,150,052
July 2004 Est.	1,158,556
July 2005 Est.	1,166,479
July 2006 Est.	1,176,161
July 2007 Est.	1,186,450
July 2008 Est.	1,192,752
July 2009 Est.	1,203,774
Census 2010	1,214,364
July 2011 Est.	1,209,154
July 2012 Est.	1,210,105
July 2013 Est.	1,209,056
July 2014 Est.	1,206,003
July 2015 Est.	1,203,601
July 2016 Est.	1,203,569
July 2017 Est.	1,202,428
Percent Change 2000-2017	5.1%
Percent Change 2010-2017	-1.0%

POPULATION BY AGE

While the shrinking population in the non-entitlement areas of New Mexico was relatively modest from 2010 through 2017, there was marked variation in the rate of change of different age cohorts within the population, as shown in Table II.2 below. Four age cohorts increased in population during this time period with the 65 and older cohort growing by the most with 26,876 people. Of the three cohorts who decreased in population, the 35 to 54 shrank the most. Additionally, the under 18 population shrank by over 20,000 people.

Table II.2
Population by Age
Non-Entitlement Areas of New Mexico
2010 Census & 2012-2016 ACS 5-Year Estimates

Age	2010 Census		2012-2016 ACS		Population Change	% Change 2010-2016
	Population	% of Total	Population	% of Total		
Under 5	85,960	7.1%	77,904	6.5%	-8,056	-9.4%
5 to 19	264,972	21.8%	251,291	20.9%	-13,681	-5.2%
20 to 24	78,299	6.4%	84,806	7.0%	6,507	8.3%
25 to 34	143,085	11.8%	145,862	12.1%	2,777	1.9%
35 to 54	317,458	26.1%	286,694	23.8%	-30,764	-9.7%
55 to 64	158,035	13.0%	164,403	13.7%	6,368	4.0%
65 or older	166,555	13.7%	193,431	16.0%	26,876	16.1%
Total	1,214,364	100.0%	1,204,391	100.0%	-9,973	-0.8%

As noted, the cohort of residents over the age of 65 grew at a comparatively rapid pace between the two time periods. Overall, most of the growth in that cohort was accounted for by rapid growth in the number of residents at the lower and upper ends of the spectrum, as shown in Table II.3 below. The number of residents aged 85 or older grew by 19.9 percent, the fastest rate of growth observed in the elderly cohort. In the youngest elderly cohort, the rate of growth was 18.8 percent, still above the overall growth rate of 16.1 percent for the elderly cohort.

Table II.3
Elderly Population by Age
Non-Entitlement Areas of New Mexico
2010 Census & 2012-2016 ACS 5-Year Estimates

Age	2010 Census		2012-2016 ACS		% Change
	Population	% of Total	Population	% of Total	2010-2016
64 to 74	97,373	58.4%	115,648	59.8%	18.8%
75 to 84	52,092	31.3%	57,295	29.6%	10.0%
85 or older	17,090	10.3%	20,488	10.6%	19.9%
Total	166,555	100.0%	193,431	100.0%	16.1%

POPULATION BY RACE AND ETHNICITY

In addition to showing marked variation by age, the change in population of non-entitlement areas showed considerable variation based on race and ethnicity, as seen in Table II.4 below. The racial composition of the state saw change between 2010 and 2016. There was relatively high growth in the number of persons identifying as White, the largest racial group in the state by far. The number of persons identifying as Asian also grew but that population is one of the smallest in the state. The number of persons identifying as American Indian remained virtually unchanged. The numbers of persons identifying as Black, Hawaiian and Pacific Islander, Other Race and Two or More Races all shrank in population during this time period. The number of persons identifying as Hispanic grew slightly by 1.7 percent, while the number of persons identifying as non-Hispanic shrank by 3.0 percent. As a result, the number of persons identifying as Hispanic grew as a proportion of the total population from 46.7 percent in 2010 to 47.9 percent in 2016.

Table II.4
Population by Race and Ethnicity
Non-Entitlement Areas of New Mexico
2010 Census & 2012-2016 ACS 5-Year Estimates

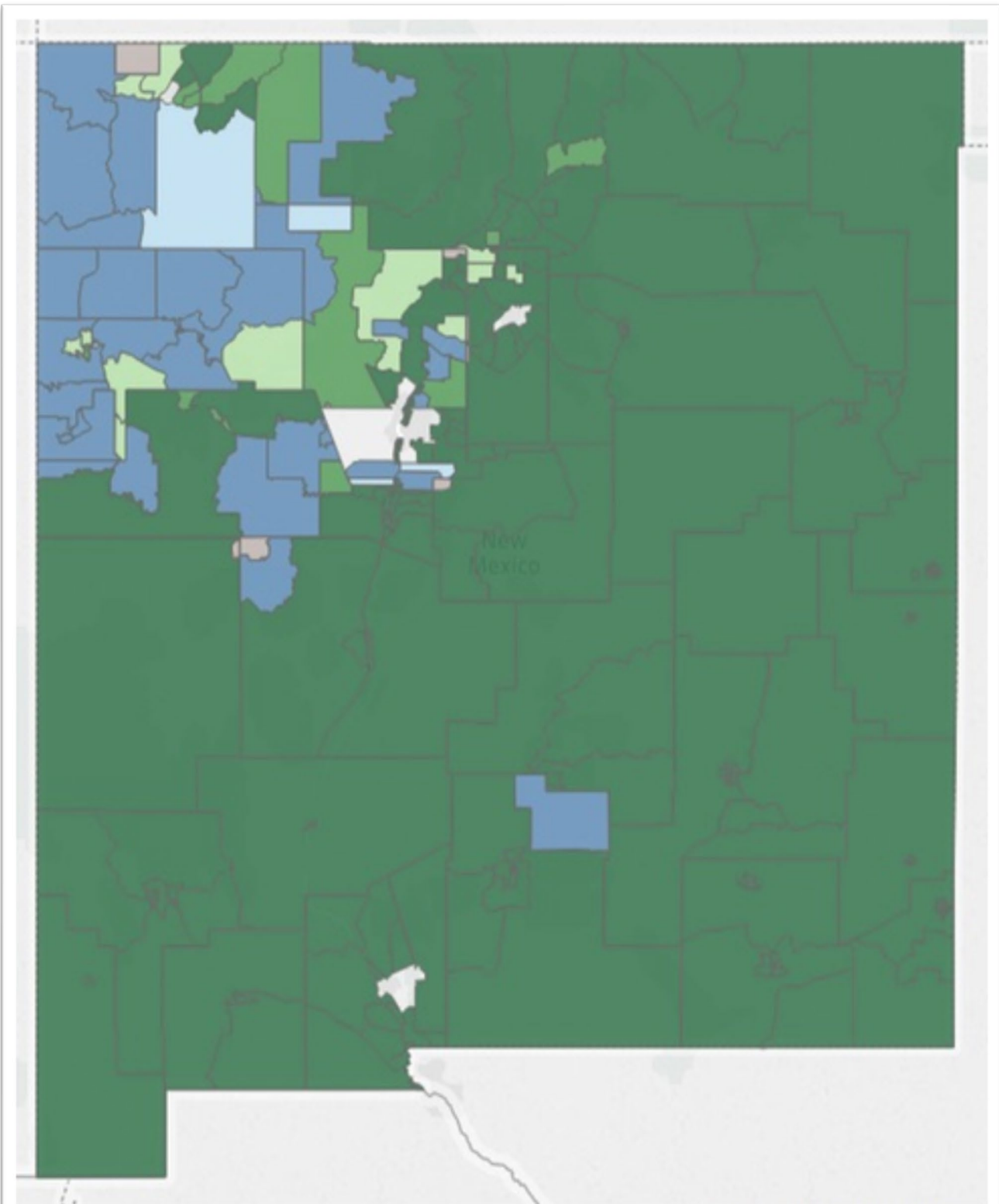
Race	2010 Census		2012-2016 ACS		% Change
	Population	% of Total	Population	% of Total	2010-2016
White	804,846	66.3%	868,396	72.1%	7.9%
Black	18,572	1.5%	17,694	1.5%	-4.7%
American Indian	152,009	12.5%	152,004	12.6%	0.0%
Asian	9,309	0.8%	9,906	0.8%	6.4%
N. Hawaiian/P. Islander	860	0.1%	583	0.1%	-32.2%
Other	188,921	15.6%	124,145	10.3%	-34.3%
Two or More	39,847	3.3%	31,663	2.6%	-20.5%
Total	1,214,364	100.0%	1,204,391	100.0%	-0.8%
Non-Hispanic	646,999	53.3%	627,631	52.1%	-3.0%
Hispanic	567,365	46.7%	576,760	47.9%	1.7%

The geographic distribution of racial and ethnic minorities can vary significantly throughout a community. For the purposes of this study, a Census Tract is considered to have a disproportionate share of a population when the percentage of that population is 10 percentage points or more above the study area average. For example, the state of New Mexico’s Hispanic population represented 47.9 percent of the total population in 2016. Therefore, any Census Tract in the state in which Hispanic persons made up more than 57.9 percent of the population was considered to hold a disproportionate share of that population.

American Indian Population

The American Indian population was highly concentrated in the northwestern corner of the state in 2000, as shown in Map II.1. American Indian residents accounted for over 95 percent of the population in many census tracts throughout the northwestern corner of the state. This is almost entirely due to the existence of Indian Nation Lands. Beyond the north and northwest portions of the state, only one other area was observed to hold a disproportionate concentration of American Indian residents: Otero Census Tract 8, the boundaries of which correspond to the boundaries of the Mescalero Reservation. The overall distribution of American Indian residents in the state changed very little between 2000 and 2016, as shown in Map II.2. However, subtle changes did occur in some areas including rural census tracts near Farmington in the northwest of the state.

Map II.1
American Indian Population by Census Tract Non-Entitlement Area of New Mexico
2000 Census









American Indian Population 2000

Data Source: 2000 Decennial Census

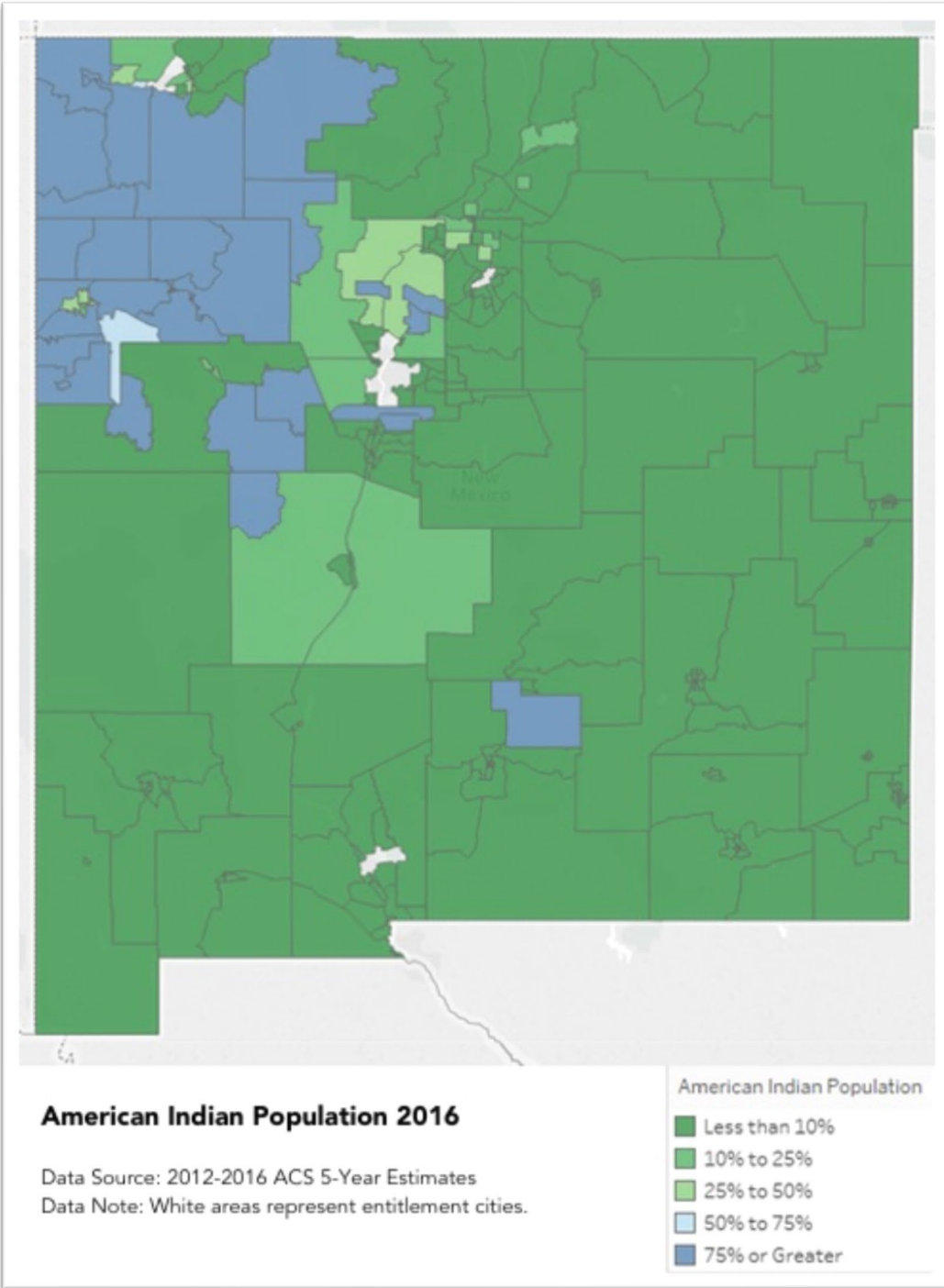
Data Note: White areas represent entitlement cities.

American Indian Population

-  Null
-  Less than 10%
-  10% to 25%
-  25% to 50%
-  50% to 75%
-  75% or Greater

Map II.2

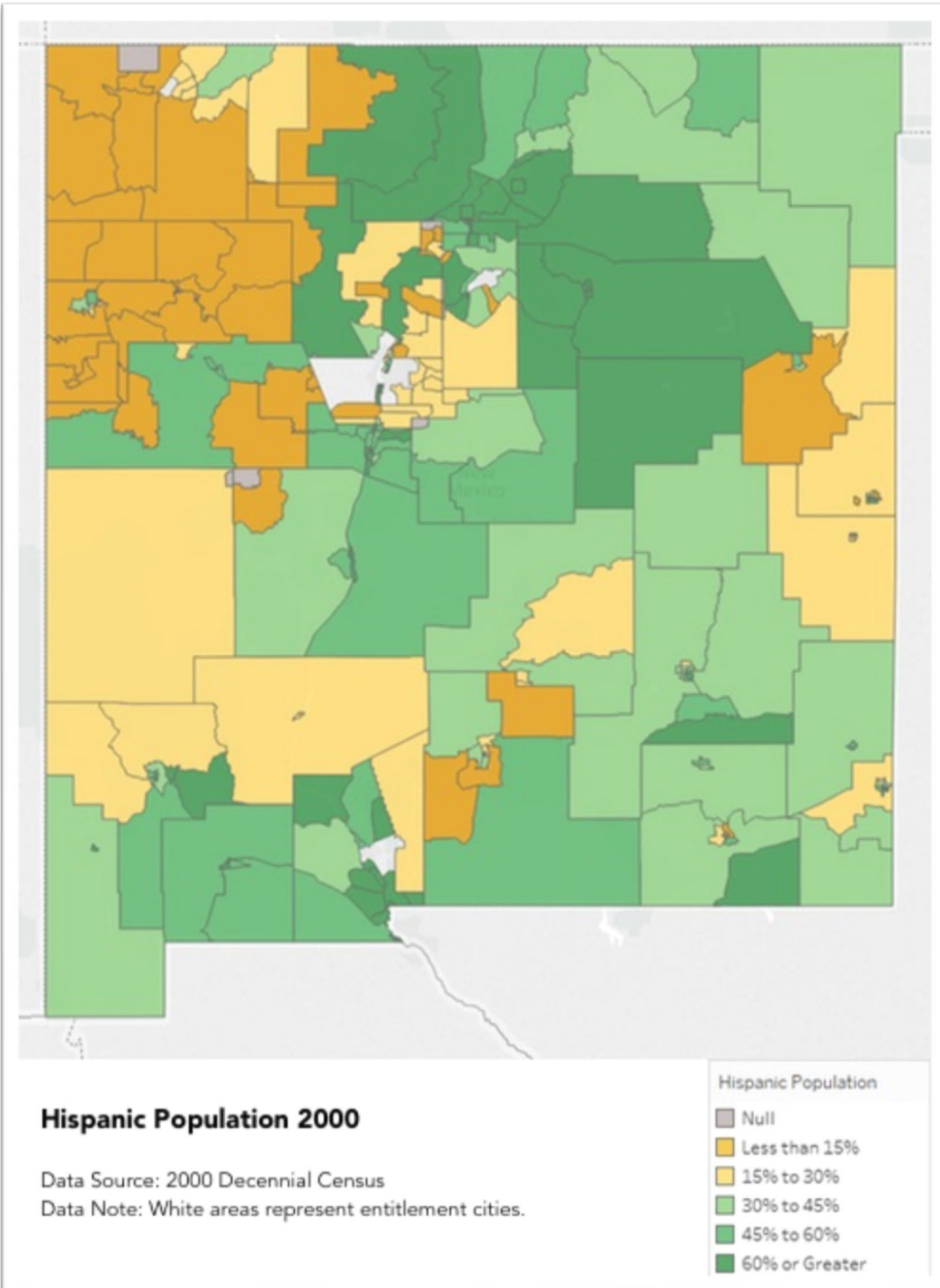
**American Indian Population by Census Tract Non-Entitlement Areas of New Mexico
2012-2016 ACS 5-Year Estimates**



Hispanic Population

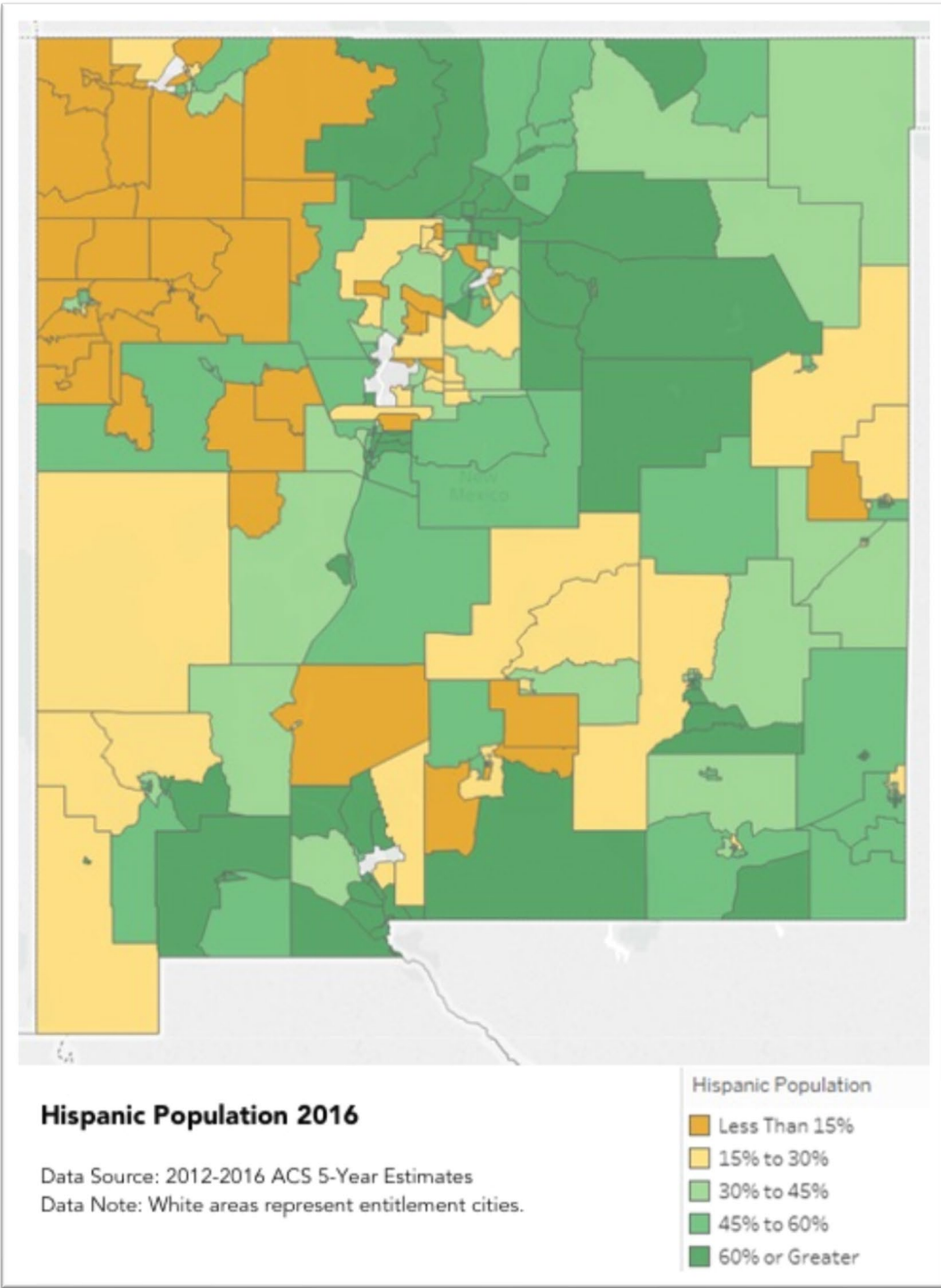
The Hispanic population continued to grow since 2010, as noted previously, and came to account for nearly half of the total population of New Mexico by 2016. However, even as the Hispanic population grew, the population continued to live in areas that held high concentrations of Hispanic residents in 2000. In that year, the highest concentrations of Hispanic residents were observed in Rio Arriba Census Tracts 1 and 3 and Taos County Census Tract 9529, as well as in Doña Ana Census Tracts 18.02, 16, and 18.01, as shown in Map II.3. More than 84 percent of residents in those census tracts were Hispanic. Tracts with above-average and disproportionate shares of Hispanic residents were observed throughout the state in 2000. By 2016, the distribution of the Hispanic population had changed very little, as shown in Map II.4.

Map II.3
Hispanic Population by Census Tract Non-Entitlement Areas of New Mexico
2000 Census



Map II.4

**Percent Hispanic Population by Census Tract Non-Entitlement Areas of New Mexico
2012-2016 ACS 5-Year Estimates**



DISABILITY STATUS

The Census Bureau defines disability as 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. Among all persons aged five years or older, 21.1 percent were living with a disability in non-entitlement areas of New Mexico in 2000, as shown in Table II.5 below. This share represented 219,910 persons living with a disability in the state including 12,190 persons between the ages of five and 15 and 58,762 persons aged 65 or older. ACS data from 2016 indicate the share of persons with disabilities fell to 16.4 percent by 2016, as shown in Table II.6 below. However, due to changes in the ACS questionnaire that were implemented in 2008, figures from 2016 are not directly comparable with figures from 2000.

Table II.5
Disability by Age
Non-Entitlement Areas of New Mexico
2000 Census

Age	Total	
	Persons with Disabilities	Disability Rate
5 to 15	12,190	5.6%
16 to 64	148,958	21.4%
65 and older	58,762	46.4%
Total	219,910	21.1%

Table II.6
Disability by Age
Non-Entitlement Areas of New Mexico
2012-2016 ACS 5-Year Estimates

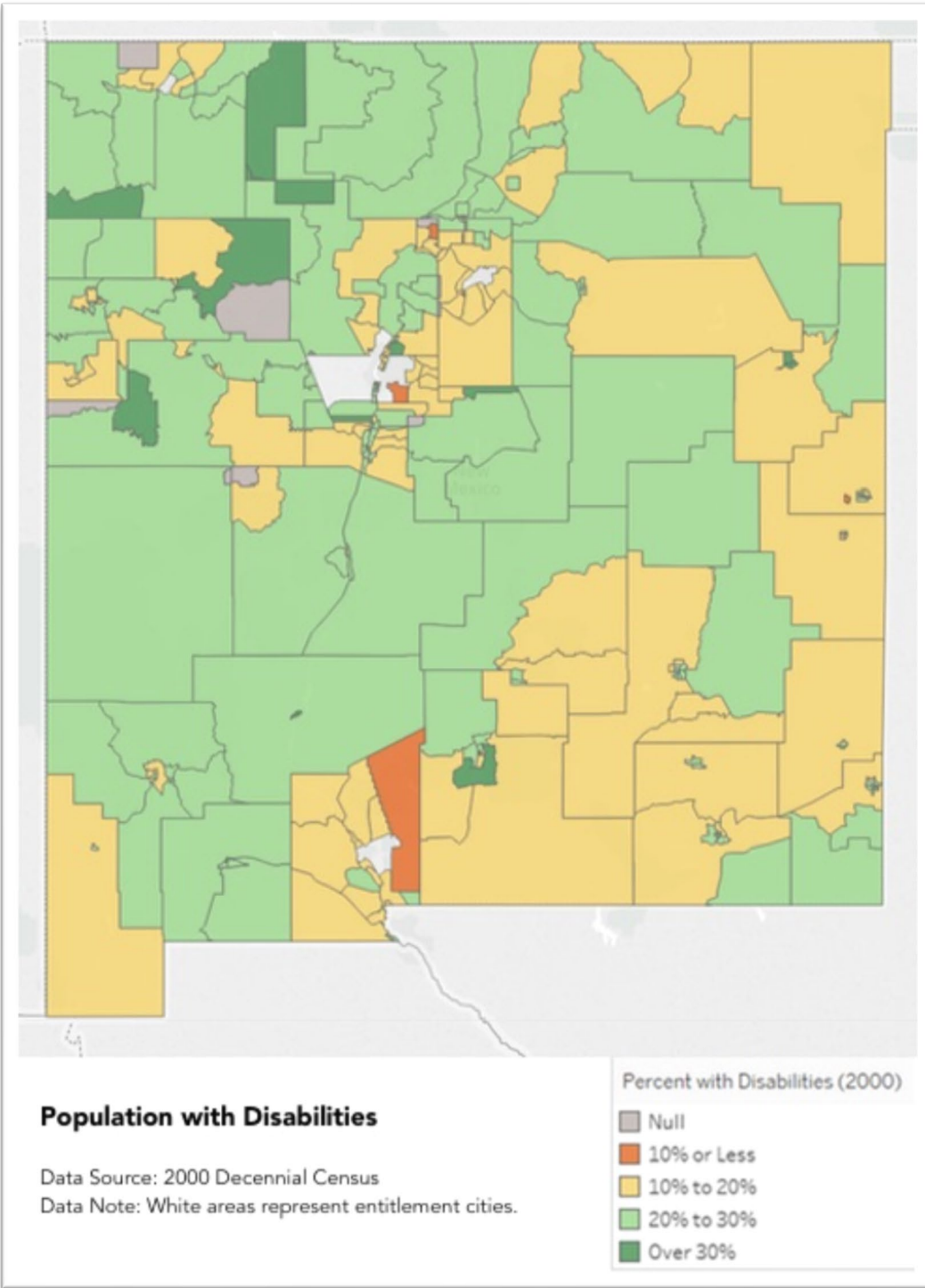
Age	Total	
	Persons with Disabilities	Disability Rate
Under 5	698	0.9%
5 to 17	11,048	5.1%
18 to 34	19,815	7.9%
35 to 64	79,925	18.1%
65 to 74	37,348	32.5%
75 or older	43,834	57.9%
Total	192,668	16.4%

As with racial and ethnic concentrations, high shares of persons with disabilities in particular census tracts do not necessarily point to an impediment to fair housing choice, although they may be the direct result of impediments, such as policies that limit accessible multi-family housing.

The geographic distribution of persons with disabilities in the state of New Mexico as of the 2000 census is presented in Map II.5 on the following page. Only a few census tracts held disproportionate shares of persons with disabilities; these were largely concentrated in the northwest of the state, such as in McKinley Census Tract 9434, Rio Arriba Census Tract 6, Cibola Census Tract 9458. These tracts had between 31.2 and 54.1 percent of the population living with some form of disability. In Valencia Census Tract 9402, more than half of the population was living with a disability. The highest proportion of residents with disabilities was observed in Sandoval County Tract 9409, where 100 percent of residents were observed to be living with a disability. However, such “round” numbers are often based on a small number of individuals. Indeed, that tract contained fewer than 15 residents in 2000.

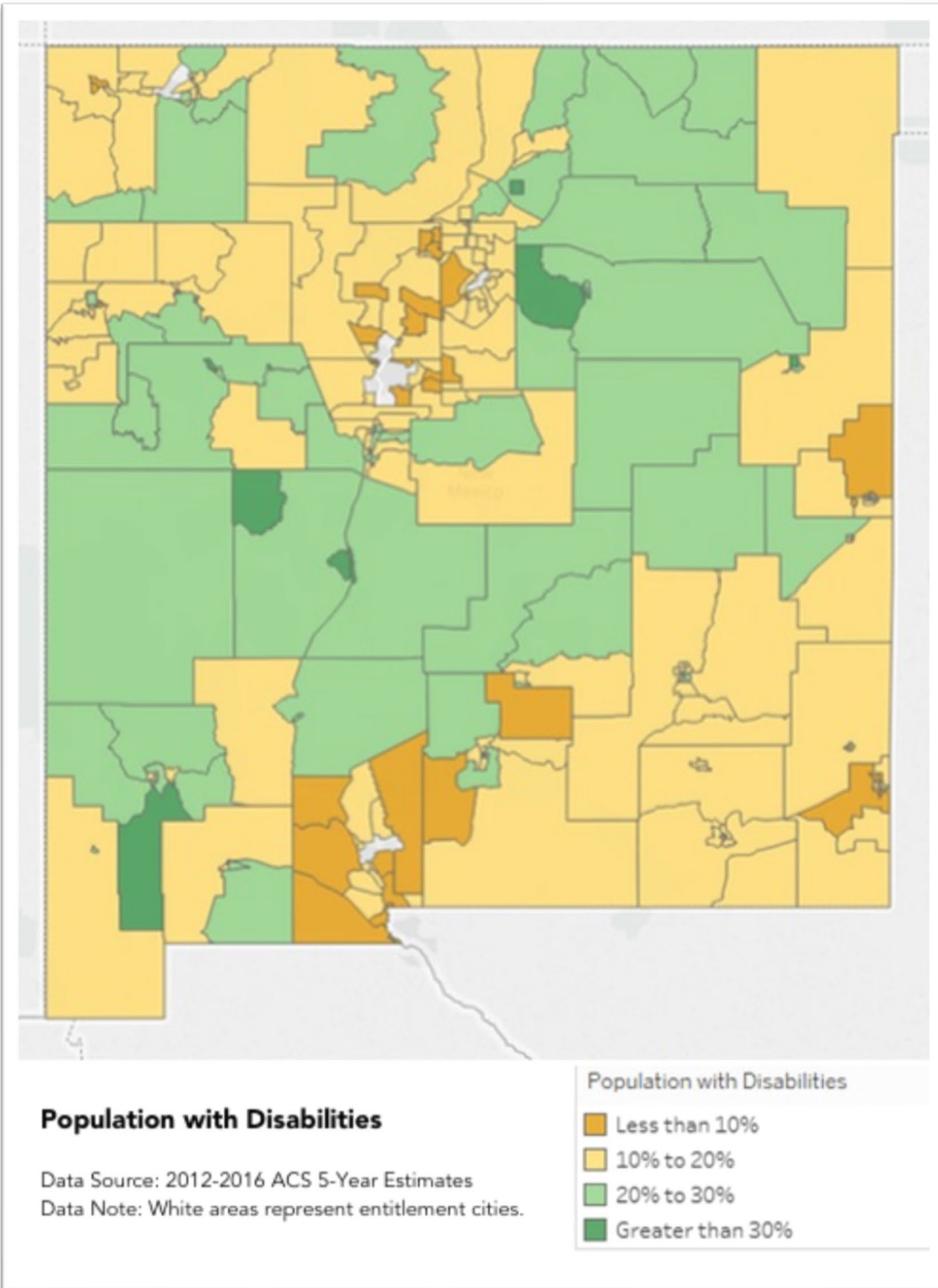
Map II.5

**Population with Disabilities by Census Tract, Non-Entitlement Areas of New Mexico
2000 Census Data**



Map II.6

**Population with Disabilities by Census Tract, Non-Entitlement Areas of New Mexico
2012-2016 ACS 5-Year Estimates**



By 2016, the distribution of residents with disabilities looked considerably different than it had in 2000, as shown in Map II.6 on the previous page. The highest concentrations of residents with disabilities in 2012-2016 appeared in Socorro County 9400 and San Miguel County 9578 with 36.1 and 35.3 percent, respectively. Overall, the population with disabilities was 30 percent or higher in ten census tracts: Socorro 9400, San Miguel 9578, Socorro 9783.3, San Miguel 9574, Cibola 9744, San Miguel 9576, Taos 9400, Socorro 9783.1, Quay 9586.2, and Grant 9648.

ECONOMICS

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

LABOR FORCE AND EMPLOYMENT

Data regarding the labor force, defined as the total number of persons working or looking for work, are gathered from the Bureau of Labor Statistics (BLS). Employment figures for non-entitlement areas of New Mexico from 2000 to 2017, presented below in Diagram II.1, show that the number of employed persons grew consistently through 2008, dropped down in 2010 and then has remained relatively stable. The number of persons in the labor force followed a similar pattern with a less dramatic drop in 2010.

Diagram II.1
Employment and Labor Force
Non-Entitlement Areas of New Mexico 2000-2017 BLS

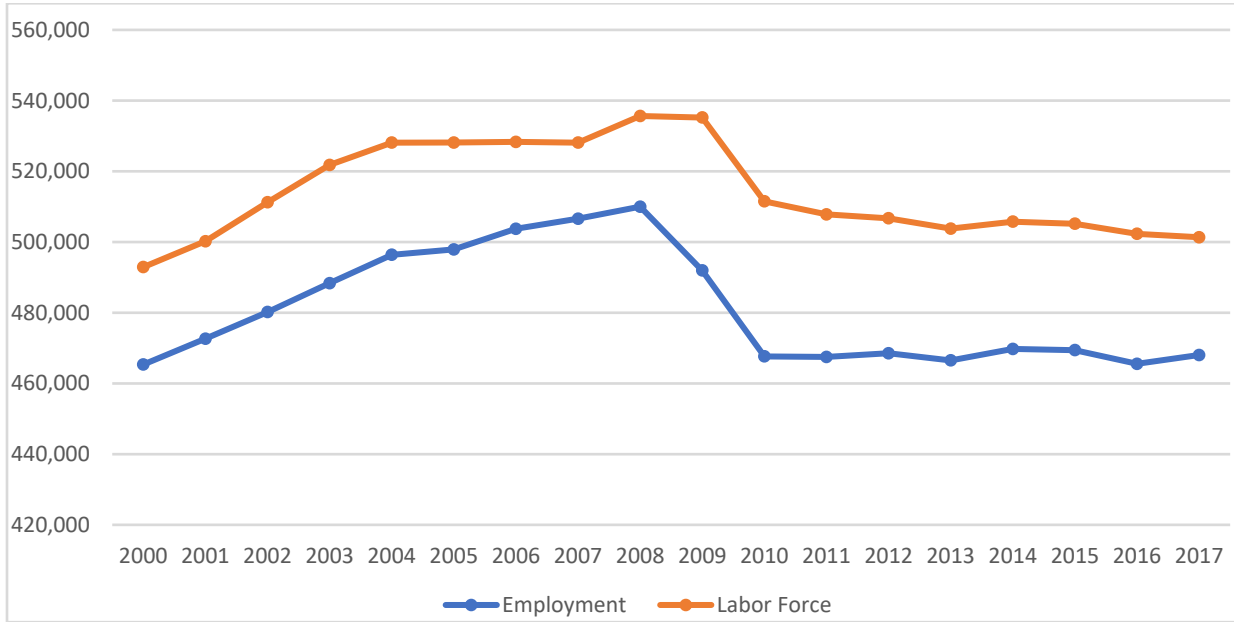
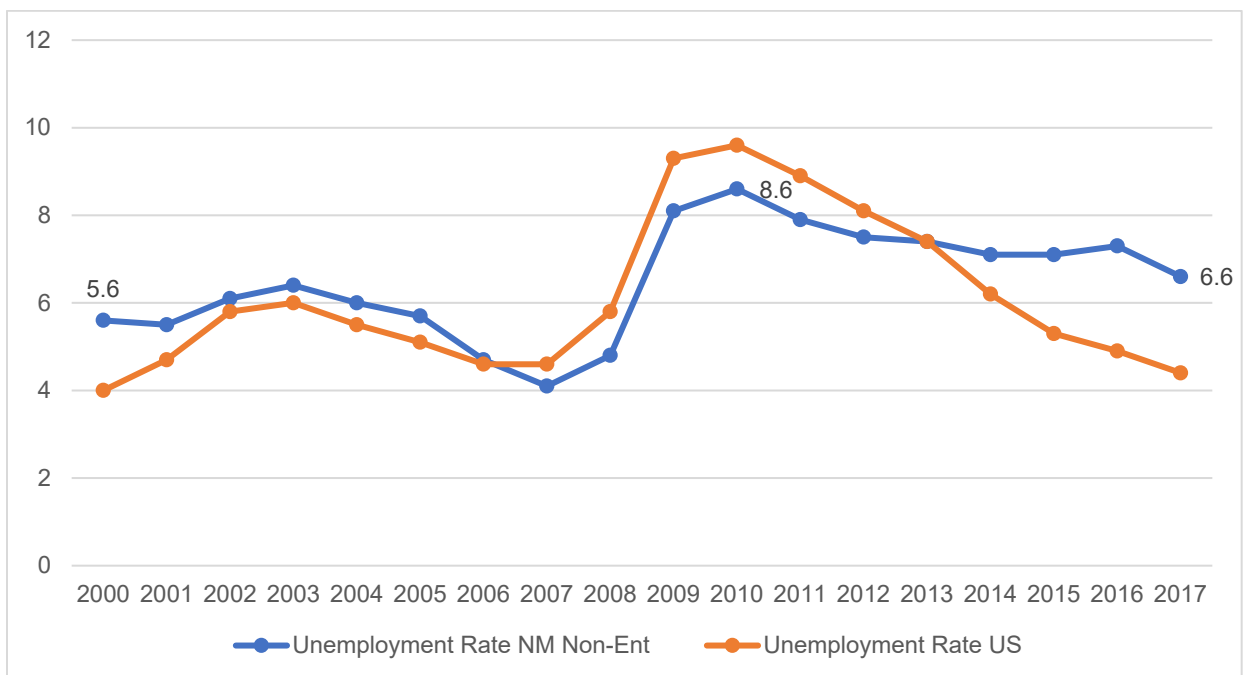


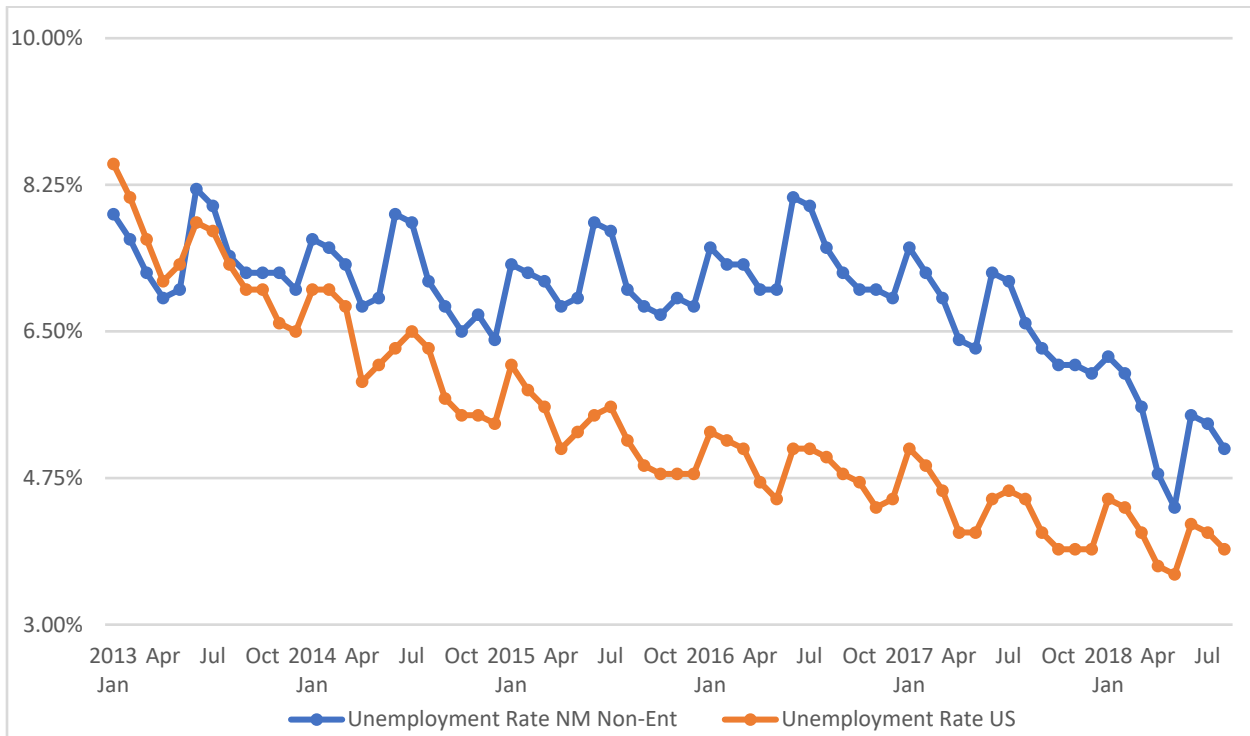
Diagram II.2 presents the yearly unemployment rates in the non-entitlement areas of New Mexico and the nation as a whole between 2000 and 2017. As shown, the unemployment rate spiked in the years 2009 and 2010, though it fell steadily thereafter. The drop in the unemployment rate was not as steady in the non-entitlement area of New Mexico as the nation. With the exception of this spike, trends in unemployment in non-entitlement New Mexico largely followed trends at the national level. However, the global recession left its mark on the New Mexican economy as unemployment climbed until 2010 and then dropped for 6 of the next 7 years.

Diagram II.2
Unemployment Rate
Non-Entitlement Areas of New Mexico 2000–2017 BLS



During the spike in unemployment that began in 2008, the state continued to show marked seasonal variation in the unemployment rate, as shown in Diagram II.3 below. In most years, unemployment spiked during the months of January or February and again during the summer months, generally in July. From 2013 to 2018, the difference between these peaks and troughs in unemployment was approximately one percentage point.

Diagram II.3
Monthly Unemployment Rate
Non-Entitlement Areas of New Mexico 2013–August 2018 BLS



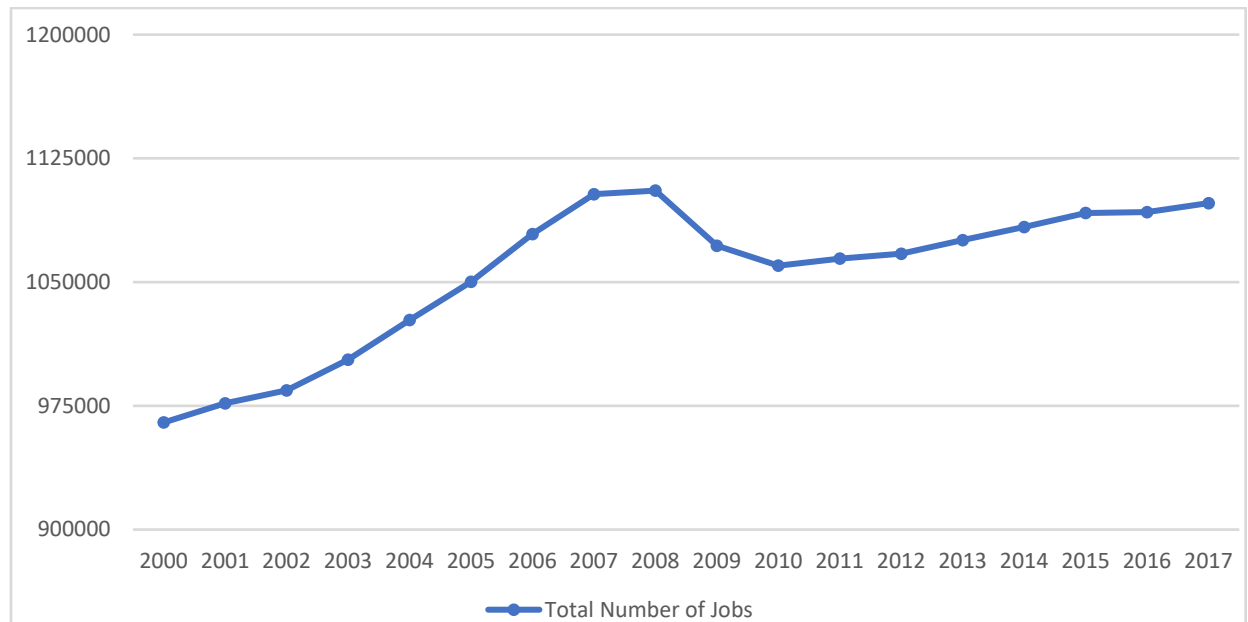
FULL- AND PART-TIME EMPLOYMENT AND EARNINGS

Full employment, as measured by the Bureau of Economic Analysis, refers to the total number of part-time and full-time jobs in New Mexico. Unlike data from the BLS, people who work more than one job are counted more than once. In 2000, there were 964,919 jobs in non-entitlement areas of New Mexico, as shown in Diagram II.4 below. On the eve of the recession of the 2008, the number of jobs in New Mexico had grown to 1,105,447. After 2008, full employment fell for two consecutive years, but has since begun to rise again. By 2017, the total number of jobs in New Mexico stood at 1,097,872.

Diagram

II.4

Total Number of Jobs (Full- and Part-Time Employment) State of New Mexico 2000–2017 BEA



Data Note: The BEA does not break down estimates by cities, therefore entitlement cities data was not removed to show non-entitlement areas of the state.

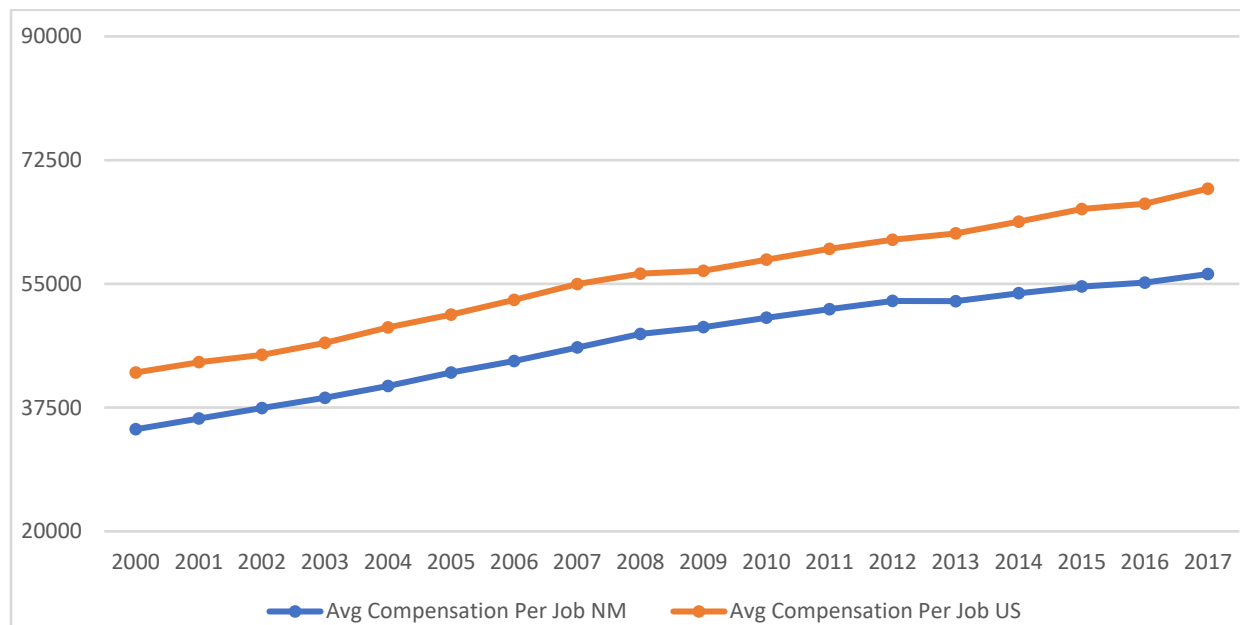
Though growth in the total number of jobs saw significant increases and decreases during this time period, growth in real average earnings per job in New Mexico was fairly steady.

Beginning in the 2000, average earnings began to rise steadily until 2008 when wages held relatively steady for two years and then began to rise again. Real average earnings per job in 2000 was \$34,438, and rose to \$56,390 by 2017.

Diagram

II.5

**Real Average Earnings Per Job
State of New Mexico 2000–2017 BEA Data**

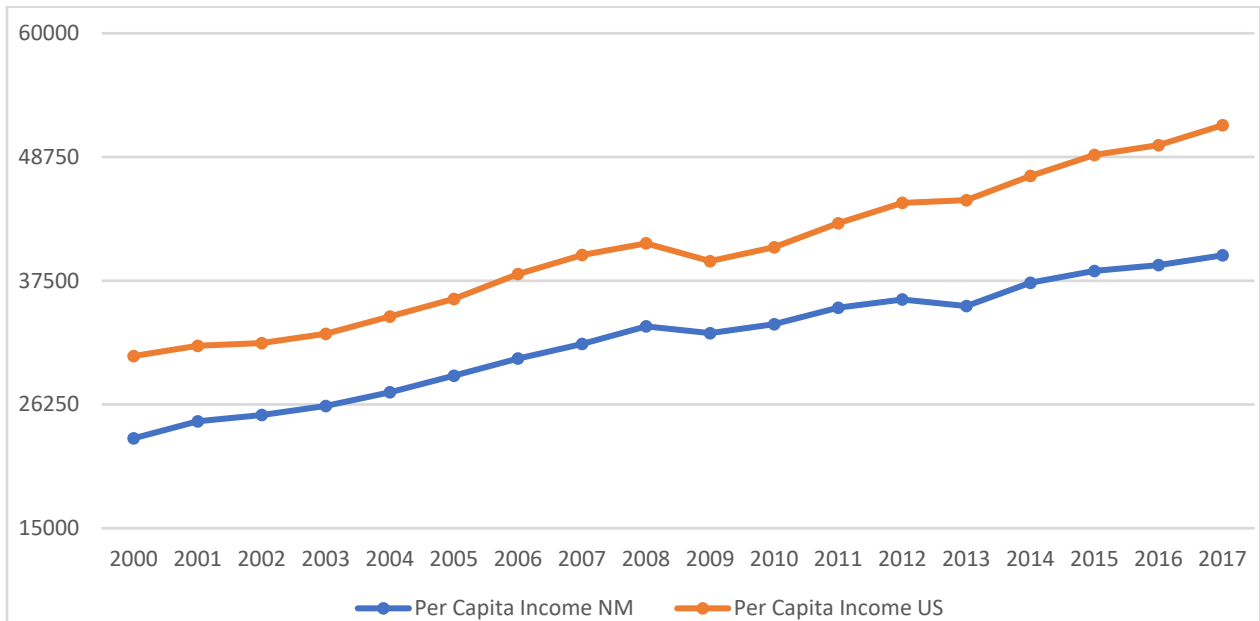


Data Note: The BEA does not break down estimates by cities, therefore entitlement cities data was not removed to show non-entitlement areas of the state.

Growth in real average per capita income in New Mexico grew relatively steadily between 2000 and 2017, as shown in Diagram II.6 below. The per capita income fell in 2009 and 2013. In 2000, the per capita income was \$23,178 but increased to \$39,811 by 2017.

Diagram
Real Average Per Capita Income
State of New Mexico 2000–2017 BEA

II.6



Data Note: The BEA does not break down estimates by cities, therefore entitlement cities data was not removed to show non-entitlement areas of the state.

HOUSEHOLD INCOME

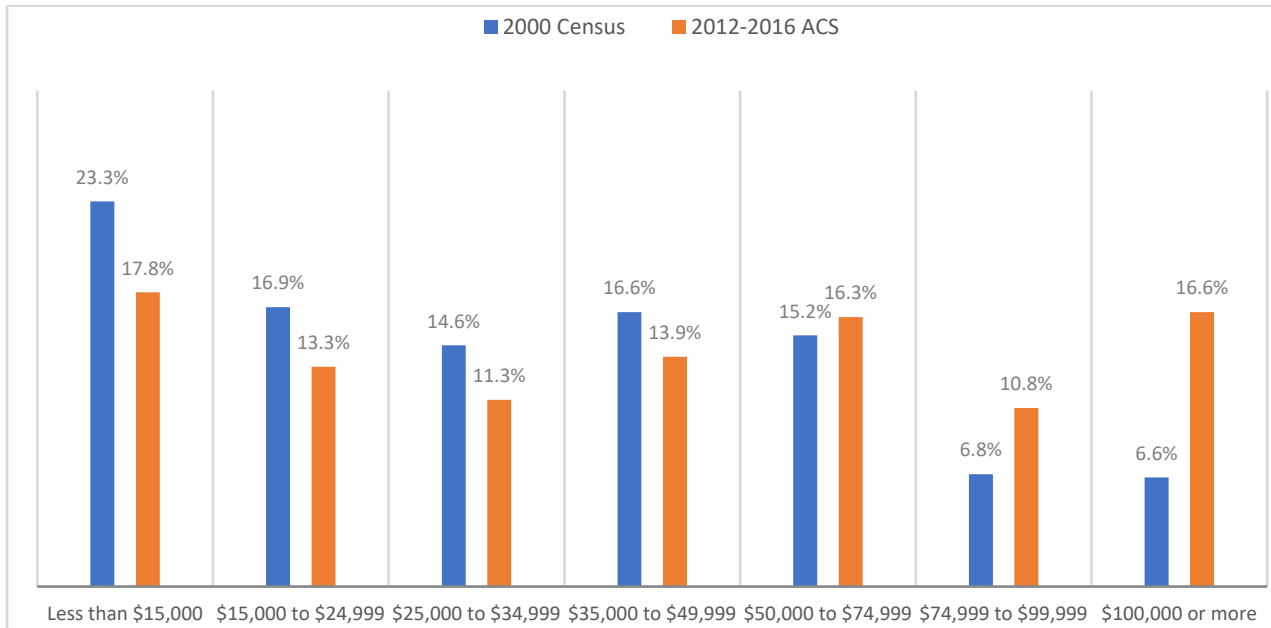
In spite of the drop in real per capita income in the late 2000s, the overall trend during the 2000s was toward higher incomes. This trend was reflected in rising household incomes between 2000 and 2016, as measured in current dollars, shown in Table II.7 below. More than half of all households in non-entitlement areas of New Mexico made less than \$35,000 a year in 2000. By 2016, nearly 45 percent of households were earning more than \$50,000 per year. The percent of households who make \$100,000 or more nearly tripled from 6.6 percent to 16.6 percent between 2000 and 2016.

Table II.7
Households by Income
Non-Entitlement Areas of New Mexico
2000 Census & 2012-2016 ACS 5-Year Estimates

Income	2000 Census		2012-2016 ACS	
	Households	% of Total	Households	% of Total
Less than \$15,000	94,392	23.3%	74,405	17.8%
\$15,000 to \$24,999	68,626	16.9%	55,731	13.3%
\$25,000 to \$34,999	59,118	14.6%	47,135	11.3%
\$35,000 to \$49,999	67,058	16.6%	58,322	13.9%
\$50,000 to \$74,999	61,353	15.2%	68,400	16.3%
\$74,999 to \$99,999	27,463	6.8%	45,114	10.8%
\$100,000 or more	26,849	6.6%	69,431	16.6%
Total	404,859	100.0%	418,538	100.0%

Diagram II.7 below presents these income distributions graphically and further demonstrates the shift from lower- to medium- and higher-income households over time. Note that in all income categories less than \$50,000, the proportion of households in 2016 was less than that of 2000. The opposite is true in higher-income households.

Diagram II.7
Households by Income
Non-Entitlement Areas of New Mexico
2000 Census & 2012-2016 ACS 5-Year Estimates



POVERTY

The Census Bureau uses a set of income thresholds that vary by family size and composition to determine poverty status. If a family's total income is less than the threshold for its size, then that family, and every individual in it, is considered poor.

The poverty thresholds do not vary geographically, but they are updated annually for inflation using the Consumer Price Index. The official poverty definition counts income before taxes and does not include capital gains and non-cash benefits such as public housing, Medicaid and food stamps.

In non-entitlement areas of the state of New Mexico, the poverty rate in 2000 was 21.1 percent, with 237,361 persons considered to be living in poverty, as shown in Table II.8 below. Nearly 26,269 children aged five and below were counted as living in poverty at that time, in addition to over 19,672 persons aged 65 and older. The 2012-2016 ACS data showed that poverty in the state grew to 22.7 percent in 2016. Children between 5 and 17 actually saw a decrease in the number of people in poverty. However, more recent data shows that poverty began showing improvement in 2017 as it dropped to 19.7.

Table II.8
Poverty by Age
Non-Entitlement Areas of New Mexico
2000 Census SF3 & 2012-2016 ACS 5-Year Estimates

Age	2000 Census		2012-2016 ACS	
	Persons in Poverty	% of Total	Persons in Poverty	% of Total
Under 5 years	26,269	11.1%	28,078	10.6%
5 to 17 years	69,323	29.2%	66,542	25.0%
18 to 64 years	122,097	51.4%	145,750	54.8%
65 years or older	19,672	8.3%	25,735	9.6%
Total	237,361	100.0%	266,105	100.0%
Poverty Rate	21.1%	--	22.7%	--

Poverty was not distributed evenly throughout non-entitlement areas of the state, as some census tracts had much higher rates of poverty than others. While disproportionate and high shares of persons in poverty can be troubling, they do not, on their own, imply impediments to fair housing choice and do not necessarily affect persons in protected classes. However, these

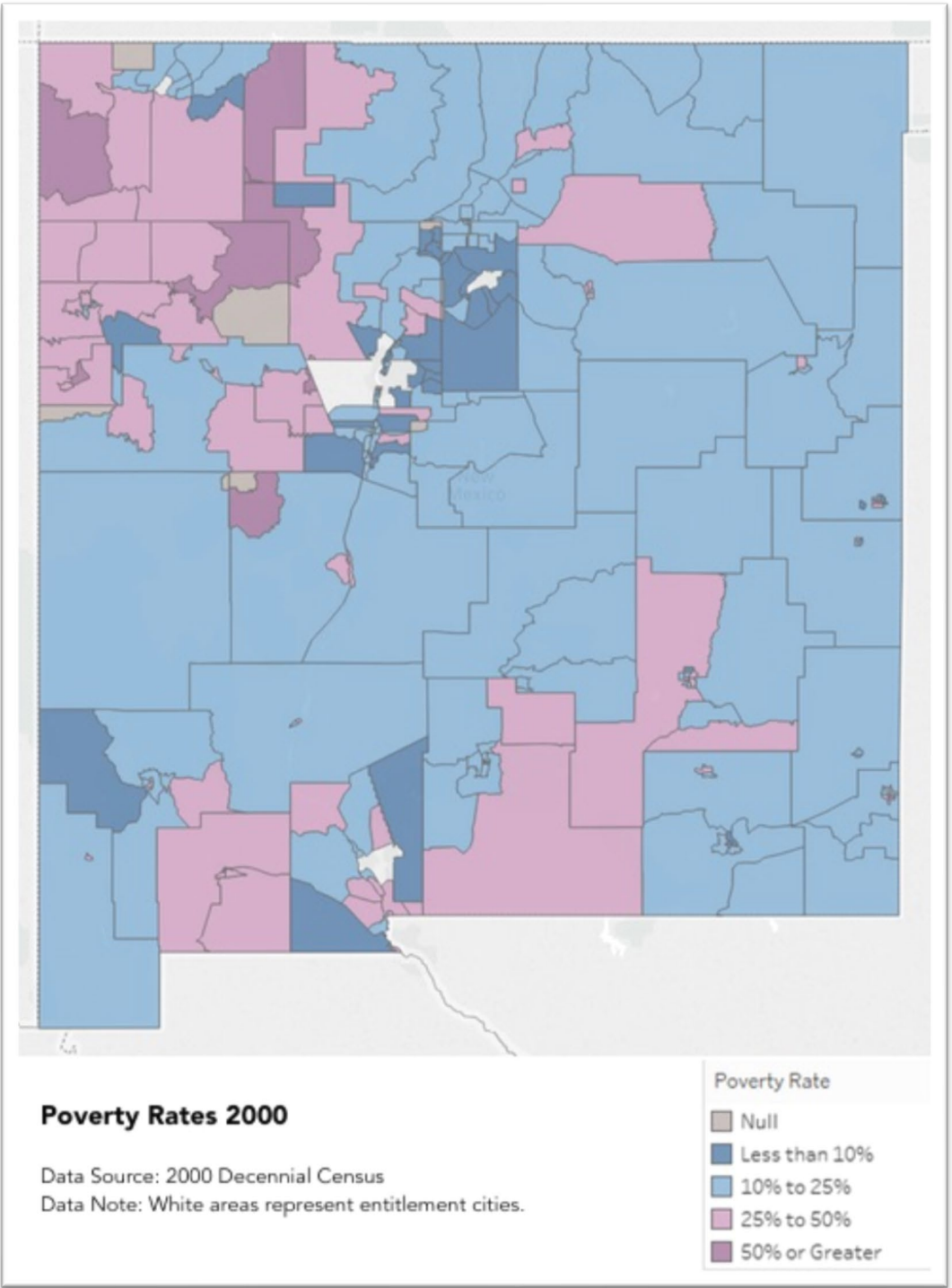
shares may be the result of an impediment, such as a lack of adequate job opportunities that disparately impacts members of protected classes.

Tracts with disproportionately high rates of poverty tended to be located in the northwest of the state, largely in areas with disproportionate shares of American Indian residents. In 2000, the highest poverty rates observed in Cibola Census Tract 9459, in which more than three quarters of all residents were observed to be living in poverty, as shown in Map II.7 on the following page. Tracts in which more than half of all residents were counted as living in poverty in 2000 were, without exception, concentrated in the northwest of the state, including Socorro Census Tract 9461, San Juan Census Tract 9429, Rio Arriba Census Tract 6, McKinley Census Tracts 9402 and 9434, and Sandoval Census Tract 9433.

However, there were other Census tracts in which the proportion of residents surpassed the disproportionate share threshold of 31.1, particularly in and around Doña Ana County. Such tracts included Doña Ana Census Tracts 14, 18.02, 17.02, 18.01, 18.04, and 16. In addition, Otero Census Tract 8 held a disproportionate share of residents who were living in poverty in 2000. The distribution of poverty had changed very little by 2016, as shown in Map II.8. Census tracts in 2016 shared a very similar geographic distribution.

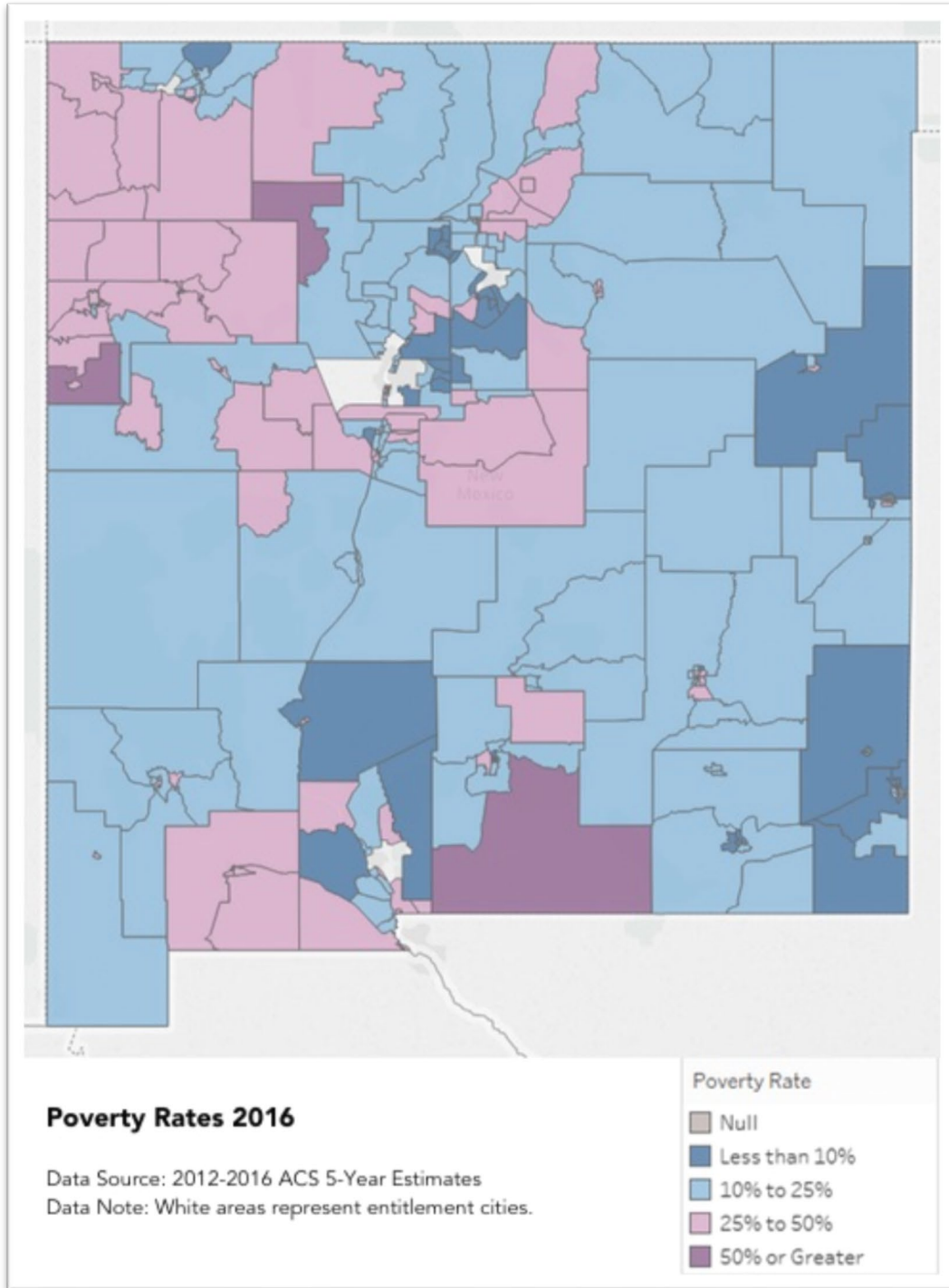
Map

Poverty Rate by Census Tract Non-Entitlement Areas of New Mexico
2000 Census



Map

Poverty Rate by Census Tract Non-Entitlement Areas of New Mexico
2012-2016 ACS 5-Year Estimates



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 state from which residents have to choose. Examination of households, on the other hand, shows how residents use the available housing, and shows household size and housing problems such as incomplete plumbing and/or kitchen facilities. Review of housing costs reveals the markets in which housing consumers in the state can shop, and may suggest needs for certain populations.

CHARACTERISTICS OF THE HOUSING STOCK

In total, the number of housing units in the state of New Mexico increased by 0.2 percent between 2010 and 2016, from 531,140 to 532,178 units. During this time, the population of the state of New Mexico decreased by 1 percent.

Housing units can also be examined by tenure, as shown in Table II.9 below. Between 2010 and 2016, the number of occupied housing units decreased by 6.5 percent. During that time, non-entitlement areas of the state of New Mexico did not see a shift between owner-occupied and renter-occupied units. The number of vacant housing units, on the other hand, grew considerably during this time period, by 35.7 percent. Considering the population decreased while the number of housing units available increased it is not surprising that the vacancy rate would increase.

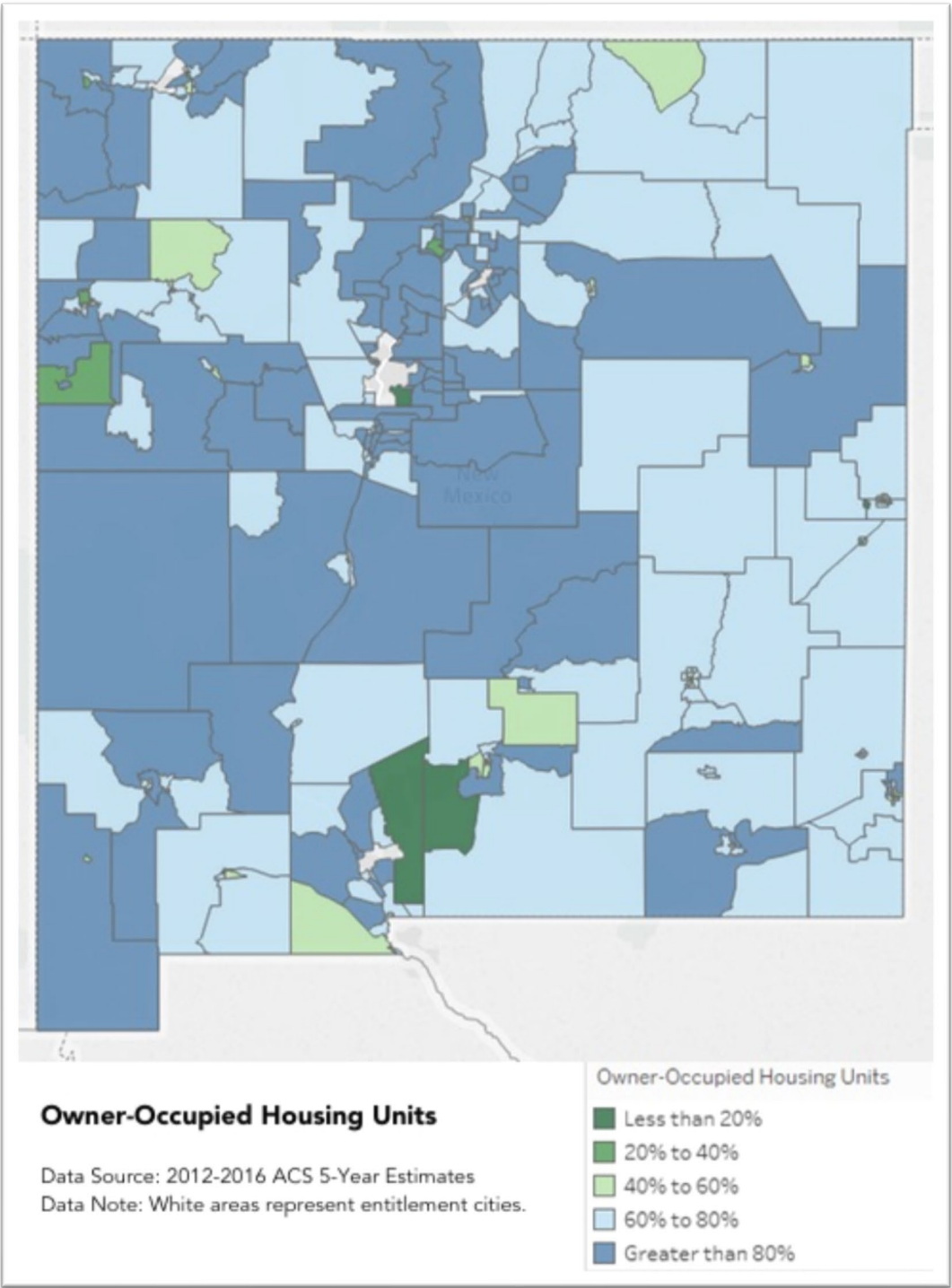
Table II.9
Housing Units by Tenure
Non-Entitlement Areas of New Mexico
2010 Census & 2012-2016 ACS 5-Year Estimates

Tenure	2010 Census		2012-2016 ACS		% Change 2010-2016
	Units	% of Total	Units	% of Total	
Occupied Housing Units	447,399	84.2%	418,538	78.6%	-6.5%
Owner-Occupied	329,376	73.6%	306,210	73.2%	-7.0%
Renter-Occupied	118,023	26.4%	112,328	26.8%	-4.8%
Vacant Housing Units	83,741	15.8%	113,640	21.4%	35.7%
Total Housing Units	531,140	100.0%	532,178	100.0%	0.2%

The geographic distribution of owner-occupied units in the state of New Mexico in 2016 is presented on the following page in Map II.9. The average percentage of owner-occupied housing was 73.2 percent in 2016, making the disproportionate share threshold 83.2 percent. Census tracts with owner-occupied housing above the disproportionate share threshold are found throughout the state and include:

- Bernalillo County 36, 38.03, 38.04, 38.05, 38.06, 38.07, 46.03, 9407
- Catron County 9764
- Chaves County 9
- Cibola County 9415, 9461, 9747
- Doña Ana County 13.03, 13.07, 15, 18.02
- Eddy County 2, 8
- Grant County 9641
- Harding County 1
- Lea County 7.02, 7.03
- Lincoln County 9602, 9603
- Los Alamos County 1, 5
- McKinley County 9403, 9437, 9439.01, 9439.02, 9457
- Mora County 9552
- Otero County 3.04, 3.06, 6.03, 9.02
- Rio Arriba 1, 9408, 9441
- Sandoval County 103.01, 107.22, 107.23, 110, 111, 9407, 9409
- San Juan County, 5.04, 6.07, 6.08, 6.11, 6.12, 7.05, 7.06, 9, 9428.01, 9429, 9431, 9433
- Santa Fe County 102.04, 103.04, 103.09, 103.10, 103.11, 103.12, 106.02, 106.03, 107, 109, 9405
- Sierra County 9624.01, 9624.02
- Socorro County 9781
- Torrance County 9632.01, 9637
- Valencia County 9701.01, 9702, 9703.02, 9703.03, 9704.05, 9709.02, 9711, 9713

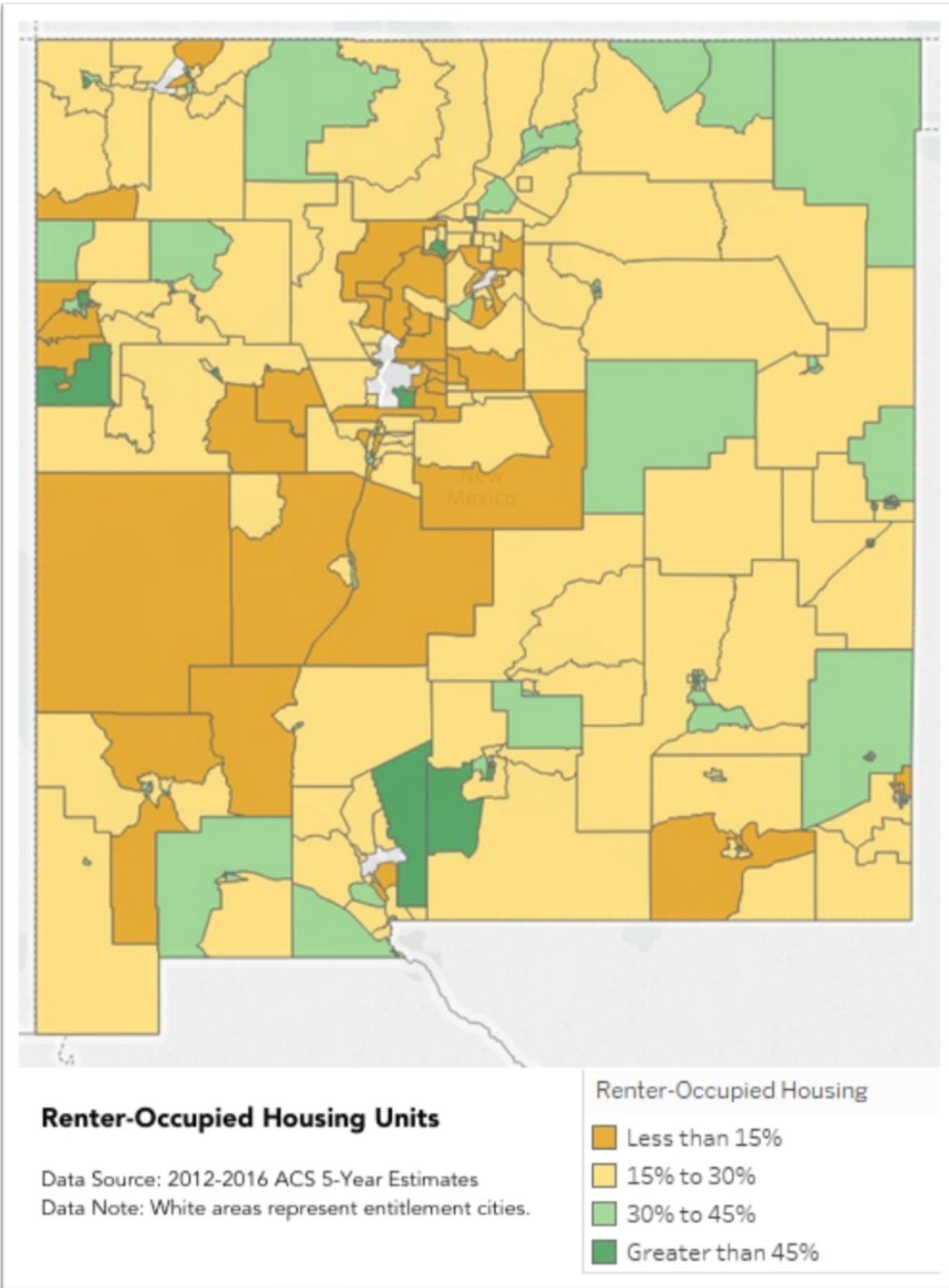
Map II.9
Owner-Occupied Housing Units
Non-Entitlement Areas of New Mexico
2012-2016 ACS 5-Year Estimates



Like owner-occupied units, census tracts with the highest concentrations of renter-occupied housing units were scattered throughout the state. They were primarily around urban centers though, as shown in Map II.10 on the following page. Disproportionately high rates of renter-occupied households include the following census tracts:

- Bernalillo County 35.01, 45.01
- Chaves County 2.01, 2.02, 3, 4, 5, 8
- Cibola County 9742.01, 9742.02
- Colfax County 9506
- Curry County 1, 2.02, 4, 6.02, 9
- Doña Ana County 17.01, 17.06, 18.06, 19
- Eddy County 5
- Lea County 1, 2, 3, 4, 5.03
- Los Alamos County 4
- Luna County 3, 6
- McKinley County 9405, 9435, 9438, 9453, 9454, 9456
- Otero County 1, 2, 4.01, 4.02, 5, 6.01, 9400
- Roosevelt County 1, 2, 3, 4.02
- Sandoval County 9403
- San Juan County 6.09, 6.10, 9428.02, 9428.03
- San Miguel County 9572, 9573
- Santa Fe County 9800
- Sierra County 9622
- Socorro County 9400, 9783.02

Map II.10
Renter-Occupied Housing Units
Non-Entitlement Areas of New Mexico
2012-2016 ACS 5-Year Estimates



VACANT HOUSING

At the time of the 2010 census, the vacant housing stock included 83,741 units; by 2016 this figure had reached 113,640 units, as shown in Table II.10 below. A substantial portion, or nearly 39 percent, of the vacant units in 2010 were for seasonal, recreational or occasional use, and this share increased by one percent by 2016. Due to the size of the housing stock in this cohort, that one percent added nearly 13,000 vacant homes to the stock by 2016. All vacant property cohorts grew in this time period and in the total number of vacant homes increased by almost 30,000 units, or 35.7 percent. Vacant housing units tended to be concentrated in rural census tracts, including:

- Catron County 9764
- Cibola County 9415, 9458, 9747
- Colfax County 9507
- De Baca County 9601
- Doña Ana County 14
- Grant County 9641
- Guadalupe County 9616
- Harding County 1
- Lincoln County 9602, 9603, 9604, 9606, 9608
- McKinley County 9435, 9436, 9437, 9438, 9439.01, 9439.02, 9440, 9457, 9460, 9731
- Mora County 9552
- Otero County 9.01, 9.02
- Quay County 9586.01, 9589
- Rio Arriba County 4, 5
- Sandoval County 109, 112, 9403, 9409
- San Juan County 7.02, 9428.01, 9429, 9431, 9432.01
- San Miguel County 9575, 9576, 9577
- Santa Fe County 102.03
- Sierra County 9622, 96239624.01, 9624.02
- Socorro County 9400, 9781, 9782
- Taos County 9400, 9521, 9523, 9527
- Torraine County 9636, 9637

Table
Disposition of Vacant Housing Units
Non-Entitlement Areas of New Mexico
2010 Census & 2012-2016 ACS 5-Year Estimates

II.10

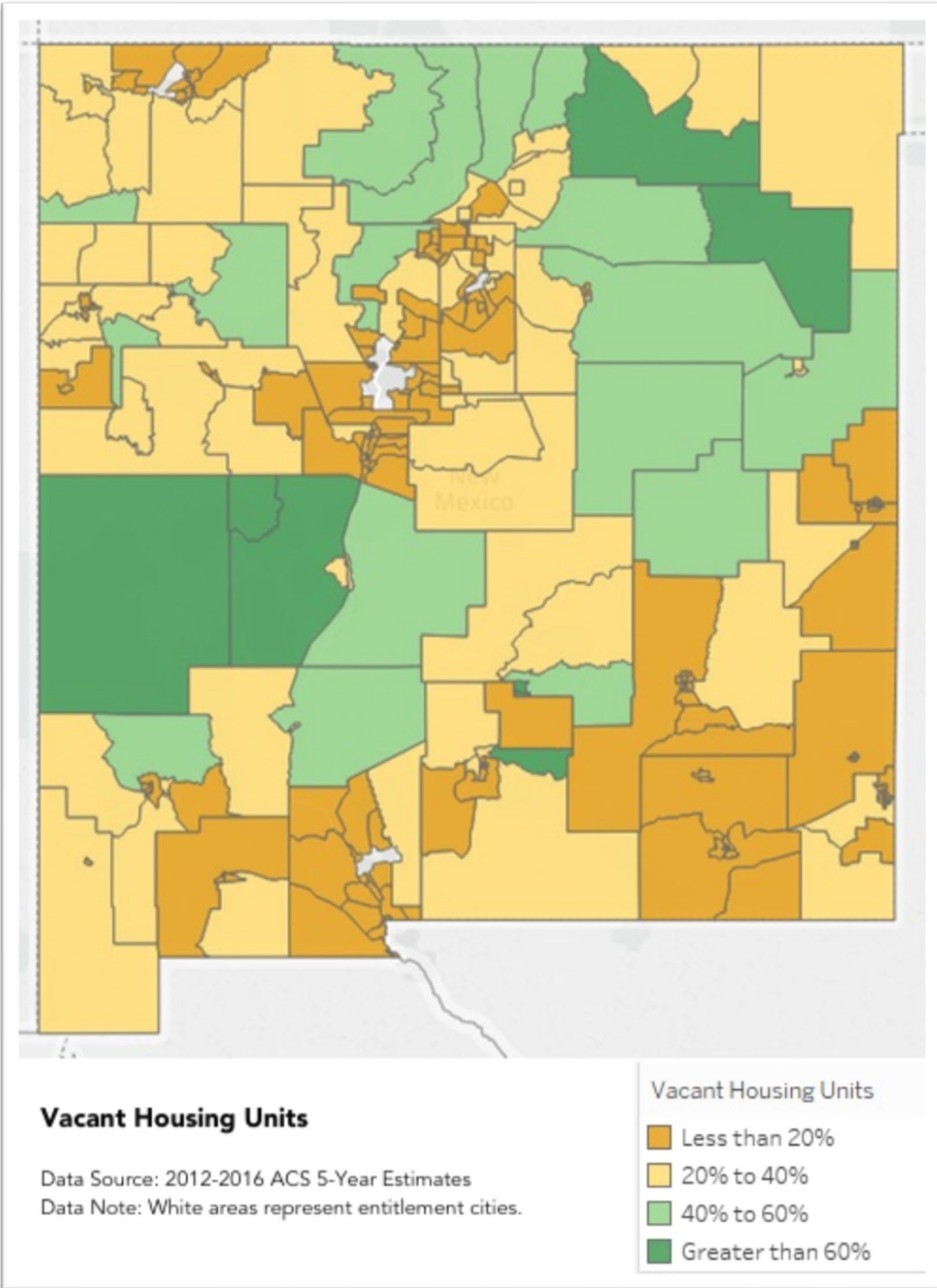
Disposition	2010 Census		2012-2016 ACS		% Change 2010-2016
	Units	% of Total	Units	% of Total	
For Rent	11,833	14.1%	11,947	10.5%	1.0%
For Sale	6,285	7.5%	8,427	7.4%	34.1%
Rented/Sold, Not Occupied	2,286	2.7%	4,967	4.4%	117.3%
For Seasonal, Recreation, Occasional Use	32,369	38.7%	45,106	39.7%	39.4%
For Migrant Workers	219	0.3%	659	0.6%	200.1%
Other Vacant	30,749	36.7%	42,534	37.4%	38.3%
Total	83,741	100.0%	113,640	100.0%	35.7%

While high numbers of vacant units can be problematic, there are many reasons that housing units may be unoccupied, and vacancies can be temporary. However, units classified as “other vacant” units are a greater cause for concern, as these units are not on the housing market, it is not often clear who owns them, and thus they are more likely to fall into dilapidation than other types of vacant units. On that count, an increase in the number between the two counts is troubling, and blight is a concern in any areas in which such units were observed to be disproportionately concentrated.

In fact, there were several areas in New Mexico that held disproportionate shares of “other vacant” units in 2016, as shown in Map II.12 in the following pages. In that year, an area in which more than 37.4 percent of vacant units were classified as “other vacant” would be said to have an above-average share of such units; above 47.4 percent they would be considered to be “disproportionately concentrated.”

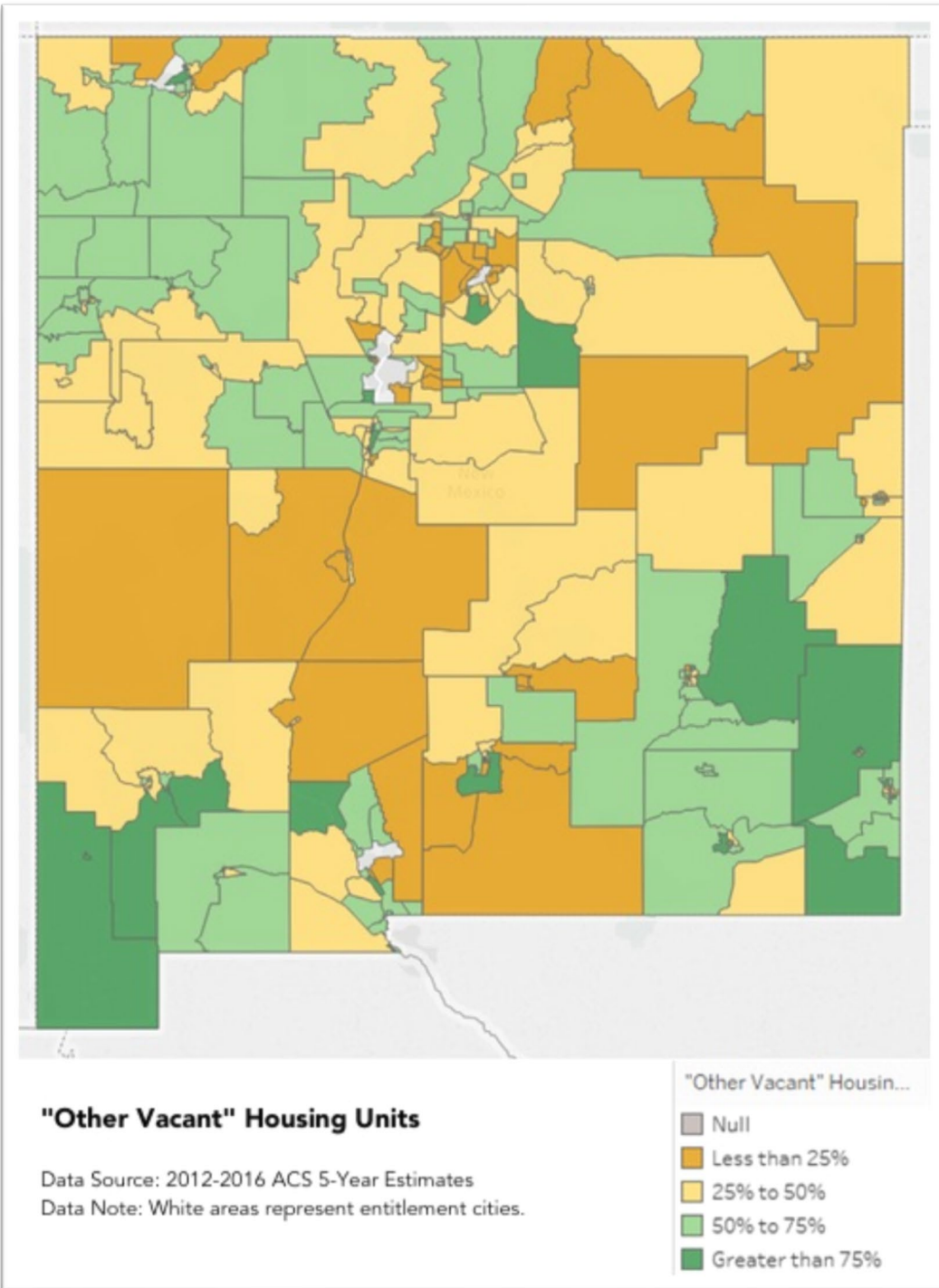
Map
Vacant Housing Units
Non-Entitlement Areas of New Mexico
2012-2016 ACS 5-Year Estimates

II.11



Map
"Other Vacant" Housing Units
Non-Entitlement Areas of New Mexico
2012-2016 ACS 5-Year Estimates

II.12



HOUSEHOLD SIZE

The size of the average household in New Mexico increased between 2010 and 2016 from 2.55 to 2.67. However, that increase includes entitlement areas as well. As shown in the table below, non-entitlement areas have seen a significant decrease in larger households. One-person households are the only housing size cohort to increase in size between 2010 and 2016. One-person households increased in number by 1.7 percent, and accounted for more than a quarter of all households in 2016. Two-person households accounted for over a third of all households in that year, having increased from 33.3 percent in 2010 but overall fewer people live in two-person households than in 2010. The number of persons living in three-person households saw the largest drop in number of people (8,337) and seven-persons or more households saw the largest relative drop of 27.6 percent since 2010.

Table II.11
Households by Household Size
Non-Entitlement Areas of New Mexico
2010 Census & 2012-2016 ACS 5-Year Estimates

Size	2010 Census		2012-2016 ACS		Household Change	% Change 2010-2016
	Households	% of Total	Households	% of Total		
One Person	114,439	25.6%	116,353	27.8%	1,914	1.7
Two Persons	149,001	33.3%	147,754	35.3%	-1,247	-0.8
Three Persons	69,002	15.4%	60,665	14.5%	-8,337	-12.1
Four Persons	56,650	12.7%	48,969	11.7%	-7,681	-13.6
Five Persons	33,129	7.4%	25,412	6.1%	-7,717	-23.3
Six Persons	14,211	3.2%	11,447	2.7%	-2,764	-19.5
Seven Persons +	10,967	2.5%	7,938	1.9%	-3,029	-27.6
Total	447,399	100.0%	418,538	100.0%	-28,861	-6.5

Of the 484,504 housing units reported in non-entitlement areas of the state of New Mexico in the 2000 census, 65.5 percent were single family homes. An additional 26.5 percent of units were mobile homes, 3.5 percent as apartment units, 1.9 percent as tri- or four-plex units, and 1.7 percent as duplexes, as shown in Table II.12 below. ACS data for 2016 showed that the share of mobile homes had dropped by over two percent, while the number of single-family units grew by 2.3 percent. Both 3-4 units and 5 or more unit housing types saw a fair increase, approximately 2,000 and 3,000, respectively.

Table II.12
Housing Units by Type
Non-Entitlement Areas of New Mexico
2000 Census & 2012-2016 ACS 5-Year Estimates

Unit Type	2000 Census		2012-2016 ACS	
	Units	% of Total	Units	% of Total
Single Family	317,482	65.5%	360,728	67.8%
2 Units (Duplex)	8,473	1.7%	8,751	1.6%
3-4 Units (Tri- or Four Plex)	9,412	1.9%	11,233	2.1%
5 Units + (Apartments)	16,868	3.5%	20,027	3.8%
Mobile Home	128,194	26.5%	130,033	24.4%
Boat, RV, Van, Etc.	4,075	0.8%	1,406	0.3%
Total	484,504	100.0%	532,178	100.0%

HOUSING PROBLEMS

Summary File 1 of the 2000 Census, which includes counts for the total population, did not provide substantial details regarding the physical condition of housing units; however, some information can be derived from the SF3 data. These data relate to overcrowding, incomplete plumbing or kitchen facilities and cost burdens, and were compared to the 2012-2016 ACS averages.

Overcrowding occurs when a housing unit has more than one person per room but less than 1.5, with severe overcrowding occurring in housing units with 1.5 persons per room or more. Fortunately, the share of households that were to some degree overcrowded in non-entitlement areas of the state fell between 2000 and 2016, as shown in Table II.13 below. The share of overcrowded households of all types fell from 5.0 to 2.8 percent during that time, while the share of severely overcrowded households fell from 3.9 to 1.3 percent. In both years, overcrowding was a problem that affected renter-occupied housing units to a greater degree than it affected owner-occupied housing units.

Table II.13
Overcrowding and Severe Overcrowding
Non-Entitlement Areas of New Mexico
2000 Census & 2012-2016 ACS 5-Year Estimates

Data Source	No Overcrowding		Overcrowding		Severe Overcrowding		Total
	Households	% of Total	Households	% of Total	Households	% of Total	
Owner							
2000 Census	280,363	91.8%	14,304	4.7%	10,902	3.6%	305,569
2012-2016 ACS	295,781	95.6%	7,301	2.4%	3,128	1.0%	306,210
Renter							
2000 Census	88,563	89.1%	6,060	6.1%	4,795	4.8%	99,418
2012-2016 ACS	105,497	93.9%	4,625	4.1%	2,206	2.0%	112,328
Total							
2000 Census	368,926	91.1%	20,364	5.0%	15,697	3.9%	404,987
2012-2016 ACS	401,278	95.9%	11,926	2.8%	5,334	1.3%	418,538

Incomplete plumbing or kitchen facilities are other indicators of potential housing problems. According to the Census Bureau, 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. Likewise, a unit is categorized as deficient when any of the following are missing from the kitchen: a sink with piped hot and cold water, a range or cook top and oven and a refrigerator.

At the time of the 2000 Census, a total of 11,018 units, or 2.7 percent of all housing units in the state, lacked complete plumbing facilities, as shown in Table II.14 below. By 2016, the share of households with incomplete plumbing facilities had fallen to 1.5 percent according to the 2012-2016 American Community 5-Year Estimates.

Table II.14
Households with Incomplete Plumbing Facilities
Non-Entitlement Areas of New Mexico
2000 Census & 2012-2016 5-Year ACS Estimates

Households	Estimates	
	2000 Census	2012-2016 ACS
With Complete Plumbing Facilities	393,969	412,294
Lacking Complete Plumbing Facilities	11,018	6,244
Total Households	404,987	418,538
Percent Lacking	2.7%	1.5%

The proportion of households with incomplete kitchen facilities was similar to the proportion of households that lacked complete plumbing facilities, and the percentage of households lacking complete kitchen facilities also fell between 2000 and 2016, from 2.4 to 1.3 percent respectively, as shown in Table II.15 below.

Table II.15
Households with Incomplete Kitchen Facilities
Non-Entitlement Areas of New Mexico
2000 Census & 2012-2016 5-Year ACS Estimates

Households	Estimates	
	2000 Census	2012-2016 ACS
With Complete Kitchen Facilities	395,438	413,249
Lacking Complete Kitchen Facilities	9,549	5,289
Total Households	404,987	418,538
Percent Lacking	2.4%	1.3%

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

Table II.16 below shows that 14 percent of households were cost burdened and 10.3 percent were severely cost burdened in 2000. More than 17.6 percent of state of New Mexico homeowners with a mortgage had a cost burden and 10.7 were severely cost-burdened in that year, while 16.9 percent of renters had a cost burden and 15.3 percent had a severe cost burden. ACS data averages for 2012-2016 showed that the average cost burdens decreased very slightly from 14 percent to 13.8 percent, but average severe cost burdens on residents of non-entitlement areas of the state increased to 12.2 from 10.3 percent.

Homeowners with mortgages and renters both experienced an increase in housing costs relative to income, though this increase was more pronounced among renters. By 2016, the share of cost burdened mortgagors shrank slightly to 17.2 percent but the share of mortgagors with severe cost burdens had grown to 14.6 percent. The share of cost burdened renters grew to over 19 percent during the same period, and the share with severe cost burdens represented over 20 percent of all rental households in 2016.

Table
Cost Burden and Severe Cost Burden by Tenure
Non-Entitlement Areas of New Mexico
2000 Census & 2012-2016 5-Year ACS Estimates

II.16

Data Source	31-50%		Above 50%		Total
	Households	% of Total	Households	% of Total	
Owner with a Mortgage					
2000 Census	18,870	17.6%	11,450	10.7%	106,957
2012-2016 ACS	25,546	17.2%	21,695	14.6%	148,773
Owner Without a Mortgage					
2000 Census	5,389	6.3%	3,610	4.2%	86,048
2012-2016 ACS	10,267	6.5%	6,985	4.4%	157,437
Renter					
2000 Census	16,390	16.9%	14,809	15.3%	96,884
2012-2016 ACS	21,857	19.5%	22,619	20.1%	112,328
Total					
2000 Census	40,649	14.0%	29,869	10.3%	289,889
2012-2016 ACS	57,670	13.8%	51,299	12.2%	418,538

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 healthcare for their families. Similarly, homeowners with a mortgage who have just one unforeseen financial constraint, such as temporary illness, divorce or the loss of employment, may face foreclosure or bankruptcy. Furthermore, households that no longer have a mortgage yet still experience a severe cost burden may be unable to conduct periodic maintenance and repair of their homes, and in turn, may contribute to a dilapidation and blight problem. All three of these situations should be of concern to policymakers and program managers.

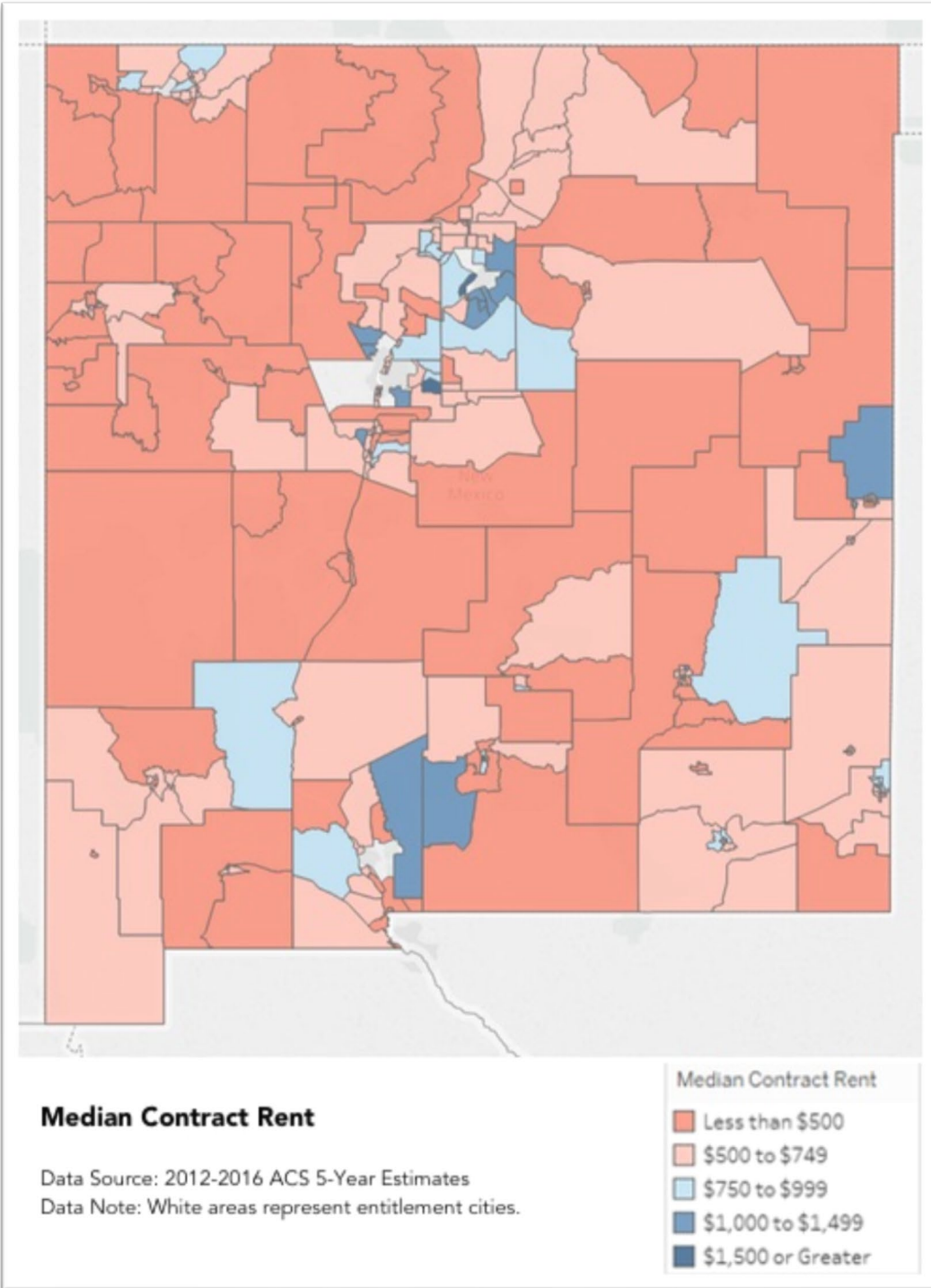
HOUSING COSTS

Map II.13 on the following page illustrates data on median contract rent prices by census tracts. Relatively high rental costs were observed in census tracts surrounding major cities of the state, including:

- Bernalillo County 8.01, 36, 38.03, 38.04, 38.06, 38.07
- Chaves County 10.01, 10.02
- Curry county 2.01, 6.02, 9
- Doña Ana County 17.02, 19
- Eddy County 11
- Lea County 5.03, 5.04, 7.04
- Los Alamos County 2, 5
- Otero County 3.04, 3.06, 4.02, 6.01
- Sandoval County 106.01, 107.22, 107.23, 111, 9403
- San Juan County 6.11, 6.12, 9433
- San Miguel County 9577
- Santa Fe County 102.04, 103.04, 103.09, 103.10, 103.12, 106.01, 106.02, 106.03, 107
- Sierra County 9624.01, 9624.02
- Socorro County 9781
- Valencia County 9702, 9703.01, 9704.01, 9704.05

Map
Median Contract Rent
Non-Entitlement Areas of New Mexico
2012-2016 ACS 5-Year Estimates

II.13

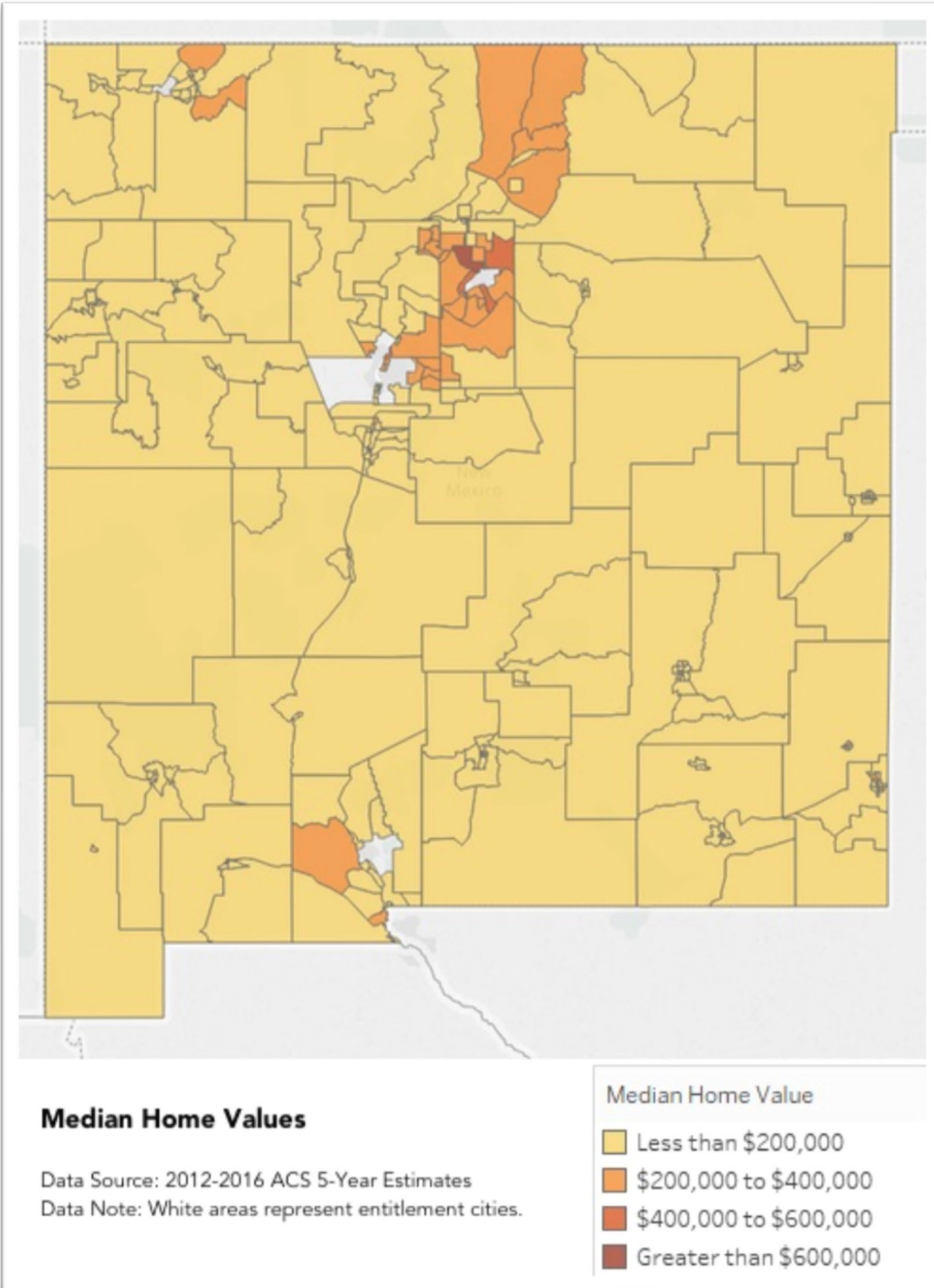


The distribution of owner-occupied home values in the state of New Mexico, as reported in the 2012-2016 ACS 5-Year Estimates, is presented in Map II.14. As with rental households, census tracts with the highest home values were clustered near major cities, and the highest home values observed in the state's non-entitlement areas were located around urban centers. These census tracts are as follows:

- Bernalillo County 8.01, 35.02, 36, 38.03, 38.04, 38.05, 38.06, 38.07
- Chaves County 9
- Curry County 9, 3.04
- Doña Ana County 11.03, 13.03, 15, 17.03, 19
- Eddy County 2
- Lea County 7.03
- Lincoln County 9604
- Los Alamos County 1, 2, 4, 5
- McKinley County 9455
- Otero County 6.01, 9.01
- Rio Arriba County 9408
- Sandoval County 106.01, 107.22, 112, 9403
- San Juan County 6.09, 6.11, 6.12, 6.13, 7.02
- Santa Fe County 102.03, 102.04, 103.04, 103.08, 103.09, 103.11, 106.01, 106.02, 106.03, 107, 108, 109, 9403, 9404, 9405, 9406, 9800
- Sierra County 9624.01
- Taos County 9401, 9521, 9523, 9527
- Valencia County 9527, 9702, 9704.05

Map
Median Home Value
Non-Entitlement Areas of New Mexico
2012-2016 ACS 5-Year Estimates

II.14



SUMMARY

The population of non-entitlement areas of New Mexico shrank by approximately 12,000 between 2010 and 2016, a drop of 1 percent. This reduction was largely driven by a decrease in the number of children and working age adults between the age of 35 and 54. These two demographics together seem to point to families with children leaving the non-entitlement areas of New Mexico. There was a significant increase in the number of residents 55 and older during this time period.

Meanwhile, the racial composition of the state underwent only minor changes. White residents represented the largest population group, in both years, with 72.1 percent of the population in 2016. American Indian residents also represented a relatively large percentage of the total population, though their 12.6 percent share of the population in 2016 represented only a minor increase since 2010 when 12.5 percent of state residents identified as American Indian. The American Indian population was observed to be highly concentrated in the northwestern corner of the state, primarily in and around tribal reservation areas.

The state experienced a moderate change in its ethnic composition between the two time periods, as the Hispanic population grew by 1.7 percent and the non-Hispanic population shrank by 3 percent. By 2016, 47.9 percent of state residents were Hispanic, and these residents tended to be concentrated in Census tracts:

- Bernalillo County 43, 44.01, 44.02, 45.01, 45.02, 46.03, 46.04
- Chaves County 6
- Doña Ana County 14, 16, 17.01, 17.02, 17.03, 17.04, 17.07, 18.01, 18.02, 18.04, 18.05, 18.06
- Grant County 9464
- Guadalupe County 9616
- Hidalgo County 9702
- Lea County 1, 3
- Luna County 6
- Mora County 6552
- Otero County 9.02
- Rio Arriba County 1, 2, 3, 4, 9407
- Sandoval County 6405
- San Miguel County 9572, 9574, 9576, 9577, 9578
- Santa Fe County 101.02, 103.08, 9409
- Taos County 9400
- Valencia County 9703.01

Both the labor force and number of employed individuals grew consistently for nearly two decades after 1990. However, between 2008 and 2010 the number of employed persons in non-entitlement areas of the state fell by nearly 9 percent, representing a reduction of over 42,000 workers. The labor force declined as well but not as dramatically; these trends together led to a spike in the unemployment rate, which rose to 8.6 percent in 2010. The number of employed has once again begun to rise, and the unemployment rate has fallen steadily since 2010. The real wages that the average worker earned at his or her job slowed in 2009, but began to rise again the following year, even as the number of employed continued to fall. The same was true of real per capita income (PCI). By 2017, real average wages stood at \$56,390 throughout non-entitlement areas of the state, and real PCI stood at \$39,811. By 2016, 22.7 percent of residents of non-entitlement New Mexico were living below the poverty line, up slightly from 21.1 percent in 2000. In both years, poverty tended to be concentrated in the northwestern part of the state.

The most common types of housing units in New Mexico's non-entitlement areas are single family homes, which accounted for 67.8 percent of the total housing stock in 2016, and mobile homes, which accounted for 24.4 percent. These percentages represent a shift in the housing stock toward single family homes after 2000, when these units occupied 65.5 percent of the housing stock. By contrast, the proportion of mobile homes in the housing stock fell by over two percentage points over the decade. There was growth in the housing stock overall during this time and growth in the number of occupied units outpaced growth in the number of vacant units.

Among occupied units, there was no shift between rental and owner-occupied units. Among vacant units, there were more available for sale or to rent in 2016 than there had been in 2010. There were more units available in all vacancy categories during this time period. For the most part, housing problems were less prevalent in 2012-2016 than they had been in 2000. The proportion of housing units that were overcrowded or severely overcrowded fell from 8.9 percent to 4.1 percent. Similarly, the percentages of units with incomplete plumbing or kitchen facilities fell to less than two percent of all households. However, the incidence of cost-burdening increased, as did the incidence of severe cost-burdening, and these cost burdens tended to fall more heavily on renters than homeowners.

SECTION IV. FAIR HOUSING LAWS, GUIDANCE AND CASES

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).

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.

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.

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.

Fair Housing Related Presidential Executive Orders

Executive Order 11063. Executive Order 11063 prohibits discrimination in the sale, leasing, rental or other disposition of properties and facilities owned or operated by the federal government or provided with federal funds.

Executive Order 11246. Executive Order 11246, as amended, bars discrimination in federal employment because of race, color, religion, sex or national origin.

Executive Order 12892. Executive Order 12892, as amended, requires federal agencies to affirmatively further fair housing in their programs and activities, and provides that the Secretary of HUD will be responsible for coordinating the effort. The Order also establishes the President's Fair Housing Council, which will be chaired by the Secretary of HUD.

Executive Order 12898. Executive Order 12898 requires that each federal agency conduct its program, policies, and activities that substantially affect human health or the environment in a manner that does not exclude persons based on race, color or national origin.

Executive Order 13166. Executive Order 13166 eliminates, to the extent possible, limited English proficiency as a barrier to full and meaningful participation by beneficiaries in all federally-assisted and federally conducted programs and activities.

Executive Order 13217. Executive Order 13217 requires federal agencies to evaluate their policies and programs to determine if any can be revised or modified to improve the availability of community-based living arrangements for persons with disabilities.

New HUD Fair Housing Guidance

Guidance on Application of Fair Housing Act Standards to the Use of Criminal Records

The Fair Housing Act prohibits discrimination in the sale, rental, financing of dwellings and in other housing-related activities on the basis of race, color, religion, sex, disability, familial status or national origin. In April 2016, HUD's Office of General Counsel issued guidance on the discriminatory effect of using criminal history to make housing decisions. If a policy or practice that restricts access to housing on the basis of criminal history has a disparate impact on a protected class (whether or not that effect is intentional), it is in violation of the Fair Housing Act – unless there is a “substantial, legitimate, nondiscriminatory interest” served by the policy.

While it is impossible to know the precise number of people transitioning from a correctional facility at any one point in time, the ability to access safe, secure and affordable housing is critical for a formerly incarcerated person's reintegration into society. HUD's guidance is intended to eliminate barriers to securing housing for that population, and jurisdictions can assist by making

a clear effort to eliminate any discriminatory barriers these individuals may face. In order for former inmates to avoid recidivism and work in society, they must have access to housing free of discrimination.

Equal Access to Housing in HUD Programs Regardless of Sexual Orientation or Gender Identity

On September 21, 2016 HUD published a final rule entitled “Equal Access in Accordance with an Individual’s Gender Identity in CPD programs.” Through this final rule, HUD ensures equal access to individuals in accordance with their gender identity for all HUD funded programs. This rule builds upon the 2012 final rule, “Equal Access to Housing in HUD Programs Regardless of Sexual Orientation or Gender Identity” (2012 Equal Access Rule). This final rule ensures that HUD’s housing programs would be open to all eligible individuals and families regardless of sexual orientation, gender identity or marital status.

Furthermore, as HIV/AIDS disproportionately affects the LGBT community, it is important to note that HIV/AIDS is protected under the Fair Housing Act as a disability. HUD specifically states that housing discrimination because of HIV/AIDS is illegal.

The HUD Office of Policy Development and Research conducted a study in 2013, *An Estimate of Housing Discrimination Against Same-Sex Couples*, as the first large-scale, paired-testing study to assess housing discrimination against same-sex couples in metropolitan rental markets via advertisements on the Internet. Two emails were sent out, with the only difference between the two emails was the sexual orientation of the prospective renting couples. The study finds:

“[... same-sex couples experience less favorable treatment than heterosexual couples in the online rental housing market. The primary form of adverse treatment is that same-sex couples receive significantly fewer responses to e-mail inquiries about advertised units than heterosexual couples. Study results in jurisdictions with state-level protections against housing discrimination on the basis of sexual orientation unexpectedly show slightly more adverse treatment of same-sex couples than results in jurisdictions without such protections. ”

[June 2015 Supreme Court Ruling on Fair Housing](#)

On June 25, 2015 the Supreme Court handed down a landmark fair housing ruling that upheld the ability to bring “disparate impact” claims under Fair Housing Act. The Fair Housing Act of 1968, an integral legislative victory of the Civil Rights Movement, protects people from discrimination when they are renting, buying or securing financing for housing. The case, *Texas Department of Housing and Community Affairs v. Inclusive Communities Project*, centered on the question of whether a policy or action has to be intentionally discriminatory, or merely have a discriminatory effect, in order to qualify as a valid basis for a discrimination claim under the Act.

Inclusive Communities, a Dallas-based non-profit, claimed that the Texas Department of Housing and Community Affairs was guilty of housing discrimination because the way in which the state

allocated Low Income Housing Tax Credits perpetuated racial segregation by limiting the development of affordable housing into areas that were historically impoverished with high concentrations of minorities. The state claimed that no discrimination occurred because its intention was not to promote racial segregation but to revitalize these underserved areas by injecting much needed capital for the development of new affordable housing. Inclusive Communities claimed that regardless of intention, the state's decision to fund tax-credit projects only in minority and poverty-laden neighborhoods resulted in segregation, and thus had a discriminatory effect (disparate impact).

Fair housing advocates across the nation watched the case closely and worried if the Supreme Court ruled against disparate impact claims that it would essentially "defang" the Fair Housing Act by removing a key basis for liability. Intent is much harder to prove than effect. In the end the Court ruled 5-4 to uphold the lower court decisions in favor of Inclusive Communities, salvaging fair housing disparate impact claims.

[State Fair Housing Laws](#)

In addition to federal law, citizens of the state of New Mexico are also protected by New Mexico Statutes, Article 28. This article, as part of the New Mexico Human Rights Act, extends additional fair housing protections based on physical or mental handicap, serious medical condition, spousal affiliation, ancestry, age, sexual orientation and gender identity. The New Mexico Human Rights Act was originally enacted in 1969 and has since been amended several times. The Act is enforced by the Human Rights Bureau.

SECTION V. REVIEW OF THE EXISTING FAIR HOUSING STRUCTURE

The purpose of this section is to provide a profile of fair housing in the State of New Mexico 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 Fort Worth oversees housing, community development and fair housing enforcement in Arkansas, Louisiana, New Mexico, Oklahoma and Texas.

Contact information for HUD is listed below:

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 Fort Worth is:

Address

Fort Worth Regional Office of FHEO
U.S. Department of Housing and Urban Development
801 Cherry Street, Unit #45 Suite 2500
Fort Worth, Texas 76102
Telephone: (817) 978-5900; Toll Free: (800) 669-9777; TTY: (817) 978-5595
Website: <http://www.HUD.gov>

State Agencies

New Mexico Human Rights Bureau

The New Mexico Human Rights Bureau was established in 1969 by an Act of the New Mexico State Legislature. The Human Rights Bureau is an office within the Department of Workforce Solutions (DWS). The Bureau is empowered by the New Mexico Human Rights Act to “hear

complaints and issue orders including cease and desist orders concerning alleged unlawful discriminatory practice” and conduct hearings. Legislative authority is vested in the labor relations division of the DWS to investigate housing complaints. Those wishing to file a complaint under New Mexico Human Rights Act are encouraged to file a complaint online.

Contact information for the Human Rights Bureau is included below:

Address:
Human Rights Bureau
1596 Pacheco Street Suite 103
Santa Fe, NM 87505
Telephone: (505) 827-6838; Toll free: 1 (800) 566-9471
Website: www.dws.state.nm.us

New Mexico Mortgage Finance Authority

MFA was designated as the official state housing agency in 1997. As the recipient of HUD funds, MFA must complete this AI, submit a certification of affirmatively furthering fair housing, and ensure that its partners comply with affirmative fair housing marketing requirements. Further, MFA’s Fair Housing Officer can be contacted by completing an online form at the website below. Additional contact information for MFA follows:

Address:
New Mexico Mortgage Finance Authority
344 4th Street SW
Albuquerque, NM 87102
Telephone: (505) 767-2242
Website: www.housingnm.org/contact/mfas-fair-housing-officer

Complaint Process for Fair Housing Agencies

U.S. Department of Housing and Urban Development

From a federal perspective, HUD is committed to assist with any problem involving housing discrimination. Complaints filed with HUD are investigated by the Office of FHEO. If the complaint is not successfully conciliated, the FHEO determines whether reasonable cause exists to believe that a discriminatory housing practice has occurred. Anyone who believes their rights have been violated has several options available in which to file a complaint. Those who feel that they have been discriminated against may complete an online complaint form and submit, or write HUD a letter, or simply telephone the HUD office nearest to them. Regardless of the method of contact, all complaints must be filed no later than one year after an alleged violation. HUD encourages all complaints to be filed it as soon as possible.

The following information was taken directly from HUD's website located at: www.hud.gov and outlines HUD's Fair Housing complaint process.

Required Information by HUD:

- Name and address (your contact information)
- The name and address of the person the complaint is against (the respondent)
- The address or other identification to the housing involved
- A short description to the alleged violation (the event that caused you to believe your rights were violated)
- The date(s) of the alleged violation

Contact Information:

Send the Housing Discrimination Complaint form or a letter to the nearest HUD office or call that office directly. For Oklahoma, Arkansas, Louisiana, New Mexico and Texas, the contact information is as follows:

Fort Worth Regional Office of FHEO
U.S. Department of Housing and Urban Development
801 Cherry Street, Unit #45 Suite 2500
Fort Worth, Texas 76102
Telephone (817) 978-5900; Toll Free 1-800-669-9777
TTY (817) 978-5595

Disabled Contact Information:

HUD also provides a toll-free TTY phone for the hearing impaired: 1-800-927-9275. HUD can provide interpreters along with furnishing tapes and Braille materials as required.

Complaint Process:

HUD will notify you when it receives your complaint. Normally, HUD also will:

- Notify the alleged violator of your complaint and permit that person to submit an answer
- Investigate your complaint and determine whether there is reasonable cause to believe the Fair Housing Act has been violated
- Notify you if it cannot complete an investigation within 100 days of receiving your complaint.

Conciliation

HUD will try to reach an agreement with the person your complaint is against (the respondent). A conciliation agreement must protect both you and the public interest. If an agreement is signed, HUD will take no further action on your complaint. However, if HUD has reasonable cause to believe that a conciliation agreement is breached, HUD will recommend that the Attorney General file suit.

Complaint Referrals

If HUD has determined that your State or local agency has the same fair housing powers as HUD, HUD will refer your complaint to that agency for investigation and notify you of the referral. That agency must begin work on your complaint within 30 days or HUD may take it back.

What if You Need Help Quickly?

If you need immediate help to stop a serious problem that is being caused by a Fair Housing Act violation, HUD may be able to assist you as soon as you file a complaint. HUD may authorize the Attorney General to go to court to seek temporary or preliminary relief, pending the outcome of your complaint, if:

- Irreparable harm is likely to occur without HUD's intervention.
- There is substantial evidence that a violation of the Fair Housing Act occurred. Example: A builder agrees to sell a house but, after learning the buyer is black, fails to keep the agreement. The buyer files a complaint with HUD. HUD may authorize the Attorney General to go to court to prevent a sale to any other buyer until HUD investigates the complaint.

What Happens after a Complaint Investigation?

If, after investigating your complaint, HUD finds reasonable cause to believe that discrimination occurred, it will inform you. Your case will be heard in an administrative hearing within 120 days, unless you or the respondent wants the case to be heard in Federal district court. Either way, there is no cost to you.

The Administrative Hearing

If your case goes to an administrative hearing, HUD attorneys will litigate the case on your behalf. You may intervene in the case and be represented by your own attorney if you wish. An Administrative Law Judge (ALA) will consider evidence from you and the respondent. If the ALA decides that discrimination occurred, the respondent can be ordered:

- To compensate you for actual damages, including humiliation, pain and suffering.
- To provide injunctive or other equitable relief, for example, to make the housing available to you.

- To pay the Federal Government a civil penalty to vindicate the public interest. The maximum penalties are \$16,000 for a first violation and \$65,000 for a third violation within seven years.
- To pay reasonable attorney's fees and costs.

Federal District Court

If you or the respondent chooses to have your case decided in Federal District Court, the Attorney General will file a suit and litigate it on your behalf. Like the ALA, the District Court can order relief, and award actual damages, attorney's fees and costs. In addition, the court can award punitive damages.

You May File Suit

You may file suit, at your expense, in Federal District Court or State Court within two years of an alleged violation. If you cannot afford an attorney, the Court may appoint one for you. You may bring suit even after filing a complaint, if you have not signed a conciliation agreement and an Administrative Law Judge has not started a hearing. A court may award actual and punitive damages and attorney's fees and costs.

Other Tools to Combat Housing Discrimination

If there is noncompliance with the order of an Administrative Law Judge, HUD may seek temporary relief, enforcement of the order or a restraining order in a United States Court of Appeals. The Attorney General may file a suit in a Federal District Court if there is reasonable cause to believe a pattern or practice of housing discrimination is occurring.

New Mexico Human Rights Bureau

New Mexico residents who feel that they have been subject to discrimination in housing choice may file a written complaint with the Human Rights Bureau within 300 days of the alleged discriminatory act. Upon receipt of the complaint, the director will advise the party against whom the complaint has been lodged, and investigate the matter to determine whether the complaint has probable cause.

If the director determines that there is no cause, the complaint will be dismissed and both parties notified. If the director finds that the complaint has cause, he or she will inform the complainant and respondent and attempt to broker a process of "persuasion and conciliation" between the two. If this process fails, or if the director has reason to believe that an informal conciliation process will not lead to resolution of the complaint, the bureau will issue a complaint against the respondent unless the complaint has requested a waiver of right to hearing. This complaint will

articulate the “alleged discriminatory practice, the secretary’s regulation or section of the Human Rights Act alleged to have been violated, and the relief requested.”

Following the issuance of this complaint, the respondent will be required to address the allegations in a hearing between ten and fifteen days after service of the complaint. At the hearing the complainant and respondent will present their cases, and each party will have the right to amend his or her complaint or answer. Three members of the Human Rights Bureau will constitute a panel that presides over the hearing. If the respondent is not found to have committed any discriminatory acts during the course of the hearing, the bureau will present these findings and serve both parties with an order dismissing the complaint. If the bureau finds that the respondent has discriminated against the complainant, the bureau may order the respondent to compensate the complainant for actual damages and reasonable attorneys’ fees, and may require the respondent to take “such affirmative action as the bureau considers necessary.”

Either party has the right to appeal the decision of the bureau. Note that there is no explicit provision that allows for punitive damages to be assessed in administrative hearings in the anti-discrimination statute.

SECTION VI. FAIR HOUSING IN THE PRIVATE SECTOR

LENDING ANALYSIS

Lending practices were analyzed using data gathered from lending institutions in compliance with the Home Mortgage Disclosure Act (HMDA). The HMDA was enacted by Congress in 1975 and is implemented by the Federal Reserve Board as Regulation C. The intent of the Act is to provide the public with information related to financial institution lending practices and to aid public officials in targeting public capital investments to attract additional private sector investments.

Since enactment of the HMDA in 1975, lending institutions have been required to collect and publicly disclose data regarding applicants including: location of the loan (by Census tract, County, and MSA); income, race and gender of the borrower; the number and dollar amount of each loan; property type; loan type; loan purpose; whether the property is owner-occupied; action taken for each application; and, if the application was denied, the reason(s) for denial. Property types examined include one-to-four family units, manufactured housing and multi-family developments.

HMDA data is a useful tool in accessing lending practices and trends within a jurisdiction. While many financial institutions are required to report loan activities, it is important to note that not all institutions are required to participate. Depository lending institutions – banks, credit unions and savings associations – must file under HMDA if they hold assets exceeding the coverage threshold set annually by the Federal Reserve Board, have a home or branch office in one or more metropolitan statistical areas (MSA) or originated at least one home purchase or refinancing loan on a one-to-four family dwelling in the preceding calendar year. Such institutions must also file if they meet any one of the following three conditions: status as a federally insured or regulated institution; originator of a mortgage loan that is insured, guarantee, or supplemented by a federal agency; or originator of a loan intended for sale to Fannie Mae or Freddie Mac. For-profit, non-depository institutions (such as mortgage companies) must file HMDA data if: their value of home purchase or refinancing loans exceeds 10 percent of their total loan originations or equals or exceeds \$25 million; they either maintain a home or branch office in one or more MSAs or in a given year execute five or more home purchase, home refinancing, or home improvement loan applications, originations, or loan purchases for properties located in MSAs; or they hold assets exceeding \$10 million or have executed more than 100 home purchase or refinancing loan originations in the preceding calendar year.

It is recommended that the analysis of HMDA data be tempered by the knowledge that no one characteristic can be considered in isolation, but must be considered in light of other factors. For instance, while it is possible to develop conclusions simply based on race data, it is more accurate when all possible factors are considered, particularly in relation to loan denials and loan pricing. According to the FFIEC, “with few exceptions, controlling for borrower-related factors reduces the differences among racial and ethnic groups.” Borrower-related factors include income, loan amount, lender and other relevant information included in the HMDA

data. Further, the FFIEC cautions that the information in the HMDA data, even when controlled for borrower-related factors and the lender, “is insufficient to account fully for racial or ethnic differences in the incidence of higher-priced lending.” The FFIEC suggests that a more thorough analysis of the differences may require additional details from sources other than HMDA about factors including the specific credit circumstances of each borrower, the specific loan products that they are seeking and the business practices of the institutions that they approach for credit.

The following analysis is provided for the State of New Mexico, summarizing 2017 HMDA data (the most recent year for which data are available), and data between 2007 and 2017 where applicable. Where specific details are included in the HMDA records, a summary is provided below for loan denials including information regarding the purpose of the loan application, race of the applicant and the primary reason for denial. For the purposes of analysis, this report will focus only on the information available and will not make assumptions regarding data that is not available or was not provided as part of the mortgage application or in the HMDA reporting process.

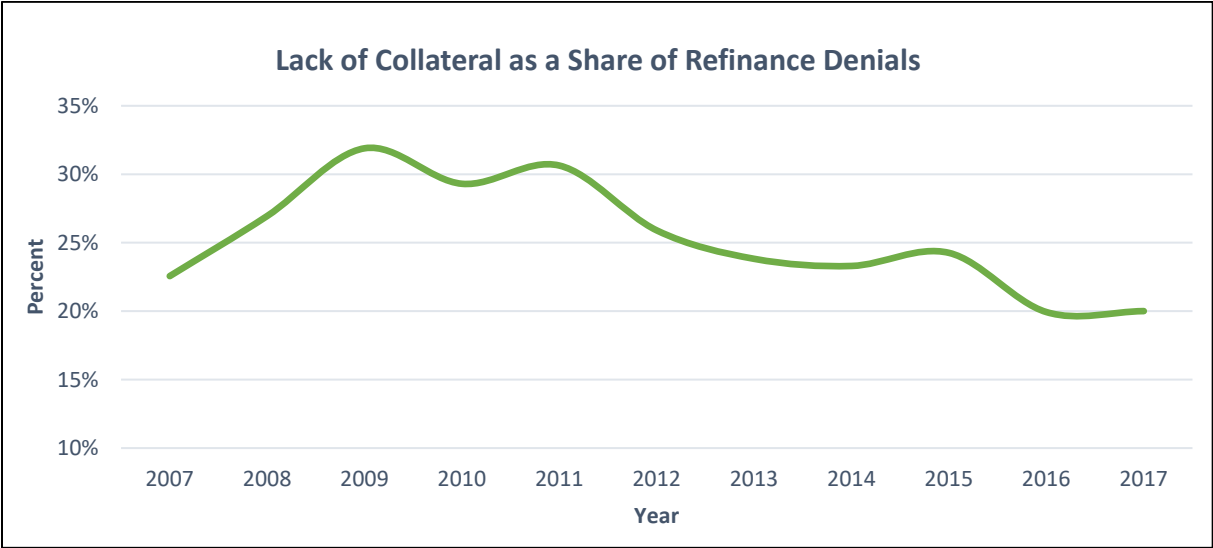
2017 State Overview

In 2017, there were over 72,000 applications within New Mexico for home loans to purchase, refinance or make home improvements for a single-family home - not including manufactured homes. Of those applications, over 35,000 or 49 percent were approved and originated. This represents a decrease of nearly 4,000 originations from 2016 and a percentage decrease of approximately 10 percent, a smaller decline than the national decrease of 13 percent. Of the remaining 37,000 applications, approximately 11,000 or 16 percent of all applications were denied. The top two application denial reasons within the State were credit history (25 percent) and debt-to-income ratio (24 percent), representing nearly half of the State’s total denials. Lack of collateral and incomplete applications represented 18 and 16 percent of denials respectively. It is important to note that financial institutions are not required to report reasons for loan denials, although many do so voluntarily. Also, while many loan applications are denied for more than one reason, HMDA data reflects only the primary reason for the denial of each loan. The balance of the approximately 25,700 applications, that were not originated or denied, were closed for one reason or another including a) the loan was approved but not accepted by the borrower, b) the application was closed because of incomplete information or inactivity by the borrower or c) in many instances the application may have been withdrawn by the applicant.

Disposition of Application by Loan Type and Purpose, 2017 Single Family Homes (excluding manufactured homes)				
	Loan Type	Home Purchase	Refinance	Home Improvement
Total Applications				
	Conventional	19,915	19,163	3,909
	FHA	9,828	6,475	251
	VA	5,491	6,254	217
	FSA/RHS	711	67	2
Loans Originated				
	Conventional	12,398	8,285	1714
	FHA	5,196	1968	78
	VA	2,942	2,389	95
	FSA/RHS	318	16	1
Loans Approved but Not Accepted				
	Conventional	445	795	116
	FHA	148	417	5
	VA	65	236	8
	FSA/RHS	11	3	0
Applications Denied				
	Conventional	1,611	3,919	1561
	FHA	967	1468	70
	VA	371	1,151	48
	FSA/RHS	68	9	1
Applications Withdrawn				
	Conventional	2,271	3,765	361
	FHA	937	1260	46
	VA	581	1,216	40
	FSA/RHS	65	19	0
Files Closed for Incompleteness				
	Conventional	327	1,388	96
	FHA	165	641	19
	VA	56	674	9
	FSA/RHS	14	12	0
Source: 2017 HMDA				

A further examination of the 11,244 denials within New Mexico during 2017 indicates that approximately 58 percent were for applicants seeking to refinance existing mortgages for owner-occupied, primary residences. The number one reason for denial of refinance applications was incomplete applications (23 percent of refi. denials), followed by debt-to-income ratio (21 percent of refi. denials). Lack of collateral represented 20 percent of all refinance denials. Typically, homeowners, seeking to refinance their existing home mortgage are able to use their home as collateral. When the denial reason given for a refinance is a lack of collateral, this would indicate the home is worth less than the existing mortgage and, therefore, refinancing is not an option – these homes are commonly referred to as “under-

water” or the borrowers are “upside-down” in their mortgage. Shown below, the percentage of refinance denials given for the reason of lack of collateral has trended downward since the peak of the housing crisis, suggesting that the number of “under-water” homes in New Mexico has declined since 2009.

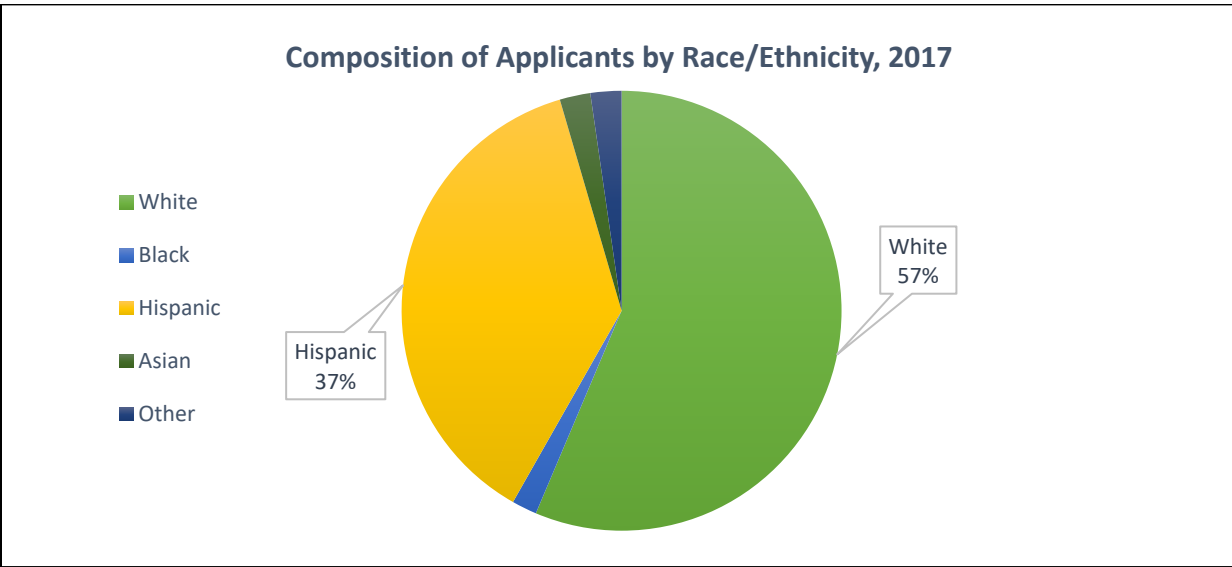


Source: HMDA

Home Purchase Lending in New Mexico

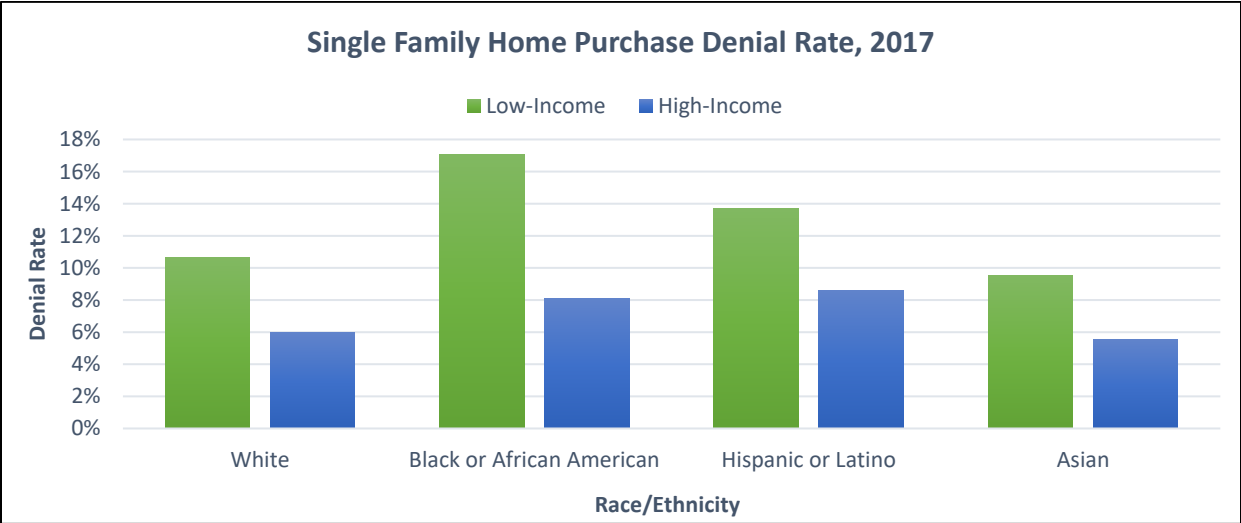
Of the home purchase loans for single family homes that were originated in 2017 (20,854 loans originated), approximately 59 percent of these originations were provided by conventional lenders, lower than the national conventional home purchase share of 64 percent. The remaining 41 percent of home purchase loans in New Mexico were provided by federally-backed sources including the Federal Housing Administration, the Farm Service Agency, and the Department of Veterans Affairs. Nonconventional loans, including the FHA and VA lending programs, have relatively lower down-payment requirements in comparison to conventional lenders. The FHA, FSA and VA lenders had application/approval ratios of 44 percent, 43 percent and 45 percent respectively. Conventional lenders, by contrast, originated home purchase loans at a higher 52 percent of all applications.

The percentage of loan application denials for traditional home purchase loans for one-to-four family housing in New Mexico varies by race/ethnic groups. The largest applicant group in 2017 were non-Hispanic Whites (57 percent) followed by Hispanics (37 percent). Black, Asian and Other applicants each represented approximately 2 percent of all home purchase applications. In 2017, Whites were least likely to be denied for conventional single family home purchases, being denied at a rate of 8 percent, while Hispanic applicants faced the highest conventional home purchase denial rate at 11 percent.



Source: HMDA

Additionally, a closer look at home purchase denial rates by race/ethnicity and income group within New Mexico, shown below, demonstrates that High-Income Black and Hispanic applicants (those earning greater than 120 percent of Area Median Income) were slightly less likely to be denied for a single family home purchase, at 9 percent, than Low-Income White applicants (those earning less than 80 percent of Area Media Income), at 11 percent. Low-Income Black applicants were the group with the highest home purchase denial rate at 17 percent, 1.6 times the rate of Low-Income White applicants. High-Income White and Asian applicants were each denied at a rate of 6 percent, the lowest of all groups examined. White and Hispanic applicants demonstrated similar disparities in denial rates between Low- and High-income applicants, at 6 percent, while the gap between Low- and High-income applicants for Blacks was approximately 9 percent.

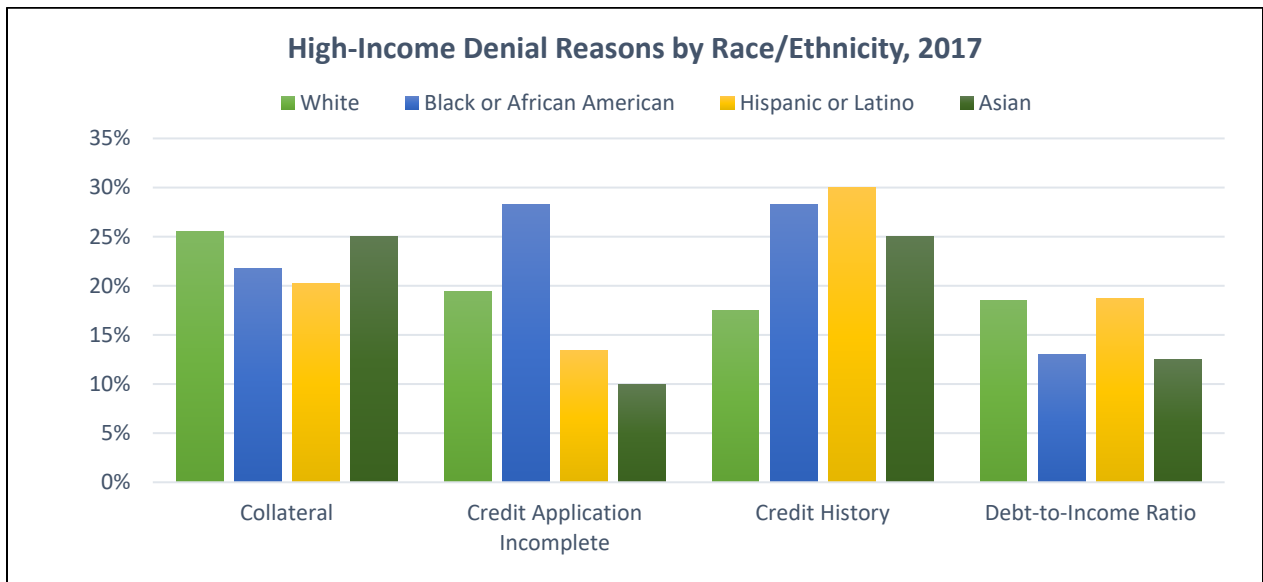


Source: HMDA

Application Denial Reasons by Income Group

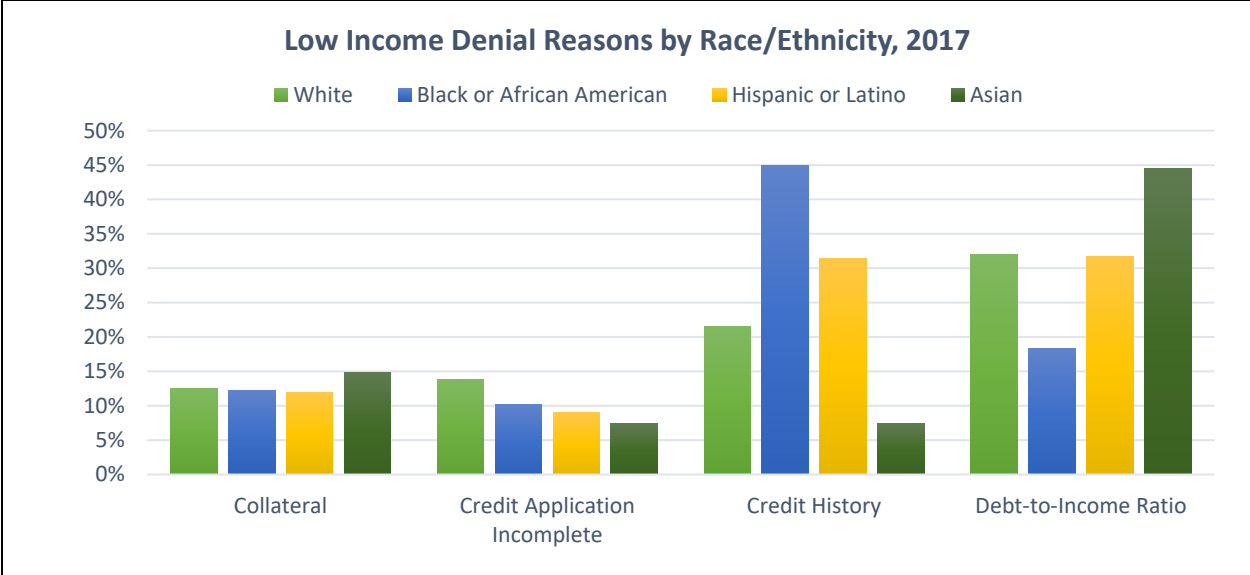
The series of charts below compare denial reasons among White, Black, Hispanic and Asian applicants in New Mexico for 2017 by income group.

As of 2017, the leading denial reason for High-Income White and Asian applicants was lack of collateral, while the top denial reason for High-Income Hispanics was credit history. Relative to other High-Income applicants, Black applicants were more likely to be denied for an incomplete application. Denial reasons for High-Income applicants were generally more evenly distributed in comparison to Low-Income applicants, shown below.



Source: HMDA

For Low-Income denials, debt-to-income ratio was the top reason for all groups except Black applicants, where credit history was the top reason. All Low-Income groups were denied for debt-to-income ratio at a higher rate than their High-Income counterparts, and in the case of Hispanics and Whites, the difference relative to High-Income applicants was approximately 13 percentage points. Additionally, Low-Income applicants in all groups were less likely to be denied due to lack of collateral or an incomplete application relative to High-Income applicants.

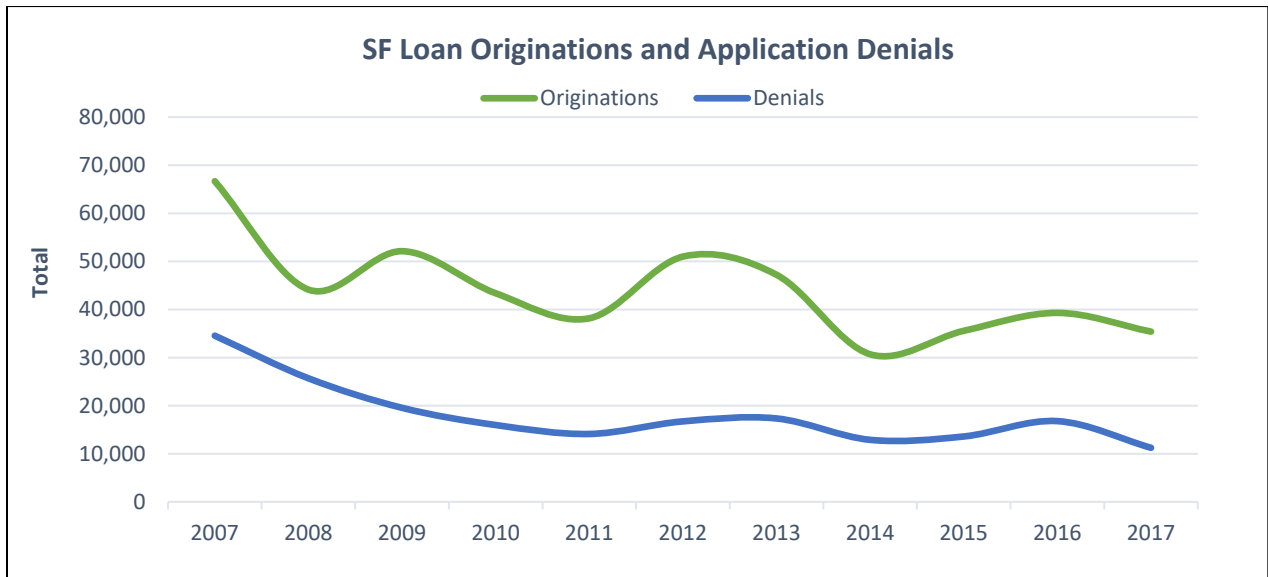


Source: HMDA

New Mexico's Single Family Lending Market, 2007-2017

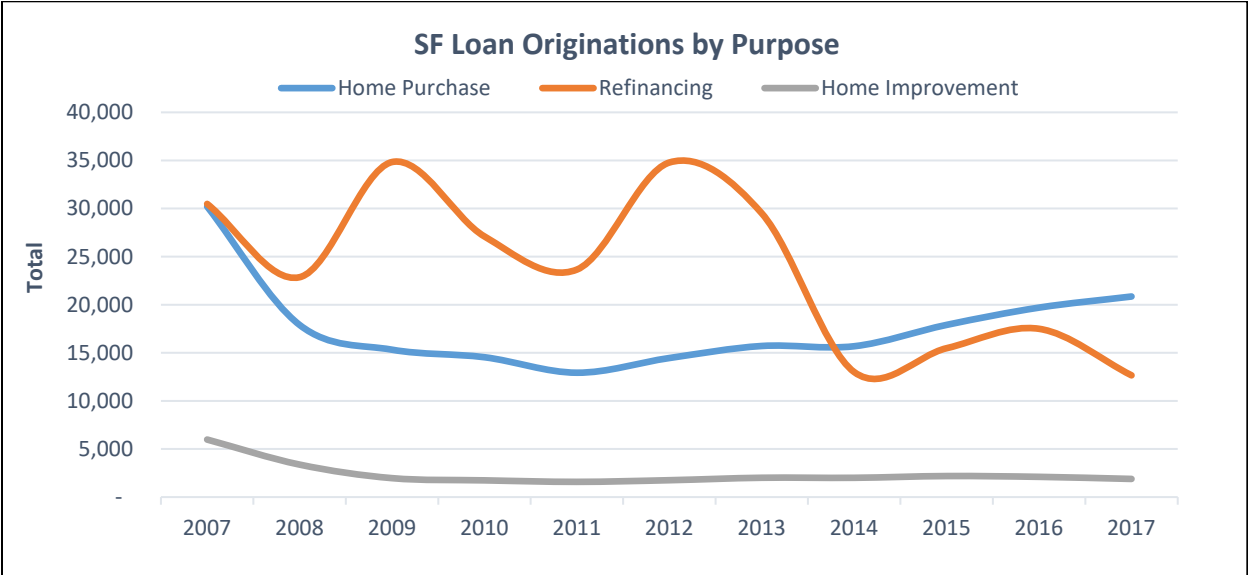
The following section will examine HMDA data over the time period 2007-2017, for the State of New Mexico.

Highlighted below, the number of single family loan originations in New Mexico followed a dynamic, though downward trending, trajectory between 2007 and 2017. At the onset of the housing crisis, originations declined by over a third between 2007 and 2008, followed by an 18 percent increase between 2008 and 2009. Subsequently, originations trended downward between 2009 and 2011, followed by an increase between 2011 and 2012, the latter year having the highest post-2009 number of originations at nearly 51,000. Loan originations then fell by 35 percent between 2013 and 2014, though grew steadily between 2014 and 2016, followed by a 10 percent decrease between 2016 and 2017. As of 2017, total originations in New Mexico are about 53 percent of the level prior to the housing crisis. In contrast to originations, however, the number of application denials within New Mexico demonstrated less extreme changes between 2007 and 2017, though fell dramatically between 2007 and 2011. As of the most recent data year, denials are 68 percent below the level experienced in 2007. Relatedly, the share of denials as a percent of total originations and total denials has declined since the housing bust, from 34 percent in 2007 to 24 percent as of 2017.



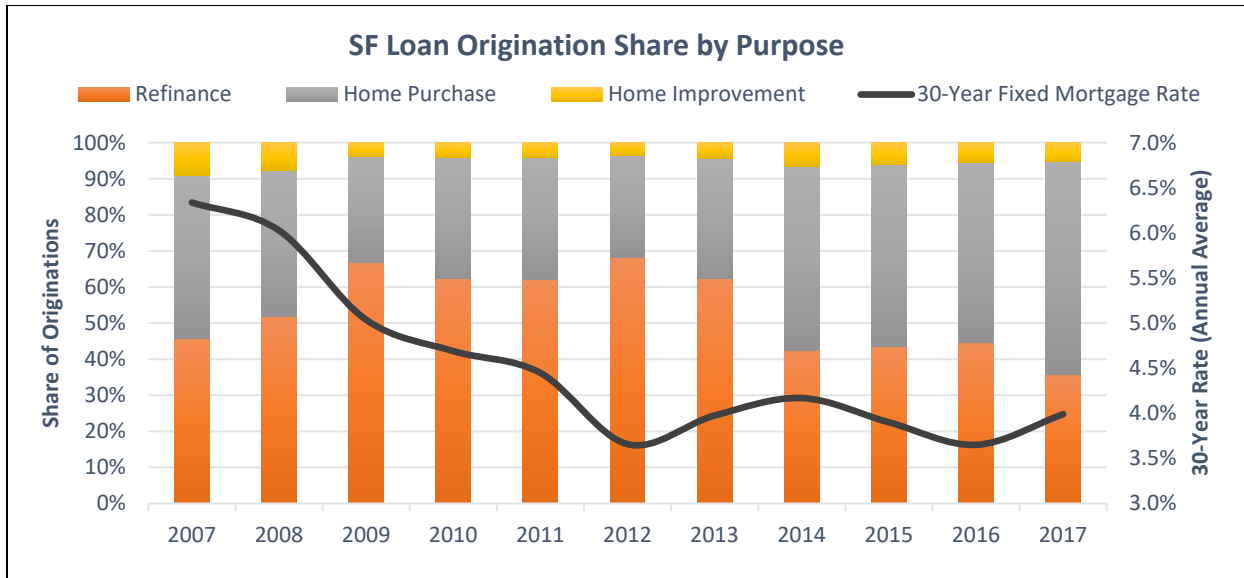
Source: HMDA

Shown below, much of the year-to-year fluctuations in total originations that occurred between 2007 and 2017 were the result of refinancing originations. Home purchases and refinances were split as the top loan purpose by total originations in 2007, though refinancing became the dominant loan purpose between 2008 and 2013, as interest rates were broadly falling, discussed further below. In 2017, home purchases comprised 59 percent of the State’s total originations, and the nearly 21,000 home purchase loans originated is the highest annual total since 2007. The upward trend of home purchase originations since 2011 (61 percent growth rate between 2011 and 2017 and 6 percent growth over the most recent year), reflects a steady and recovering demand for housing within the State.



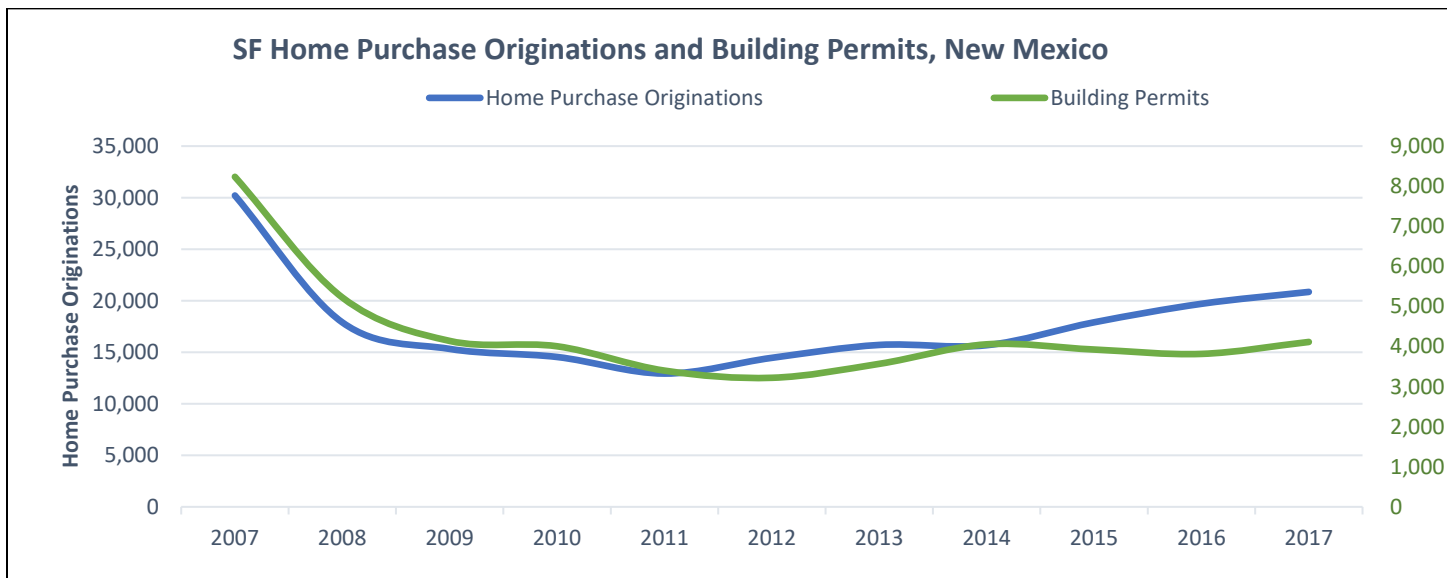
Source: HMDA

The share of refinance originations appears to move generally with the 30-year fixed rate mortgage average, shown below. In 2012, for example, when the average 30-year fixed rate mortgage was at its lowest level of all the years examined, refinance originations reached the highest share of all data years analyzed. Similarly, when interest rates rose between 2012 and 2014, the share of refinance originations fell from 68 percent to 42 percent. The increase in the annual average of the 30-year fixed mortgage rate between 2016 and 2017 is consistent with New Mexico’s 28 percent reduction in the number of refinance loan originations over the same time period.



Source: HMDA, Federal Reserve Bank of St. Louis

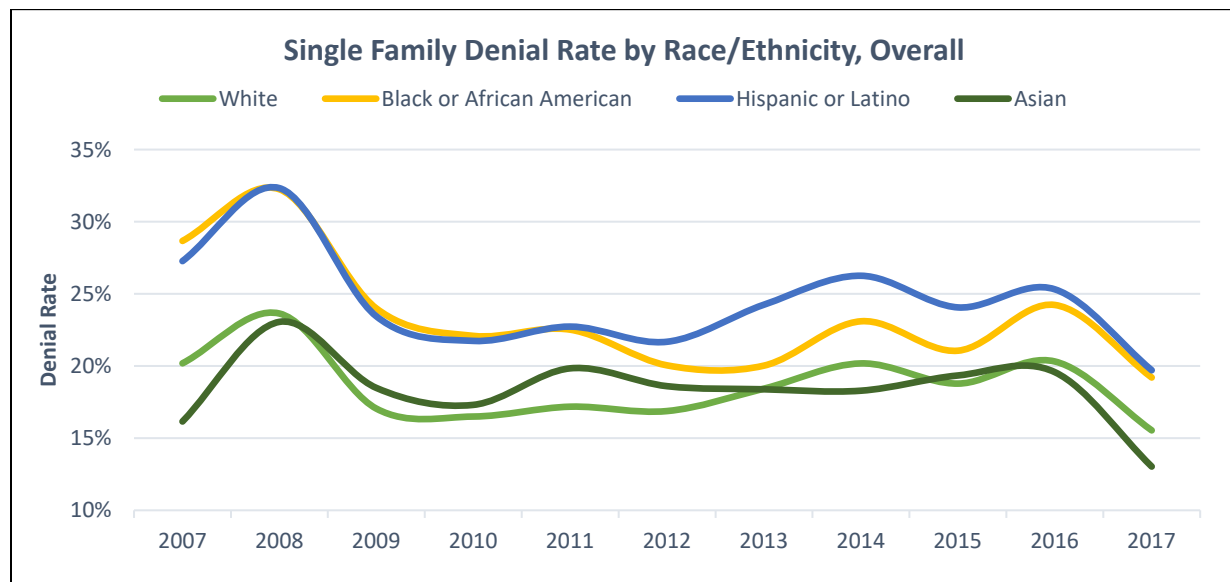
For home purchase loans, the movement of originations often tracks trends in the number of single family building permits issued, as shown below. Both trends are indicative of steady and consistent growth in housing demand within the State, though growth in building permits has lagged compared to originations in recent years.



Source: HMDA

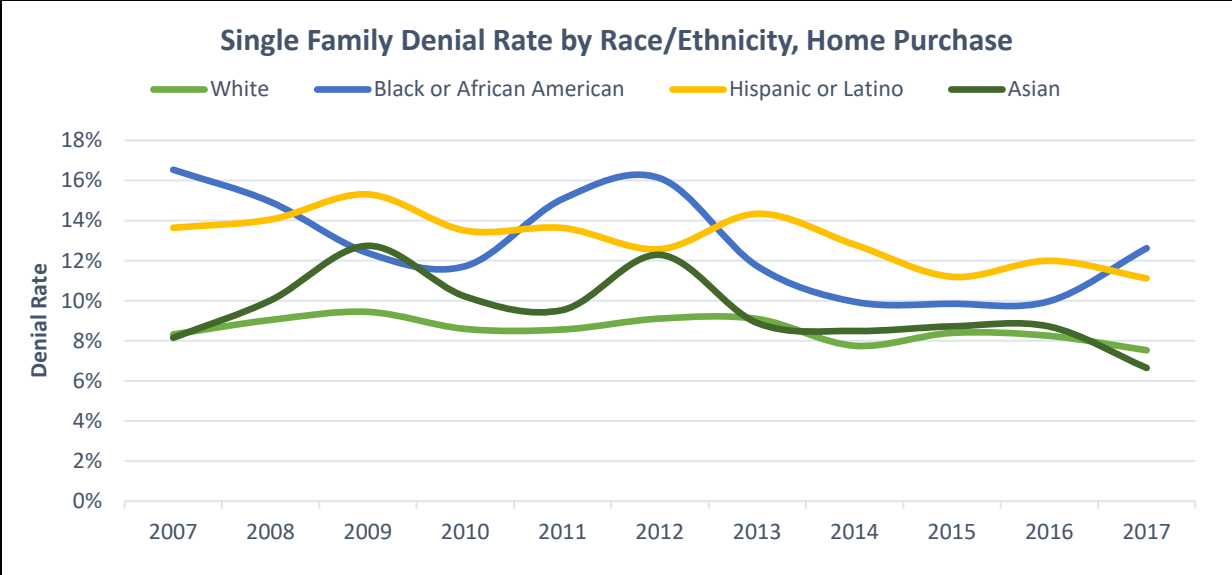
Income, Race and Single Family Loan Denials in New Mexico

Denial rates for single family loans in New Mexico over time vary by race and ethnicity. The charts below show that between 2007 and 2017, White and Asian applicants were consistently less likely to be denied relative to Black and particularly Hispanic applicants. The overall denial rate for Hispanic applicants has fallen during the analysis period, from 27 percent to 20 percent, though the overall disparity between White and Hispanic applicants remains, with Hispanic applicants approximately 1.3 times more likely to be denied than White applicants as of 2017, slightly lower than 1.4 times in 2007.



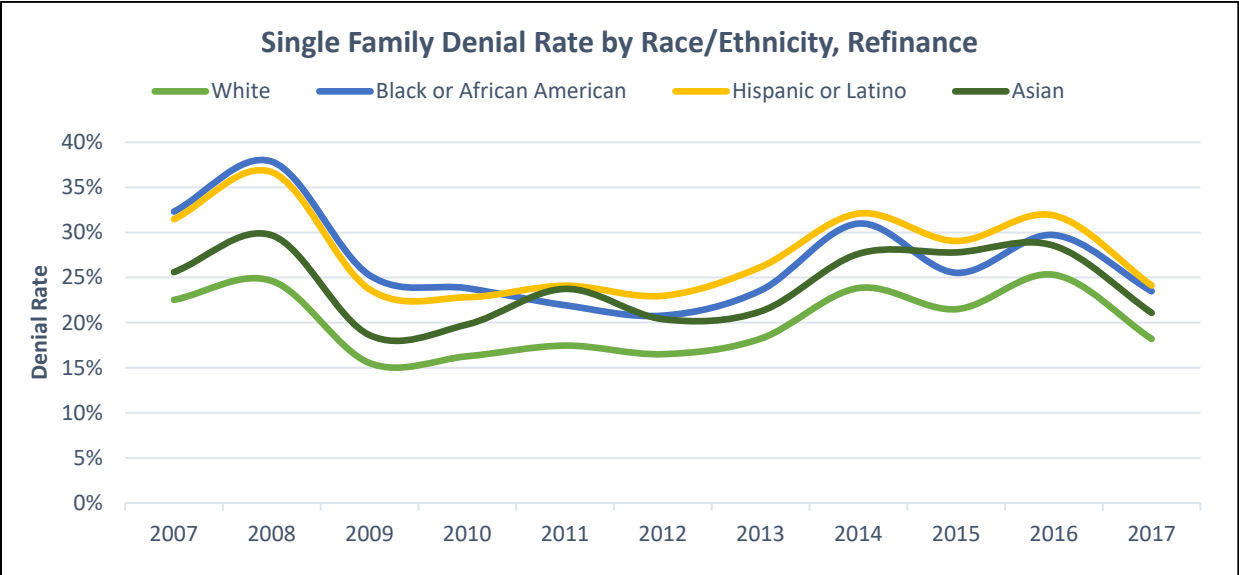
Source: HMDA

Home purchase applications exhibit lower denial rates for all applicant groups relative to overall denial rates. However, relative to other loan purposes, home purchase denial rates exhibit more variability among race/ethnicity groups, though White applicants were less likely to be denied relative to Black applicants and Hispanic applicants in every year examined. As of the most recent data year, Black applicants experienced the highest home purchase denial rates at 13 percent.



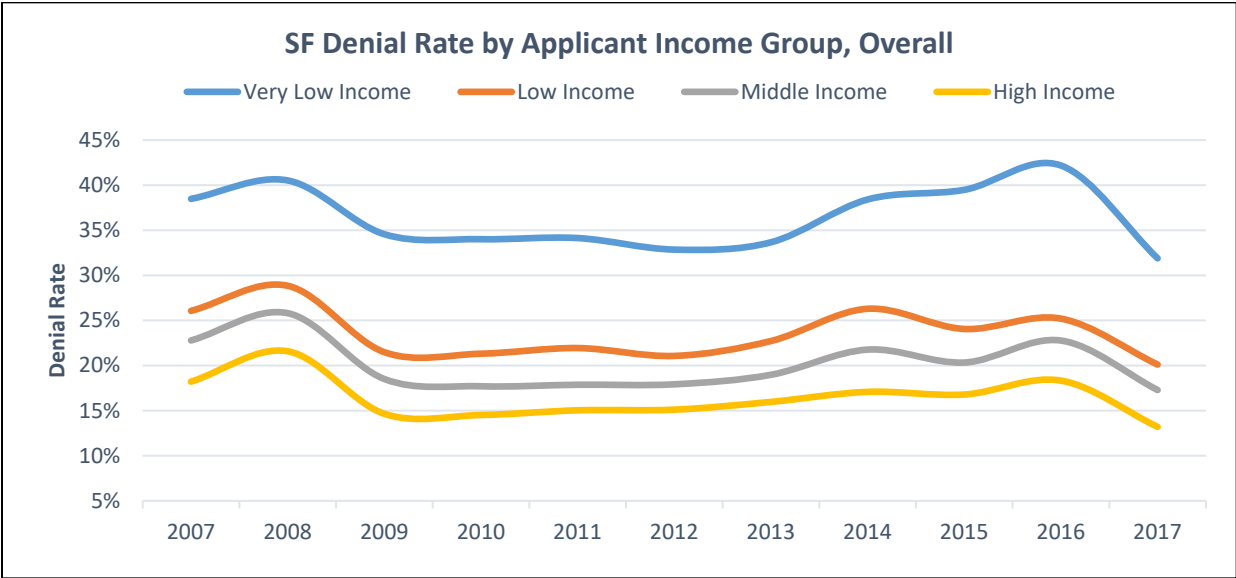
Source: HMDA

Similar to the overall denial rate, Hispanic applicants were the group with the highest denial rate for a refinance application in every year since 2012. Additionally, White applicants were the least likely to be denied a refinance in every year between 2007 and 2017.



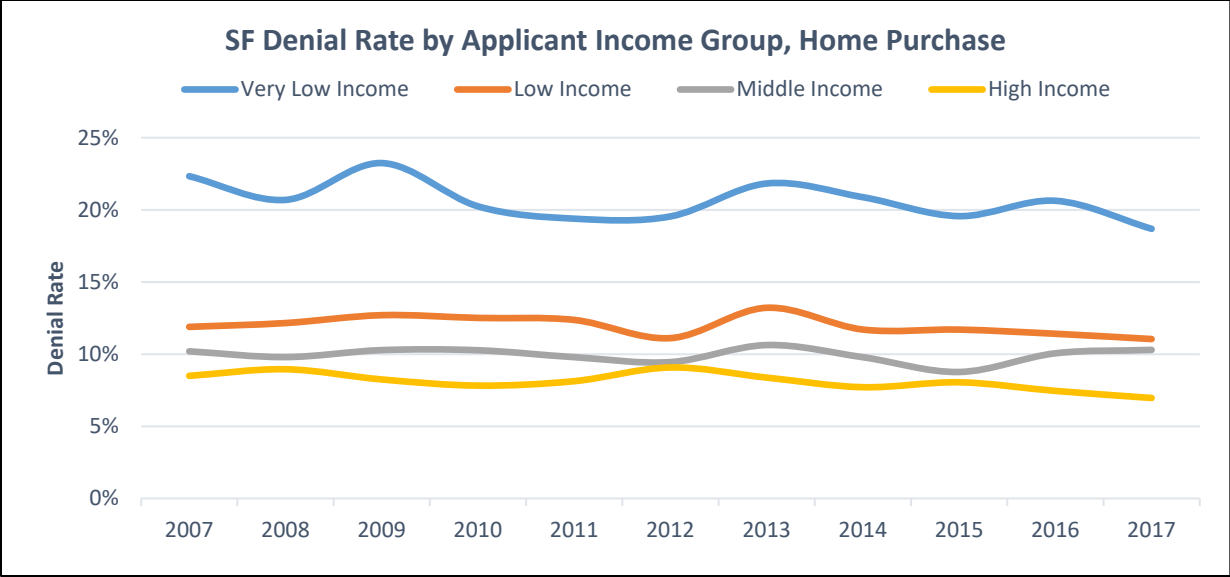
Source: HMDA

A view of single family denial rates by applicant income group within New Mexico, highlighted below, shows the expected outcome of higher income groups experiencing lower denial rates than lower income groups. However, Very Low-Income applicants (50 percent or less of Area Median Income) have remained well above other income groups, with generally increasing divergence between 2013 and 2016, despite a significant decrease from 42 percent to 32 percent between 2016 and 2017. High-Income (greater than 120 percent of Area Median Income) and Middle-Income (80 to 120 percent of Area Median Income) applicants were consistently the lowest and second-lowest denied groups respectively, with Low-Income (between 50 percent and 80 percent of Area Median Income) applicants above the other two during every year examined. The single family denial rate declined for all income groups between 2007 and 2017.



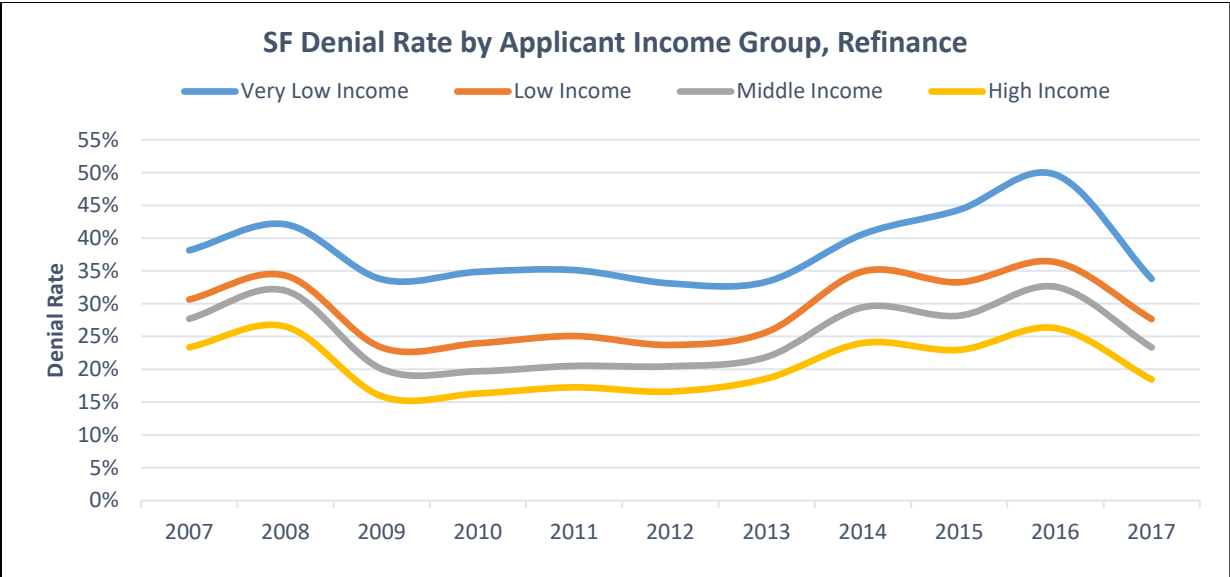
Source: HMDA

Similar to overall denial rates by income group, home purchase applications were denied at a much higher rate for Very Low-Income applicants between 2007 and 2017 while Low, Middle, and High-Income applicants have remained closer to each other. Between 2016 and 2017, home purchase denial rates were stable, with all income groups experiencing a change of less than two percent. As of the most recent data year, Very Low-Income applicants are over 2.6 times as likely to be denied for a home purchase relative to High Income applicants.



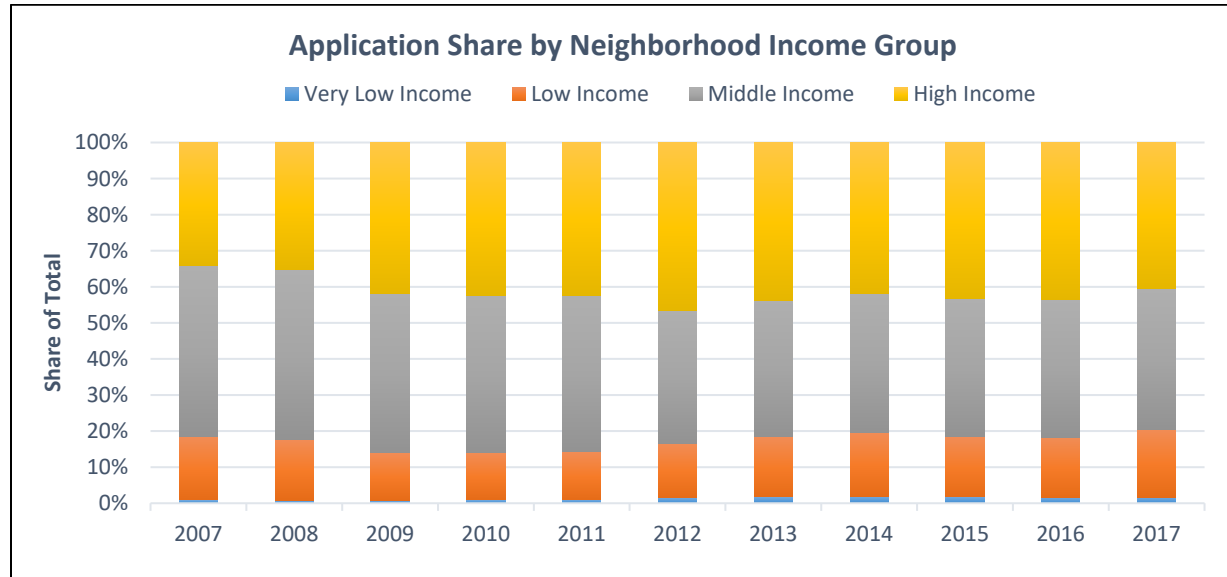
Source: HMDA

For all income groups, denial rates for refinance applications were higher than overall denial rates as well as those for home purchases as of 2017. Additionally, the refinance denial rate for all income groups declined between 2016 and 2017.



Source: HMDA

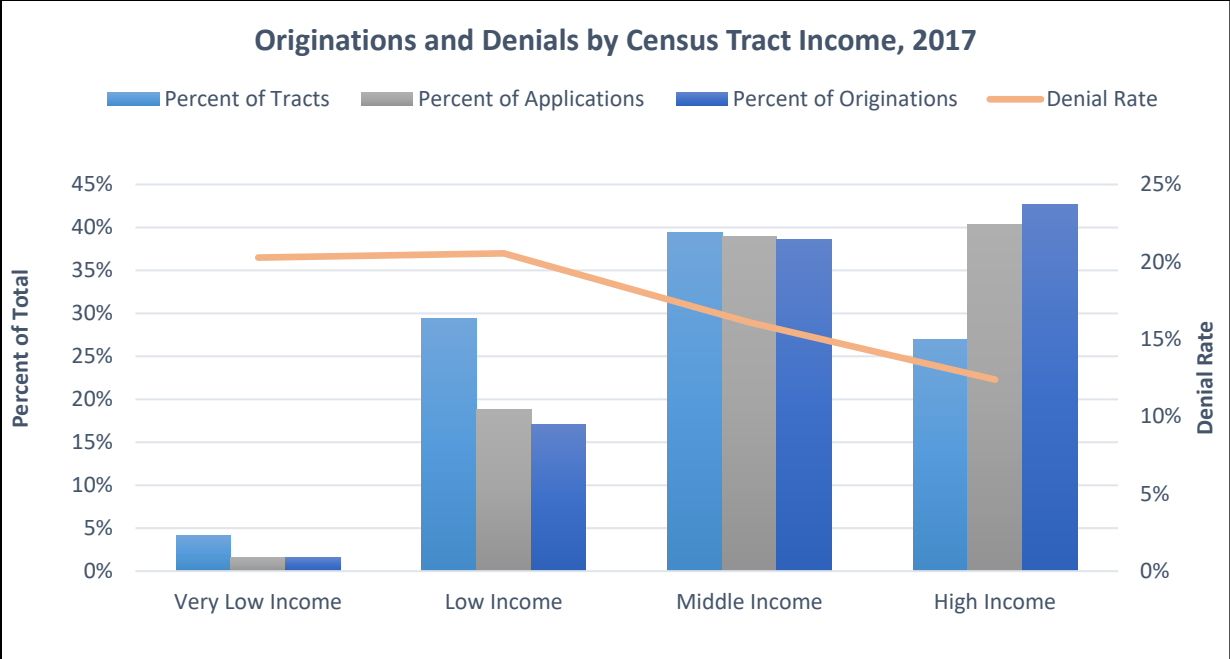
As a percentage of total applications within New Mexico, the distribution among neighborhoods by income group (defined as median income of property’s Census tract) shows that for every year examined, Middle and High-Income neighborhoods represented the vast majority of applicants.¹



Source: HMDA

Within New Mexico, Very Low-Income and Low-Income neighborhoods represent 34 percent of the State’s total neighborhoods, although they are represented by approximately 19 percent of total originations and 20 percent of total applications as of 2017, shown below. This suggests that Low and Very Low-Income neighborhoods within the State are less likely to participate in the single family lending market relative to other neighborhoods. By contrast, loan applications and originations within New Mexico are disproportionately likely to occur for properties in High and Middle-Income neighborhoods. For example, High-Income neighborhoods represent 27 percent of the State total, though they accounted for 40 percent of applications and 43 percent of all single family loans originations throughout the State in 2017.

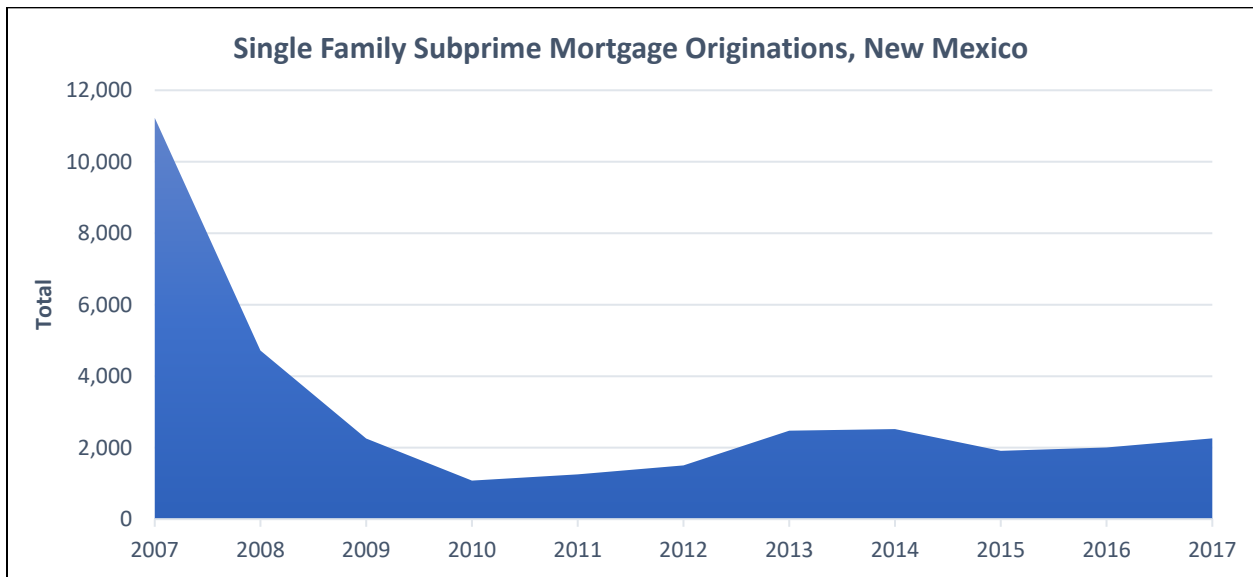
¹ Neighborhood data is analyzed based on census tracts where consumers reside.
<https://www.consumerfinance.gov/data-research/consumer-credit-trends/credit-cards/lending-neighborhood-income-level/>



Source: HMDA

The Subprime Market

Illustrated below, the subprime mortgage market in New Mexico declined significantly between 2007 and 2010, dropping by over 90 percent. However, subprime originations increased by more than 130 percent between 2010 and 2014, before stabilizing to about 2,000 per year (approximately 20 percent of the 2007 total). Subprime loans are defined as those with an annual percentage rate that exceeds the average prime offer rate by at least 1.5 percent. The total number of subprime loan originations decreased by approximately 80 percent on net between 2007 and 2017, while prime originations decreased by 40 percent during the same time period. Since 2010, however, the number of subprime loan originations has grown by 109 percent, compared to a 22 percent decline for prime originations. As a percent of New Mexico's total, subprime originations declined from 17 percent to 6 percent between 2007 and 2017.

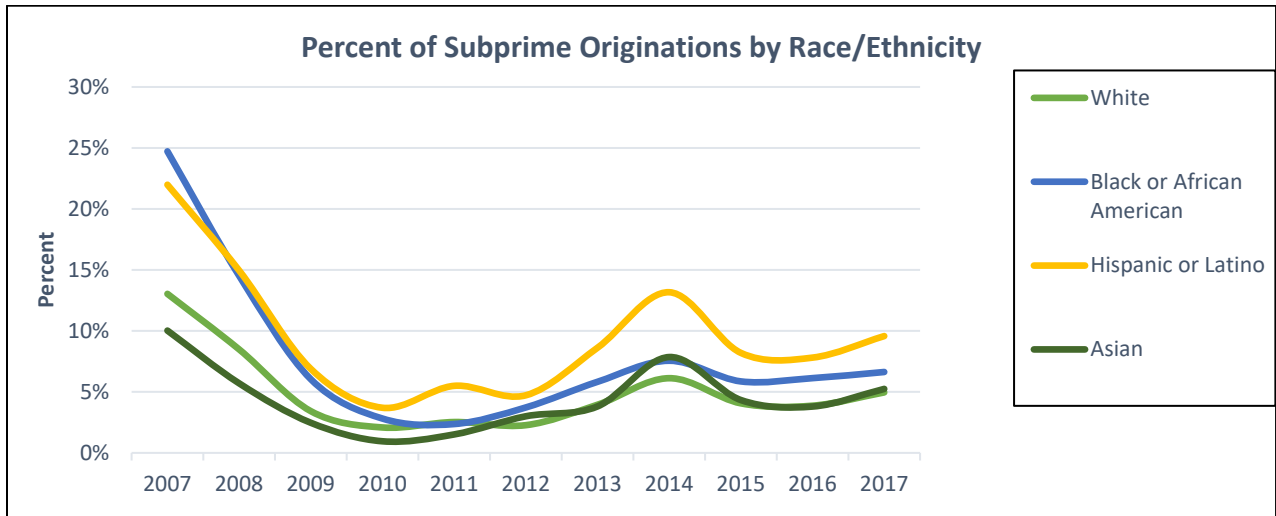


Source: HMDA

Looking at the share of subprime loans as a percentage of total originations by race/ethnicity reveals that Hispanic loan recipients were approximately 1.7 times as likely to be subprime relative to White loan recipients in 2007 while Black applicants were approximately 1.9 times as likely. This trend is consistent with the broader national pattern of minorities being disproportionately subjected to predatory subprime lending leading up to the housing crash, as outlined in a post-crisis report by the US Department of Housing and Urban Development.² The period between 2007 and 2010 saw the subprime share for Black and Hispanic borrowers decline substantially, falling from 25 percent to 3 percent and 22 percent to 4 percent, respectively. However, the Hispanic subprime share nearly tripled between 2012 and 2014. Relative to the pre-crisis share of subprime originations, White and Hispanic originations are both at

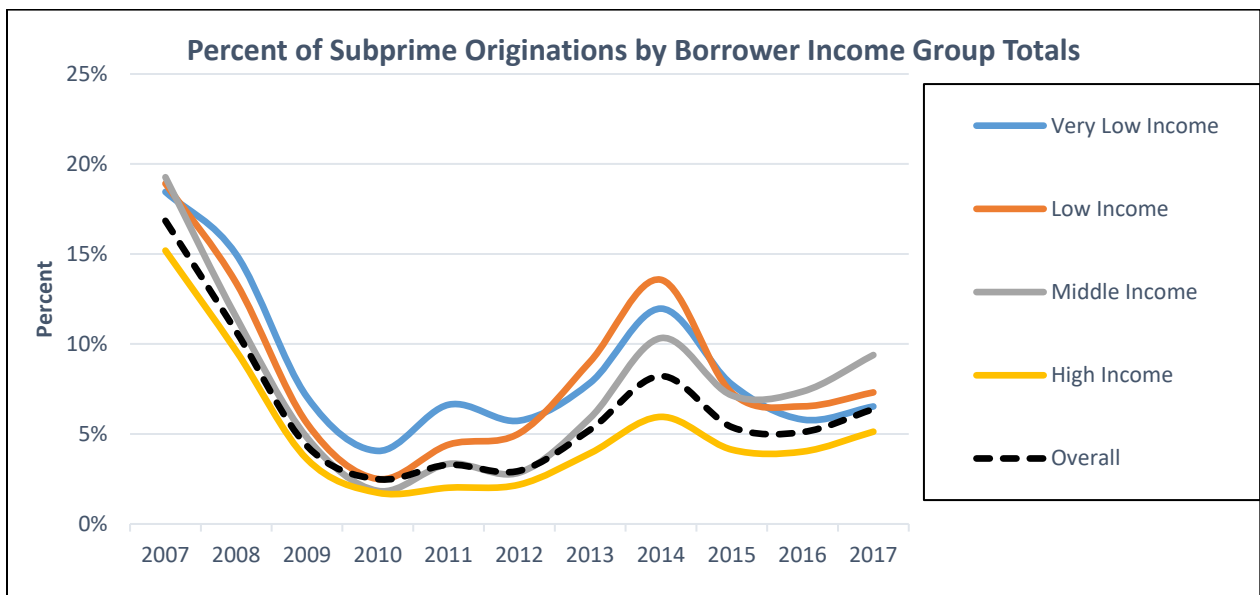
² https://www.huduser.gov/portal/publications/foreclosure_09.pdf

approximately 40 percent of the 2007 share, while Black and Asian subprime originations are at 27 and 52 percent of the 2007 share respectively, as of 2017.



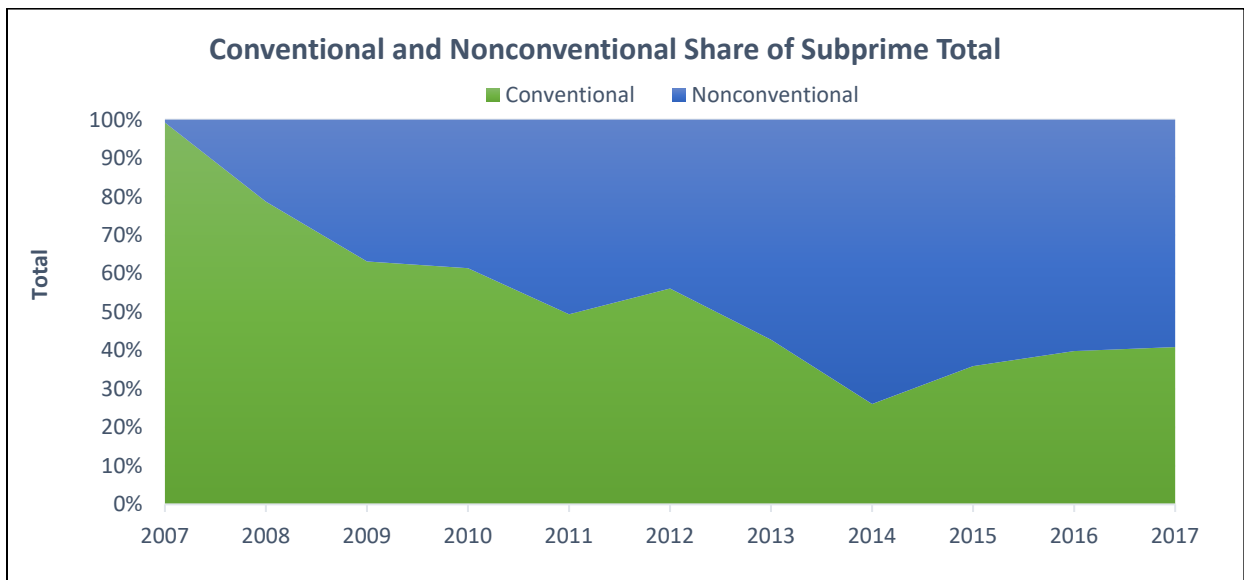
Source: HMDA

A view of subprime originations by income group totals shows a sharp decline between 2007 and 2010 among all groups, with overall increases from 2012 to 2014, led in particular by the Low and Very Low-Income groups.



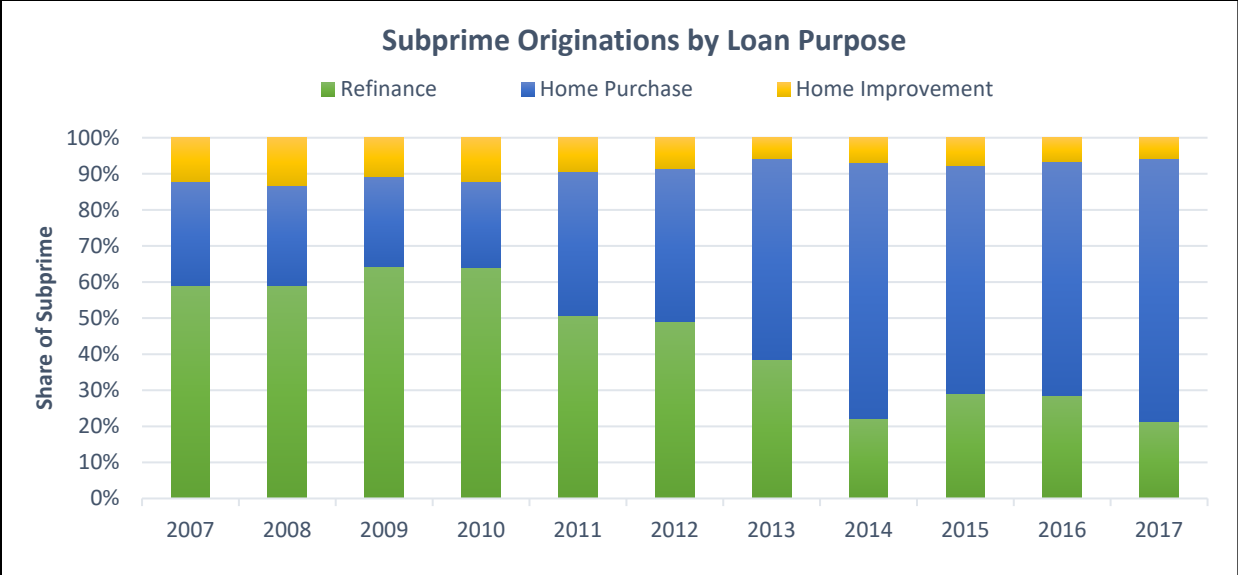
Source: HMDA

Consistent with broader national trends, the composition of subprime loans within New Mexico has shifted from conventional loans to government-insured nonconventional loans in recent years. In 2007, over 99 percent of subprime loans within the State were originated by conventional lenders. As of 2017, that percentage is 41 percent, up from a low of 26 percent in 2014. Of the nonconventional subprime loans originated, the overwhelming majority are insured by the Federal Housing Administration (over 98 percent in 2018). By contrast, the FHA’s share of nonconventional prime loans is 55 percent, followed by the Department of Veterans Affairs at 43 percent.



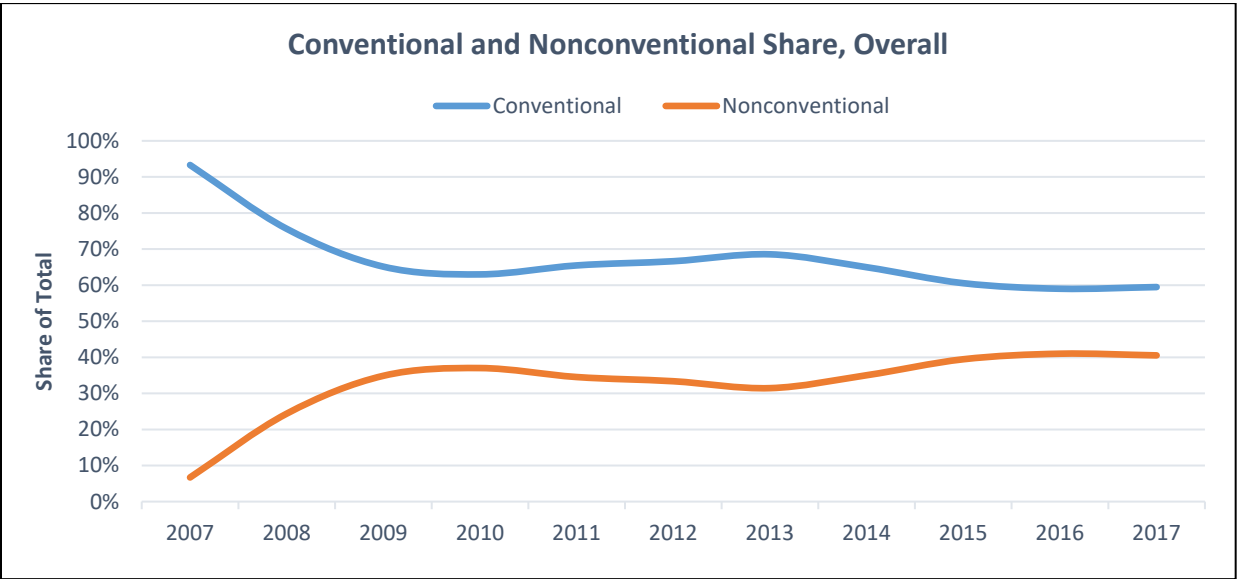
Source: HMDA

As a percentage of all subprime loan originations within New Mexico, home purchases represented 73 percent in 2017, the highest share of all years examined. The subprime home purchase share is up from its share of 29 percent in 2007 and a low of 24 percent in 2010. Refinancing represented that majority of New Mexico’s subprime loans between 2007 and 2011, though subprime loans have shifted away from refinancing and toward home purchases in recent years as housing demand has recovered.

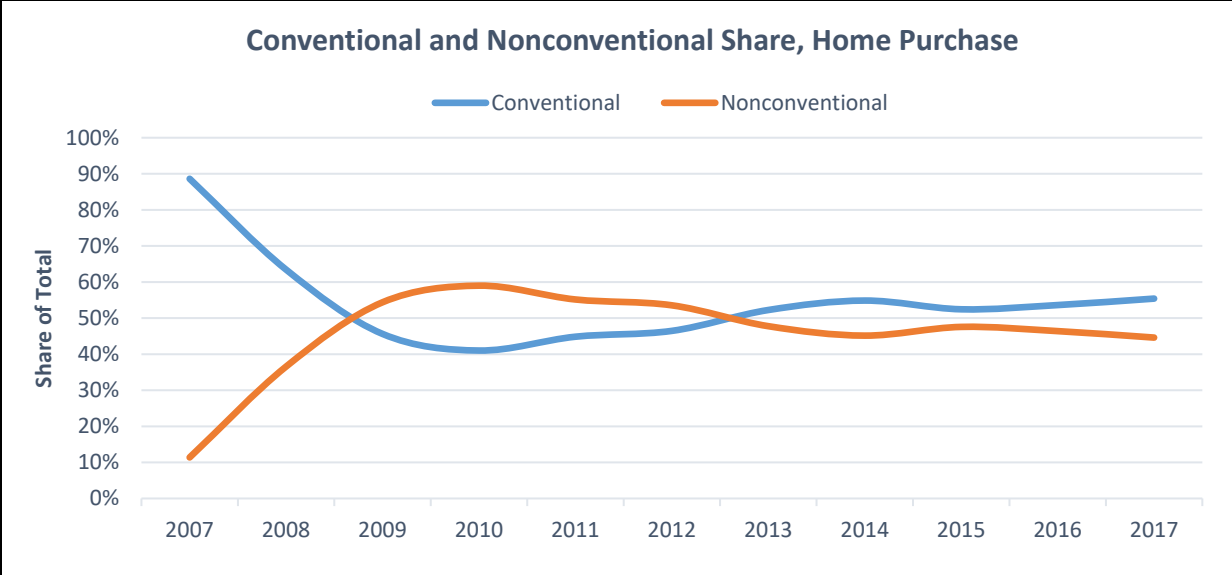


Source: HMDA

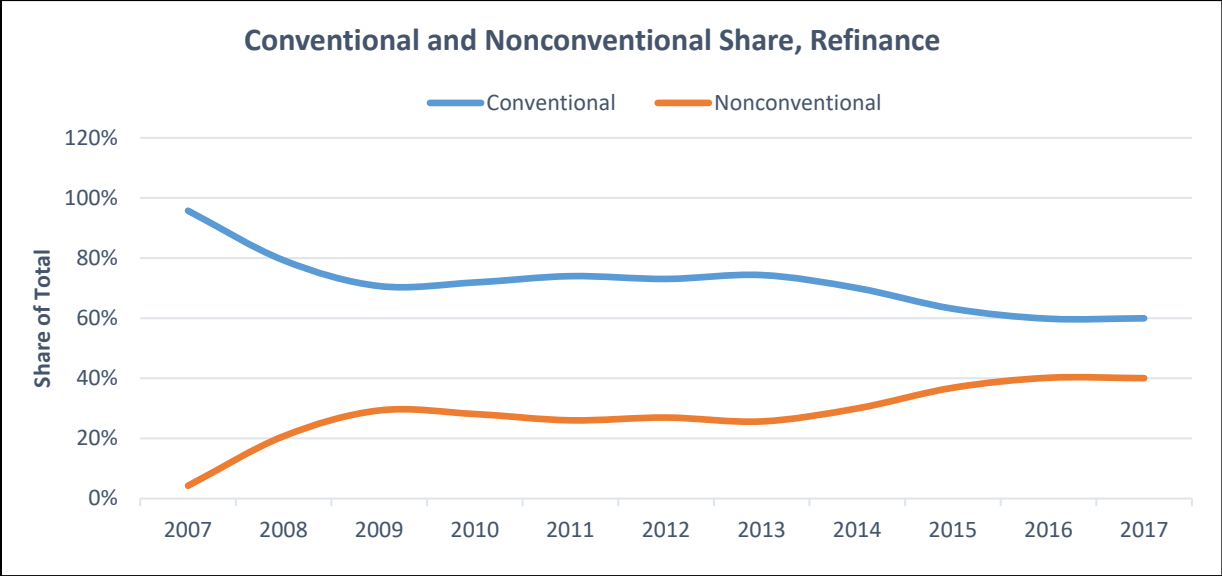
Though subprime loans within New Mexico are mostly nonconventional, 59 percent of all single family originations in 2017 were from conventional lenders. The highest share of nonconventional originations for any loan purpose was for home purchase loans in 2010 at 59 percent. The overall share of conventional lending in New Mexico has stabilized to around 60 percent since 2015.



Source: HMDA



Source: HMDA



Source: HMDA

Conclusion

Mortgage lending activity in New Mexico is consistent with many of the broader trends that have occurred in the wake of the housing crash, Great Recession and subsequent economic recovery.

Home purchase originations have increased every year since 2014 and in 2017 were at the highest level since 2007, suggesting signs of growing housing demand and a housing market recovery within the State. Additionally, the share of refinance applications denied for lack of collateral, suggesting an “under-water” home, has declined since the peak of the housing crisis.

The State has also been subject to cyclical trends that reflect broader economic conditions in recent years, including changes in mortgage rates that influence the prevalence of refinance originations and a subprime lending market that remains well below its peak prior to the housing bust. Government-insured mortgages have increased, consistent with tighter credit conditions and a more active regulatory environment in the wake of the housing crash.

Some trends, however, have continued despite business cycle fluctuations, such as higher denial rates for Black and Hispanic applicants relative to White applicants, in addition to higher denial rates for lower income applicants and neighborhoods.

FAIR HOUSING COMPLAINTS

Analysis of fair housing complaints submitted to HUD between 2015 and 2018 from the State of New Mexico reveals that 144 complaints were filed between 2015 and 2018 with some complaints citing multiple bases for their claims. The table below shows the number of complaints filed in each year with the most active year in 2015.

Table: Fair Housing Complaints - Number of complaints filed per year

Year	Number of Complaints
2015	40
2016	36
2017	43
2018	25
TOTAL	144

The analysis further revealed that disability is by far the most commonly cited basis for complaints with over 58% of the complaints citing disability between 2015 and 2018. The next most commonly cited bases were race for about 14% of the bases cited and sex for about 10% of the bases cited. The table below shows how many times each basis was cited in each year between 2014 and 2018.

Table: Fair Housing Complaints - Number of times basis for complaint was cited per year

Basis for Complaint	2015	2016	2017	2018	TOTAL	%
Race	6	4	9	6	25	14.7
Disability	27	26	31	15	99	58.2
National Origin	4	1	1	2	8	4.7
Sex	8	5	3	1	17	10.0
Retaliation	2	1	0	1	4	2.4
Familial Status	5	4	2	2	13	7.6
Religion	1	1	1	1	4	2.6
TOTAL	53	42	47	28	170	

Of the 144 complaints filed between 2015 and 2018, only 38 were closed with conciliation or a successful settlement. The remainder were either withdrawn, had a non-responsive complainant, or a no cause determination.

SECTION VII. 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.

AFFORDABLE HOUSING

MFA Properties

A list of properties under MFA asset management is provided in the Appendix to this document.

Public Housing Authorities

Public housing was established to provide decent and safe rental housing for eligible low- and moderate-income families, the elderly, and persons with disabilities. Public housing includes federally subsidized, affordable housing that is owned and operated by the public housing authorities. While public and assisted housing units also comprise a portion of the housing stock located throughout New Mexico, MFA and DFA do not operate public housing and, therefore, have not developed a plan related to public housing or public housing initiatives. MFA does provide funding for emergency housing and shelters, domestic violence refuge, rent and utility assistance, homelessness prevention assistance, transitional housing and construction or rehabilitation of affordable rental housing, including specialized housing for individuals with physical and mental disabilities.

New Mexico has 37 non-entitlement public housing authorities (PHAs) within the jurisdiction of the state Consolidated Plan. As stated, neither DFA nor MFA operate public housing, therefore, neither agency directly plans resident initiatives. Efforts to collaborate more extensively with PHAs are underway through the state's three Regional Housing Authorities (RHAs), which MFA oversees on behalf of the state. In addition, Public Housing Authorities and Tribal Housing Authorities are eligible to apply for HOME and HTF funds for rehabilitation or new construction of affordable rental units, and, in the case of HTF, they are given preference over for-profit applicants. Tribal Housing Authorities are not among the PHAs analyzed and are not included in the state's public housing strategy. The 20 Tribal Housing Authorities operate independently within their sovereign nations.

SECTION VIII. PUBLIC INVOLVEMENT

Fair Housing Survey

The State of New Mexico conducted an online survey that was available to residents and other community stakeholders in both English and in Spanish. In addition to the survey being available online (using computers, smart phones and other handheld devices), the survey was also made available to residents in a paper-based version. Access to the survey was provided through the New Mexico Mortgage Finance Agency (NMMFA) website, through stakeholder email lists, posted in public convening locations and published in print with QR Codes made available for residents to scan and link to the survey. Background on the Analysis of Impediments and Consolidated Plan process and definitions of fair housing were provided in the survey introduction. The importance of community participation was also highlighted in the survey introduction.

The survey was comprised of 34 questions covering a range of data points including demographic information, residential information, knowledge of fair housing rights, experiences with fair housing discrimination, opinions on access to information on fair housing and questions related to housing and community development more generally. The average response time was 10 minutes, and the completion rate was 100%.

There were 635 responses in English and ten responses in Spanish. The low Spanish participation rate points to a potential area of improvement in community engagement in future processes. The survey was open for 5 months with multiple opportunities and reminders for stakeholders and residents to participate.

Respondent Profile

The respondents to the survey were mostly white (75%) women (70%) over the age of forty-five (58%). They were mostly long-time residents of the State of New Mexico, with 81% of them having lived in the State for more than 10 years. The respondents were distributed throughout the State, although 37% of them live within the greater Albuquerque area comprised of the counties of Sandoval, Bernalillo, Torrance and Valencia. Over a third of those responding to the survey identified as Hispanic/Latino at 37%. African Americans made up 2% of respondents, 1% were Asian, 11% responded they were more than one race, and 10% were Native American. English was the most common language spoken at home at 92%, 5% said Spanish and 4% of respondents said that they speak a language other than Spanish or English. Only 8% of those that responded said they have a disability or disabling condition.

In terms of earnings data, 35% of respondents said they earned \$75,000 per year or above, 48% earned between \$30,000-\$74,999 and 17% earned below \$30,000. Of note is that 40% of the 17% stated they earned less than \$20,000 per year. Forty percent (40%) of respondents live with

3-5 other people. In addition, of the total respondents, 37% said they spend over 30% of their income on housing (including insurance and utilities), and of those, 32% said they spent more than 50%. Most of the respondents (72%) own their home, and most of those (55%) with a mortgage.

When asked what the most common issues they had faced in the last two years was related to their housing and neighborhoods, the most common responses were that they had difficulty paying for needed repairs to their homes, that they had difficulty paying their utilities, that they had experienced problems with the maintenance of their plumbing, electrical, appliances and other items in their homes and that their neighborhoods had abandoned homes or homes in disrepair.

Fair Housing Questions

There were 12 questions in the survey that specifically focused on fair housing; beginning with whether or not respondents were familiar with fair housing or anti-discrimination laws. Twenty-two percent (22%) of those that answered were not familiar with the laws. Thirty-five percent (35%) were somewhat familiar and 41% were familiar or very familiar. Only 3% were unsure. When asked about protected classes, most respondents knew about religion, race, national origin and age, but were less sure about the other classes. When the questions delved deeper into whether people were aware of their rights, the responses were split between those that did know their rights (60%) and those that did not (40%). Of note is of the respondents in the Spanish survey, 70% said they did not know their rights. Knowledge of rights under Fair Housing law was partially reflected in the responses about whether they were aware of any housing discrimination incidents. Twenty-six percent (26%) of respondents were not sure if they knew of any incidents. That said, 55% said that they were not aware of any and 19% said they did know of incidents.

Out of the 19% that said they were aware of an incident, 53% cited income level, 50% said it was criminal background, 37% said it was due to race, 37% cited disability, 27% said it was sexual orientation, 26% said it was gender and 25% cited that national origin was the basis of the discrimination. The rest of the responses to this question were distributed among the 7 other possible choices. According to the survey, these incidents occurred in both single-family neighborhoods and in apartment complexes. Most did not report the incident (70%), and the most common reasons given were that they did not know where to report it and that they did not think it would make a difference.

In terms of education on fair housing issues, most respondents were not aware of any fair housing or anti-discrimination education opportunities in their community (59%), and the majority of them (78%), have never participated in any kind of educational opportunity. They did cite the primary barrier to housing choice was cost of housing, with 75% of respondents citing it as one of their top choices, followed by the condition of housing units (43%) and the concentration of affordable housing in certain neighborhoods (40%).

Respondents also noted that distance to employment and transportation/access to public transportation were also common barriers. For open responses, many respondents said that there was a problem with availability of housing, both in terms of housing for vulnerable populations and the lack of options for workforce housing near job centers.

Focus Group Discussions

Three community focus groups were held in throughout the State of New Mexico. The first one was offered in Santa Fe on May 6, 2019 at the offices of the Santa Fe United Way. While outreach was done by the MFA for this focus group through listserv announcements and website postings and dinner was provided, no stakeholders were able to attend. The food was donated to a local homeless shelter. This time gave MFA a chance to meet internally and discuss community outreach strategies and barriers to participation. The second focus group was held on May 7, 2019 in Albuquerque and a local senior center. This focus group drew seven participants, mostly residents of supportive service housing. The third focus group was held in Las Cruces on May 8, 2019 at the community space at the public housing authority. This focus group was well attended with community organizations, residents and staff from the housing authority. This was the session with the most participants with upwards of twenty people in attendance. Staff from the MFA attended all the focus groups.

The focus groups began by getting participants on the same page about definitions of fair housing and fair housing choice and describing the range of issues affecting fair housing including access to jobs, transportation, quality education and affordable housing. The discussion was guided and facilitated, but it was made clear that participants should feel free to discuss the topics that were top of mind related to fair housing. Participation was encouraged, and it was pointed out that community input is a critical component of the Consolidated Plan and Analysis of Impediments (AI) processes. To encourage thinking about suggestions for solutions, time was set aside at the end of the hour and a half long session to talk about priorities and thoughts around action items. Participants were encouraged to think of the AI as a living document that can help guide solutions to impediments identified.

Observations

Several common themes emerged across the focus groups. Key among them was the rising cost of housing, the lag in wages to keep up with those housing costs and that there are disparities in access to affordable housing, services and notably transportation options across the State.

The discussion in the first focus group opened with assessing what they felt people's general knowledge is related to fair housing. The consensus among participants was that for the most part people are not aware about what encompasses fair housing and what their rights are. They felt that there is a need for more education around the issue. The point was made that when educational resources are made available, they should be in language that is accessible; in other words, plain English rather than "legalese." Training was identified as an impediment 5 years ago,

and the opinion was expressed that it is still a need, and it is up to stakeholders to figure out how to get the programs out of “repeat mode.” It was stated in the focus group that there is a need to determine who is providing fair housing training and enforcement and need quantitative data, like from surveying clients when monitoring of service providers.

The group also generated much discussion about how important affordable housing and the services that providers helped them access was to their ability to lead a quality life. The point was made several times that for many the system of accessing affordable housing and services can be confusing and it is often unclear who to go to and even what questions to ask. There are community organizations that do a good job at teaching residents how to navigate the resources and ask the right questions, although for this representative group, they felt that good, committed organizations and workers were the exception rather than the rule. Participants noted that bad experiences can breed distrust, and that misunderstanding of the processes can reinforce the distrust. An example is the misunderstanding of how the VISPDAT index, a vulnerability index for prioritizing applicants to programs, works. The service provider explained that given limited resources, they use this index to direct services to those most in need. To an outside observer, this process may seem counterintuitive to how they perceive persons most in need.

Additional points made during the second focus group were related to the economy, jobs and transportation options. While the statistics show relatively low unemployment, the rate in New Mexico is still higher than in the rest of the country, and poverty is high. The jobs that are more broadly available are generally low-skill, low wage jobs that are physically demanding and stressful. While there are higher skilled, higher wage jobs in the market, those jobs generally go to people recruited from out of state, and there are few training options to train a local workforce. And although the unions are active, there needs to be more opportunities opened up to participate with them, and there were opinions that more training partnerships with unions should be explored. Another point was that older workers are finding it increasingly difficult to find good jobs. The training programs and their timelines are geared towards younger workers. In terms of transportation options, it was agreed that there are public transportation options for people in the bigger metro areas but are very limited for those that live beyond them. Transportation is a limiting factor for people living in the pueblos or in the exurban and rural areas of the state. Lack of access to reliable public transportation is an impediment to seeking quality housing, services, jobs and education.

The third focus group focused on similar issues. Participants felt that fair housing education is still a need, and that people generally do not know their rights under Fair Housing law. That said, the housing authority said that it did provide some fair housing training, and the City of Las Cruces does field complaint calls and refers them to the HUD field office. Barriers to housing opportunities discussed in this session included that there are few providers that provide direct support for housing, background checks and conviction records are often done to access housing, and that credit issues preclude ability to purchase or rent.

Housing quality was also discussed in this focus group at a more detailed level than the other group. A participant in the focus group stated that there is no City ordinance to allow interior inspection of housing. Property maintenance challenges are accepted because people cannot afford to move. Overcrowding – where family, grandparents raising grandchildren and unrelated people living together – is a common occurrence. This can often lead to problems but is done due to financial need and to avoid isolation and loneliness. There is a definite need for larger family units. The housing authority does its part to fill some of the gap in housing affordability, but there are not enough units to meet demand. In addition, residents expressed that there is a lack of open lines of communication between them and the housing authority staff.

In terms of economic opportunity, participants highlighted the geographical challenges of connecting people to opportunities. Rural communities and pueblos may have local transportation systems, but those often do not connect to larger regional or metropolitan systems. This not only creates a barrier to economic opportunity for the general population of those areas, but they also present a barrier to quality education. Older students will often have to travel long distances and as a result need private transportation options to get them to better quality education. Not only is there a systemic barrier to public transportation, but there is a cultural barrier as well with youth not wanting to use bus systems even if they are in place. For people who have access to transportation, however, there are statewide vocational training programs through community colleges. There are 20-25 locations for the Workforce Connection / Workforce Solution program. One of the main barriers to entry to those programs, however, is having a criminal record.

List of Key Points

There are several key points that were identified throughout the focus groups as priority items:

- Availability of affordable housing
- Economic displacement – people have to move when rents go up and wages do not keep up
- Need to communicate more about the fair housing resources that are available (get programs out of repeat mode and focus on enforcement when issues are discovered)
- Address overcrowding and housing quality standards
- More access to accessible transportation. Transportation access has a domino effect on access to housing, jobs, and education

Stakeholder Interviews

Through the interview process, fourteen stakeholders from across the State got an opportunity to provide input on their views around fair housing and community development. Their backgrounds were diverse and included affordable housing developers, service providers, state and local government representatives and advocacy organizations – to name a few. Their input gave insight into how fair housing issues have been addressed in the past and where to focus efforts going forward. Many said that they were grateful to be given the opportunity to provide

their thoughts and opinions to the State through this process. The topics covered were far-ranging – from construction costs to transportation issues to housing discrimination, to name a few. What follows are summaries of what was expressed through the interview process.

Each interview lasted between 30 to 45 minutes. The questions included:

- Please explain what role your organization has in addressing fair housing issues and what your organization may have done to help address concerns raised by the 2015/2017 AI findings.
- To your knowledge, which of the findings do you think the State has made the most progress in addressing since 2017?
- In your opinion, are the 2017 revision findings still relevant today? If so, which ones? How about the 2015 findings that were not revised? Are they once again relevant?
- Based on your knowledge of the housing and community development issues throughout the State, what would you identify as the current major impediments to fair housing in the following categories?
 - Economy
 - Protected Classes (Race, Color, Religion, National Origin, Sex, Familial Status, Disability)
 - Community Awareness
 - Local Government
- Which category do you think presents the greatest challenges and why?
- In your opinion, what cities or areas of the State have the most significant fair housing challenges and why?
- What do you think the role of the State should be in addressing fair housing concerns in the future? How do you think your organization could assist in addressing the challenges you've mentioned?

The main issues that were discussed included housing affordability, the economy and access to jobs, education around fair housing issues and thoughts on how to address ongoing challenges. Several people interviewed noted that there used to be a statewide hotline devoted to landlord/tenant issues. While those issues tend to be different than fair housing issues in some cases, having a hotline up and running would be a big help in terms of education. In Albuquerque, the City will fund a new hotline to provide tenants with answers to their landlord/tenant concerns. Native and Hispanic populations face more poverty and hardship according to some interviewed, and they may not be as aware of protections under the law. Family status is one of the protected classes that sees discrimination in that often because of cultural backgrounds, people seek housing as a multigenerational family. They cannot find housing and will often have to split up. Many noted that MFA is doing good work around education, but that it could provide more templates for fair housing education materials for other entities around the state to use, customize and disseminate.

Some interviews also noted that the State has not done as much in the last five years as it probably should have related to reasonable accommodations. There were opinions that access to behavioral services are “a mess” and that for the State’s disabled population, they see limited protections against discrimination under fair housing law. “People understand the law, but it doesn’t mean they follow it” was a sentiment about enforcement of fair housing law. Previous grants made available for organizations to work on enforcement are no longer available. One respondent noted that the revision of one of the impediments in the 2017 update from “discriminatory terms, conditions, and privileges related to rental” to “lack of understanding of fair housing” lets landlords off the hook; that it shifts responsibility from an active act – discrimination – to a passive one – lack of understanding. That said, it was noted that the communications between the Governor’s Disability Commission and MFA has increased dramatically. A good sign things are moving in the right direction.

Various stakeholders working in different roles across the affordable housing space noted that construction costs have increased to the point where it is too difficult to build single family homes and sell them to low- and moderate-income buyers. In one case, a developer moved into developing affordable multifamily rather than single family. Related to the housing cost issue, many said that the economy was the biggest challenge. One respondent noted that lack of resources is the biggest problem that underlies everything else. They noted that the State has a scarcity mentality. One noted that needs are increasing but resources are declining. That said, many respondents noted that the State has put resources into rental housing development, and there are improvements.

When responding to questions about what parts of the State have significant housing challenges, respondents made references to how the “boom and bust cycles” of the oil industry in southeast and northwest parts of the State contribute to acute housing affordability problems for residents of those areas. In particular, for people not associated with the industry, the wages for the available service jobs do not keep up with the increasing rents that are being demanded. It was noted that there is little oversight in terms of housing quality, and that there are overcrowded conditions. Room rentals and other types of short-term rental agreements are used as a stand-in for affordable housing. One suggested making sure that with limited resources, areas of the State that have the greatest challenges are targeted. This person happened to be an Albuquerque resident and felt that other areas of the State are feeling a greater fair housing impact than in Albuquerque. In the case of the booming areas, resources should be targeted there before there is a bust in the economy.

Others said that the rural areas and colonias are parts of the State that suffer from poor housing quality due to an aging stock, overcrowding are vulnerable to predatory lending, and with little to no construction activity, there simply is no stock of new housing. One said that “it’s not just rural but frontier.” Many interviewees – both from rural and urban areas – agreed that lack of education, access to resources, etc. is felt disproportionately in rural areas. One brought up that even if rural areas have access to funding – federal dollars for example – they sometimes have to return it for lack of capacity on how to spend it. One person providing services in a rural county

noted that the problem there is not competition for resources to provide services but that there are often no entities to provide services at all.

There were also interview responses that pointed to the lack of access to transportation, especially in more rural parts of the State and on tribal lands. This lack of transportation options beyond private vehicles hinders people's ability to reach job centers and areas with better educational opportunities and access to services. An interviewee noted that with private transportation being the only option, people need to figure out a way to buy a car and car loans have high interest rates, making it even more of a cost burden on people.

Overall, interviewees felt that there was a general lack of understanding of fair housing across the board. Landlords, tenants, local governments could benefit from more information and access to educational resources on fair housing. There was some concern expressed that relying on online access to that information could limit information dissemination to poorer, more rural parts of the State. While there are steps in the right direction – with the hotline being reinstated in Albuquerque – that does not solve the limited access to fair housing information in other parts of the State. The State has several agencies that are working on the information gathering and dissemination of that information. They include MFA, UNM Bureau of Business and Economic Research (BBER), and NM Department of Finance and Administration, among others. There was a general opinion that education on the issue is getting better, but there is still a need for more.

SECTION IX. FINDINGS, IMPEDIMENTS AND ACTIONS

Introduction

The purpose of fair housing planning and analysis is to foster a careful examination of the factors restricting fair housing choice. These factors are described throughout this report and are summarized in the list of findings below. After analyzing the findings, the MFA and DFA established a list of impediments that are contributing to the fair housing conditions in the State. 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.

Further, there are three components of an impediment:

- A fair housing impediment must be an identified matter that directly or indirectly (has the effect of) creating a barrier to fair housing choice.
- An impediment must have a disproportionate effect on a protected class.
- An impediment must be caused by an “action, omission or decision.”

Finally, the State has set forth actions it can take within its authority and resources to begin addressing the identified impediments.

Findings

The following is a summary of the key findings:

Housing Conditions

- While the percentage of New Mexico’s residents experiencing overcrowding has steadily decreased since 2000, the issue persists, especially for renters. As of 2016, 4.1% of renters experience overcrowding and 2% experience severe overcrowding. (Table II.13) Respondents in the resident community survey indicated that the most common issues they had faced in the last two years were related to their housing and neighborhoods. They indicated that difficulty paying for needed repairs to their homes, difficulty paying utilities problems with the maintenance of their plumbing, electrical, appliances and other items in their homes were the greatest household challenges. They indicated that abandoned homes or homes in disrepair were the greatest neighborhood challenges.
- The State’s 2020-2024 Consolidated Plan indicated that the state’s housing stock is aging. Further, interviews with stakeholders highlighted that New Mexico’s rural areas and colonias are parts of the State that suffer from poor housing quality due to an aging stock, overcrowding, are vulnerable to predatory lending, and with little to no construction activity, there simply is no stock of new housing.

Socio-Economic Conditions

- Income limits affordable housing options and effectively narrows housing choices.
 - Income levels in New Mexico are rising but unemployment remains stubbornly higher than the national average. (Unemployment climbed until 2010 reaching 8.6% and then dropped for 6 of the next 7 years (ending at 6.6% in 2017 (Diagram II.2).
 - The poverty rate in the State rose to 22.7 in 2016 (Table II.8) - but dropped to 19.7 percent in 2017 - showing improvement from 21.1 percent in 2000.
- Population growth patterns affect housing availability.
 - In total, the population of the state's non-entitlement areas grew from 1,144,360 persons in 2000 to an estimated 1,202,428 in 2017, an increase of 5.1 percent (Table II.1).
 - The total population of all non-entitlement areas of the state began to decline in 2012, according to the intercensal estimates (Table II.1).

Special Populations

- Accessible and affordable housing choices for persons with disabilities and the elderly may not be keeping pace with demand.
 - While the number of persons living with disabilities has decreased in New Mexico since 2000, over 16 percent of New Mexico's civilian noninstitutionalized population has a disability (Table II.6.) This rate is higher than the national level of 12.5 percent.
 - Elderly residents are much more likely to have a disability than younger residents.
 - Focus group discussions highlighted that persons with disabilities face unique limitations on housing choice that require flexible design and/or special accommodation to overcome.
 - African American and Asian households are disproportionately more likely to have a housing problem. Housing problems are defined as one or more of the following conditions: (1) Lack of complete kitchen facilities, (2) lack of complete plumbing facilities, (3) More than one person per room (overcrowding), (4) cost burden greater than 30%. Cost burden occurs when a household spends more than 30% of its income on housing costs. (See discussion in Section NA-15, Consolidated Plan 202-2024)

Fair Housing Status and Enforcement

- While progress has been made in public awareness of discriminatory practices, discrimination continues to be evident based on complaints to HUD FHEO. Complaints decreased significantly between 2015 and 2018 (See Section VI, Fair Housing.)
 - Disability is the most common basis of complaints with 58.2% of reported complaints between 2015 and 2018, and race and sex continues to be a frequently cited concern with 14.7% and 10% of complaints, respectively, between 2015 and 2018.

- Overall number of complaints filed with HUD FHEO per year show a decreasing trend since 2018.

Lending and Foreclosure

- Availability of financial resources for owner-occupant home purchases is limited for all income and racial groups, but more limited for minorities.
 - In 2017, there were over 72,000 applications for home loans originated and, of those applications, 49 percent were approved. (This represents a percentage decrease in originations of approximately 10 percent since 2016, a smaller decline than the national decrease of 13 percent). (See Section VI, 2017 State Overview)
 - Of the remaining 37,000 applications, approximately 11,000 or 16 percent of all applications were denied. Others were closed for various reasons, e.g. withdrawn by applicant. (See Section VI, 2017 State Overview)
 - Analysis of HMDA data shows higher denial rates occurred for Native American, Black and Hispanic applicants relative to White applicants, in addition to higher denial rates for lower income applicants and neighborhoods. (See Section VI, Home Purchase Lending in New Mexico; See also Updated Appendix of Home Mortgage Analysis of Native American Population).

Barriers to Affordable Housing

- The cost of available housing is cited as the most significant barrier experienced or observed according to survey results.
- Analysis in the 2020-2024 Consolidated Plan revealed housing cost exceeds the income of households at 30% and 50% of median income. These cost burdens tended to fall more heavily on renters than homeowners. (See Consolidated Plan, Section NA-15)

Fair Housing Planning

- The availability of data is not uniform or available for all areas of the state.
- There is no central state authority or agency responsible for all aspects of fair housing planning, enforcement or outreach.

Public Awareness

- Based on focus group discussions and survey results, it appears understanding fair housing protections is improving for the general public but education and outreach are still needed, including how to file a complaint.
 - Over half of resident survey respondents said they were aware of fair housing or anti-discrimination education opportunities
 - Seventy-seven percent of resident survey respondents have never attended fair housing training.

Identified Impediments

This section of the study presents impediments to fair housing choice in the State of New Mexico based upon the findings of the study. As with the findings, the list reflects the quantitative and qualitative analysis of information collected through a variety of means.

The impediments to fair housing choice identified as a result of this Analysis of Impediments are summarized below.

Impediment #1 *Lack of knowledge of fair housing related laws and fair housing resources among the general public, housing providers and policy makers*

- Based on survey results and focus group discussions, the general public and housing service providers often do not understand complaint processes and may be unaware of resources available through various agencies for resolving fair housing disputes (per focus group reports);
- Although there may be understanding of fair housing law among some, enforcement is an issue; the public is not sufficiently aware of how to obtain assistance necessary to protect fair housing rights.

Impediment #2 *Disproportionate Housing Problems for Minorities, Persons with Disabilities, and the Elderly*

- The 2020-2024 Consolidated Plan revealed that housing problems are an issue in minority communities, specifically Black/African American and Asian populations. (See Section NA-15.) Housing conditions include incomplete kitchen and plumbing facilities, overcrowding, and housing cost burden. These conditions effect minority populations statewide.
- As discussed in focus groups, accessible and affordable housing choices for persons with disabilities and the elderly may not be keeping pace with demand;
- As discussed in focus groups, mental illness and substance use disorders are an increasing reason for disability and resources to address housing needs of this population has not kept up.
- Respondents in the resident community survey indicated that the most common issues they had faced in the last two years were related to their housing and neighborhoods. They indicated that difficulty paying for needed repairs to their homes, difficulty paying utilities problems with the maintenance of their plumbing, electrical, appliances and other items in their

homes were the greatest household challenges. These challenges are exacerbated for low-income homeowners.

Impediment #3 *Lack of affordable housing throughout the state has a greater impact on classes protected by the Fair Housing Act.*

- As discussed in the 2020-2024 Consolidated Plan, New Mexico experiences a limited supply of affordable housing and housing costs are high, especially for extremely low- and very low- income renters, causing those renters to face significant affordability “gaps” (See Section NA-10.) While renters face greater barriers to affordable housing, homebuyers also face challenges. Less than 14% of owner-occupied homes were affordable for homeowners. (See Section MA-15) Extremely low and very low-income renters and homeowners are more likely to be in a protected class under Fair Housing laws.
- Tribal lands are a struggle to delineate ownership according to stakeholders complicating both lending and development of housing.

Impediment # 4

Protected classes are more likely to encounter greater obstacles in obtaining mortgages due to lower incomes, issues with credit scores, and insufficient knowledge of the lending process. (See Section VI, Analysis of HMDA data).

- In every year between 2007 and 2017, Native Americans were the most likely race/ethnicity group to be denied a home mortgage loan.
- There are higher denial rates for Native American, Black and Hispanic applicants relative to White applicants.
- There are higher denial rates for lower income applicants and neighborhoods (minority populations are more likely to be low income than their white counterparts).
- Minorities populations are more likely to obtain a subprime mortgage with higher interest rates.

Actions

This 2019 update to the Analysis of Impediments builds upon the previous fair housing studies, surveys and public input. It analyzes data and identifies the private and public sector conditions that foster housing discrimination and recommends actions to overcome the effects of the fair housing issues identified.

To address impediments identified on the previous pages, the study offers the following set of recommendations or possible actions to improve fair housing choice.

Action #1 *Address Lack of Knowledge of Fair Housing*

The State could strengthen efforts to make the public aware of fair housing rights and further emphasize how reporting fair housing violations can have positive outcomes. This would include providing information on fair housing laws and policies. More specifically the State could provide and support fair housing training and education opportunities for housing service providers, New Mexico residents and property management companies. Education and outreach can be further accomplished by MFA through the lender network, at the bi-annual housing summits and expanding the use of social media tools. Specific action steps include contracting with fair housing consultant(s) to educate state residents, tenants, owners, and agents of rental properties regarding fair housing rights. (MFA to start in Year 1 and continue through Years 2 – 5); update existing guidance on fair housing rights (MFA to start in Year 1 and continue through Years 2 – 5); promote and coordinate expansion of outreach, education, and training regarding fair housing and fair lending (MFA to start in Year 1 and continue through Years 2 – 5). For specific details on year 1 Deliverables, see Table of Action Steps and deliverables below.

Action #2 *Address Disproportionate Housing Problems*

Recognizing that housing problems, including lacks complete kitchens, lacks complete plumbing, more than one person per room, and cost burdened of more than 30%, is an issue in minority communities statewide, specifically Black/African American and Asian populations, while accessibility and choice is limited statewide among persons with disabilities and the elderly, the State should take prompt action. The State shall support programs that would support housing for persons that are elderly and/or disabled through Low-income Housing Tax Credits (LIHTC) Qualified Allocation Plan (QAP) design standards, the QAP special needs housing priority, the Linkages Program, and the National Housing Trust Fund (HTF). The State will also pursue funding sources that support populations with disproportionate housing problems. The State shall support low-income homeowners through programs such as MFA's HOME Rehabilitation Program and New Mexico EnergySmart that address substandard conditions in homes and/or weatherize homes. Additionally, MFA shall provide information and education to management agents on best practices to affirmatively market properties and be more effective with their Affirmative Fair Housing Marketing Plans. Specific action steps include collaborating with stakeholders regarding disproportionate housing needs affecting minorities and persons with disabilities (MFA to start in Year 1 and continue through Years 2 – 5); continuing to support and expand development of new affordable housing and preservation of existing affordable housing,

which include the CDBG, HOME, LIHTC, HTF and other programs (MFA to start in Year 1 and continue through Years 2 – 5); ensuring that property managers follow formal policies and procedures for persons with disabilities to request reasonable accommodations (MFA to start in Year 1 and continue through Years 2 – 5); evaluating and implementing (if appropriate) homebuyer education and financial literacy programs (MFA to start in Year 1 and continue through Years 2 – 5). For year 1 deliverables, see Table of Action Steps and Deliverables below.

Action #3 *Address Lack of Affordable Housing*

Public policies are meant to address the overall needs of citizens in the State. Yet, there are times where they may have a negative effect on certain aspects of the community, specifically affordable housing and residential investment. High housing costs and cost burden especially to renters may be reduced through direct and indirect financial assistance programs. In order to increase the number of households who are served by affordable housing programs, there needs to be additional funding. State agencies could support efforts to increase funding through local, State and federal initiatives and allow for innovative housing options. The State should also focus on providing program training and technical support to increase program efficiency. Specific action steps include educating community stakeholders about the benefits of affordable housing (MFA to start in Year 1 and continue through Years 2 – 5); supporting efforts to increase funding and housing opportunities through local, state and federal initiatives (MFA to start in Year 1 and continue through Years 2 – 5); and attracting affordable housing investment in New Mexico (MFA to start in Year 1 and continue through Years 2 – 5). For year 1 deliverables, see Table of Action Steps and Deliverables below.

Action #4 *Address Disparities in Home Loan Mortgage Denials*

The State will focus on providing information and education related to fair housing and fair lending laws to realtors, lenders, homebuyers, and stakeholders, including protecting consumer rights. The State has opportunities to provide information and education through training, our bi-annual housing summit, focus on homebuyer counseling and more robust financial counseling. The State will seek additional funding sources to support homebuyer and financial education programs. Analysis shows that Black/African American and Hispanic/Latino populations home loan applications are denied at a higher rate statewide. Specific actions to address this item include maintaining a comprehensive directory of statewide housing resources (MFA to start in Year 1 and continue through Years 2 – 5); and supporting coordination of available resources throughout the State, engaging with participating jurisdictions, homelessness and tribal coalitions, service providers, and property management companies (MFA to start in Year 1 and

continue through Years 2 – 5); for Year 1 deliverables, see Table of Action Steps and Deliverables below.

Fair Housing Action Plan

Based on the Analysis of Impediments to Fair Housing Choice, the State of New Mexico sets specific goals and actions aimed at overcoming barriers to fair housing choice and expanding public awareness of fair housing issues. This plan contains long- and short -term goals. Its supporting actions are specific, measurable, attainable and realistic, and they correspond directly with impediments identified in the preceding section.

The plan is informed by a report on the progress and the success of actions to affirmatively further fair housing taken by the State as well as accomplishments of other jurisdictions and organizations that address fair housing issues. As described in the body of the AI, the State has made significant progress in addressing impediments since the last AI was published in 2010. Data analysis, survey results, focus groups and interview records indicate past barriers are being removed. There is increased investment in affordable housing and the creation of assistance programs for low income households, greater outreach to community partners working to address fair housing concerns and encourage best practices. This Plan seeks to continue and expand upon that progress.

Goal	Duration	Action Steps	Responsibility	Completion	Ongoing through 2024	Comments
Goal # 1: To Increase Public Awareness of Fair Housing Rights	Mid-term					
		a) Contract with fair housing consultant(s) to educate State residents, tenants, and owners and agents of rental properties regarding fair housing rights	MFA	2024	Contract with fair housing services provider(s) to deliver appropriate training	Expect to renew contracts every fiscal year; plan joint annual trainings/meetings with fair housing providers Annual mailings of fair housing posters to MFA properties, lender outreach
		b) Support public awareness of fair housing rights, protected classes and equal access. Provide fair housing resources to the public.	MFA	2024	Provide educational opportunities for housing providers, fair housing tools and content on MFA's website, and distribute fair housing materials to communities that include guidance on fair housing rights.	
		c) Promote and coordinate expansion of outreach, education and training regarding fair and fair lending	MFA	2024	Conduct outreach and provide education to mortgage lenders, service providers, residents, property management companies, and property owners, including Affirmative Fair Housing Marketing Plans (AFHMP)	Utilize lender network and feature at bi-annual housing summit; promote MFA's tools and training related to AFFHMP MFA's bi-annual housing summit scheduled for 2020 was postponed to 2021 due to COVID 19

Goal	Duration	Action Steps	Responsibility	Completion	Ongoing through 2024	Comments
Goal # 2: To Address Disproportionate Housing Problems	Short-term					
		a) Collaborate with stakeholders regarding disproportionate housing needs affecting minorities and persons with disabilities at higher rates than other protected classes	MFA	2024	Obtain stakeholder input related to disproportionate housing problems	
		b) Continue to support and expand development of new affordable housing and preservation of existing affordable housing, which include the CDBG, HOME, LIHTC, HTF and other programs	MFA	2024	Meet or exceed affordable housing unit production as outlined in the Action Plan Seek funding to support populations with disproportionate housing problems, as opportunities become available.	
		c) Ensure that property managers follow formal policies and procedures for persons with disabilities to request reasonable accommodations	MFA	2024	Monitor properties for compliance with reasonable accommodations, provide training and technical assistance and support to tenants and owners/agents	
		d) Evaluate and implement (if appropriate) homebuyer education and financial literacy programs	MFA	2024	Evaluate potential programs and opportunities to support homebuyer education and financial literacy	

Goal	Duration	Action Steps	Responsibility	Completion	Ongoing through 2024	Comments
Goal # 3: To Reduce Economic Barriers	Long-term					
		a) Educate community stakeholders about the benefits of affordable housing	MFA	2024	Perform broad outreach using social media, advertising and marketing, MFA's website, and other opportunities to address negative perceptions of affordable housing and highlight the benefits of affordable, high-quality housing in communities	
		b) Support efforts to increase funding and housing opportunities through local, State and federal initiatives	MFA	2024	Conduct outreach and provide training to owners and property managers on effective use of Affirmative Fair Housing Marketing Plans (AFHMPs), conduct outreach to lenders and realtors, seek additional funding for housing development and housing counseling programs	Coordinate efforts between State agencies and private trade groups
		c) Attract affordable housing investment in New Mexico	MFA	2024	Conduct outreach to developers and provide developer incentives in QAP Develop and maintain single family lender relationships	

Goal	Duration	Action Steps	Responsibility	Completion	Ongoing through 2024	Comments
Goal # 4: Improve Lack of Coordination of Resources	Long-term	a) Maintain comprehensive directory of housing resources	MFA	2024	Update and distribute annual housing services directory	
		b) Support coordination of available resources throughout State, engaging with participating jurisdictions, homelessness and tribal coalitions, service providers, and property management companies.	MFA	2024	Bi-annual housing summit; participate in coalitions that support at-risk populations	MFA's bi-annual housing summit scheduled for 2020 was postponed to 2021 due to COVID 19.

The State of New Mexico seeks to undertake the above actions to help reduce and eliminate existing housing discrimination and prevent its reemergence in the future, as well as to address other impediments to fair housing choice. However, it is important to note that actions will also be undertaken by other HUD-funded agencies, by local government recipients of HUD funds or by other state agencies, as appropriate. Also, much of the authority to address fair housing lies at the local county and municipal government level. The role of the New Mexico State agencies is largely to advocate for and promote actions that improve fair housing, encourage coordination among disparate public entities, encourage stakeholders to act and report on fair housing issues, analyze existing data sources, report progress on fair housing issues, highlight findings from data analyses and encourage meaningful action and cooperation at local levels, both by recipients of State HUD funds and other direct HUD recipients in the state.

APPENDIX A: ADDITIONAL CENSUS TABLES

Table C.1
Cost Burden and Severe Cost Burden by Tenure
Non-Entitlement Areas of New Mexico
2000 Census & 2012-2016 ACS 5-Year Estimates

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	75,857	70.9%	18,870	17.6%	11,450	10.7%	780	0.7%	106,957
2012-2016 ACS	99,977	67.2%	25,546	17.2%	21,695	14.6%	1,555	1.0%	148,773
Owner Without a Mortgage									
2000 Census	74,665	86.8%	5,389	6.3%	3,610	4.2%	2,384	2.8%	86,048
2012-2016 ACS	136,203	86.5%	10,267	6.5%	6,985	4.4%	3,982	2.5%	157,437
Renter									
2000 Census	47,592	49.1%	16,390	16.9%	14,809	15.3%	18,093	18.7%	96,884
2012-2016 ACS	49,737	44.3%	21,857	19.5%	22,619	20.1%	18,115	16.1%	112,328
Total									
2000 Census	198,114	68.3%	40,649	14.0%	29,869	10.3%	21,257	7.3%	289,889
2012-2016 ACS	285,917	68.3%	57,670	13.8%	51,299	12.2%	23,652	5.7%	418,538

Table C.2
Household Type by Tenure
Non-Entitlement Area of New Mexico
2000 Census & 2012-2016 ACS 5-Year Estimates

Household Type	2000 Census		2012-2016 ACS		% Change
	Households	% of Total	Households	% of Total	2000-2016
Family Households	296,569	73.2%	282,669	67.5%	-4.7%
Married Couple Family	220,293	74.3%	201,702	71.4%	-8.4%
Owner-occupied	185,569	84.2%	168,105	83.3%	-9.4%
Renter-occupied	34,724	15.8%	33,597	16.7%	-3.3%
Other Family	76,276	25.7%	80,967	28.6%	6.2%
Male Householder (no spouse)	21,715	28.5%	22,779	28.1%	4.9%
Owner-occupied	15,225	70.1%	15,070	66.2%	-1.0%
Renter-occupied	6,490	29.9%	7,709	33.8%	18.8%
Female Householder (no spouse)	54,561	71.5%	58,188	71.9%	6.7%
Owner-occupied	34,388	63.0%	33,790	58.1%	-1.7%
Renter-occupied	20,173	37.0%	24,398	41.9%	20.9%
Non-Family Households	108,436	26.8%	135,869	32.5%	25.3%
Owner-occupied	70,608	65.1%	89,309	65.7%	26.5%
Renter-occupied	37,828	34.9%	46,560	34.3%	23.1%
Total	405,005	100.0%	418,538	100.0%	3.3%

Table C.3
Group Quarters Population
Non-Entitlement Area of New Mexico
2000 Census, 2010 Census & 2012-2016 ACS 5-Year Estimates

2000 Census	2010 Census	2012-2016 ACS	% Change 2000-2016
22,163	30,579	32,241	45.5%

Table C.4
Group Quarters Population Institutionalized or Non-Institutionalized
State of New Mexico
2006-2010 to 2012-2016 ACS 5-Year Estimates

Group Quarters Population	2010	2011	2012	2013	2014	2015	2016	% Change 2010-2016
Institutionalized	24,796	25,044	25,183	25,296	25,317	25,302	25,314	2.1%
Non-Institutionalized	17,562	17,468	17,405	17,550	17,630	17,724	17,810	1.4%
Total	42,358	42,512	42,588	42,846	42,947	43,026	43,124	1.8%

Data Note: Institutionalized/Non-Institutionalized Group Quarters Population was not available for individual Entitlement Cities and could not be calculated into the data.

APPENDIX B: MFA AFFORDABLE HOUSING PROPERTIES

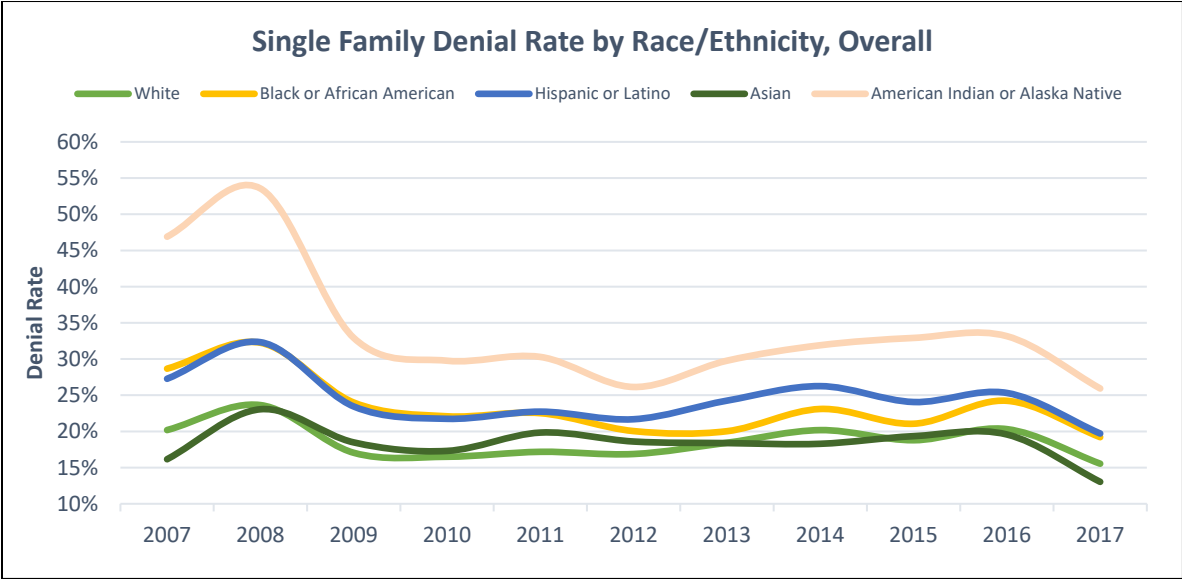


Affordable Housing
MFA Properties.xlsx

APPENDIX C: Updated Appendix on Home Mortgage Analysis of Native American Population

Within the State of New Mexico, Native Americans, formally categorized as “American Indian or Alaska Native” by the US Census Bureau, represented 3.4% of all single-family home mortgage loan applications in 2017. For home purchase applications, Native Americans represented 3.1%.

In every year between 2007 and 2017, Native Americans were the most likely race/ethnicity group to be denied a home mortgage loan. In 2007 and 2008, Native Americans were more than twice as likely to be denied as White applicants and in 2008, the majority (54%) of Native American applications were denied. The overall denial rate for Native Americans has fallen during the analysis period, from 47 percent to 26 percent, and the disparity between White and Native Americans applicants has declined slightly, with Native American applicants approximately 1.7 times more likely to be denied than White applicants as of 2017, compared to 2.3 times in 2007.



Home purchase denial rates by race/ethnicity and income group within New Mexico, shown below, show that High Income Native Americans (having greater than 120 of Area Median Income) were more likely to be denied for a single family home purchase than all other High Income groups, at 10%.