

2013 Update

Analysis of Impediments to Fair Housing  
Portsmouth, New Hampshire



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City of Portsmouth  
Community Development Department

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**Update 2013  
Analysis of Impediments to Fair Housing  
Portsmouth, New Hampshire**

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## **I. Introduction to the Analysis**

The Housing and Community Development Act of 1974, as amended, is the dominant statute for the Community Development Block Grant (CDBG) program. It requires that each federal grantee certify to HUD's satisfaction that (1) the awarded grant will be carried out and administered according to the Fair Housing Act, and (2) the grantee will work diligently to affirmatively further fair housing. This certification is included in Appendix M of the City of Portsmouth Consolidated Plan.

As part of Affirmatively Furthering Fair Housing, jurisdictions are required to: (1) examine and attempt to alleviate housing discrimination within their jurisdiction; (2) promote fair housing choice for all persons; (3) provide opportunities for all persons to reside in any given housing development, regardless of race, color, religion,<sup>3</sup> sex, disability, familial status, or national origin; (4) promote housing that is accessible to and usable by persons with disabilities; (5) and comply with the non-discrimination requirements of the Fair Housing Act.

Fair Housing planning is part of the City's Consolidated Plan and consists of the following: (1) an Analysis of Impediments (AI) to fair housing choice (on file in the Community Development Department); (2) actions to cover the effects of the identified impediments; and (3) maintenance of records to support the affirmatively furthering fair housing certification.

### **Additional Background on 2013 Update to the Analysis of Impediments to Fair Housing**

In September of 2012, the City received a compliance review report conducted by the Office of Fair Housing & Equal Opportunity. The report reviewed various fair housing related requirements that are part of the CDBG program. The report found no evidence of non-compliance in the three areas tested. The report did include recommendations to insure there are no risks of non-compliance in the future, which CD staff acted upon during the course of developing the FY 2013-2014 Annual Action Plan.

**Citizen Participation Plan** – The CD staff initiated amending the Citizen Participation Plan (CPP) to more expressly refer to the Analysis of Impediments to Fair Housing and that it is a part of the Consolidated Plan. A revised CPP was drafted, distributed to the Advisory Committee, posted in public locations and the subject of a legal notice advertising a public hearing on January 15, 2013. At the public hearing, New Hampshire Legal Assistance provided a summary of the Fair Housing laws and the requirements in the Analysis of Impediments to Fair Housing. City staff also reviewed the 2010 Update to the Analysis of Impediments to Fair Housing. Minimal public comment was received and the new CPP was adopted at the meeting and guided the development of the FY 2013-2014 Annual Plan.

**Analysis of Impediments** – The letter transmitting the compliance report required that the applicant “must make meaningful effort analyze each impediment” and the listed potential impediments that were included in the AI but need further analysis. The City has conducted follow-up conversations with the CPD Representative for Portsmouth as well as others in

the Office of Fair Housing & Equal Opportunity in preparation for responding to the letter and getting input on the City's plan for following-up on these impediments and collecting research to substantiate an analysis of these potential impediments. The City reached out to NH Housing for additional data on private sector-related impediments and reviewed HMDA data to also inform these impediments, which was provided by FHEO.

The additional investigation into the specifics potential impediments highlighted in the letter did not point to any of the potential concepts being identified as impediments. As a result, the Analysis recommits to additional impediments identified in 2010. This work has resulted in a new version of the Analysis of Impediments for Portsmouth 2013 Update: Analysis of Impediments to Fair Housing. In keeping with the guidance from HUD regarding preparation of AI, the CD staff plan to consult with HUD on the timing of a new AI document during the FY 2013-2014 program year.

The Annual Plan and the findings from the 2013 AI were the subject of a public hearing on May 2, 2013 at which time the Annual Plan, including the 2013 Update were adopted. It is important to note, that, due to the delay at HUD in transmitting the entitlement grant amounts for the upcoming program year, the City, at the urging of HUD requested an extension to June 15<sup>th</sup> to submit its Consolidated Plan submission.

#### Methodology for the 2013 Update

The most recent AI prior to the 2013 Update was in 2010. The methodology for this update was to review the existing AI (2010) in light of the feedback received from the Office of Fair Housing and Equal Opportunity and to follow-up with its suggestions to avoid "risk of non-compliance" in the future.

In addition, to drafting a new Citizen Participation Plan to more expressly incorporate the AI into the Consolidated Plan process, a presentation by New Hampshire Legal Assistance on Fair Housing was held for the Citizens Advisory Committee and public, two public hearings were held, and research was done on specific impediments highlighted in the September 2012 letter. In order to ensure participation in the public hearings a direct mailing was sent to housing leaders and advocates and representatives from agencies and groups representing in contact with minority communities.

In addition, the AI in 2010 included the following methodological approach:

- A comprehensive review of the City's laws, regulations, administrative policies, procedures and practices with regard to fair housing in Portsmouth;
- An assessment of how those laws, regulations, policies, and procedures effect the location, availability, and accessibility of housing;
- A comprehensive review of the 2010 Analysis of Impediments for completed by New Hampshire Legal Assistance for the Community Development Finance Authority and New Hampshire Housing; and
- An assessment of public and private sector conditions affecting fair housing choice.

- Consultation with key agency representatives from a sampling of local housing-related agencies and other agencies working with projected groups.

### Analysis of Impediments to Fair Housing Choice (AI)

The AI is a review of impediments or barriers that affect the rights of fair housing choice. It covers public and private policies, practices, and procedures affecting housing choice. Impediments to fair housing choice are defined as any actions, omissions, or decisions that restrict, or have the effect of restricting, the availability of housing choices, based on race, color, religion, sex, disability, familial status, or national origin. The AI serves as the basis for fair housing planning, provides essential information to policy makers, administrative staff, housing providers, lenders, and fair housing advocates, and assists in building public support for fair housing efforts.

According to HUD, 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.
- Any actions, omissions, or decisions which have the affect of restricting housing choices or the availability of housing choices *on the basis* of race, color, religion, sex, disability, familial status or national origin.

## **II. Background and Update on Previous Impediments**

In the 2004 AI, two impediments were identified including education and awareness of fair housing issues and affordability.

### Summary of 2004 Analysis

Participants in the 2004 survey noted the need for education and awareness of fair housing issues. In addition, the analysis sited discrimination complaints received by the Fair Housing Project (now known as the Housing Justice Project) of NH Legal Assistance as evidence of a need to raise awareness about fair housing. As a result of these findings, education and awareness was listed as an impediment to fair housing choice. Housing affordability was identified as an impediment by advocates surveyed as part of the Analysis. Despite the fact that affordability of housing stock is not considered an impediment to fair housing choice for the purposes of the Fair Housing Act; it was repeatedly referenced by participants in the AI survey in 2004 and is a significant local challenge affect housing options.

In the 2004 Analysis, there were no regulatory barriers having a discriminatory effect related to the development, maintenance, location or improvement of housing were identified. The City's zoning ordinance, subdivision regulations, and building codes were reviewed in a 1996 Analysis of Impediments to Fair Housing, and in a 2004 update to the Analysis of

Impediments to Fair Housing. In all instances, it was determined that the City's land use regulations were not an impediment to fair housing choice.

*2004 Impediment: Education and Awareness*

During the Consolidated Plan period beginning from FY 2005 to FY 2009, the City took actions to address these impediments. During the five-year period, the City of Portsmouth worked cooperatively with New Hampshire Legal Assistance to expand education and awareness of fair housing issues by landlords, tenants, organizations serving special populations, and the public generally. On a regular basis, the City provide grant funding to NHLA's, Fair Housing Project which became known as the Housing Justice Project (HJP). The grant funding was specifically to be used to fund costs associated with training and seminars conducted by NHLA on fair housing issues in Portsmouth. NHLA's office in Portsmouth also served many clients who sought counsel and advice for fair housing complaints and the data on these complaints was reported to the City of Portsmouth quarterly, this data has been incorporated into the 2010 AI. In addition, the HJP also circulated print materials throughout the community including in those places served by those who have disabilities or who are known to experience some form of housing discrimination on the basis of race, color, religion, sex, familial status or national origin.

Despite these coordinated and sustained efforts over the past five-year period there is additional work to be completed with housing education and awareness. A review of the existing cases by HJA indicates that housing discrimination is a reality in Portsmouth and continued vigilance necessary to assist vulnerable populations in learning about fair housing issues and the people who work with them.

*2004 Impediment: Housing Affordability*

The City of Portsmouth also continued it work on the issue of housing affordability. Despite the fact that affordability of housing stock is not considered an impediment to fair housing choice, it was identified in 2004 and subsequent efforts to address this reality for many Portsmouth residents moved forward. The City continued to leverage Community Development Block Grant funding to provide new affordable housing units, retain existing units and encourage new development of affordable units. The City continued to provide temporary assistance to homeowners in need and provided a first-time homebuyers program. The City assisted the development and retention of housing for those with special needs by granting funding to the Betty's Dream renovation project, providing a residential accessibility grant program, and through annual adoption of the disabled tax exemption. In the area of developing new housing, the City collaborated with the Portsmouth Housing Authority on a conversion of a former City school building into ten affordable units for seniors and offered an Affordable Housing Challenge Grant for developers. The City also pursued regulatory approaches to this issue and adopted an inclusionary zoning ordinance (density bonus) and through a zoning rewrite in 2010 encouraged the development of housing (including workforce housing) in mixed-use developments along major corridors. The City also worked to retain existing housing through its housing rehabilitation program, adoption of the elderly tax exemption and through ongoing proactive monitoring of expiring affordability covenants housing developments.

Housing affordability in Portsmouth still continues to be a challenge. In the previous five-year Consolidated Planning period many programs were continued to alleviate housing costs pressure and new regulatory approaches and ideas for developing new housing were adopted. In the next five years, it is hoped these efforts are the foundation for more progress in this area.

### **III. Participants, Methodology and Funding**

This report has drawn on the expertise of several agencies, boards, and organizations with experience working with impediments to fair housing.

#### *Methodology*

The Community Development Department performed the following in developing this analysis.

- The Community Development Department updated the “Analysis of Impediments (AI) to Fair Housing Choice Impact Chart” (Appendix A). This chart provides a matrix, which examines public and private sector practices that may impact fair housing choice. The categories used were those identified in the HUD Fair Housing Planning Manual (Section 4.3 Volume 1: AI Subject Areas) and other areas suggested by the Office of Fair Housing and Equal Opportunity. If a public or private sector practice had a negative impact on fair housing choice, it was included on the list of impediments to fair housing choice. Information used to complete the chart was obtained from a variety of sources.
- Community Development staff reviewed the complaint data it collects quarterly from the New Hampshire Legal Assistance Housing Justice Project to learn about the volume and type of fair housing complaints and to discern any patterns or trends in these complaints.
- The Department utilized recently published materials, which discuss issues relevant to the analysis. These documents included:
  - Portsmouth Master Plan, 2005
  - 2010 Portsmouth Zoning Ordinance
  - A Road Map to Affordable Housing, Report of the Blue Ribbon Committee on Housing, 2008
  - Portsmouth Housing Authority Five-Year Plan
- The Department utilized the 2010 Update to Fair Housing Impediments document recently published by the New Hampshire Community Development Finance Agency in cooperation with New Hampshire Housing. This state-wide effort analyzes state-wide data.
- Community Development Department staff conducted phone interviews with representatives of several key local agencies working on housing issues or with protected groups. These interviews were used to inform the Impediments to Fair Housing Chart

in Appendix A and the AI in general. A list of agencies consulted appears in Appendix B.

### *Funding*

Funding for the AI was provided through Community Development Block Grant funds from the U.S. Department of Housing and Urban Development.

## **IV. Demographic and Background data**

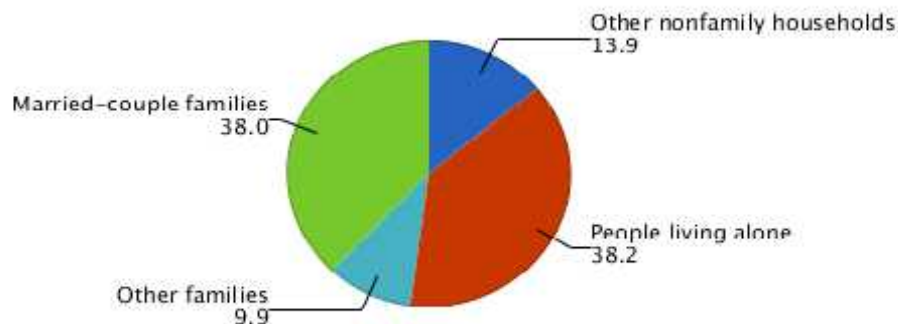
This section provides general demographic information about the population in Portsmouth. Unless otherwise noted, all data presented in this section is from the 2009-2011 American Community Survey by the U.S. Census Bureau. This is the most up to date demographic data available at the City level.

**HOUSEHOLDS AND FAMILIES:** In 2009-2011 there were 10,000 households in Portsmouth city, New Hampshire. The average household size was 2.0 people.

Families made up 48 percent of the households in Portsmouth city, New Hampshire. This figure includes both married-couple families (38 percent) and other families (10 percent). Of other families, 4 percent are female householder families with no husband present and own children under 18 years. Nonfamily households made up 52 percent of all households in Portsmouth city, New Hampshire. Most of the nonfamily households were people living alone, but some were composed of people living in households in which no one was related to the householder.

In Portsmouth city, New Hampshire, 20 percent of all households have one or more people under the age of 18; 24 percent of all households have one or more people 65 years and over.

**The Types of Households in Portsmouth city,  
New Hampshire in 2009-2011**



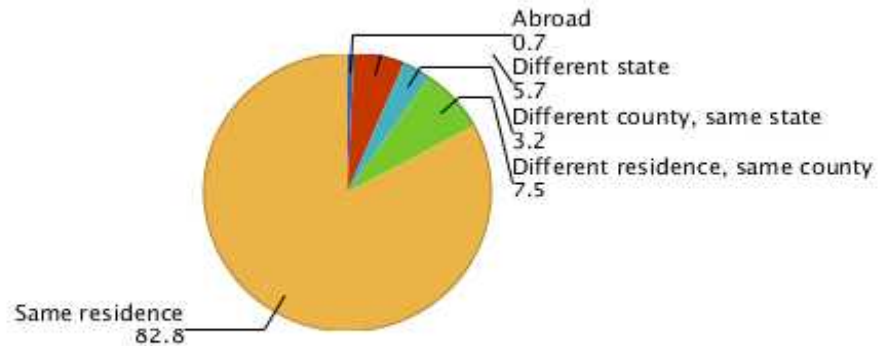
**NATIVITY AND LANGUAGE:** Ninety-four percent of the people living in Portsmouth city, New Hampshire in 2009-2011 were native residents of the United States. Thirty-seven percent of these residents were living in the state in which they were born. Six percent of



the people living in Portsmouth city, New Hampshire in 2009-2011 were foreign born. Of the foreign born population, 58 percent were naturalized U.S. citizens, and 65 percent entered the country before the year 2000. Thirty-five percent of the foreign born entered the country in 2000 or later. Foreign born residents of Portsmouth city, New Hampshire come from different parts of the world.

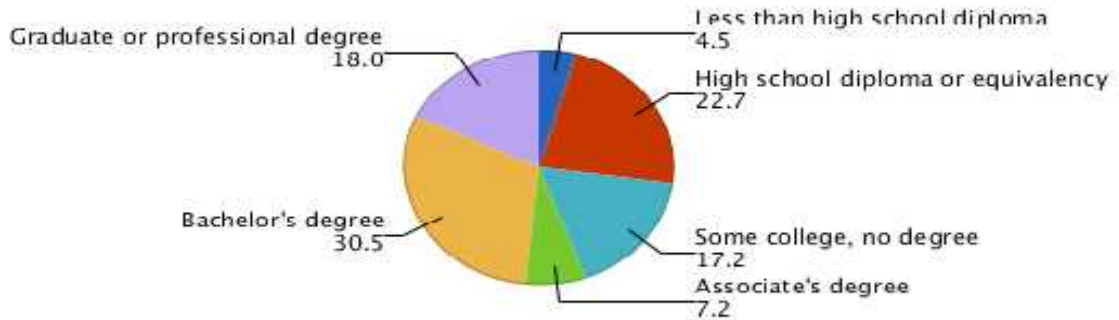
**GEOGRAPHIC MOBILITY:** In 2009-2011, 83 percent of the people at least one year old living in Portsmouth city, New Hampshire were living in the same residence one year earlier.

**Geographic Mobility of Residents of Portsmouth city, New Hampshire in 2009-2011**



**EDUCATION:** In 2009-2011, 23 percent of people 25 years and over had at least graduated from high school and 48 percent had a bachelor's degree or higher. Four percent were dropouts; they were not enrolled in school and had not graduated from high school. The total school enrollment in Portsmouth city, New Hampshire was 3,900 in 2009-2011. Nursery school and kindergarten enrollment was 590 and elementary or high school enrollment was 2,300 children. College or graduate school enrollment was 1,100.

**The Educational Attainment of People in Portsmouth city, New Hampshire in 2009-2011**



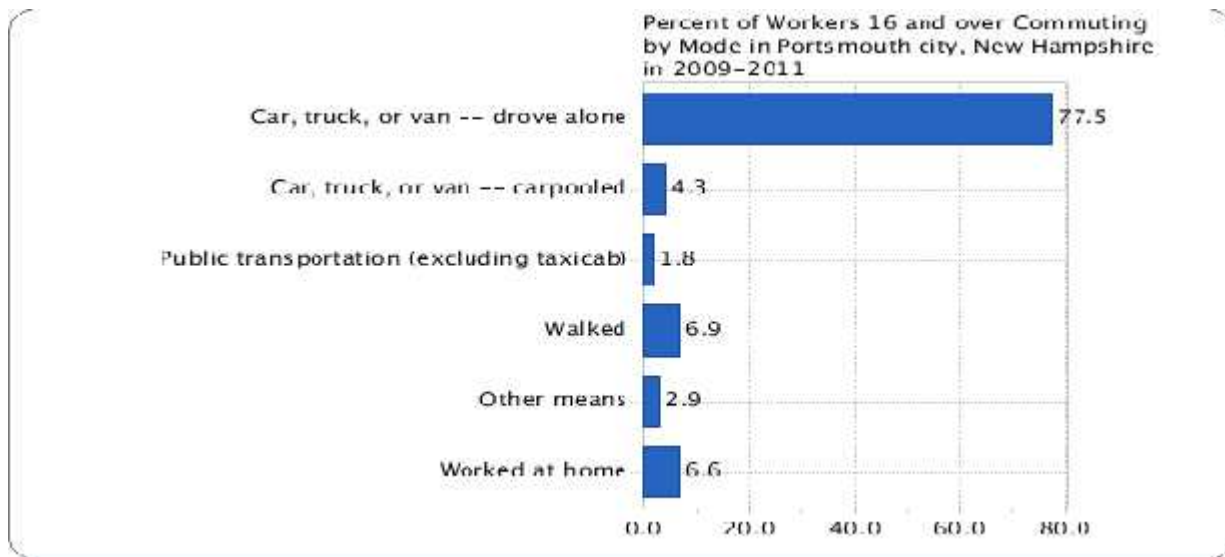
**DISABILITY:** In Portsmouth city, New Hampshire, among the civilian noninstitutionalized population in 2009-2011, 12 percent reported a disability. The likelihood of having a disability varied by age - from 5 percent of people under 18 years old, to 9 percent of people 18 to 64 years old, and to 36 percent of those 65 and over.

**INDUSTRIES:** In 2009-2011, for the employed population 16 years and older, the leading industries in Portsmouth were Educational services, health care, social assistance, 22.8%; Professional, scientific, management, administrative and waste management services, 12.6%; Retail trade, 14.8%; and Arts, entertainment, recreation, accommodation, and food services, 12.4%.

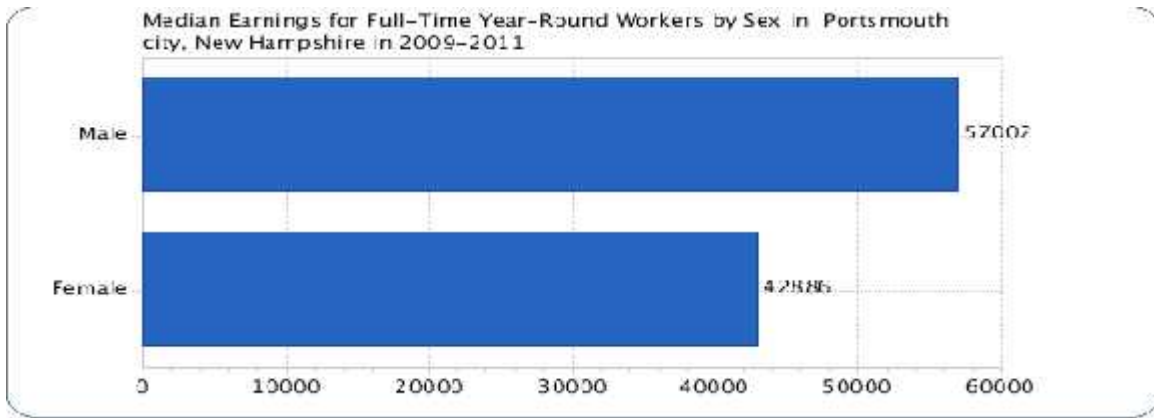
**OCCUPATIONS AND TYPE OF EMPLOYER:** Occupations for the civilian employed population 16 years and over in Portsmouth city, New Hampshire in 2009-2011:

Civilian Employed Population 16 Years and Over	Number	Percent
Management, Business, Science and Arts Occupations	5,411	45.1%
Service Occupations	1,742	14.5%
Sales and Office Occupations	2,924	24.3%
Natural Resources, Construction and Maintenance Operations	722	6.0%
Production, Transportation and Material Moving Operations	1,224	10.2%

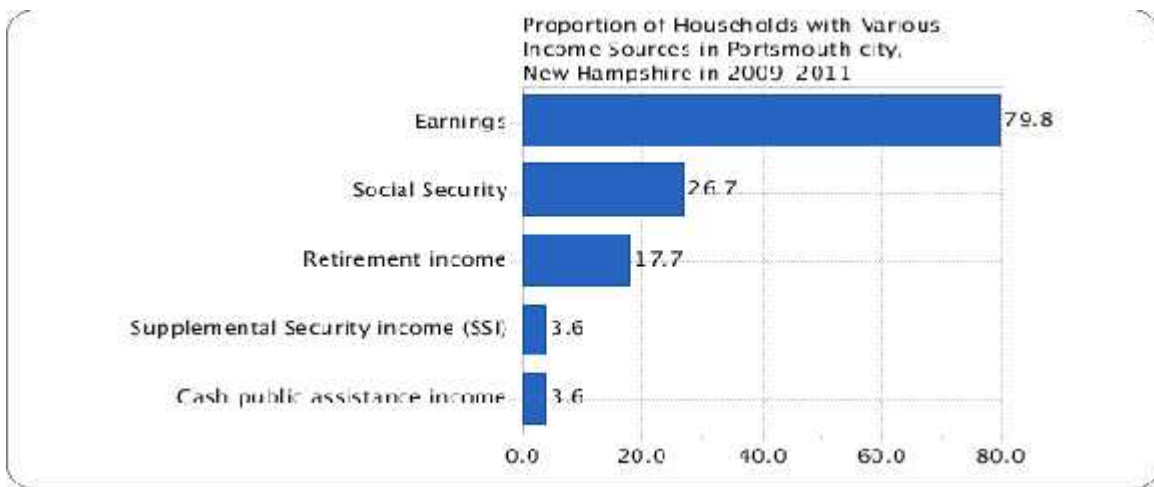
**TRAVEL TO WORK:** Seventy-eight percent of Portsmouth city, New Hampshire workers drove to work alone in 2009-2011, and 4 percent carpooled. Among those who commuted to work, it took them on average 20 minutes to get to work.



**INCOME:** The median income of households in Portsmouth city, New Hampshire was \$65,280. Eleven percent of households had income below \$15,000 a year and 13 percent had income over \$150,000 or more.



Eighty- percent of the households received earnings and 18 percent received retirement income other than Social Security. Twenty-seven percent of the households received Social Security. The average income from Social Security was \$15,848. These income sources are not mutually exclusive; that is, some households received income from more than one source.

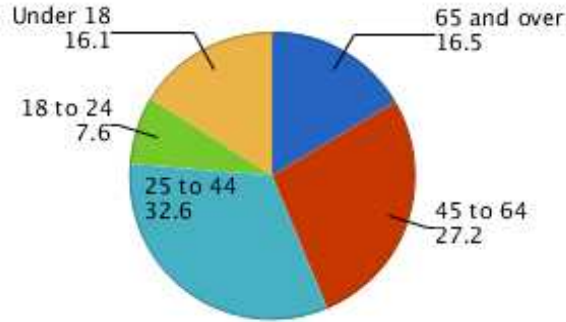


**POVERTY AND PARTICIPATION IN GOVERNMENT PROGRAMS:** In 2009-2011, 9 percent of people were in poverty. Eight percent of related children under 18 were below the poverty level, compared with 8 percent of people 65 years old and over. Six percent of all families and 22 percent of families with a female householder and no husband present had incomes below the poverty level.

**HEALTH INSURANCE:** Among the civilian non-institutionalized population in Portsmouth city, New Hampshire in 2009-2011, 89 percent had health insurance coverage and 11 percent did not have health insurance coverage. For those under 18 years of age, 2 percent had no health insurance coverage. The civilian non-institutionalized population had both private and public health insurance, with 78 percent having private coverage and 25 percent having public coverage.

POPULATION: In 2009-2011, Portsmouth city, New Hampshire had a total population of 21,000 - 11,000 (52 percent) females and 10,000 (48 percent) males. The median age was 40.7 years. Sixteen percent of the population was under 18 years and 17 percent was 65 years and older.

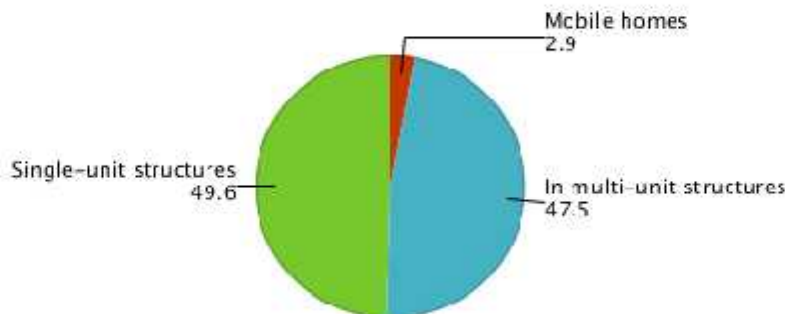
The Age Distribution of People in Portsmouth city, New Hampshire in 2009-2011



For people reporting one race alone, 95 percent were White; 2 percent were Black or African American; less than 0.5 percent were American Indian and Alaska Native; 2 percent were Asian; less than 0.5 percent were Native Hawaiian and Other Pacific Islander, and less than 0.5 percent were Some other race. Two percent reported Two or more races. Three percent of the people in Portsmouth city, New Hampshire were Hispanic. Ninety- percent of the people in Portsmouth city, New Hampshire were White non-Hispanic. People of Hispanic origin may be of any race.

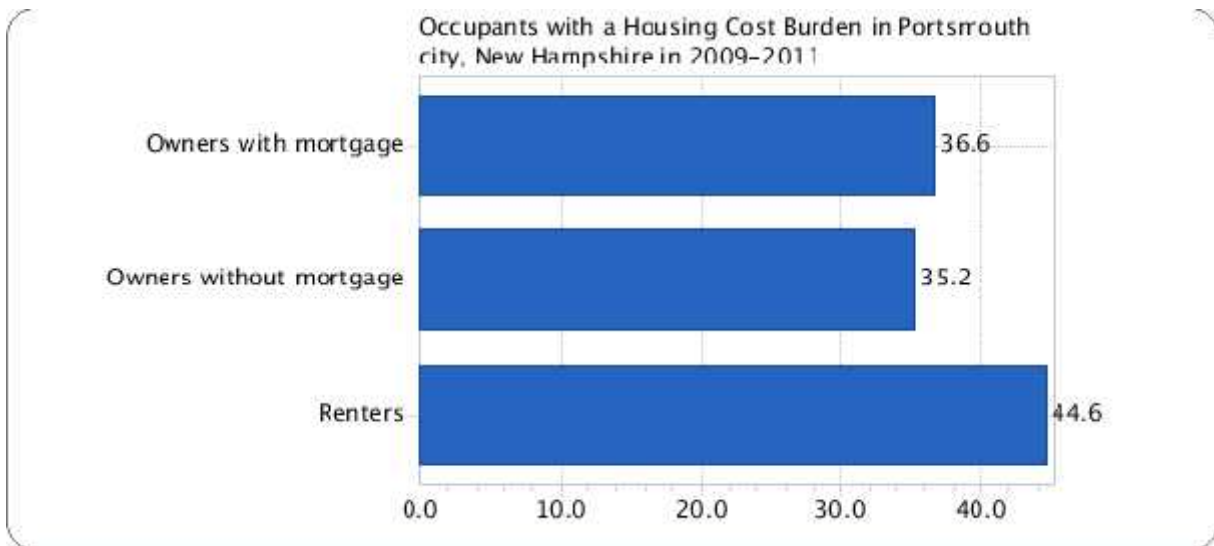
HOUSING CHARACTERISTICS: In 2009-2011, Portsmouth city, New Hampshire had a total of 11,000 housing units, 7 percent of which were vacant. Of the total housing units, 50 percent were in single-unit structures, 48 percent were in multi-unit structures, and 3 percent were mobile homes. Eleven percent of the housing units were built since 1990.

The Types of Housing Units in Portsmouth city, New Hampshire in 2009-2011



**OCCUPIED HOUSING UNIT CHARACTERISTICS:** In 2009-2011, Portsmouth city, New Hampshire had 10,000 occupied housing units - 5,500 (55 percent) owner occupied and 4,500 (45 percent) renter occupied. Sixty-four percent of householders of these units had moved in since 2000. Four percent of the households did not have telephone service. Six percent had no vehicles available and another 12 percent had three or more.

**HOUSING COSTS:** The median monthly housing costs for mortgaged owners was \$2,161, nonmortgaged owners \$813, and renters \$1,073. Thirty-seven percent of owners with mortgages, 35 percent of owners without mortgages, and 45 percent of renters in Portsmouth city, New Hampshire spent 30 percent or more of household income on housing.



**FORECLOSURE ACTIVITY:** The City's foreclosure activity has increased slightly between 2008 and 2009 from 13 to 18. Throughout the State, there have been approximately 831 foreclosures and of those, the City of Portsmouth represents 2.17%. In comparison to other Seacoast communities, Portsmouth ranks near the bottom with fewer foreclosures. While there has been an increase in the rate of foreclosures in Portsmouth during the last three years, there have been no obvious impacts on the City's neighborhoods or housing market. At this time, the City is not aware of any critical mass of foreclosed properties negatively impacting neighborhoods. In a review of foreclosure data across Portsmouth's 7 census tracts there are no detectable trends in foreclosure dates. The tracts with foreclosures range from .4% to 3%, which is in keeping with the City-wide foreclosure rate of (2.17%) see above. An updated foreclose rate for the City appears in the 2010 State-wide AI, and that rate of 1.3%.

## V. Additional Information about Housing in Portsmouth

This section provides an overview of housing in Portsmouth, including information on housing types, and tenure as well as amount, type, location and concentration of subsidized housing.

Portsmouth is fortunate to have a diverse supply of housing types including:

- owner-occupied housing in single family neighborhoods;
- large, older homes converted to condominiums;
- upper story downtown apartments;
- privately and publicly owned large and small apartment complexes;
- older mobile home parks; and
- a World War I era planned residential neighborhood.

Roughly half the City's housing units are owner-occupied; half are rental housing. Subsidized housing in the City represents roughly 12 percent of the City's total housing stock – or one-fifth of the City's rental housing.

As can be seen in the table on the following page, roughly half of the project-based units that benefit from housing subsidies are for seniors and half are for families, with 48 units for residents with special needs. Approximately half of all of these subsidized units are owned and/or managed by the Portsmouth Housing Authority; the rest are privately owned.

The Portsmouth Housing Authority also administers tenant-based Section 8 vouchers. Since the vouchers are tenant-based rather than project-based (that is, they are not tied to a particular housing complex), they can be used by tenants to rent apartments, within or outside the City of Portsmouth.

In comparison to the surrounding region, the City is home to 18% of all subsidized elderly housing for Rockingham and Strafford Counties combined; 24% of the subsidized family housing in these two counties; and 52% of all special needs housing in Rockingham and Strafford.

*Analysis of Impediments to Fair Housing 2010  
City of Portsmouth, NH*

<b>Table 1: Public and Private Assisted Rental Housing</b>					
<b>Housing Development</b>	<b>Address</b>	<b>Owner</b>	<b>Manager</b>	<b>Population</b>	<b>Units</b>
Gosling Meadows	Gosling Road	PHA	PHA	Family	124 units
Woodbury Manor	Manor Drive	PHA	PHA	Senior	40 units
State Street	940 State Street	PHA	PHA	Senior	12 units
Pleasant Street	444 Pleasant Street	PHA	PHA	Senior	8 units
Feaster Apartments	140 Court Street	PHA	PHA	Senior and Disabled	100 units
Margeson Apartments	245 Middle Street	PHA	PHA	Senior and Disabled	137 units
Wamesit Place	Greenleaf Avenue (near 150)	PHA Housing Corp.	PHA	Family	100 units
Portsmouth Apartments	263 Miller Avenue	Private – Portsmouth Place Apartments LLC	PHA	Senior and Disabled	48 units
Keefe House	20 Islington Street	Private – Desaulnier Steele LLC	EastPoint Properties	Senior	58 units
Bedford Way Apartments	Bedford Way	Private – Portsmouth Senior Housing Association	PHA	Senior	30 units
Winchester Place Apartments	107 Ledgewood Dr.	Private – RPL Properties LLC	Winchester Place Apartments	Family	40 units (110 not assisted)
Betty's Dream	75 Longnesdo w Lane	Private – Betty's Dream Foundation or LLC	MB Management	Physically disabled	24 units
Residential Opportunities	200 Greenleaf Avenue	Private – Residential Opportunities	Great Bay School Training Center	Disabled	12 units
Great Bay Resident Facility	417 Lafayette Road	Private – Great Bay School Training Center	Great Bay School Training Center	Disabled	group home
Great Bay Resident Facility II	413 Lafayette Road	Private – Great Bay School Training Center	Great Bay School Training Center	Disabled	group home
Cottage Senior Housing (CSH)	8 Junkin Avenue	CSH LP PHA/City lease	PHA	Senior	20 units
Lafayette School Senior (LSSA) Apartments	100 Lafayette Road	LSSA LP/City lease	PHA	Senior	10 units
Ospney Landing	40-48 Blue Heron Drive and 72-82 Blue Heron Drive	Private – Inishmaun Assoc.LTD Partnership	JCM Management Company	Family	167 units (162 not assisted)
<b>Total:</b>					<b>1,040</b>

*Location of Subsidized Housing*

A review of the locations of the City's various subsidized housing units completed for this update indicates that there is no concentration of subsidized units in areas predominantly populated by minorities. A total of 1,040 assisted units subsidized housing units are located in the City.



There are no known areas of minority concentration in the City. In addition, as shown in the map below, there is no geographic concentration of publicly or privately subsidized housing. The individual developments are located throughout the City. There also no concentration of subsidized housing in lower income areas of the City. There is a total of seven block groups in the City. There are three census block groups (shaded in yellow in the northern part of the City) where a majority of the residents earn low or moderate incomes (U.S. Census). These three block groups are home to only two of the 17 subsidized housing developments.



### *Analysis of Fair Housing Cases in Portsmouth*

For this update, the Community Development Department requested data from the Housing Justice Project at New Hampshire Housing Finance Authority. On a quarterly basis, data about the number of fair housing complaints resulting in counseling and advice is



reported to the Community Development Department. Cases from 2004 to 2009 have been analyzed; a summary of the cases reported appears below:

<b>Housing Justice Project, NHLA Housing Discrimination Cases 2004-2009</b>							
Type of Alleged Discrimination	2004	2005	2006	2007	2008	2009	Total
Familial Status	1	1				2	4
Physical Handicap	1				1	2	4
Mental Handicap		1		1	5	6	13
Total	2	2	0	1	6	10	17

The predominance of cases, reported by NHLA are discrimination allegations in Portsmouth based on disability. This trend is not one that is unique to Portsmouth and is consistent with the data presented in the statewide AI for 2010. Most of these cases are reported by NHLA to be related to evictions of tenants. Federal housing law prevents evictions based on adverse behavior of a tenant if it is related to a disability. As a result, many of the cases reported to NHLA are able to be acted upon based on this law and this may be responsible for the higher level cases which advance to counseling and advice. It is possible that many additional cases related to evictions due to disability may not be reported. Also, many cases of other types of discrimination may be under reported. Education about fair housing issues may prevent eviction proceeding taken by landlords serving persons with disabilities. Additionally, education about fair housing issues may also increase the number of discrimination occurrences that are reported.

## **VI. Identification of Impediments to Fair Housing Choice**

This update has reviewed various areas of concern as it relates to Fair Housing choice. An Analysis of Impediments to Fair Housing Impact Chart, which addresses the areas potentially affecting fair housing choice, appears in Appendix A.

The areas addressed in the chart include whether subsidized housing is concentrated in areas predominantly populated by minorities; whether practices in lending, mortgage availability or foreclosure occurrences disproportionately affect minority; and whether neighborhood objections and zoning restrictions limit availability of supportive housing for persons with disabilities. The chart also addresses availability of accessible housing units for disabled persons; issues affecting persons with limited English Proficiency; willingness of landlords to rent to families with children; recent trends and issues among its resident applicant inventory that may identify potential impediments that may have an impact on the City's minority, disabled and elderly populations as well as many other potential impediments

Three impediments to fair housing choice were identified in the 2010 AI and are carried through for this update. No new impediments were identified as part of the 2013 update.

*2013 Impediment: Limited Data – Collection and Detection*

Additional information provided by jurisdiction, including collection of data and detection of discrimination, would better inform the City of potential fair housing impediments. Lack of information inhibits the ability to identify potential impediments and to take action on those impediments. Deficiencies in information exist in these areas: fair housing complaints that do not advance to advice and counsel; discriminatory and predatory lending; and foreclosures prevent more definitive analysis about these potential impediments at the municipal level; though information is generally available at the statewide level. Sometimes data is not reported out because the sample is too small and small communities or individuals may be identified. As a result, active steps to collect information in other ways is possible and may include finding ways to collect information on reported cases of discrimination that do not result in counseling and advice; supporting detection efforts; and increasing communications with agencies serving protected groups.

*2013 Impediment: Lack of Information about Fair Housing Laws and Protections*

The Community Development Department has identified a lack of education and awareness as having a negative impact on fair housing choice and, therefore, include this as an impediment to fair housing. Discussions with the NHLA Housing Justice Project, consultations with local agency representatives, and the Analysis of Impediments Impact Chart (see appendix A), have all pointed toward the lack of education and awareness about fair housing issues as an impediment to fair housing in Portsmouth.

The number cases of housing discrimination receiving advice and counsel from the NHLA Housing Justice Project is evidence of housing discrimination in Portsmouth as well as the potential under reporting of housing discrimination. Education and training is needed for potential tenants as well as landlords and the employees of the various local service provider non-profit and advocacy organizations regarding these issues.

Participants in the focus group and fair housing survey conducted as part of the 2010 statewide analysis indicated that 83% of the people who had reported being discriminated against in the survey did nothing to report the discrimination. In addition, one focus group from the Latino community indicated it's interested in learning more about fair housing protections. Most of the training provided to date in Portsmouth has been directed towards housing providers. As indicated in the State-wide AI, renters and buyers are often harder to reach but are perhaps in most need of education.

In addition to increased reporting, increased detection through Fair Housing testing, like that conducted by the Housing Justice Project and additional quantitative data on the prevalence of discrimination, will help inform future Analysis of Impediments and as a result, ways to affirmatively further fair housing.

*2013 Impediment: Economic Factors and Housing Affordability*

The recent economic downturn, while having a blunted effect on New Hampshire and Portsmouth as compared to the rest of the country, has negatively impacted vulnerable populations and families who spend large portions of their incomes on housing, including persons with disabilities. According to the State-wide AI, non-white racial and ethnic minorities, young single mothers, and persons with disabilities are disproportionately situated within lower income brackets. They are more likely to spend more of their incomes on housing, experience instability in their housing and have more difficulty accessing housing. The State-wide AI notes that “there is one HUD-subsidized housing unit for every five households that may be eligible” and the waiting lists in Portsmouth certainly indicate a demand for affordable housing especially for households earning less than 30% of Median Family Income, which make up over 75% of the households on the Section 8 voucher and public housing waiting lists. The reality of economic hardship and the City’s high-cost housing market together contribute to the identification of this impediment in 2010.

**VII. Conclusions and Actions to Affirmatively Further Fair Housing**

The identification of these impediments above will be the basis for investing in projects, programs, policies, and administrative actions in the upcoming five-year Consolidated Plan period. Taken together, the actions identified will become the ways the Community works to affirmatively further fair housing.

Critical to following up on the impediments in this analysis will be continued close coordination with local housing advocates and other partners as well as the Housing Justice Project at New Hampshire Legal Assistance.

*Potential Actions to Address Impediment in Future Annual Plans:*

*2013 Impediment: Limited Data – Collection and Detection*

- Work with partner agencies, including the NHLA Housing Justice Project, to enhance data collection of housing discrimination in cases that do not progress to counseling and advice.
- Support efforts to detect housing discrimination by State agencies or authorities with jurisdiction over housing discrimination, including the New Hampshire Commission for Human Rights, Office of the Attorney General, New Hampshire Legal Assistance Housing Justice Project, and Disabilities Rights Center.
- Establish data collection protocols for housing discrimination complaints from agencies listed above.
- Increase communication with agencies who work with protected groups in Portsmouth; include these agencies on mailings of fair housing information and general communications about the Community Development program.

*2013 Impediment: Lack of Information about Fair Housing Laws and Protections*

- Provide grant funding to NHLA Assistance Fair Housing Project to:
  - Broaden understanding in the Community about Fair Housing issues including among renters and buyers within all the protected classes through trainings and forums.
  - Provide advice and counsel to Portsmouth residents experiencing instances of housing discrimination.
  - Develop a public campaign to reach out to individuals who would not access formal trainings and education opportunities.
  - Coordinate with NHLA to insure Fair Housing literature is available in places where members of protected classes may find them.
  - Collect information and assist the City in assessing and interpreting quantifiable information regarding mortgage accessibility and lending data.
- Coordinate communication by the City to its Community Development grantees, partners and City staff regarding Fair Housing information.
- Monitor developments at the State level to alter definitions of protected classes as well as new Census data, reports on demographic trends, and other reports on Fair Housing issues.
- Monitor, and where appropriate, incorporate Annual Plan goals of the State of New Hampshire in the Portsmouth Annual Plan.
- Provide quantifiable achievements in education and awareness about fair housing, as well as information on fair housing complaints, in the City's Consolidated Annual Performance Evaluation Report (CAPER).

*2013 Impediment: Economic Factors and Housing Affordability*

- Support the creation and preservation of affordable housing opportunities for all including those in minority communities, the elderly and the disabled.
- Support efforts to develop transitional and supportive housing opportunities for people with disabilities, including mental disabilities, and victims of domestic abuse.
- Continue programs which improve the quality and accessibility of housing stock.
- Support public service agencies that assist households who earn low and/or moderate incomes and often have difficulty in maintaining and accessing housing.
- Pursue local regulatory efforts that will increase the supply of affordable housing.
- Support the Portsmouth Housing Authority in its efforts to maintain and create new affordable housing opportunities and to administer its public housing and Section 8 voucher programs in Portsmouth.

*Other Actions to be Taken Related to Fair Housing*

- Continue to incorporate compliance with other federal regulatory requirements related to fair housing goals including equal opportunity.
- Administer Section 3 of the Housing and Urban Development Act of 1968;
- Enhance participation in federally-funded projects by minority and women-owned businesses.

- Ensure participation in federally-funded programs by persons with Limited English Proficiency.
- Maintain records of activities in support of efforts to affirmatively furthering fair housing and address the impediments identified in the 2013 update.

**Signature of authorized official:**

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**John P. Bohenko, City Manager**

APPENDIX A

ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING CHOICE

	Subject Areas	Impact Category			Comments
		Positive Impact	No Impact	Negative Impact	
	<b>Public Sector</b>				
1	Local building, occupancy, health and safety codes impact on families with children, persons with disabilities and minorities.		x		<p>The City has adopted the following international or national building codes, with few local amendments and no amendments impacting families with children, persons with disabilities or minorities:</p> <ul style="list-style-type: none"> <li>2006 International Building Code</li> <li>2006 International Residential Code</li> <li>2006 International Fire Code</li> <li>2006 International Plumbing Code</li> <li>2006 International Mechanical Code</li> <li>2006 International Energy Conservation Code</li> <li>2009 National Fuel Gas Code (NFPA 54)</li> <li>2008 National Electric Code (NFPA 70)</li> <li>2003 Life Safety Code (NFPA 101)</li> </ul> <p>The State of New Hampshire has adopted the 2009 editions of the International Building, Residential, Plumbing and Mechanical Codes, and the 2003 Edition of NFPA 101, as mandatory minimum codes. Therefore these new editions supersede the locally adopted earlier editions.</p>
2	Building requirements for housing construction.	x			<p>ADA regulations are inherent within the City's adopted building codes with no local amendments having a detrimental effect on accessibility. Projects funded with federal funds are constructed in keeping with the requirements of Section 504. The City will continue to require compliance with these</p>

					requirements in all covered multi-unit housing developments in the City.
3	Requirements for provision of municipal services (water, sewage, electricity, public transportation, roads).		x		There are no known requirements that impede fair housing choice in residential development.
4	Real estate property tax assessments and property tax policies.	x			Tax relief in the form of exemptions are offered to the disabled, elderly, veterans, and the blind. Other exemptions are available for energy generation and accessibility improvements.
5	Building codes.	x			The City has adopted a series of national codes as described above in section 1. It is not believed that any of the amendments adopted by the City add to construction cost of dwellings. One requirement to provide sprinkler systems in town houses of four or more units does have project costs impacts, however, according to the City's Building Inspector this will be a national requirement in the near future.
6	Accessibility standards.	x			The International Building Code (IBC 2006) adopts the ICC/ANSI accessibility standard A117.1-2003 edition
7	Equalization of municipal services.		x		The distribution and quality of municipal services are even throughout the City's 14 square miles, zoning districts, wards, and neighborhoods.
8	Local zoning laws and policies.	x			Portsmouth's current zoning ordinance was adopted in 2010 and does not have discriminatory impacts on groups or housing types. The following housing types and requirements are identified as having potential discriminatory effects in housing in any municipality: allowance of multi-family housing, mobile homes, group homes, acreage requirements, the definition of a family and any restrictions on the location of families with children. In Portsmouth, an examination of the zoning ordinance revealed the following. Multi-family housing is allowed in 4 of the 7 residential districts, both of the mixed residential districts, and in the central business

					district. Assisted living and residential-care homes are permitted in all residential and mixed residential districts. Manufactured housing is allowed in all residential districts and manufactured housing parks are permitted in 1 of these districts. Boarding houses are allowed by special exception in 3 of the business districts. There are no restrictions on the occupants of dwelling units in other areas of the City other than by number of families per unit, and the definition of family allows up to 3 individuals, not related by blood, marriage or adoption, together with any number of their dependents, as a family.
9	Demolition and displacement decisions pertaining to assisted housing and the removal of slums and blight.	x			The City of Portsmouth Community Development Block Grant program has a residential anti-displacement and relocation plan.
10	Community development and housing administration policies.	x			The City of Portsmouth has a housing code, which is primarily designed to insure safe housing for residents. Community Development policies, as described in the City's Consolidated Plan, are proactive in affirmatively furthering fair housing; creating and maintaining assisted-housing units; supporting residents with disabilities; and removing architectural barriers.
11	Public policies that restrict the provision of housing and community development resources to areas of minority concentration or that inhibit the employment of minority persons and persons with disabilities.	x			There are no public policies that restrict the location of housing and community development resources or that inhibit the employment of minority persons. In addition, the City adheres to federal guidelines on equal opportunity in hiring and includes the Section 3 clause in all HUD funded contracts.
12	Public policies that restrict the interdepartmental coordination between other local agencies in providing housing and community development resources to areas of minority concentration or to individuals with disabilities.		x		There are no policies, which restrict coordination between local agencies from providing services solely to areas of minority concentration or to individuals with disabilities.



13	Planning, financing and administrative actions related to the provision and siting of public transportation and supportive social services that may inhibit or concentrate affordable housing opportunities for persons with disabilities	x			COAST provides paratransit services as required under the Americans with Disabilities Act. Persons who are unable to ride the bus because of a disability are eligible for this transportation service. Newly acquired buses have low-floor design, for greater ease of entry for passengers with special needs.
14	Policies and practices affecting the representation of all racial, ethnic, religious and disabled segments of the community on planning and zoning boards and commissions.	x			Vacancies on boards are advertised in the local newspaper, on the City's website and during public meetings; applications are taken and appointments made by the Mayor. The CDBG program makes an effort to obtain representation on its Advisory Committee from all areas of the City and from special populations.
15	Lending, mortgage availability and foreclosures disproportionately affecting minority homebuyers		x		The 2010 update to the State-wide Analysis of Impediments to Fair Housing analyzes data at the State level. There is no evidence provided by municipality in New Hampshire about lending instrument quality or mortgage availability in Portsmouth. A review of the foreclosures in Portsmouth does not suggest the members of minority communities make up a disproportionate share of foreclosures in the City.
16	Availability of accessible housing units for disabled persons; Neighborhood objections and zoning restrictions limiting availability of supportive housing for persons with disabilities.			x	Based on waiting list information from the Portsmouth Housing Authority, there appears to be a lack of affordable housing units generally as well as units accessible to people with disabilities. One discernable trend remarked upon by the Portsmouth Housing Authority is the rising increase in the number of disabled young adults appearing on waiting lists. The growth of waiting lists for this demographic may be evidence of a lack of ability to rent in the private rental market. The disabled adults have behavioral disabilities as opposed to physical disabilities. There are no known instances of neighborhood objections limiting the supply of supportive housing for persons with disabilities.

					There have been no new proposed projects for this population and a recent housing renovation project for an apartment building for disabled persons was not opposed by the neighborhood. There are no zoning restrictions limiting the availability or development of housing for persons with disabilities.
17	Issues affecting persons with limited English Proficiency		x		There have been no discrimination complaints received based on national origin. According to the 2000 Census, 392 (2% of population over five years old) people in Portsmouth speak English “less than very well”. Of this total, the total number of people who speak Spanish at home is 124; other Indo-European languages, 179; and Asian and Pacific Island languages 89. The 2010 PHA Annual Plan includes an LEP policy.
18	Willingness of landlords to rent to families with children		x		According to the NHLA Housing Justice Project data for 2004 -2009, there has been four cases (out of 17 within that time frame) that have resulted in counsel in advice by NHLA. It is not known what type of familial status was the subject of these cases (families with children or other). The City is not aware of any additional complaints or issues related to this issue. Agencies consulted this analysis, did not discuss any concerns related to willingness of landlords to rent to families of children.
19	Recent trends and issues among the Housing Authority resident applicant inventory that may identify potential impediments that may have an impact on the City’s minority, disabled and elderly populations.		x		The City reviewed the waiting list data for the Portsmouth Housing Authority. The waiting list for public housing totals 128 households including 44 elderly (including disabled elderly), 41 non-disabled elderly and 43 families. There 216 households on the voucher waiting list including 37 elderly (including disabled elderly), 65 disabled non-elderly, and 90 families. One discernable trend remarked upon by the Portsmouth Housing Authority is the rising increase in the number of disabled young adults appearing on waiting lists. The disabled adults have behavioral disabilities as opposed to

					physical disabilities. This number has been increasing, according to the Executive Director. There do not appear to be any discernable trends or issues that would point to potential impediments that may have an impact on the City's minority or elderly populations. The data is not broken down by ethnicity.
	<b>Private sector</b>				
20	Discriminatory real estate or housing practices.			x	From 2004 to 2009 there were 17 cases in which the Housing Justice Project at NHLA provide advice and counsel to clients. There are likely instances of housing discrimination, which take place in Portsmouth. Data available on housing discrimination is difficult to collect due to underreporting as well as a lack of awareness about fair housing law. The number of cases based on discrimination of mental disability is an apparent trend, but the stage to which cases advance to advice and counseling may be result from the enforceability of federal housing law provisions related to eviction of tenants with behavioral disabilities. Education and awareness of fair housing issues may bring more instances of housing discrimination to light and may also decrease the number of occurrences. Together, housing discrimination against protected class as well as the lack of availability of data on the subject are impediments to fair housing choice.
21	Steering.		x		In investigating this potential impediment CD staff consulted that statewide Analysis of Impediments and reviewed Home Mortgage Disclosure Act data available through the Federal Financial Institutions Examination Council website. The NH AI evaluates steering through a ratio of non-conventional loans to conventional loans for whites and non-whites (HMDA). It found, across all incomes, that there was a lower ratio for whites participating in conventional loans than non-conventional loans.

					This was observed of both Manchester/Nashua and Rockingham/Strafford areas. Data from this source is not available by town. The analysis is inconclusive saying more investigation should be complete as to whether there was steering toward less favorable rates.
22	Deed restrictions.		x		The CD staff has no knowledge of deed restrictions in conflict with fair housing laws in Portsmouth.
23	Lease provisions.		x		The City has a diverse range of housing types. Approximately half of the 10,000 housing units are rental units that are located throughout the City. Many of these complexes are large and are professionally managed by property management firms. All of the larger properties are visible in the community along arterial roadways and are known to have a mix of older adults, families with children, and residents from minority communities. From these characteristics of the rental stock it does not appear that lease provisions are a factor in fair housing choice.
24	Conversion of apartments to all-adult.		x		The CD staff has reviewed apartment complexes in Portsmouth that are advertised as senior only apartments. Each of these are in some way associated with a federally-administered housing program that is designed to service older residents and benefit from some form of subsidy associated with assuring affordability for the tenant. CD staff is not aware and has no suspicions of discriminatory practices resulting in de facto conversion to all-adult.
25	Inaccessible design.	x			Building codes require that new multi-unit housing construction be accessible.
26	Property management firm's occupancy quotas.		x		See discussion in 23 re: lease provisions. Representatives from property management firms in Portsmouth are routinely recognized by CD staff at Fair Housing related training and events. Discussion of fair housing cases with NHLA do not indicate any issues with systemic discrimination by

					any single housing provider/property management firm stemming from use of quotas.
27	Banking and insurance policies and practices that may affect housing choice.		x		See discussion in 21 re: steering The City of Portsmouth is home to a diverse range of lending institutions, including a great number of commercial banks and mortgage companies that are geographically dispersed throughout the City. The analysis of NHLA fair housing cases do not point to any service refusal by any institution by members of the public seeking financing for home purchases.
28	Discriminatory provision of housing brokerage services.		x		The Seacoast Board of Realtors membership directory has over 500 realtors serving the seacoast community. An analysis of the directory indicates that over 295 have offices in Portsmouth and seems that there is ready access to licensed brokerage services. According to NHLA, there is no report of non-provision of brokerage services on account of racial or ethnic bias or any discrimination against any state or federally-protected class.
29	Availability of, and dissemination of, information programs that may be used to provide financial assistance for accessibility modifications.	x			The City of Portsmouth Community Development Block Grant program is the primary source of financial assistance for accessibility modifications through its Residential Accessibility Grant program. Other housing-related assistance programs are run by NH Housing and the local Community Action Agency. The City actively advertises its CDBG Residential Accessibility Program and its Non-Profit Accessibility program to neighborhood representatives; through the newspaper and website; and local agencies serving the disabled.
<b>Public and Private Sector</b>					
30	Nature, extent, and disposition of housing discrimination complaints, violations or suits.		x		No suits have been brought against the City. See item 20 above.
31	Evidence of segregated housing conditions.		x		There is no evidence in the jurisdiction of segregated housing conditions.

32	Delivery system for programs providing supportive services to families with children and persons with disabilities.	x			In addition to the public school system and state services, there are many services run by non-profit entities to reach this population. These services are offered regionally and with no apparent discrepancy between geographies or population concentrations.
33	Provision of financing assistance for dwellings.	x			The City of Portsmouth offers programs specifically for people who earn low or moderate incomes, which are advertised widely and to key population groups (elderly, disabled, and minority populations). These include the Residential Rehabilitation Program, Residential Accessibility Grant Program, and a Special Needs Program.
34	Other laws policies and practices affecting the location, cost, and availability of housing.	x			See response to number 8 above.
35	Any determinations of unlawful segregation or housing discrimination or non-compliance with Title VI or the Fair Housing Act.		x		No suits brought forward, though investigations have been conducted by New Hampshire Legal Assistance Housing Justice Program and cases have been settled between parties before litigation.
36	Local fair housing program for municipal officials and employees dealing with housing issues.	x			The local Housing Authority assures equal housing opportunity as outlined in its Five-Year plan.
37	Sale of subsidized housing	x			Expiring use restrictions on subsidized housing units are monitored annually by the City of Portsmouth and in cooperation with New Hampshire Housing Finance Authority and the Portsmouth Housing Authority. Retention and creation of subsidized housing is a five-year goal included in the City's Consolidated Plan.

## APPENDIX B

### LIST OF ORGANIZATIONS AND REPORTS CONSULTED

New Hampshire Legal Assistance, Housing Justice Project

<http://www.nhla.org/housing.php>

2010 Update – Analysis: Impediments to Fair Housing Choice in New Hampshire

[http://www.nhhfa.org/rl\\_analysis.cfm](http://www.nhhfa.org/rl_analysis.cfm)

Portsmouth Master Plan, 2005

<http://www.cityofportsmouth.com/masterplan/MasterPlanFinalComplete-Aug2005.pdf>

2010 Portsmouth Zoning Ordinance

[http://www.cityofportsmouth.com/planning/application/ZoningOrd\\_101018.pdf](http://www.cityofportsmouth.com/planning/application/ZoningOrd_101018.pdf)

A Road Map to Affordable Housing

<http://www.cityofportsmouth.com/community/HousingReportPart1.pdf>

Portsmouth Housing Authority Five-Year Plan

Hard copy on File in Community Development Department

New Hampshire Housing Finance Authority

<http://www.nhffa.org>

City of Portsmouth Planning, Community Development, and Inspections Departments

<http://www.cityofportsmouth.com>

Local Agencies Consulted for Phone Interviews

Cross Road House – Emergency and Transitional Homeless Shelter

Portsmouth Housing Authority

A Safe Place – Domestic Abuse Shelter and Support Agency

Child & Family Services – Family Counseling

Families First of the Greater Seacoast – Community Health Center