STATE OF NEW HAMPSHIRE CONSOLIDATED ANNUAL PERFORMANCE EVALUATION REPORT 2020

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DISCLAIMER:

The contents of this document are presented in the exact format as required by the U.S. Department of Housing and Urban Development' (HUD) Integrated Disbursement and Information System (IDIS). This content is downloaded directly from IDIS to allow citizens participation and public comment. The Consolidated Plan is carried out through Annual Action Plans, which provide a concise summary of the actions, activities, and the specific federal and non-federal resources that will be used each year to address the priority needs and specific goals identified by the Consolidated Plan. *Grantees report on accomplishments and progress toward Consolidated Plan goals in the Consolidated Annual Performance and Evaluation Report (CAPER).* IDIS is a nationwide database and provides HUD with current information regarding the program activities underway across the Nation, including funding data. HUD uses this information to report to Congress and monitor grantees. Each funding partner must enter their information directly into IDIS. Each section requires specific information from the various programs in New Hampshire.

CR-05 - Goals and Outcomes

Progress the state has made in carrying out its strategic plan and its action plan. 91.520(a)

During 2020 HOME funds contributed to the construction of 310 units of affordable housing including 62 age-restricted and 248 units of family housing. Of those units 234 were new construction and 76 were rehabilitated. During 2020 the national Housing Trust Fund (HTF) contributed to the construction of 109 units of affordable housing. Of those units 93 were new construction while 16 were rehabilitation.

With the rising cost of construction, the number of units that are able to be created with each new project, and the number of projects able to move forward successfully is becoming smaller and has been on a decline. Many projects are currently renting up and have not been closed out in IDIS. The Section 811 Project Rental Assistance has an overall goal of 191 units to be filled by September 2021. To date 179 units have entered into a rental assistance contract and of those 179, 130 are now occupied.

Expanding street outreach and emergency shelter operations through ESGCV increased identification and equitable engagement across the state to promote more comprehensive housing connections, decrease the number of persons unsheltered and aid in New Hampshire's efforts to prevent, prepare for, or respond to coronavirus. The remaining ESG funds were invested in expanding Rapid Rehousing and Homelessness Prevention projects. These projects assist individuals and families experiencing homelessness, or who are at risk of homelessness regain housing stability and provide comprehensive wraparound services with rental assistance to maintain housing stability.

In 2020, the CDBG program rehabbed or preserved 152 housing units, created or retained 38 jobs, provided TA to 440 micro businesses, assisted 288 persons through public facility improvements, and 1,669 persons through emergency grants. These eligible activities are identified by activity codes that will not always fit neatly into a broad list of proposed outcomes and indicators. CDFA reports outcomes based on grantee activity accomplishments in the year they are reported to CDFA and allocates the outcomes to the accomplishment that best fits the activity. CDBG allows for a wide range of activities that are funded in competitive grant rounds. As

CDFA does not know what applicants will apply for in a given year, it is difficult to set goals except in the very broadest sense. This is further complicated by the timing of when activities are completed and reported in IDIS and whether the activity fits with the corresponding outcome from the Consolidated Plan. Accomplishments do not closely match estimates in any category in the tables due to the subjective nature of estimating and then measuring accomplishments.

In New Hampshire, we do not typically fund CDBG public service projects, therefore there are 0 public service activities listed under this section in the Community Development (Public Facilities) grants section or in the same part of the Emergency Grants section.

Comparison of the proposed versus actual outcomes for each outcome measure submitted with the consolidated plan and explain, if applicable, why progress was not made toward meeting goals and objectives. 91.520(g)

Categories, priority levels, funding sources and amounts, outcomes/objectives, goal outcome indicators, units of measure, targets, actual outcomes/outputs, and percentage completed for each of the grantee's program year goals.

Goal	Category	Source / Amount	Indicator	Unit of Measure	Expected – Strategic Plan	Actual – Strategic Plan	Percent Complete	Expected – Program Year	Actual – Program Year	Percent Complete
Community Development (Public Facilities) Grants	Non-Housing Community Development	CDBG: $	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit	Persons Assisted	985	4808	488.12%	100	288	288.00%
Community Development (Public Facilities) Grants	Non-Housing Community Development	CDBG: $	Public Facility or Infrastructure Activities for Low/Moderate Income Housing Benefit	Households Assisted	1365	404	29.60%	273	56	20.51%
Community Development (Public Facilities) Grants	Non-Housing Community Development	CDBG: $	Public service activities other than Low/Moderate Income Housing Benefit	Persons Assisted	2935	39	1.33%	587	0	0.00%
Community Development (Public Facilities) Grants	Non-Housing Community Development	CDBG: $	Rental units constructed	Household Housing Unit		77				
Community Development (Public Facilities) Grants	Non-Housing Community Development	CDBG: $	Rental units rehabilitated	Household Housing Unit	0	543				

Community Development (Public Facilities) Grants	Non-Housing Community Development	CDBG: $	Homeowner Housing Added	Household Housing Unit		0				
Community Development (Public Facilities) Grants	Non-Housing Community Development	CDBG: $	Homeowner Housing Rehabilitated	Household Housing Unit		0				
Community Development (Public Facilities) Grants	Non-Housing Community Development	CDBG: $	Homeless Person Overnight Shelter	Persons Assisted	0	36				
Community Development (Public Facilities) Grants	Non-Housing Community Development	CDBG: $	Overnight/Emergency Shelter/Transitional Housing Beds added	Beds	0	0				
Economic Development Grants	Non-Housing Community Development	CDBG: $	Public service activities other than Low/Moderate Income Housing Benefit	Persons Assisted	0	39				
Economic Development Grants	Non-Housing Community Development	CDBG: $	Facade treatment/business building rehabilitation	Business	0	0				
Economic Development Grants	Non-Housing Community Development	CDBG: $	Jobs created/retained	Jobs	375	236	62.93%	0	38	
Economic Development Grants	Non-Housing Community Development	CDBG: $	Businesses assisted	Businesses Assisted	0	394		0	37	

Emergency Grants	Affordable Housing Homeless Non-Homeless Special Needs Non-Housing Community Development	CDBG: $	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit	Persons Assisted	3000	4595	153.17%	200	1669	834.50%
Emergency Grants	Affordable Housing Homeless Non-Homeless Special Needs Non-Housing Community Development	CDBG: $	Public service activities other than Low/Moderate Income Housing Benefit	Persons Assisted	710	0	0.00%	142	0	0.00%
Emergency Grants	Affordable Housing Homeless Non-Homeless Special Needs Non-Housing Community Development	CDBG: $	Rental units rehabilitated	Household Housing Unit	0	0		0	7	
Emergency Grants	Affordable Housing Homeless Non-Homeless Special Needs Non-Housing Community Development	CDBG: $	Homeowner Housing Rehabilitated	Household Housing Unit	0	0		0	0	
Emergency Shelter	Homeless	General Fund: $	Homeless Person Overnight Shelter	Persons Assisted	15000	16505	110.03%	4300	5000	116.28%

Microenterprise Development Assistance	Non-Housing Community Development	CDBG: $	Facade treatment/business building rehabilitation	Business	0	0		0	0	
Microenterprise Development Assistance	Non-Housing Community Development	CDBG: $	Businesses assisted	Businesses Assisted	1355	1085	80.07%	267	403	150.94%
Microenterprise Development Assistance	Non-Housing Community Development	CDBG: $	Other	Other		0				
Multifamily Affordable Rental Production	Affordable Housing	CDBG: $ / HOME: $ / HTF: $2700000 / LIHTC: $	Rental units constructed	Household Housing Unit	750	923	123.07%	350	68	19.43%
Multifamily Affordable Rental Production	Affordable Housing	CDBG: $ / HOME: $ / HTF: $2700000 / LIHTC: $	Rental units rehabilitated	Household Housing Unit	750	786	104.80%	0	4	
Multifamily Affordable Rental Production	Affordable Housing	CDBG: $ / HOME: $ / HTF: $2700000 / LIHTC: $	Homeowner Housing Added	Household Housing Unit	0	0		0	0	
Multifamily Affordable Rental Production	Affordable Housing	CDBG: $ / HOME: $ / HTF: $2700000 / LIHTC: $	Homeowner Housing Rehabilitated	Household Housing Unit	0	0		0	0	
Multifamily Affordable Rental Production	Affordable Housing	CDBG: $ / HOME: $ / HTF: $2700000 / LIHTC: $	Housing for Homeless added	Household Housing Unit	0	0		0	0	
Multifamily Affordable Rental Production	Affordable Housing	CDBG: $ / HOME: $ / HTF: $2700000 / LIHTC: $	Housing for People with HIV/AIDS added	Household Housing Unit	0	0		0	0	

Multifamily Affordable Rental Production	Affordable Housing	CDBG: $ / HOME: $ / HTF: $2700000 / LIHTC: $	Buildings Demolished	Buildings	0	0		0	0	
Planning Grants	Non-Housing Community Development	CDBG: $	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit	Persons Assisted	8	34	425.00%			
Planning Grants	Non-Housing Community Development	CDBG: $	Other	Other	0	0		8	18	225.00%
Preservation of Affordable Rental Properties	Affordable Housing	CDBG: $ / HOME: $	Public Facility or Infrastructure Activities for Low/Moderate Income Housing Benefit	Households Assisted	1365	348	25.49%			
Preservation of Affordable Rental Properties	Affordable Housing	CDBG: $ / HOME: $	Rental units rehabilitated	Household Housing Unit	750	778	103.73%	200	152	76.00%
Preservation of Affordable Rental Properties	Affordable Housing	CDBG: $ / HOME: $	Homeowner Housing Rehabilitated	Household Housing Unit		24		0	0	
Preservation of Affordable Rental Properties	Affordable Housing	CDBG: $ / HOME: $	Housing for Homeless added	Household Housing Unit		0		0	0	
Preservation of Affordable Rental Properties	Affordable Housing	CDBG: $ / HOME: $	Housing for People with HIV/AIDS added	Household Housing Unit	0	0		0	0	
Project Based Rental Assistance for Disabled	Affordable Housing	Section 811: $	Tenant-based rental assistance / Rapid Rehousing	Households Assisted	191	179	93.72%	75	125	166.67%

Project Based Rental Assistance for Disabled	Affordable Housing	Section 811: $	Other	Other		0				
Promote Housing Stability	Affordable Housing Homeless	ESG: $ / Continuum of Care: $ / General Fund: $1000000	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit	Persons Assisted	600	600	100.00%			
Promote Housing Stability	Affordable Housing Homeless	ESG: $ / Continuum of Care: $ / General Fund: $1000000	Public Facility or Infrastructure Activities for Low/Moderate Income Housing Benefit	Households Assisted	273	63	23.08%			
Promote Housing Stability	Affordable Housing Homeless	ESG: $ / Continuum of Care: $ / General Fund: $1000000	Rental units rehabilitated	Household Housing Unit	253	169	66.80%			
Promote Housing Stability	Affordable Housing Homeless	ESG: $ / Continuum of Care: $ / General Fund: $1000000	Homeowner Housing Rehabilitated	Household Housing Unit	0	0				
Promote Housing Stability	Affordable Housing Homeless	ESG: $ / Continuum of Care: $ / General Fund: $1000000	Tenant-based rental assistance / Rapid Rehousing	Households Assisted	1000	1768	176.80%	600	363	60.50%
Promote Housing Stability	Affordable Housing Homeless	ESG: $ / Continuum of Care: $ / General Fund: $1000000	Homelessness Prevention	Persons Assisted	800	990	123.75%	516	227	43.99%

Promote Housing Stability	Affordable Housing Homeless	ESG: $ / Continuum of Care: $ / General Fund: $1000000	Housing for Homeless added	Household Housing Unit	0	0				
Promote Housing Stability	Affordable Housing Homeless	ESG: $ / Continuum of Care: $ / General Fund: $1000000	Housing for People with HIV/AIDS added	Household Housing Unit	0	0				
Rental Housing Affordable to Extremely Low Income	Affordable Housing Homeless	Housing Trust Fund: $	Rental units constructed	Household Housing Unit	100	44	44.00%			
Rental Housing Affordable to Extremely Low Income	Affordable Housing Homeless	Housing Trust Fund: $	Rental units rehabilitated	Household Housing Unit	25	26	104.00%			
TBRA for Homeless Veterans	Affordable Housing	HUD-VASH: $	Tenant-based rental assistance / Rapid Rehousing	Households Assisted	184	184	100.00%	184	184	100.00%

Table 1 - Accomplishments – Program Year & Strategic Plan to Date

Assess how the jurisdiction's use of funds, particularly CDBG, addresses the priorities and specific objectives identified in the plan, giving special attention to the highest priority activities identified.

HOME/LIHTC: Through New Hampshire Housing Finance Authority's LIHTC Qualified Allocation Plan competitive scoring allows for diverse projects of the best quality and the most efficient use of resources that are spread throughout the state. Other primary priorities drive the project selection including the addition of new units to the affordable housing inventory, income targeting, service enrichment, project readiness to proceed, non-profit sponsored housing and energy efficiency.

CDBG allows for a wide range of activities that are funded in competitive grant rounds. The activities themselves are chosen by applicants. As CDFA does not know what applicants will apply for in a given year, it is difficult to set goals except in the very broadest sense. This is further complicated by the timing of when activities are completed and reported in IDIS and whether the activity fits with the corresponding outcome from the Consolidated Plan. Accomplishments do not closely match estimates in any category in the tables due to the subjective nature of estimating and then measuring accomplishments.

Over the period of this Con Plan CDFA has seen an increase in the number of public facility applications over housing and economic development. However, there are projects such as water and sewer infrastructure in manufactured housing parks which, because they are reported as public facilities, the beneficiaries are individuals vs households but they are still clearly supporting the housing units. The jobs reported under economic development are also a reflection of both fewer applications and the reporting period. We have however seen a great increase in demand for microenterprise assistance. There are a number of factors at play. The unemployment rate (pre covid) in NH was one of the lowest in the nation, bank funding was available at more competitive rates. In prior years the demand for planning grants was low due to two factors, $12,000 was not enough to fund needed studies and CDFA's rules limited submission to twice a year which did not support the timing for most projects.

The approved 2020 AP addresses these issues of need and MOD. The allocation of funds is now 30/30/30 housing, public facilities and economic development to encourage more housing applications. The amount available for microenterprise has been increased. The amount available for Planning studies has been increased to $25,000 and applications can now be submitted on a rolling basis. We are seeing an increase in applications.

CR-10 - Racial and Ethnic composition of families assisted

Describe the families assisted (including the racial and ethnic status of families assisted). 91.520(a)

	CDBG	HOME	ESG	HTF
White	477	37	4,303	16
Black or African American	21	5	339	0
Asian	6	0	23	0
American Indian or American Native	9	0	25	0
Native Hawaiian or Other Pacific Islander	1	0	20	0
Total	**514**	**42**	**4,710**	**16**
Hispanic	20	13	509	0
Not Hispanic	494	29	4,325	0

Table 2 – Table of assistance to racial and ethnic populations by source of funds

Narrative

HOME/HTF: According to New Hampshire Housing's 2020 Analysis of impediments to Fair Housing Choice the majority of the state's residents are non-Latino Whites. Non-White groups in the state account for a very small percentage of the population, with a greater presence in the entitlement cities of Manchester and Nashua than elsewhere.

ESG: The above table does not include additional racial categories identified by households, such as multiracial. 85% of households assisted with ESG identified as White, 6% as Black/ African American, 3% Multiracial and less than 1% of Asian, American Indian/American Native, or Native Hawaiian/ Other Pacific Islander. 85% of households identified as non-Hispanic, with 10% identifying as Hispanic. Identifying and addressing racial inequities and disparities in housing data will continue to be a priority moving forward.

CDBG: Grantee reporting indicates that the CDBG program served a population with a race/ethnicity make-up that is consistent with that of the non-entitlement communities that the program serves.

CR-15 - Resources and Investments 91.520(a)

Identify the resources made available

Source of Funds	Source	Resources Made Available	Amount Expended During Program Year
CDBG	public - federal	13,227,411	
HOME	public - federal	10,883,359	8,178,190
ESG	public - federal	930,879	579,509
HTF	public - federal	5,700,000	4,400,956
Continuum of Care	public - federal	4,067,295	4,067,295
General Fund	public - federal	4,000,000	
HUD-VASH	public - federal	1,494,060	1,494,060
LIHTC	public - federal	3,851,927	3,851,927
Section 811	public - federal	672,000	672,000
Other	public - federal	32,618,425	
Other	public - state	32,618,425	

Table 3 - Resources Made Available

Narrative

HOME Investment Partnerships Program, Low Income Housing Tax Credits, Housing Trust Fund and state Affordable Housing Funds as well as some TCAP funds and owners equity are the funds made available to projects during 2020. HUD VASH funding has been increased to support 184 units of Tenant Based Rental Assistance and 24 units of Project Based Rental Assistance. NHHFA has 340 vouchers under the Mainstream Housing Program. Mainstream vouchers serve households that include a non-elderly person(s) with disabilities, defined as any family that includes a person with disabilities who is at least 18 years old and not yet 62 years old.

Additionally, $8,007,242 in ESGCV was made available of which $2,415,562.51 was spent during the reporting period.

$5 million dollars in State Community Development Tax Credits are made available annually.

CDBG does not target particular geographic areas for funding. In 2020, municipalities receiving funds included Concord, Conway, Newmarket, Claremont, Laconia, and several others across the state.

CDBG requires match in both Economic Development and certain Public Facility projects. Most CDBG projects boast some level of leverage, even if minimal. In 2020, newly funded projects had numerous sources of leverage including the municipality, subrecipient equity, banks, Regional Development Corporations, Low Income Housing Tax Credits, Northern Borders Regional Commission, and USDA funds.

Identify the geographic distribution and location of investments

Target Area	Planned Percentage of Allocation	Actual Percentage of Allocation
New Hampshire	100	100

Table 4 – Identify the geographic distribution and location of investments

Narrative

HOME:
Marshall Street Apartments: 172 units of general occupancy housing, 10 HOME assisted, located in Nashua, NH

Meadows at Grapevine Run Phase II: 48 units of age-restricted housing, 8 HOME assisted, located in Hampton Falls, NH

Chandler Place Phase II: 14 units of age-restricted housing, 5 HOME assisted, located in Plaistow, NH

Goddard Block: 36 units of general occupancy housing, 9 HOME assisted, located in Claremont, NH

Harvey Heights Phase I: 40 units of general occupancy, 4 HOME assisted, located in Ashland, NH

HTF:
Sunrise House: 16 general occupancy units, 9 HTF assisted, located in Laconia, NH

Merrimack Townhomes: 45 general occupancy units, 5 HTF assisted, located in Merrimack, NH

Meadows at Grapevine Run Phase II: 48 age-restricted units, 2 HTF assisted, located in Hampton Falls, NH

Leveraging

No publicly owned land or property was available for affordable housing in 2020.

HOME: HOME funds are invested in new projects as development subsidy to "buy" deeper income targeting, leverage private resources with Low Income Housing Tax Credit along with additional subsidy raised through a variety of sources including the Federal Home Loan Bank of Boston, private donations and state and local CDBG. National Housing Trust Fund (HTF) has no match requirements, nonetheless resources will be available for us in Low Income Housing Tax Credit projects which plan units affordable to extremely low-income households. Scoring incentives will favor further restriction of those units to serve particular populations. HTF units developed without Low Income Housing Tax Credits may leverage HOME or non-federal funds, and scoring incentives will be available proportional to the leveraging of other funds.

ESG: Agencies and partners worked closely and collaboratively to leverage all federal, state and local dollars coming to New Hampshire for strategic investments to build out the outreach system and support shelter operations as programs transitioned through the pandemic. These investments targeted supporting individuals and families on a pathway to permanent housing while providing crisis assessments and referrals to address immediate needs and safety planning. ESGCV and ESG funds used to prepare for, prevent and respond to COVID-19 does not require Match. For all other ESG funds expended during the reporting period, BHS requires all sub-recipients to provide 25% in match, which can be used for any ESG eligible activity.

Fiscal Year Summary – HOME Match	
1. Excess match from prior Federal fiscal year	4,982,029
2. Match contributed during current Federal fiscal year	0
3. Total match available for current Federal fiscal year (Line 1 plus Line 2)	4,982,029
4. Match liability for current Federal fiscal year	0
5. Excess match carried over to next Federal fiscal year (Line 3 minus Line 4)	4,982,029

Table 5 – Fiscal Year Summary - HOME Match Report

HOME Program Income

Program Income – Enter the program amounts for the reporting period				
Balance on hand at beginning of reporting period $	**Amount received during reporting period $**	**Total amount expended during reporting period $**	**A mount expended for TBRA $**	**Balance on hand at end of reporting period $**
2,888,023	1,970,856	3,431,810	0	1,427,069

Table 6 – Program Income

CR-20 - Affordable Housing 91.520(b)

Evaluation of the jurisdiction's progress in providing affordable housing, including the number and types of families served, the number of extremely low-income, low-income, moderate-income, and middle-income persons served.

	One-Year Goal	Actual
Number of Homeless households to be provided affordable housing units	696	3,774
Number of Non-Homeless households to be provided affordable housing units	430	355
Number of Special-Needs households to be provided affordable housing units	55	16
Total	**1,181**	**4,145**

Table 7 – Number of Households

	One-Year Goal	Actual
Number of households supported through Rental Assistance	741	911
Number of households supported through The Production of New Units	390	365
Number of households supported through Rehab of Existing Units	200	92
Number of households supported through Acquisition of Existing Units	0	0
Total	**1,331**	**1,332**

Table 8 – Number of Households Supported

Discuss the difference between goals and outcomes and problems encountered in meeting these goals.

HOME/HTF: Due to the fairly unpredictable project completion timing, the numbers for end of the year beneficiary counts are uncertain when calculating a goal. The numeric goals are an educated guess, and are not always the best representation of what is able to be completed throughout the year. Grants are awarded on a competitive basis, and it is difficult to know all of the projects that will be funded in a given year, what projects will be completed and how many individuals and/or families will benefit from these projects. The actual numbers represent the outcomes and completion of projects in the year 2020.

ESG: The infusion of ESGCV funding, along with the waivers and alternative requirements for the CV funding, as well as annual funds used to prepare, prevent and respond to COVID-19 significantly increased the number of households served. The number of households served through rental assistance with ESG was less than projected. The extreme lack of housing availability in NH has made locating open units with landlords willing to serve households very difficult. This has impacted subrecipients ability to provide rental assistance. Once placed in the unit, households receive the financial assistance.

811: It has taken longer than expected to build up HUD 811 activity, but it is on its way to providing affordable units for special needs households with 130 units occupied.

Discuss how these outcomes will impact future annual action plans.

HOME/HTF: The goal number fluctuates year to year as do the outcomes, given the flow of applications and the nature of the development pipeline. Future annual action goals will continue to demonstrate this.

ESG: The difficulty in locating units and willing landlords has been a discussion in all planning groups mentioned earlier in this CAPER (housing coalitions, local service delivery networks, the Gov's Housing Council...etc.). Elements such as landlord incentives and cleaning costs have been implemented as strategies to help increase the number of units for households. Securing units will allow subrecipients to provide rental assistance to those households.

Include the number of extremely low-income, low-income, and moderate-income persons served by each activity where information on income by family size is required to determine the eligibility of the activity.

Number of Households Served	CDBG Actual	HOME Actual	HTF Actual
Extremely Low-income	30	10	16
Low-income	46	20	
Moderate-income	76	6	
Total	**152**	**36**	

Table 9 – Number of Households Served

Narrative Information

HOME: The HOME funds in 2020 served 10 extremely low-income households, 20 low-income households and 6 moderate-income households as shown in the beneficiary data.

HTF: The HTF funds in 2020 all served extremely low-income households, as shown in the beneficiary data.

New Hampshire Housing Finance Authority helps to finance and support affordable housing across the state of New Hampshire. By creating new units and rehabilitating current units, New Hampshire Housing

Finance Authority is able to help increase the amount of affordable units available to help low and extremely low-income individuals and families to find homes. Additionally, the 811 PRA program creates an opportunity for extremely low-income persons with severe mental illness to live as independently as possible through the coordination of voluntary services and providing a choice of integrated housing options that is affordable to extremely low-income persons because it comes with rental assistance.

CDBG: All persons served by CDBG funds are under 80%, the vast majority under 60% and some are under 30% Area Median Income. The CDBG rating and ranking system prioritizes projects that benefit individuals with worst case needs. We have also allocated $3 million of the CDBG-CV funds received to support permanent supportive housing projects to serve these individuals. The outcomes of those projects will be reported on future CAPER's.

ESG/ ESGCV: All subrecipients are required to participate in the Coordinated Entry process. This process includes diversion, assessment and prioritization of households through used of the COC common assessment tool. This tool is designed to quickly identify and assess the health and social needs of persons at risk of, or experiencing homelessness to best match them with the most appropriate and available support based on vulnerability and acuity of need. This process ensures equitable response and resource management in order to effectively serve those with disabilities or "worst case" housing needs such as low-income renter households who pay more than half of their income for rent or who live in seriously substandard housing. Housing focused case management is also central to all ESG/CV projects, providing linkages to on-going community services aimed at housing stability for vulnerable households identified and served.

CR-25 - Homeless and Other Special Needs 91.220(d, e); 91.320(d, e); 91.520(c)

Evaluate the jurisdiction's progress in meeting its specific objectives for reducing and ending homelessness through:

Reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs

CARES funds assisted to increase the housing and homelessness systems during the pandemic. NH COCs continue to work to reduce homelessness through a variety of services designed to identify, engage and support persons experiencing homelessness -especially unsheltered persons. The statewide CES standardizes how households are assessed, prioritized, and referred to housing and services. Outreach is conducted with multidisciplinary stakeholders for a community wide response. This ensures complete coverage and identification and prioritization of those most vulnerable through the COVID-19 common assessment tool. Outreach collaboratives promote strategic leveraging of resources. Examples of dedicated outreach programs include ESG Street Outreach, SAMHSA Projects for Assistance in Transition from Homelessness (PATH), SAMHSA Grants for the Benefit of Homeless Individuals (GBHI), VAMC Outreach Social Workers, Healthcare for the Homeless and Waypoint Youth Outreach. Outreach efforts are coordinated with broader networks of services who may encounter individuals experiencing

homelessness but primary role is broader; police and fire, SUD/ MAT providers, regional public health networks, faith-based organizations, Medicaid...etc. This gives varied perspectives with client centered, culturally responsive lens. All outreach is housing focused and Housing First. Outreach workers address urgent physical needs, like providing meals, blankets, clothes, or toiletries; connect to programs targeted to persons experiencing homelessness, mainstream social services and housing programs. Evidenced based practices such as Motivational Interviewing, Trauma Informed Care, and Harm Reduction are provided to promote positive outcomes. NH recognized that during the pandemic, those experiencing homelessness were at high risk of coronavirus and that lack of housing contributes to overall poor physical and mental health outcomes. Expanding street outreach and shelter operations increased identification and equitable access to promote more housing connections, decrease the number of persons unsheltered. Outreach conducts ongoing pandemic safety education, PPE connections, mobile showers and hand washing stations, the rollout of testing and vaccination strategies for persons experiencing unsheltered homelessness in partnership with regional public health networks. The CARES activities of hazard pay and volunteer incentives were used to further connections with unsheltered households.

Addressing the emergency shelter and transitional housing needs of homeless persons

NH has implemented a statewide Coordinated Entry system which allows for person centered assessment of needs and services. Regional Access points assess individuals and families identified and connect to services listed above, including emergency shelter and transitional housing. Coordinated Entry and outreach do not require individuals to enter emergency shelter or transitional housing as a prerequisite to accessing permanent housing, but street outreach does make immediate connections to emergency shelter or temporary housing to provide safe options for individuals and families while they are on a pathway to permanent housing. The goal of emergency shelter and transitional housing in NH is to offer immediate and easy access to safe and decent shelter to anyone that needs it and then to rehouse people as quickly as possible. Trainings on Evidenced Based Practices such as Trauma Informed Care, Motivational Interviewing and Harm Reduction are also provided to Emergency Shelter and Transitional Housing staff, aimed at client centered and strength-based approaches for persons served. Providers also have protocols to ensure that people fleeing domestic violence, as well as dating violence, sexual assault, trafficking or stalking have safe and confidential access to the coordinated entry and sheltering process. In 2020, the Domestic Violence RAP was established for anyone fleeing or attempting to flee domestic violence (DV) to provide linkages to emergency shelter and housing. CARES funding also significantly expanded shelter operations overall, allowing for renovations relevant to CDC guidance for current shelter, new temporary shelters and hoteling. Beyond these, the State of NH stood up two isolation and quarantine shelters providing transportation and wraparound services for persons experiencing unsheltered homelessness exposed to, or testing positive for COVID-19. CARES activities of transportation and volunteer incentives allowed for more robust testing and vaccination work.

Helping low-income individuals and families avoid becoming homeless, especially extremely low-income individuals and families and those who are: likely to become homeless after being discharged from publicly funded institutions and systems of care (such as health care facilities, mental health facilities, foster care and other youth facilities, and corrections programs and institutions); and, receiving assistance from public or private agencies that address housing, health, social services, employment, education, or youth needs.

NH implements a comprehensive system to help low-income individuals and families avoid entering into the homelessness experience. Through CES, Diversion is conducted with all persons identified. This emphasizes using individuals' natural supports and strengths to problem solve potential resolutions in avoiding the homelessness experience. In the event the households cannot be safely diverted, prevention programs such as the Emergency Solutions Grant (ESG) Homelessness Prevention or RRH, Supportive Services for Veteran Families (SSVF) Homelessness, other federal CARES and American Recuse Plan funding such as the NH Emergency Rental Assistance Program (NH-ERAP), municipality financial assistance, and faith based financial assistance networks are alerted for collaboration and coordination of community partners, public and privately funded service and support systems. NH leverages eviction prevention and homelessness prevention programs to maximize the impact and best match household circumstance to the resources they need. Homelessness prevention extends beyond just eviction prevention to serve those discharging from publicly funded institutions and systems of care. Through CE, individuals and families are connected to navigators to match with housing program and services based on the circumstance. These navigators help households address housing, health, social services, employment, education, or youth needs. For those exiting healthcare facilities for example, in addition to RRH and PSH options, targeted transitional housing such as Grant and Per Diem's "Hospital to Home" and Harbor Homes Transitional Housing Program for those exiting the NH State Hospital were available, and the Housing Bridge Subsidy Program with wraparound services to put individuals on a pathway to permanent housing. Projects such as the Family Unification Program and Foster Youth to Independence Initiative leverage partnerships with housing authorities and, DCYF and community partners for families who are unable to secure affordable housing for their children or dependents, former foster youth at risk of homelessness, youth transitioning out of foster care and families whose children are placed in care by the state. Additionally, working with services such as VAMC's Veterans Justice Outreach and Re-entry Clinicians increases identification of individuals who would otherwise discharge into homelessness from incarceration. In 2020, the Governor’s Council on Housing Stability was established and produced a Statewide Plan to End Homelessness in NH. One of the ongoing community measures of the homelessness system is to increase discharges from public institutions directly into stable housing, averting homelessness(i.e. corrections, recovery homes, mental health facilities).

Helping homeless persons (especially chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth) make the transition to permanent housing and independent living, including shortening the period of time that individuals and families experience homelessness, facilitating access for homeless individuals and families to affordable housing units, and preventing individuals and families who were recently homeless from becoming homeless again.

The continuum of cares coordinated entry processes provide direct entry points to accessing PH including affordable housing. Beyond connections to COC and ESG housing options, navigators are trained to quickly connect with mainstream housing and service resources which will provide community linkages for ongoing housing stability. System planning groups such as the NH Housing and Community Development Planning council, the COCs, Local Service Delivery Networks and more meet regularly to strategically plan and review access to affordable housing units and designing inclusive programming to best leverage federal funding. For example, ESG providers working with households 6 months post rental assistance for case management services aimed at preventing a return to homelessness. Regarding the metrics, NH is currently engaged in Ending Veteran, Youth and Chronic Homelessness initiatives. These initiatives measure the amount of newly identified persons in each category, the length of time in the homelessness experience and the amount of persons housed within a 90-day period. When identified, providers engaged in a diversion/ problem solving discussion, and if unable to be diverted, enter individuals into the Coordinated Entry Project. Providers then assess household for prioritization using the COVID-19 common assessment tool. This standardized system ensures more objective, equitable, accessible to housing programs based upon vulnerability. Regional lists are then pulled and case conferencing is conducted to identify any outstanding barriers which may be causing the household to extend their time in the homelessness experience, or to identify housing retention barriers which may cause households to reenter the homelessness experience, with solutions discussed. Outcomes from this list are measured to determine effectiveness of interventions. Outcomes such as reducing the length of time spent homeless, exits to PH, reductions of returns to homelessness are outcome measurements in funding contracts to institutionalize the objectives of the funds. As such, the use of data is crucial in measuring the impact and housing outcomes for persons experiencing homelessness. In 2019, BHS transitioned to a new HMIS vendor the Institute for Community Alliances (ICA) to better meet the data needs of the three COCs. The statewide Homeless Management Information System data system allows for better coordination and efficiency with the system, along with the ability to spot trends and respond accordingly. As the HMIS Lead, ICA can better track performance and make program and system adjustments to improve its performance and better serve persons experiencing homelessness. This also allows for more visual, transparent data used to educate stakeholders such as landlords, the business community and funders on additional investments needed in affordable housing.

The largest challenges providers face in meeting the outcome goals above are the lack of available affordable housing units overall, and landlords willing to accept and work with households served.
CR-30 - Public Housing 91.220(h); 91.320(j)

Actions taken to address the needs of public housing

Some of New Hampshire's Public housing Authorities have been active as developers of additional affordable housing utilizing HOME, CDBG, LIHTC, HTF and other affordable housing resources. For several reasons including their non-profit status and well-established management capacity, they compete favorably for resources and are welcome applicants. Their expertise and experience in operating affordable housing for low-income households helps them compete favorably for affordable housing financing.

Actions taken to encourage public housing residents to become more involved in management and participate in homeownership

New Hampshire Housing Finance Authority markets all Consolidated Plan public participation opportunities to the residents of each of New Hampshire's Public Housing Authorities. Additionally, other targeted low-income groups are invited to participate in public meetings in order to obtain comments about the beneficiary targeting and distribution of HUD CPD funds. A few different types of homeownership assistance are available for and marketed to public housing and housing choice voucher households.

Households with Housing Choice Vouchers or other tenant-based rental assistance are able to use that assistance to make mortgage payments. As of the end of 2020 there were 141 households participating in New Hampshire Housing's Homeownership Assistance Program. Financial literacy, first time homebuyer education, down payment assistance, and Individual Development Accounts with donated match are either administered by partners, and supported by or provided directly by New Hampshire Housing.

CR-35 - Other Actions 91.220(j)-(k); 91.320(i)-(j)

Actions taken to remove or ameliorate the negative effects of public policies that serve as barriers to affordable housing such as land use controls, tax policies affecting land, zoning ordinances, building codes, fees and charges, growth limitations, and policies affecting the return on residential investment. 91.220 (j); 91.320 (i)

See Attached Analysis of Impediments to Fair Housing

Actions taken to address obstacles to meeting underserved needs. 91.220(k); 91.320(j)

Underserved needs are generally due to limited resources disproportional to need. We go to great lengths to be good stewards of public dollars and address as many needs of beneficiary households as effectively as we can, and openly solicit input from partners, constituents, interested parties, and others on how to do this most effectively.

Actions taken to reduce lead-based paint hazards. 91.220(k); 91.320(j)

New Hampshire Housing Finance Authority's design and construction standards require all rehab projects in buildings built prior to 1978 where children under 6 years may be residing to mitigate all lead-based paint hazards. In addition, New Hampshire Housing Finance Authority received another $4,983,542 for the continued abatement of lead-based paint hazards throughout the state. NHHFA has received $3,000,000 from the State of NH for the State Lead Paint Hazard Remediation Fund Program. Over this past year NHHFA has overseen lead hazard control within development projects in our portfolio as well as other privately owned multifamily and single-family housing, clearing 98 units during 2020. In addition, NHHFA's asset management team inspects units annually and requires mitigation of any suspected lead-based paint hazards.

Actions taken to reduce the number of poverty-level families. 91.220(k); 91.320(j)

New Hampshire Housing's Family Self Sufficiency program includes access to partially subsidized Individual Development Accounts that can help households save for education to improve earnings or to accumulate a down payment for a home purchase or down payment of a reliable automobile to access education, work, and greater housing choice.

Job creation and retention are goals of CDBG. New Hampshire's CDBG program created or retained 38 jobs during 2020. Additionally, 440 businesses benefited from the development or improvement of entrepreneurial skills via the microenterprise set-aside of CDBG funds.

Actions taken to develop institutional structure. 91.220(k); 91.320(j)

Efforts are constantly made to improve the technical skills of the nonprofit sector. CDFA provides operational support to the nonprofit housing community through allocation of state tax credits. NHHFA has recently changed its Emerging Opportunities Grant Program to focus on the creation of stronger partnerships between the service provider and affordable housing communities. Trainings and mini conferences meant to build the capacity of the affordable housing community, with special emphasis on fair housing and healthy housing, are provided annually.

Actions taken to enhance coordination between public and private housing and social service agencies. 91.220(k); 91.320(j)

The Housing and Community Development Planning Council (the HCDPC), which provides consultation to New Hampshire's Consolidated Planning process, includes public and private housing representatives as well as government and private nonprofit social service agencies. The HCDPC is chaired by New Hampshire Housing Finance Authority as the lead agency for the Consolidated Planning process for the state. Additionally, New Hampshire Housing Finance Authority is represented on the Governor’s Housing Stability Council, including this Council’s Housing Instability & Homelessness System Workgroup, the Governor’s Advisory Commission on Mental Health and the Corrections System, the Community Development Block Grant Program Advisory Council, New Hampshire's Mental Health Planning and Advisory Council, the State of NH Benefits Cliff Effect Working Group and the Council for Thriving Children. Representatives of the Community Development Finance Authority (CDFA) and the

Bureau of Housing Supports actively participate in New Hampshire's Workforce Housing Council. CDFA is represented on the Governor's Council for Housing Stability and the National Collaborative for Digital Equity's Council on Systemic Inclusion. And the Bureau Chief for the State's Bureau of Housing Supports leads the Housing Instability and Homelessness Systems Workgroup of the state's Housing Stability Council, as well as participates in the Whole Family Approach to Jobs Cliff Effect Workgroup, Housing Action NH, and the NH HMIS Advisory Committee.

CR-40 - Monitoring 91.220 and 91.230

Describe the standards and procedures used to monitor activities carried out in furtherance of the plan and used to ensure long-term compliance with requirements of the programs involved, including minority business outreach and the comprehensive planning requirements

CDBG: The Community Development Finance Authority (CDFA) conducts monitoring of CDBG recipients in the areas of Civil Rights, Equal Opportunity, and Fair Housing. It is the policy of the CDFA to conduct desk and on-site monitoring for each grant based on the risk. Monitoring checklists used to review recipients (Civil Rights and Procurement Sections) are attached. Because all documentation and correspondence is contained electronically on the Grants Management System it is possible to monitor projects in real time as opposed to waiting until a site visit to conduct the full monitoring. DBG Monitoring and Close Out Process used for CDBG and CDBG-CV projects is attached.

ESG and ESGCV: The Bureau of Housing Supports is responsible for compliance and monitoring of the Emergency Solutions Grants, as well as the ESG CARES funding. The BHS contract manager conducts on site and remote monitoring as appropriate to ensure subrecipient compliance with HUD regulation 24 CFR parts 91, 24 CFR 576 and any alternative requirements, waivers or notices established by HUD for CARES funding. The monitoring is intended to: support subrecipients in successful program operations assuring that performance goals and objectives of the Consolidated Plan are being achieved; ensure all program activities are allowable and in compliance with HUD regulations; confirm there is proper documentation and recordkeeping; ensure funds are being expended and payment requests are occurring in a timely manner; and ensure subrecipients are in full compliance with their contract. Planned monitoring activities will include monthly review of HMIS data reports to monitor the use of funds and persons served, monitoring of performance standard outcomes, monthly billing statements/invoices, and annual site visits. Site visits are conducted annually, however if a subrecipient demonstrates a slow start up or has findings from a previous monitoring visit, more frequent monitoring visits may occur. Monitoring visits include a thorough review of client files/ policies for program compliance and the subrecipient's general ledger/ financial policies to ensure fiscal compliance. At the end of the visit an exit interview is conducted with the subrecipient program manager and agency executive management, as applicable. A post review letter is sent to the sub recipient outlining the findings of the monitoring visit and required corrective action, as applicable.

New Hampshire Housing Finance Authority has an Asset Management division who conduct both the physical and file review monitoring of all activities. A summary of general issues that are typically detected during a review are issues with the tenant files such as; forms not having signatures; missing

forms and/or addendums to the lease; miscalculation of tenant income or assets or and failure to fully complete all information in the tenant income certification form. However, this usually does not result in a tenant being found to be ineligible to occupy an assisted unit; As for physical defects found during an inspection, these typically are minor issues such as: an exit sign needing a bulb replacement, a stopper missing in a sink, a small crack in a walkway or parking lot that could become a trip hazard if left unattended, small rips or holes in carpeting or small holes in the siding to the building. If a defect is an emergency, it is corrected within 24 hours of discovery; all other defects are corrected within 30 days of discovery.

A waiver was given due to Covid-19 that allowed NHHFA to not conduct any on-site inspections until 9/30/2021, therefore there are no inspections to list. All on-site inspections that were due o be completed during that time will now be completed before January 31, 2022.

Citizen Participation Plan 91.105(d); 91.115(d)

Describe the efforts to provide citizens with reasonable notice and an opportunity to comment on performance reports.

Public comments on all Consolidated Plans and Performance reports (CAPER) are welcomed and received at all times. The CAPER is announced via email to partners, constituents, and known interested parties as well as posted on NHHFA and CDFA websites. New Hampshire Housing Finance Authority provides a contact person for anyone who has issues accessing the CAPER online and citizens may request a paper copy of the CAPER.

CR-45 - CDBG 91.520(c)

Specify the nature of, and reasons for, any changes in the jurisdiction's program objectives and indications of how the jurisdiction would change its programs as a result of its experiences.

In 2020, there were no substantive changes in program objectives to the New Hampshire CDBG program. CDFA continued a strategic planning process for the CDBG program that included input from internal and external stakeholders. CDFA's revised CDBG Implementation Guide, which went live for January 2020 CDBG round. This new guide ensures that CDFA can maintain appropriate levels of compliance with federal and state rules and regulations, as well as provides our partners thorough guidance on how to utilize the CDBG program. In addition, with the passing of the exemption from the administrative rule-making process in June 2019, CDFA continues to move forward with developing a more robust MOD process based on the representative data of each community.

Does this Jurisdiction have any open Brownfields Economic Development Initiative (BEDI) grants?

No

CR-50 - HOME 91.520(d)

Include the results of on-site inspections of affordable rental housing assisted under the program to determine compliance with housing codes and other applicable regulations Please list those projects that should have been inspected on-site this program year based upon the schedule in §92.504(d). Indicate which of these were inspected and a summary of issues that were detected during the inspection. For those that were not inspected, please indicate the reason and how you will remedy the situation.

A summary of general issues that are typically detected during an inspection are issues with the tenant files such as; forms not having signatures; missing forms and/or addendums to the lease; miscalculation of tenant income or assets, however, this usually does not result in a tenant being found to be ineligible to occupy an assisted unit; and failure to fully complete all information in the tenant income certification form. As for defects generally found in the physical structure of the property during and inspection, these typically are minor issues such as: an exit sign needing a bulb replacement, a stopper missing in a sink, a small crack in a walkway or parking lot that could become a trip hazard if left unattended, small rips or holes in carpeting or small holes in the siding to the building. If a defect is an emergency, it is corrected within 24 hours of discovery; all other defects are corrected within 30 days of discovery.

A waiver was given due to Covid-19 that allowed NHHFA to not conduct any on-site inspections until 9/30/2021, therefore there are no inspections to list. All on-site inspections that were due to be completed during that time will now be completed before January 31, 2022.

Provide an assessment of the jurisdiction's affirmative marketing actions for HOME units. 92.351(b)

The authority implemented a set of actions to meet this requirement for HOME Investment in rental housing. Requirements include approval of a project specific Affirmative Fair Housing Market Plan (AFHMP), the provision of information to tenants and application review for compliance with applicable federal and neighborhood standards. In addition, the Authority sponsors the Granite State Managers Association to hold annual Fair Housing Trainings to members and affiliates of developers and managers of affordable housing. Authority Asset Management staff attends annual trainings.

Refer to IDIS reports to describe the amount and use of program income for projects, including the number of projects and owner and tenant characteristics

No projects closed in 2020 were funded with Program Income.

Describe other actions taken to foster and maintain affordable housing. 91.220(k) (STATES ONLY: Including the coordination of LIHTC with the development of affordable housing). 91.320(j)

HOME is used to provide affordable housing units to households at 50% or less of AMI in coordination with LIHTC projects. In most cases HOME is blended into LIHTC projects, and it is rarely used as stand-alone funding in projects not using LIHTC. New Hampshire Housing Finance Authority will continue to support local and regional workforce housing efforts to help municipalities eliminate barriers to affordable housing development, and will continue to track expiring use and try to refinance properties that could be at risk of being lost as affordable housing inventory. The method of distribution for Low Income Housing Tax Credits and HOME resources are reexamined and tweaked biennially with considerable input from the affordable housing community so that the most compelling needs are addressed and emerging issues are adapted to.

CR-56 - HTF 91.520(h)

Describe the extent to which the grantee complied with its approved HTF allocation plan and the requirements of 24 CFR part 93.

New Hampshire Housing Finance Authority has followed it's approved HTF allocation plan. At this point thirteen projects have been funded with HTF. Three were closed out in 2020 for a total of 16 units of affordable housing.

As required, VAWA emergency transfer request and outcome data is kept by all HOME, HTF and ESG subgrantees and reported annually by New Hampshire Housing Finance Authority and the Bureau of Housing Supports. There were no emergency transfers requested under 24 CFR 5.2005(e) and 24 CFR 92.359 pertaining to victims of domestic violence, dating violence, sexual assault, or stalking, including data on the outcomes of such requests for 2020, therefore there are no outcomes to report.

Tenure Type	0 – 30% AMI	0% of 30+ to poverty line (when poverty line is higher than 30% AMI)	% of the higher of 30+ AMI or poverty line to 50% AMI	Total Occupied Units	Units Completed, Not Occupied	Total Completed Units
Rental	16	0	0	16	0	16
Homebuyer	0	0	0	0	0	0

Table 15 - CR-56 HTF Units in HTF activities completed during the period

CR-60 - ESG 91.520(g) (ESG Recipients only)

ESG Supplement to the CAPER in *e-snaps*

For Paperwork Reduction Act

1. Recipient Information—All Recipients Complete

Basic Grant Information

Recipient Name	NEW HAMPSHIRE
Organizational DUNS Number	011040545
EIN/TIN Number	026000618
Identify the Field Office	BOSTON
Identify CoC(s) in which the recipient or subrecipient(s) will provide ESG assistance	New Hampshire Balance of State CoC

ESG Contact Name

Prefix	Mrs.
First Name	Melissa
Middle Name	0
Last Name	Hatfield
Suffix	0
Title	Bureau Administrator

ESG Contact Address

Street Address 1	129 Pleasant St
Street Address 2	0
City	Concord
State	NH
ZIP Code	-
Phone Number	6032719197
Extension	0
Fax Number	0
Email Address	Melissa.Hatfield@dhhs.nh.gov

ESG Secondary Contact

Prefix	MS
First Name	Betsy
Last Name	O'Connor
Suffix	0
Title	Program Specialist III
Phone Number	6032719196
Extension	0
Email Address	Betsy.O'Connor@dhhs.nh.gov

2. Reporting Period—All Recipients Complete

Program Year Start Date	01/01/2020
Program Year End Date	06/30/2021

3a. Subrecipient Form – Complete one form for each subrecipient

Subrecipient or Contractor Name: NASHUA SOUP KITCHEN AND SHELTER
City: NASHUA SOUP KITCHEN AND SHELTER
State: NH
Zip Code: 99999,
DUNS Number:
Is subrecipient a victim services provider: N
Subrecipient Organization Type: Other Non-Profit Organization
ESG Subgrant or Contract Award Amount: 485211

Subrecipient or Contractor Name: SOUTHERN NEW HAMPSHIRE SERVICES, INC
City: MANCHESTER
State: NH
Zip Code: 03108,
DUNS Number:
Is subrecipient a victim services provider: N
Subrecipient Organization Type: Other Non-Profit Organization
ESG Subgrant or Contract Award Amount: 274779

Subrecipient or Contractor Name: THE BRIDGE HOUSE, INC
City: Plymouth
State: NH
Zip Code: 03264,
DUNS Number: 626410323
Is subrecipient a victim services provider: N
Subrecipient Organization Type: Other Non-Profit Organization
ESG Subgrant or Contract Award Amount: 75400

Subrecipient or Contractor Name: BELKNAP MERRIMACK CAP
City: Concord
State: NH
Zip Code: 03302, 1016
DUNS Number: 073997504
Is subrecipient a victim services provider: N
Subrecipient Organization Type: Other Non-Profit Organization
ESG Subgrant or Contract Award Amount: 767679

Subrecipient or Contractor Name: FAMILIES IN TRANSITION
City: Manchester
State: NH
Zip Code: 03101, 1952
DUNS Number: 852360399
Is subrecipient a victim services provider: N
Subrecipient Organization Type: Other Non-Profit Organization
ESG Subgrant or Contract Award Amount: 792500

Subrecipient or Contractor Name: CROSS ROADS HOUSE, INC., NH
City: Portsmouth
State: NH
Zip Code: 03801, 5435
DUNS Number: 171774979
Is subrecipient a victim services provider: N
Subrecipient Organization Type: Other Non-Profit Organization
ESG Subgrant or Contract Award Amount: 384923

Subrecipient or Contractor Name: TRICOUNTY CAP
City: Berlin
State: NH
Zip Code: 03570, 1911
DUNS Number: 073975708
Is subrecipient a victim services provider: N
Subrecipient Organization Type: Other Non-Profit Organization
ESG Subgrant or Contract Award Amount: 542250

Subrecipient or Contractor Name: MY FRIEND'S PLACE, INC
City: Dover
State: NH
Zip Code: 03820, 3635
DUNS Number: 017249801
Is subrecipient a victim services provider: N
Subrecipient Organization Type: Other Non-Profit Organization
ESG Subgrant or Contract Award Amount: 85000

Subrecipient or Contractor Name: THE WAY HOME
City: Manchester
State: NH
Zip Code: 03103, 4813
DUNS Number: 146234211
Is subrecipient a victim services provider: N
Subrecipient Organization Type: Other Non-Profit Organization
ESG Subgrant or Contract Award Amount: 296479

Subrecipient or Contractor Name: SALVATION ARMY MCKENNA
City: Concord
State: NH
Zip Code: 03301,
DUNS Number: 016225225
Is subrecipient a victim services provider: N
Subrecipient Organization Type: Faith-Based Organization
ESG Subgrant or Contract Award Amount: 158505

Subrecipient or Contractor Name: SOUTHWESTERN COMMUNITY SERVICES
City: Keene
State: NH
Zip Code: 03431, 3748
DUNS Number: 081251381
Is subrecipient a victim services provider: N
Subrecipient Organization Type: Other Non-Profit Organization
ESG Subgrant or Contract Award Amount: 681130

Subrecipient or Contractor Name: Salvation Army
City: Laconia
State: NH
Zip Code: 03246, 3857
DUNS Number: 062517941
Is subrecipient a victim services provider: N
Subrecipient Organization Type: Faith-Based Organization
ESG Subgrant or Contract Award Amount: 146000

Subrecipient or Contractor Name: Friends Program
City: Concord
State: NH
Zip Code: 03301, 3678
DUNS Number: 183591320
Is subrecipient a victim services provider: N
Subrecipient Organization Type: Other Non-Profit Organization
ESG Subgrant or Contract Award Amount: 109357

Subrecipient or Contractor Name: Community Action Partnership of Strafford County
City: Dover
State: NH
Zip Code: 03820, 3414
DUNS Number: 099356586
Is subrecipient a victim services provider: N
Subrecipient Organization Type: Other Non-Profit Organization
ESG Subgrant or Contract Award Amount: 686779

Subrecipient or Contractor Name: Easter Seals NH, Inc.
City: Manchester
State: NH
Zip Code: 03103, 4803
DUNS Number: 085573467
Is subrecipient a victim services provider: N
Subrecipient Organization Type: Other Non-Profit Organization
ESG Subgrant or Contract Award Amount: 531309

Subrecipient or Contractor Name: Front Door Agency
City: Nashua
State: NH
Zip Code: 03064, 2328
DUNS Number: 879861474
Is subrecipient a victim services provider: N
Subrecipient Organization Type: Other Non-Profit Organization
ESG Subgrant or Contract Award Amount: 465547

Subrecipient or Contractor Name: Institute for Community Alliances
City: Des Moines
State: IA
Zip Code: 50314, 2527
DUNS Number: 149341732
Is subrecipient a victim services provider: N
Subrecipient Organization Type: Other Non-Profit Organization
ESG Subgrant or Contract Award Amount: 85000

Subrecipient or Contractor Name: The Mental Health Center of Greater Manchester
City: Manchester
State: NH
Zip Code: 03103, 3628
DUNS Number: 081249823
Is subrecipient a victim services provider: N
Subrecipient Organization Type: Other Non-Profit Organization
ESG Subgrant or Contract Award Amount: 1092314

Subrecipient or Contractor Name: Hundred Nights, INC
City: Keene
State: NH
Zip Code: 03431, 3641
DUNS Number: 079746802
Is subrecipient a victim services provider: N
Subrecipient Organization Type: Other Non-Profit Organization
ESG Subgrant or Contract Award Amount: 132081

Subrecipient or Contractor Name: Helping Hands Ministries Inc
City: Manchester
State: NH
Zip Code: 03101, 1635
DUNS Number: 780126991
Is subrecipient a victim services provider: N
Subrecipient Organization Type: Other Non-Profit Organization
ESG Subgrant or Contract Award Amount: 120690

Subrecipient or Contractor Name: Waypoint
City: Manchester
State: NH
Zip Code: 03101, 1804
DUNS Number: 095505905
Is subrecipient a victim services provider: N
Subrecipient Organization Type: Other Non-Profit Organization
ESG Subgrant or Contract Award Amount: 109385

Subrecipient or Contractor Name: New Generation
City: Greenland
State: NH
Zip Code: 03840, 2234
DUNS Number: 960659241
Is subrecipient a victim services provider: N
Subrecipient Organization Type: Other Non-Profit Organization
ESG Subgrant or Contract Award Amount: 82983

Subrecipient or Contractor Name: Marguerites Place
City: Nashua
State: NH
Zip Code: 03060, 3828
DUNS Number: 861103687
Is subrecipient a victim services provider: N
Subrecipient Organization Type: Other Non-Profit Organization
ESG Subgrant or Contract Award Amount: 86740

Subrecipient or Contractor Name: Seacoast Family Promise
City: Exeter
State: NH
Zip Code: 03833, 4842
DUNS Number: 016445117
Is subrecipient a victim services provider: N
Subrecipient Organization Type: Other Non-Profit Organization
ESG Subgrant or Contract Award Amount: 52828

CR-65 - Persons Assisted

4. Persons Served

4a. Complete for Homelessness Prevention Activities

Number of Persons in Households	Total
Adults	129
Children	96
Don't Know/Refused/Other	2
Missing Information	0
Total	**227**

Table 16 – Household Information for Homeless Prevention Activities

4b. Complete for Rapid Re-Housing Activities

Number of Persons in Households	Total
Adults	225
Children	137
Don't Know/Refused/Other	1
Missing Information	0
Total	**363**

Table 17 – Household Information for Rapid Re-Housing Activities

4c. Complete for Shelter

Number of Persons in Households	Total
Adults	3,191
Children	600
Don't Know/Refused/Other	3
Missing Information	1
Total	**3,795**

Table 18 – Shelter Information

4d. Street Outreach

Number of Persons in Households	Total
Adults	548
Children	14
Don't Know/Refused/Other	95
Missing Information	0
Total	**657**

Table 19 – Household Information for Street Outreach

4e. Totals for all Persons Served with ESG

Number of Persons in Households	Total
Adults	4,093
Children	847
Don't Know/Refused/Other	101
Missing Information	1
Total	**5,042**

Table 20 – Household Information for Persons Served with ESG

5. Gender—Complete for All Activities

	Total
Male	2,868
Female	2,048
Transgender	14
Don't Know/Refused/Other	112
Missing Information	0
Total	**5,042**

Table 21 – Gender Information

6. Age—Complete for All Activities

	Total
Under 18	847
18-24	405
25 and over	3,685
Don't Know/Refused/Other	7
Missing Information	98
Total	**5,042**

Table 22 – Age Information

7. Special Populations Served—Complete for All Activities

Number of Persons in Households

Subpopulation	Total	Total Persons Served – Prevention	Total Persons Served – RRH	Total Persons Served in Emergency Shelters
Veterans	152	10	25	117
Victims of Domestic Violence	733	14	45	674
Elderly	250	10	16	224
HIV/AIDS	41	0	0	41
Chronically Homeless	916	0	72	844
Persons with Disabilities:				
Severely Mentally Ill	1,457	40	123	1,294
Chronic Substance Abuse	230	2	14	214
Other Disability	1,915	51	190	1,674
Total (Unduplicated if possible)	5,701	134	485	5,082

Table 23 – Special Population Served

CR-70 – ESG 91.520(g) - Assistance Provided and Outcomes

8. Shelter Utilization

Number of New Units - Rehabbed	0
Number of New Units - Conversion	0
Total Number of bed-nights available	307,130
Total Number of bed-nights provided	261,203
Capacity Utilization	85.05%

Table 24 – Shelter Capacity

9. Project Outcomes Data measured under the performance standards developed in consultation with the CoC(s)

1.) Performance Benchmark: Reduce the length of time program participants spend homeless. For a program to meet this performance benchmark, households served by the program should move into permanent housing in an average of 30 days or less. The average length of time for ESG households from project entry of the homelessness experience to permanent housing placement was 41 Days.
2.) Performance Benchmark #2: Permanent housing success rates. For a program to meet this performance benchmark, at least 80 percent of households that exit a rapid rehousing program should exit to permanent housing. The average percentage of ESG Rapid Rehousing households exiting to permanent housing placements upon program exit was 72%
3.) Performance Benchmark #3: Successful Placement in, or Retention of Permanent Housing: For a program to meet this performance benchmark, at least 90 percent of households that exit a prevention program should retain permanent housing at program exit. The average percentage of ESG Prevention households exiting the program with housing retention was 88%.
4.) Performance Benchmark #4: The extent to which individuals who exit homelessness into permanent housing destinations return to homelessness: This benchmark measures the returns from PH back into homelessness within 12 months. The average percentage of returns into homelessness for ESG households are: Street Outreach 6%, Emergency Shelter 4%, Rapid Rehousing 2%

CR-75 – Expenditures

11. Expenditures

11a. ESG Expenditures for Homelessness Prevention

	Dollar Amount of Expenditures in Program Year		
	2018	**2019**	**2020**
Expenditures for Rental Assistance	181,073	180,848	131,605
Expenditures for Housing Relocation and Stabilization Services - Financial Assistance	0	0	10,885
Expenditures for Housing Relocation & Stabilization Services - Services	98,714	102,149	64,747
Expenditures for Homeless Prevention under Emergency Shelter Grants Program	0	0	0
Subtotal Homelessness Prevention	**279,787**	**282,997**	**207,237**

Table 25 – ESG Expenditures for Homelessness Prevention

11b. ESG Expenditures for Rapid Re-Housing

	Dollar Amount of Expenditures in Program Year		
	2018	**2019**	**2020**
Expenditures for Rental Assistance	343,755	371,524	87,722
Expenditures for Housing Relocation and Stabilization Services - Financial Assistance	0	0	8,787
Expenditures for Housing Relocation & Stabilization Services - Services	173,697	175,364	34,338
Expenditures for Homeless Assistance under Emergency Shelter Grants Program	0	0	0
Subtotal Rapid Re-Housing	**517,452**	**546,888**	**130,847**

Table 26 – ESG Expenditures for Rapid Re-Housing

11c. ESG Expenditures for Emergency Shelter

	Dollar Amount of Expenditures in Program Year		
	2018	**2019**	**2020**
Essential Services	0	0	648,023
Operations	0	0	492,202
Renovation	0	0	130,445
Major Rehab	0	0	0
Conversion	0	0	0
Subtotal	**0**	**0**	**1,270,670**

Table 27 – ESG Expenditures for Emergency Shelter

11d. Other Grant Expenditures

	Dollar Amount of Expenditures in Program Year		
	2018	**2019**	**2020**
Street Outreach	0	0	579,624
HMIS	52,000	81,007	43,419
Administration	65,266	67,596	58,192

Table 28 - Other Grant Expenditures

11e. Total ESG Grant Funds

Total ESG Funds Expended	2018	2019	2020
	914,505	978,488	2,289,989

Table 29 - Total ESG Funds Expended

11f. Match Source

	2018	2019	2020
Other Non-ESG HUD Funds	0	0	0
Other Federal Funds	0	0	0
State Government	0	0	0
Local Government	0	0	0
Private Funds	0	0	0
Other	200,652	196,433	152,632
Fees	0	0	0
Program Income	0	0	0
Total Match Amount	**200,652**	**196,433**	**152,632**

Table 30 - Other Funds Expended on Eligible ESG Activities

11g. Total

Total Amount of Funds Expended on ESG Activities	2018	2019	2020
	1,115,157	1,174,921	2,442,621

Table 31 - Total Amount of Funds Expended on ESG Activities

Attachments

Public Comment Period



Page A8 - NEW HAMPSHIRE UNION LEADER - Friday, September 10, 2021

Legal Notice

TOWN OF DERRY
PUBLIC NOTICE

The Derry Town Council will hold a public hearing on Tuesday, September 21, 2021 at 7:00 PM at the Derry Municipal Center, 14 Manning Street to:

- Apply for, accept and expend $25,428 derived from NH Highway Safety Agency Grants and to enter into agreements with the State of New Hampshire as may be necessary to finalize receipt of this grant funding for the following programs:

a) Speed Enforcement Patrols
b) DUI Enforcement Patrols
c) Distracted Driving Patrols
d) Pedestrian/Bicycle Patrols
e) Join the NH Clique Patrols
f) Drive Sober or Get Pulled Over Patrols
g) U Drive, U Text, U Pay Patrols

David R. Caron
Town Administrator

[UL - Sept. 10]

Going Online?
See more public notices at
www.unionleader.com

Legal Notice

MORTGAGEE'S NOTICE OF SALE OF REAL PROPERTY

By virtue and in execution of the Power of Sale contained in a certain mortgage given by **Deepak A. Gurnhaney** (the "Mortgagor") to Mortgage Electronic Registration Systems, Inc., as nominee for GMAC Mortgage Corporation **and now held by Federal National Mortgage Association** (the "Mortgagee"), said mortgage dated December 18, 2002, and recorded with the Hillsborough County Registry of Deeds in Book 6856 at Page 0067 (the "Mortgage"), pursuant to and for breach of the conditions in said Mortgage and for the purpose of foreclosing the same will be sold at:

Public Auction
On
November 05, 2021 at 1:00 PM

Said sale to be held directly in front of the building in which the unit is located on the mortgaged premises described in said mortgage and having a present address of 3 Pitford Way, Unit #30, Nashua, Hillsborough County, New Hampshire.

Said Unit will be conveyed together with an undivided percentage interest in the Common Elements of said Condominium appurtenant to said Unit and together with all rights, easements, covenants and agreements as contained and referred to in the Declaration of Condominium, as amended.

NOTICE

PURSUANT TO NEW HAMPSHIRE RSA 479:25, YOU ARE HEREBY NOTIFIED THAT YOU HAVE A RIGHT TO PETITION THE SUPERIOR COURT FOR THE COUNTY IN WHICH THE MORTGAGED PREMISES ARE SITUATED, WITH SERVICE UPON THE MORTGAGEE, AND UPON SUCH BOND AS THE COURT MAY REQUIRE TO ENJOIN THE SCHEDULED FORECLOSURE SALE.

YOU ARE ALSO NOTIFIED THAT THE ADDRESS OF THE MORTGAGEE FOR SERVICE OF PROCESS IS: 14221 DALLAS PARKWAY, SUITE 1000, DALLAS, TX 75254-2916. THE NAME OF THE MORTGAGEE'S AGENT FOR SERVICE OF PROCESS IS: TODD BARTON, C/O FEDERAL NATIONAL MORTGAGE ASSOCIATION (FANNIE MAE), LEGAL DEPARTMENT, INTERNATIONAL PLAZA.

For information on getting help with housing and foreclosure issues, please call the foreclosure information hotline at 1-800-437-5991. The hotline is a service of the New Hampshire banking department. There is no charge for this call. The contact information for the New Hampshire banking department is 53 Regional Drive, Suite 200, Concord, NH 03301, with an email address of nhhd@banking.nh.gov.

The Property will be sold subject to all unpaid real estate taxes and all other liens and encumbrances, which may be entitled to precedence over the Mortgage. Notwithstanding any title information contained in this notice, the Mortgagee expressly disclaims any representations as to the state of the title to the Property involved as of the date of the notice of the date of sale. The property to be sold at the sale is "AS IS WHERE IS".

TERMS OF SALE

A deposit of Five Thousand ($5,000.00) Dollars in the form of a certified check, bank treasurer's check or other check satisfactory to Mortgagee's attorney will be required to be delivered at or before the time a bid is offered. The successful bidder(s) will be required to execute a purchase and sale agreement immediately after the close of the bidding. The balance of the purchase price shall be paid within sixty [60] days from the sale date in the form of a certified check, bank treasurer's check or other check satisfactory to Mortgagee's attorney. The Mortgagee reserves the right to bid at the sale, to reject any and all bids, to continue the sale and to amend the terms of the sale by written or oral announcement made before or during the foreclosure sale.

Dated at Farmington, CT on September 9, 2021

Federal National Mortgage Association
By its Attorney,
/s/ Mark Lamper
Bendett & McHugh, P.C.
270 Farmington Avenue, Ste. 151
Farmington, CT 06032
(860) 677-2868

[UL - Sept. 10, 17, 24]

Legal Notice

THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
SUPERIOR COURT
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Rockingham County Courthouse
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TTY/TDD Relay: (800) 735-2964
http://www.courts.state.nh.us
CITATION FOR PUBLICATION
Superior Court Rule 4(d)
Case Name:
Jean M. Gagnon v Constance Gagnon, et al
Case Number:
218-2021-cv-00573

The above entitled action is now pending in this Court. The original pleading is on file and may be examined by interested parties. The Court has issued an Order for Service by Publication on defendant(s) Pantipa Taylor; Steven Taylor; Unknown Heirs of Richard Taylor Jr.

The Court ORDERS:

Jean M. Gagnon shall give notice to Pantipa Taylor; Steven Taylor; Unknown Heirs of Richard Taylor Jr. of this action by publishing a verified copy of this Citation for Publication once a week for three successive weeks in the Union Leader, a newspaper of general circulation City Courthouse this publication shall be on or before October 15, 2021.

Also, **ON OR BEFORE**
30 days after the last publication - Pantipa Taylor; Steven Taylor; Unknown Heirs of Richard Taylor Jr. shall electronically file an Appearance and Answer or other responsive pleading with this Court. A copy of the Appearance and Answer or other responsive pleading must be sent electronically to the party/parties listed below.

November 05, 2021 - Jean M. Gagnon shall electronically file the Return of Publication with this Court. Failure to do so may result in this action being dismissed without further notice.

Notice to Pantipa Taylor; Steven Taylor; Unknown Heirs of Richard Taylor Jr.: If you are working with an attorney, they will guide you on the next steps. If you are going to represent yourself in this action, go to the court's website: www.courts.state.nh.us, select the Electronic Services Icon and then select the option for a self-represented party. Complete the registration/log in process then select "I am filing into an existing case". Enter the case number above and click Next. Follow the instructions to complete your filing.

Once you have responded to the Complaint, you can access documents electronically filed through our Case Access Portal by going to https://odyssa.nhecourt.us/portal and following the instructions in the User Guide. In that process you will register, validate your email, request access and approval to view your case. After your information is validated by the court, you will be able to view case information and documents filed in your case.

If you do not comply with these requirements, you will be considered in default and the Court may issue orders that affect you without your input.

Send copies to: Clifford P. Gallant, Jr., ESQ., Bellveau Fradette & Gallant PA 91 Bay St., Manchester, NH 03104.

BY ORDER OF THE COURT
August 31, 2021
Jennifer M. Haggar
Clerk of Court

(504)
[UL - Sept. 3, 10, 17)

Legal Notice

THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
SUPERIOR COURT
Carroll Superior Court
96 Water Village Rd., Box 3
Ossipee NH 03864
Telephone: 1-855-212-1234
TTY/TDD Relay: (800) 735-2964
http://www.courts.state.nh.us
CITATION FOR PUBLICATION
COMPLAINT TO QUIET TITLE
Superior Court Rule 4(d)
Case Name: **Cerise H Lim Jacobs as Trustee of the Lim Epstein Nominee Trust, et al v Any Unknown Entities or Individuals Claiming Any Ownership Interest**
Case Number:
212-2021-CV-00113
Date Complaint Filed: August 10, 2021

A Complaint to Quiet Title to a certain tract of land with any attached buildings located in Moultonborough, in the State of New Hampshire has been filed with this court. The property is described as follows:

Albert Street, Moultonborough, NH, Tax Map 112, Lot 12

The Court ORDERS:

Cerise H Lim Jacobs as Trustee of the Lim Epstein Nominee Trust; Geoffrey N Epstein as Trustee of the Lim Epstein Nominee Trust shall give notice to Any Unknown Entities or Individuals Claiming Any Ownership Interest of this action by publishing a verified copy of this Citation for Publication once a week for three successive weeks in the Union Leader, a newspaper of general circulation. The last publication shall be on or before October 04, 2021.

Also, **ON OR BEFORE**
30 days after the last publication - Any Unknown Entities or Individuals Claiming Any Ownership Interest shall electronically file an Appearance and Answer or responsive pleading with this court. A copy of the Appearance and Answer or other responsive pleading must be sent electronically to the party/parties listed below.

October 25, 2021 - Cerise H Lim Jacobs as Trustee of the Lim Epstein Nominee Trust; Geoffrey N Epstein as Trustee of the Lim Epstein Nominee Trust shall electronically file the Return of Publication with this Court. Failure to do so may result in this action being dismissed without further notice.

Notice to Any Unknown Entities or Individuals Claiming Any Ownership Interest: If you are working with an attorney, they will guide you on the next steps. If you are going to represent yourself in this action, go to the court's website: www.courts.state.nh.us, select the Electronic Services Icon and then select the option for a self-represented party. Complete the registration/log in process then select "I am filing into an existing case". Enter the case number above and click Next. Follow the instructions to complete your filing.

Once you have responded to the Complaint, you can access documents electronically filed through our Case Access Portal by going to https://odyssa.nhecourt.us/portal and following the instructions in the User Guide. In that process you will register, validate your email, request access and approval to view your case. After your information is validated by the court, you will be able to view case information and documents filed in your case.

If you do not comply with these requirements, you will be considered in default and the Court may issue orders that affect you without your input.

Send copies to:
Leigh S. Willey, ESQ
Boutin Law PLLC
118 Main Street
PO Box 1013
Meredith NH 03253
Jonathan M. Boutin
Boutin Law PLLC
1 Buttrick Road
PO Box 1177
Londonderry NH 03053
Any Unknown Entities or Individuals Claiming Any Ownership Interest
No Known Address

BY ORDER OF THE COURT
August 20, 2021
Abigail Albee
Clerk of Court

(1075)
[UL - Aug. 27; Sept. 3, 10]

Legal Notice

NOTICE OF PUBLIC HEARING

The New Hampshire Housing and Community Development Planning Council has a developed a DRAFT Consolidated Annual Performance Evaluation Report (CAPER) for submission to HUD 90 days after the end of our program year which was June 30, 2021. The CAPER details all the activities undertaken by agencies that administer certain federal funds during the previous year. These funds include: HOME Investment Partnerships Program, National Housing Trust Fund, Community Development Block Grant, and Emergency Solutions Grant funds received from the US Department of Housing and Urban Development. The Council and the three agencies administering the funds, (New Hampshire Housing Finance Authority, New Hampshire Community Development Finance Authority, and the New Hampshire Department of Health and Human Services, Bureau of Housing Supports) will post the 2020 CAPER on our website for public comment before the report is submitted to HUD. The Draft CAPER will be available for review Monday September 13, 2021 at https://www.nhhfa.org/publications-data/nh-consolidated-planning-for-hud/. Printed copies are available upon request to members of the general public lacking internet access.

Comments will be accepted until 5pm Monday, September 27, 2021. Comments may be emailed to clavallee@nhhfa.org.

[UL - Sept. 10]

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JOIN OUR TEAM

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The Circulation Dept. is hiring drivers to deliver the New Hampshire Union Leader and NH Sunday News in the **Manchester and Nashua area and surrounding towns.**

This position is responsible for providing outstanding customer service by ensuring all newspaper deliveries are timely and within established standards. Early morning and/or weekend hours.

$15.00/hour plus tips and mileage

Qualifications Include:

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- Must be capable of lifting up to 30 pounds.
- Familiarity with a smart phone and/or tablet technologies.

E-mail Sarah Neveu at sneveu@unionleader.com

NEW HAMPSHIRE UNION LEADER
Open up New Hampshire.

Join the parade of motorcycles as it makes its way from Concord to Manchester for this Christmas tradition. The procession will leave promptly at 1 p.m. from the Department of Safety parking lot on Hazen Drive. Motorcyclists will end at HK Powersports, 1354 Hooksett Road, Hooksett, NH, where they can drop off toys and enjoy hot dogs and hamburgers.

- Public welcome! You don't need to have a motorcycle to stop by.
- **FREE!** Just bring a new, unwrapped toy for a child in need this Christmas season.
- Rain or shine.
- Santa will be joining us!

For sponsorship opportunities or for information:
Betty: 490-0807 or Traci: 714-4242
New Hampshire Motorcycle Rights Organization

NEW HAMPSHIRE UNION LEADER

DON'T MISS
THIS WEEKEND'S
ISSUE

NEW HAMPSHIRE SUNDAY NEWS

NEW HAMPSHIRE HOUSING

MEMORANDUM

TO: HUD, CPD Office

FROM: State of New Hampshire

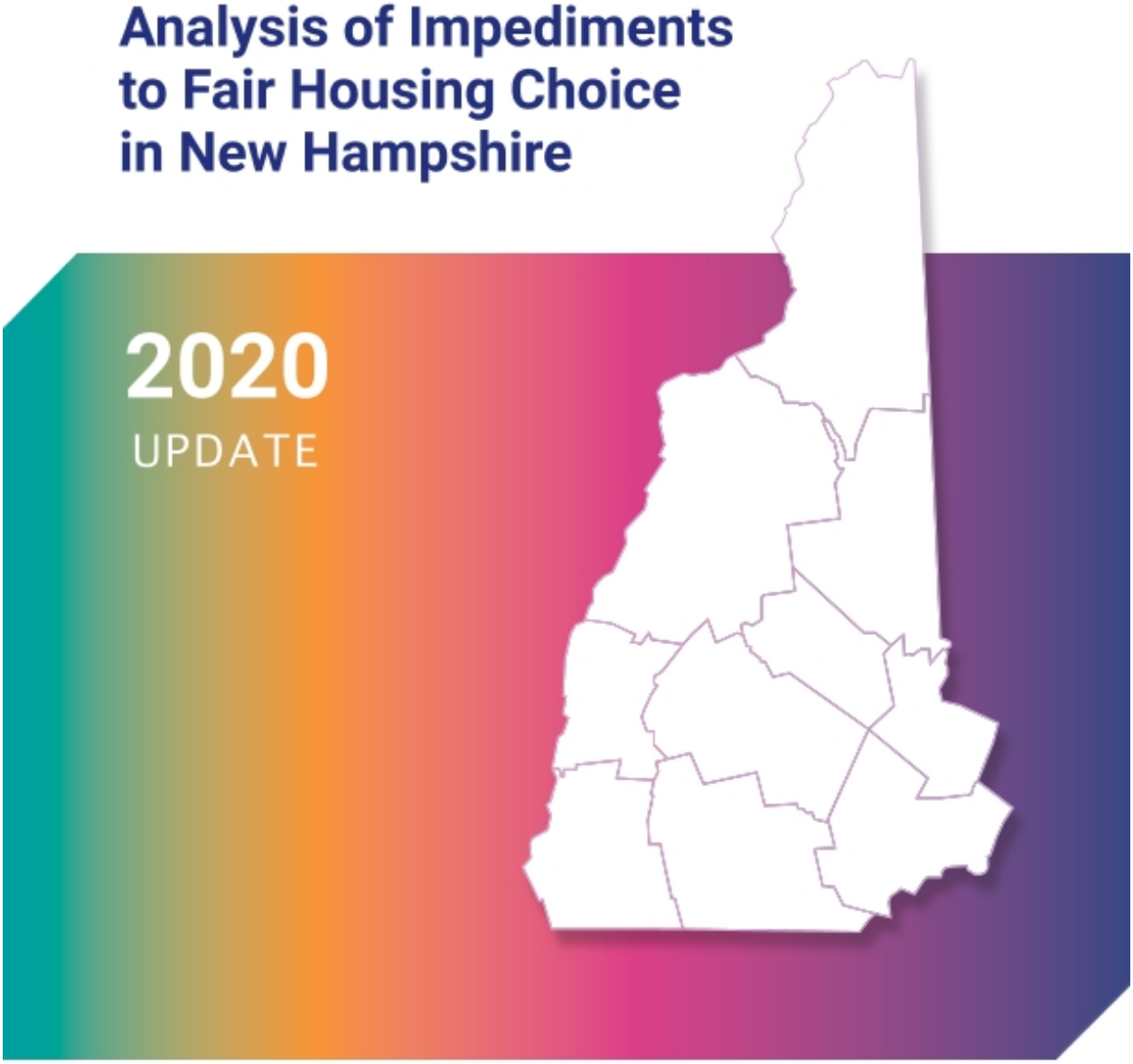
DATE: October 29, 2021

RE: 2020 CAPER – Public Comment Period

A notice stating the 15-day public comment period for the 2020 CAPER was published on September 10, 2021. No comments were received during this time, or after, regarding the 2020 CAPER.

NEW HAMPSHIRE HOUSING FINANCE AUTHORITY
32 Constitution Drive, Bedford, NH 03110 | 603.472.8623
Mail: PO Box 5087, Manchester, NH 03108 | NHHFA.org

Analysis of Impediments to Fair Housing



Analysis of Impediments to Fair Housing Choice in New Hampshire 2020 Update

May 2021

Prepared for New Hampshire Housing Finance Authority and
New Hampshire Community Development Finance Authority
by New Hampshire Legal Assistance

The publication of the 2020 Update to the *Analysis of Impediments to Fair Housing Choice in New Hampshire (2020 AI)* marks the fifth Analysis conducted since 1996 when the Office of State Planning issued the original Analysis of Impediments (AI). By 2004, New Hampshire Housing Finance Authority (NHHFA) had taken responsibility for evaluating barriers to housing opportunity and published an update to the AI. In 2010, New Hampshire Community Development Finance Authority (CDFA) also began supporting publication of the AI. The most recent update was published in 2015. New Hampshire Legal Assistance (NHLA), under contract with NHHFA and CDFA, has produced all four of the updates.

Scope of Investigation

In preparing the 2020 AI Report, the following activities were undertaken:

1. Thirty-year review of affirmatively furthering fair housing in the state
2. Demographic analyses;
3. Evaluation of areas of high poverty and racial/ethnic concentrations;
4. A focus group and a set of one-on-one interviews with community members;
5. A survey of the state's Public Housing Authorities (PHAs);
6. Analysis of the housing barriers facing residents with serious mental illness;
7. Research into legal developments at the federal and state level;
8. Compilation of fair housing resources;
9. Review of hate crime data;
10. Compilation of housing discrimination complaint data;
11. Summaries of impediments faced by particular protected class groups;
12. Identification of additional impediments
13. Review of the progress made on addressing impediments identified in the prior AI;
14. Analysis of the impact of the COVID-19 pandemic on protected class members;
15. Study of the racial justice movement in New Hampshire; and
16. Preparation of supplemental materials in the report appendix.



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info@nhhfa.org

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PART I: OVERVIEW OF 2020 UPDATE

A. INTRODUCTION

The Fair Housing Act (FHA)[1] was passed by Congress in 1968 in the weeks following the assassination of Dr. Martin Luther King, Jr., and sought to address pervasive housing discrimination. The FHA originally prohibited housing discrimination on the basis of race, color, national origin, and religion. In 1974, the FHA was amended to prohibit discrimination on the basis of sex. Disability and familial status protections were added in 1988. New Hampshire enacted its own housing discrimination law, the Law Against Discrimination,[2] in 1965. State protected classes include the seven classes protected at the federal level, as well as age, marital status, sexual orientation, and the most recently added class of gender identity.

These laws protect class members' equal access to and use of housing. Despite the several decades that have passed since these laws were enacted, housing discrimination has not been eradicated. Over the years, forms of discrimination have become more subtle, and there are continued barriers to access and opportunity for many members of our society. Patterns of segregation persist in the country and in the state of New Hampshire. States and particularly the federal government continue to devote resources and funds to root out and eliminate discrimination.

At the federal level, the U.S. Department of Housing and Urban Development (HUD) is the primary agency charged with implementation and enforcement of the FHA. The FHA mandates that HUD "administer the programs and activities relating to housing and urban development in a manner affirmatively to further the policies" of the FHA.[3] This requirement is known as the obligation to affirmatively further fair housing (AFFH). Recipients of federal housing and community development funds are required to conduct an assessment of fair housing issues within their jurisdictions and take actions to overcome historic patterns of segregation and discrimination to achieve integrated communities.

The obligation to conduct assessments of fair housing issues has taken multiple forms, including conducting an Analysis of Impediments to Fair Housing Choice (AI) and a newer Assessment of Fair Housing (AFH) approach, which is based on an AFFH rule finalized by HUD in 2015. The AFFH rule staggered implementation of the rule's AFH requirement for different jurisdictions over several years. Most recently, in 2020, HUD terminated the 2015 AFFH rule and issued a new rule, called Preserving Community and Neighborhood Choice.[4] With a new incoming federal administration, it is likely that AFFH regulations will again be changed.

Identification and analysis of barriers to equal access to housing and to community assets is crucial to a state's ability to overcome discrimination and segregation. Like with the 2015 AI, this update includes analysis of racially/ethnically concentrated areas of poverty and of structural impediments to fair housing in the state. As ever, New Hampshire must be prepared to meet the challenges to equal access and opportunity for all. This 2020 Update to the Analysis of Impediments to Fair Housing Choice (2020 AI) provides residents, government officials, policy

[1] 42 U.S.C. § 3601 *et seq.*
[2] N.H. R.S.A. § 354-A.
[3] 42 U.S.C. § 3608(e)(5).
[4] Preserving Community and Housing Choice, 85 Fed. Reg. 47899 (Aug. 7, 2020).

leaders, and advocates with a roadmap for addressing the housing discrimination and other barriers to opportunity that still exist in the state.

B. EXECUTIVE SUMMARY

The publication of the 2020 Update to the Analysis of Fair Housing in New Hampshire (2020 AI) marks the fifth Analysis conducted since 1996 when the Office of State Planning issued the original Analysis of Impediments (AI).[5] By 2004, New Hampshire Housing Finance Authority (NHHFA) had taken responsibility for evaluating barriers to housing opportunity and published an update to the AI.[6] In 2010, New Hampshire Community Development Finance Authority (CDFA) also began supporting publication of the AI.[7] The most recent update was published in 2015.[8] New Hampshire Legal Assistance (NHLA), under contract with NHHFA and CDFA, has produced all four of the updates.

Scope of Investigation

In preparing the 2020 AI, the following activities were undertaken:

1. Thirty-year review of affirmatively furthering fair housing in the state;
2. Demographic analyses;
3. Evaluation of areas of high poverty and racial/ethnic concentrations;
4. A focus group and a set of one-on-one interviews with community members;
5. A survey of the state's Public Housing Authorities (PHAs);
6. Analysis of the housing barriers facing residents with serious mental illness;
7. Research into legal developments at the federal and state level;
8. Compilation of fair housing resources;
9. Review of hate crime data;
10. Compilation of housing discrimination complaint data;
11. Summaries of impediments faced by particular protected class groups;
12. Identification of additional impediments;
13. Review of the progress made on addressing impediments identified in the prior AI;

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[5] *Comprehensive Fair Housing Plan*, Office of State Planning (Mar. 1996) [hereinafter *1996 AI*].
[6] *Analysis of Impediments to Fair Housing in New Hampshire 2004 Update*, New Hampshire Housing Finance Authority (2004).
[7] *Analysis of Impediments to Fair Housing Choice in New Hampshire 2010 Update*, New Hampshire Housing Finance Authority and New Hampshire Community Development Finance Authority (2010).
[8] *2015 Analysis of Impediments to Fair Housing Choice*, New Hampshire Housing Finance Authority and New Hampshire Community Development Finance Authority (2015), https://www.nhhfa.org/wp-content/uploads/2019/06/Analysis_Impediments_FHC.pdf [hereinafter *2015 AI*].

14. Analysis of the impact of the COVID-19 pandemic on protected class members;
15. Study of the racial justice movement in New Hampshire; and
16. Preparation of supplemental materials in the report appendix.

This update includes an expansive look back at the past thirty years of fair housing analysis and enforcement in the state. It describes the analysis of areas in the state where higher concentrations of members of racial and/or ethnic minority groups and higher levels of poverty intersect. It examines those areas through the lens of access to opportunity and community assets. It shares the results from one focus group with Brazilian community members and a set of interviews with members of the state's Muslim communities, as well as a survey of New Hampshire's Public Housing Authorities (PHAs). It also includes a section on the progress made since the *Amanda D.* case was brought against the state on behalf of persons with serious mental illness to challenge the state's institutionalization practices and ensure these individuals have a realistic opportunity of residing in their communities.

This update continues to survey new legal developments at the federal and state level, discusses challenges facing protected class members, reviews fair housing discrimination complaint data, identifies existing fair housing impediments, and analyzes the progress made to address the impediments identified in the 2015 AI. Finally, it includes two additional sections: one about the effects of the COVID-19 pandemic on protected class groups and low-income people, and one on the quest for racial justice in New Hampshire.

Findings

Significant impediments continue to impact housing choice for protected class members in the Granite State, although important progress has been made. In Part II, review of the past thirty years of fair housing analysis and enforcement provides context for and acknowledgement of the fact that many impediments are engrained within our societal structures, such as income inequality and persistent disparities based on race and ethnicity. It also recognizes that advocacy, legislative efforts, and collaboration among various stakeholders have addressed some of the barriers. For example, additional housing legal protections have been added for survivors of domestic violence and gender identity has been added to the state's Law Against Discrimination.

Part II also includes assessment of concentrations of poverty and members of racial and/or ethnic minority groups at the census tract level. Unfortunately, this analysis reveals that a census tract in Manchester now qualifies as a HUD-defined racially or ethnically concentrated area of poverty (R/ECAP). Additionally, in each census tract analyzed, poverty rates were higher than the statewide rate and household incomes were lower. Beyond income and public benefit enrollment, access to community assets was also substantially limited when compared to statewide figures. On the whole, individuals living in these areas within the state face barriers to quality education, greater exposure to environmental hazards, and limited chance of future economic mobility.

Part II concludes with discussions and input from community members and from the state's Public Housing Authorities (PHAs). The section on Targeted Community Input includes reports from a focus group with Brazilians in Nashua and from interviews with Muslims across the state. People from both groups described knowing of or personally encountering incidents of disparate treatment based on their nationality, race, or religion. Most individuals did not report wrongs committed against them or seek assistance in enforcing their rights. The PHAs reported

on challenges to implementing fair housing policies and practices as well as the multitude of changes on their operations brought about by the COVID-19 pandemic, including creation of some innovative programs to assist struggling tenants.

Part III focuses on housing discrimination and other barriers facing individuals with serious mental illness and discusses the state's duty to ensure these individuals are integrated within the community and receive adequate and appropriate community-based supports. The comprehensive class settlement agreement that was the result of a suit against the state on behalf of plaintiffs with serious mental illness represents a truly significant advancement of their civil rights. Unfortunately, the state is not yet fully meeting its obligations under the agreement (*see* pp. 89–90 for further information on this topic).

Part IV discusses the various developments in both federal and state housing discrimination law as well as developments that affect protected class members directly or indirectly. There were a range of federal regulatory changes during this period, most regrettably negative, including termination of the AFFH rule, harmful changes to the FHA disparate impact rule, and anti-immigrant legislation including the "mixed-status" rule and the public charge rule. At the state level, the most significant developments were the addition of gender identity as a protected class to the state's discrimination laws, enhancements to the state's lead poisoning prevention laws, and litigation challenging the state's implementation of Medicaid work requirements.

Part V reviews federal and state fair housing resources and fair housing complaint data from HUD, the HRC, and NHLA. This data reveals that NHLA handles far more fair housing complaints that any other entity in the state and that disability remains the protected class with the most reported cases of discrimination. The section includes an analysis of hate crimes and bias incidents in New Hampshire and discusses examples of discrimination in our state. Part V discusses the various protected class groups and particular challenges facing them and concludes with identification of still existing impediments and a report on the actions and progress that have occurred since the last AI update.

Part VI provides an overview of the impact of the global COVID-19 pandemic on the state, with a particular focus on the acute effects on members of certain protected class groups. The section also reports on feedback from advocates in various legal and social service positions about the impacts they have seen in their client communities.

Part VII examines the racial justice movement in New Hampshire brought about by the killing of George Floyd in Minneapolis, MN, and reviews the impact of that incident on the people of New Hampshire. It includes a compilation of remarks from Black community leaders.

Finally, the 2020 AI closes with Part VIII's recommendations designed to address the obstacles to achieving equity in our state.

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PART II: 2020 OPPORTUNITY ANALYSIS

A. AFFIRMATIVELY FURTHERING FAIR HOUSING: THIRTY YEARS OF FAIR HOUSING WORK AND ANALYSIS IN NEW HAMPSHIRE (1990–2020)

1. Introduction

New Hampshire's first AI was published in 1996. Updates followed in 2004, 2010, and 2015. This publication represents the fifth edition of the AI. NHLA has prepared the last four AIs, including this one. We now have thirty years of information and analysis which we can use to track progress made and report on the work yet to be done. Preparation of the AIs has allowed us to better understand that many impediments are deeply rooted within our societal structures and to acknowledge that many challenges stubbornly remain. The AIs serve as a tool for state agency planning and as a resource for communities throughout the state.

All of the AIs have attempted to make a comprehensive review of the various factors that create obstacles to fair housing opportunity. With each addition, the analysis has become broader and deeper with the realization that most of the impediments are structural. Data on discrimination complaints is a key component of every report and is crucial to understanding the nature and incidence of housing discrimination in New Hampshire. Every AI has included input from stakeholders ranging from members of protected class groups and tenants to housing and social service providers. Formats have included focus groups, surveys, and interviews. A review of fair housing resources and materials has also been a consistent component of the AI reports.

Recognizing that housing discrimination occurs within the context of societal mores and structures, AI research expanded to review trends and data beyond complaint numbers. Beginning with the 2004 edition, the AI reports have included reports on notable legal developments and in-depth review of protected class discrimination features and trends. Since 2004, each report has focused on the economic disadvantages disproportionately and systematically experienced by protected class group members. Starting with the 2010 AI, inclusion of New Hampshire hate crime information has added a new dimension to the reports. The 2015 and 2020 AIs include comprehensive opportunity analyses of poor neighborhoods with higher concentrations of individuals in racial and ethnic minority groups that once again verified that communities of color still face very real disadvantages.[9]

The centerpiece of each AI is the identification of the impediments and progress reports addressing them. The list of impediments has grown over the years. Some identified impediments like "land use controls" appear in every AI from the 2004 edition on, as does "housing for older persons," "mortgage lending," and "economic factors." Although many of the impediments involve conditions beyond the direct purview or control of the entities responsible for producing the AI, efforts have been invested and progress has been achieved.

Advocacy, legislative efforts, and collaborative work have addressed some of the barriers. For instance, the 2004 AI listed "regulation of Manufactured Housing Parks" (MHPs) as

[9] We recognize that different people may describe their racial and/or ethnic identities in different ways. Throughout this report, we have made every effort to use terms that we understand, from research and consultation, are accepted within the various communities we describe and consistent with the data sources we used.

an impediment largely based on familial status discrimination. At the time, most of the MHPs were privately owned. Now the majority of MHPs have been converted to resident-owned cooperatives. This was largely accomplished through the efforts of the New Hampshire Community Loan Fund as well as NHHFA. In addition to receipt of financing assistance, co-op boards received technical assistance and management training. The result is that the number of MHP evictions and fair housing concerns has declined over the years.

The 2015 AI called for additional housing law protections for domestic violence survivors. Most of those concerns have been addressed through a combination of state and federal law.[10] The 2015 AI also identified the lack of protected class status for transgender persons as an impediment. In 2018, the New Hampshire Legislature amended the Law Against Discrimination to include gender identity as a protected class.[11] These accomplishments are discussed further on pp. 25, 111, and 134.

2. Development and Expansion of Housing Discrimination Law

The express purpose of the FHA is to eradicate racial discrimination and segregation in the housing sector and to promote integration and housing opportunity for all, especially for those groups who have been historically denied. The FHA initially prohibited discrimination based on four protected classes: race, color, national origin, and religion. Sex was added in 1974, and disability and familial status were added in 1988. Although the FHA has not been expanded to include sexual orientation or gender identity as protected classes, there has been success in some jurisdictions in bringing such claims as sex discrimination cases. HUD also instituted the Equal Access Rule which prohibits discrimination in HUD-subsidized housing based on marital status, sexual orientation, and gender identity.[12]

The New Hampshire Legislature enacted its own Law Against Discrimination in 1965 which covered housing, employment, and public accommodations. Significantly, the Law Against Discrimination created the New Hampshire Commission for Human Rights (HRC) to enforce the new civil rights laws. Over the years, the state has added more protected classes than the federal law covers. Currently, state-protected classes include race, color, religion, national origin, sex, familial status, disability, age, marital status, sexual orientation, and gender identity. The statute also prohibits discrimination based on AIDS/HIV.[13] In 2019, the Legislature gave the HRC oversight of public education discrimination.[14]

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[10] The Violence Against Women Act 2013 reauthorization (implemented by HUD regulations in late 2016) strengthened protections in federally subsidized housing for domestic violence survivors and victims of stalking, sexual assault, and dating violence requiring notice to all tenants and applicants of VAWA protections and the ability to request to transfer. In 2010, the New Hampshire Legislature amended its eviction statute to prohibit eviction of survivors of domestic violence, sexual assault, or stalking because of that status (*see* N.H. R.S.A. § 540:2, VII).

[11] N.H. R.S.A. § 354-A:1 *et seq*.

[12] 24 C.F.R. § 5.105.

[13] N.H. R.S.A. § 354-A:10.

[14] N.H. R.S.A. § 354-A:27–28.

3. Affirmatively Furthering Fair Housing Through Analysis and Enforcement

a. Analysis

Since the passage of the FHA, the U.S. Department of Justice (DOJ) and HUD have held primary authority to enforce its provisions. For the first two decades after the enactment of the FHA, HUD was the major architect of fair housing policy and planning. In 1988, Congress passed the Fair Housing Amendments Act (FHAA) which not only expanded the number of federally protected classes, but also strengthened the remedies available to those injured by discrimination. It triggered further efforts to engage states and local communities in advancing fair housing principles and enforcing the provisions of the FHA.[15] The FHAA and subsequent HUD policy developments have had a profound effect on the advancement of fair housing principles throughout the United States, including in New Hampshire.

In the early 1990s, HUD initiated a new policy of "devolution" to shift many of the responsibilities of fair housing planning to state and municipal grantees: "The goal of devolution of responsibility in the area of fair housing means that communities will have the authority and the responsibility to decide the nature and extent of impediments to fair housing and decide what they believe can and should be done to address these impediments."[16] As a consequence of its devolution policy, HUD began requiring jurisdictions that directly receive federal community development funds to prepare a formal analysis of impediments to fair housing (AI). AIs have been a key tool for jurisdictions to meet their obligations to affirmatively further fair housing and to assess barriers to housing opportunity more accurately.[17]

b. Enforcement

In 1995, HUD initiated the Fair Housing Initiatives Program which allowed qualified non-profit organizations to engage in education and outreach efforts as well as to conduct intake and investigation of fair housing claims.[18] In 1996, NHLA applied for and received its first HUD enforcement grant and formed the Fair Housing Project (FHP). Receipt of these funds has had a huge impact on increasing housing opportunity in New Hampshire. The FHP has continued to receive HUD enforcement funding and has investigated and litigated the vast majority of housing discrimination cases in New Hampshire (*see* table on p. 16).

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[15] Fair Housing Amendments Act (FHAA) P.L. 100-430.

[16] *Fair Housing Planning Guide, Vol. 1*, U.S. Dep't of Hous. & Urban Dev., at i (1996), https://www.hud.gov/sites/documents/FHPG.PDF.

[17] In 2015, HUD issued a new regulation on Affirmatively Furthering Fair Housing (the AFFH Rule), 24 C.F.R. Parts 5, 91, 92, *et seq.* (2015). The AFFH Rule required jurisdictions to conduct Assessments of Fair Housing (AFH) using data tools that measure the well-being of communities and identify patterns of segregation and integration and areas of concentrations of poverty. In 2018, HUD suspended implementation of the AFH (*see HUD Indefinitely Suspends AFFH Rule, Suspends Assessment Tool*, NLIHC (May 21, 2018), https://nlihc.org/resource/hud-indefinitely-suspends-affh-rule-withdraws-assessment-tool). In January 2020, HUD issued proposed rules that would significantly scale back the current AFFH Rule (*see* Affirmatively Furthering Fair Housing, 85 Fed. Reg. 2041 (Jan. 14, 2020)). Then, in July 2020, HUD issued its final rule, which repealed the 2015 AFFH regulations (*see* Preserving Community and Housing Choice, *supra* note 4; *Secretary Carson Terminates 2015 AFFH Rule*, Press Release, U.S. Dep't of Hous. & Urban Dev. (July 23, 2020), https://www.hud.gov/press/press_releases_media_advisories/hud_no_20_109).

[18] *See* 24 C.F.R. Part 125.

The FHP's enforcement work has significantly contributed to the development of a vibrant housing discrimination litigation bar, comprised of members of both non-profit and private law firms. It has provided training and expertise on housing discrimination topics throughout the state reaching tenants, home buyers, lawyers, service providers, landlords, property managers, and many others. The FHP's work is particularly important in light of the fact that the state Human Rights Commission has not been eligible to receive HUD enforcement funds and handles only a small number of state-based housing discrimination complaints in any given year, as evidenced by the below chart. (For further information, *see* pp. 138–40 for discussion on New Hampshire's lack of substantial equivalency.)

Total Number of Housing Discrimination Complaints Filed with Organization by Year			
Year	**HUD**	**HRC***	**NHLA**
1994	29	0	***
1995	38	6	***
1996	21	4	13
1997	26	6**	14
1998	7	6**	113
1999	22	6**	108
2000	19	6**	84
2001	16	6**	104
2002	14	6**	72
2003	18	6**	71
2004	26	8	161
2005	84	5	88
2006	63	2	29
2007	26	24	27
2008	34	4	41
2009	31	4	125
2010	33	6	90
2011	25	4	128
2012	37	12	166
2013	19	5	76
2014	13	8	168
2015	12	16	136
2016	22	11	175
2017	31	7	153
2018	30	19	177
2019	43	7	166
Total	**739**	**152**	**2,485**

*HRC data for 1994–2014 is reported by state fiscal year and for 2015–2019 by calendar year.
**HRC reported data in their biennial reports in two-year blocks between July 1, 1999 and June 30, 2003 using the state fiscal year. We averaged out the numbers for that time span.
***NHLA first received HUD funding in 1995 and did not process any complaints until 1996.

Fair housing litigation in New Hampshire began to flourish in the 1990s and has continued to play an important role in the enforcement of fair housing laws and the promotion of equal access to housing opportunity. Over the years, discrimination complaints have been litigated in state and federal courts and in administrative proceedings before HUD's Office of Fair Housing and Equal Opportunity and the New Hampshire Human Rights Commission. Legal actions range from defending against discriminatory evictions and bringing actions for failure to grant reasonable accommodations or modifications to challenging discriminatory municipal ordinances, housing actions, and policies.

Complaints have been brought against local governments, private and subsidized landlords, condominium associations, nursing homes, assisted living facilities, and other entities. Individuals from every protected class group have reported discriminatory housing practices. Cases involving disability discrimination have consistently comprised the majority of cases. Until the 2015 to 2019 reporting period, familial status was consistently the second most reported basis of discrimination (for this period, race and national origin discrimination cases are second and third, respectively). (*See* Fair Housing Complaint Data, pp. 122–25.)

Several New Hampshire cases have had impacts beyond the borders of the state. *Roe v. Sugar River Mills* clarified housing providers' obligations to consider accommodations of a tenant's disability even when the provider asserts that the tenant poses a threat to health and safety.[19] *Trovato v. City of Manchester* established that municipalities are obligated to grant accommodation requests even when in conflict with local ordinances if the request is reasonable and necessary.[20] *White Cliffs at Dover v. Bulman* articulated the limits of reasonableness in a disability accommodation request case.[21]

Many other New Hampshire cases have received attention beyond the state's borders. *Rodriguez v. Nashua Housing Authority* is believed to be the first HUD complaint in the country to allege national origin discrimination based on the Housing Authority's failure to provide adequate language access.[22] In *Secretary v. City of Berlin,* HUD initiated a sex discrimination complaint based on the City's nuisance ordinance, asserting that its specific mandates had an unlawful and disparate impact on women.[23] *Merrill v. Manchester Housing and Redevelopment Authority*, filed on behalf of a Deaf tenant, resulted in a settlement for significant damages based on the Housing Authority's repeated failure to provide appropriate language access and other

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[19] *Roe v. Sugar River Mills*, 820 F. Supp. 636 (D.N.H. 1993). "[The Fair Housing] Act requires defendants to demonstrate that no 'reasonable accommodation' will eliminate or acceptably minimize the risk he poses to other residents at Sugar River Mills, before they may lawfully evict him." *Id.* at 640.

[20] *Trovato v. City of Manchester*, 992 F. Supp. 493 (D.N.H. 1997). New Hampshire homeowners brought a lawsuit against the City when their request for a zoning variance to accommodate their disabilities was denied. The City's zoning board of adjustment did not believe that it had the power to grant the variance under state law. The federal court ruled that the variance must be granted as an accommodation under the FHA.

[21] *White Cliffs at Dover v. Bulman*, 151 N.H. 251 (2004).

[22] *Rodriguez v. Nashua Housing Authority*, HUD Complaint No. 01-06-0526-8 (2006). The case was settled with monetary and other relief for the complainants and requirements that the Housing Authority create a meaningful Language Access Plan and receive monitoring on its progress.

[23] *Secretary v. City of Berlin*, HUD Complaint No. 01-15-0017-8. The City was required to amend its ordinance and have its key staff undergo fair housing training (The Conciliation Agreement is available at https://www.hud.gov/sites/documents/TOWNBERLIN.PDF.). NHLA initiated this case after filing complaints on behalf of a female domestic violence survivor who was denied housing opportunities by two separate housing providers who cited the city ordinance as the partial basis for their refusal to rent to her.

services and benefits.[24] In *United States v. MSM Brothers, Inc.*, the U.S. Department of Justice filed a familial status discrimination complaint in federal court on behalf of a mother who was denied a housing opportunity because the private landlord limited the number of apartments available to families with young children.[25]

These are just a few examples of the hundreds of housing discrimination complaints filed on behalf of people in New Hampshire who have experienced discrimination since the 1990s. This body of work has not only benefited the individual victims of discrimination but many others as well, as housing providers realize the full scope of their obligations to provide equal and nondiscriminatory access to housing opportunities.

4. New Hampshire Population Features and Access to Opportunity

a. Income Inequality and Access to Housing Opportunity

As the 2015 AI pointed out, New Hampshire is an opportunity state with "a low poverty rate, good schools, low unemployment, comparatively affordable housing, low crime rate, and high environmental health."[26] It ranks fourth in the U.S. in the Social Progress Index, an evaluation tool that measures quality of life in the U.S. and internationally.[27] New Hampshire is the fifth smallest state in the nation by land area and ranks as the tenth least populated state with an estimated population of 1,359,711. Since 1990, the state has increased in population size by a quarter million people with periods of growth spurts interspersed with periods of slow increases, as shown in the table, below.[28] The state experienced a modest 3% increase between 2010 and 2018 as births barely exceeded deaths.[29]

New Hampshire Population 1990–2019	
1990	1.112 M
1995	1.146 M
2000	1.216 M
2005	1.301 M
2010	1.324 M
2015	1.356 M
2019	1.36 M

[24] *Merrill v. Manchester Housing and Redevelopment Authority*, HUD Complaint No. 01-15-0322-8 (Title VIII); 01-15-0322-4 (Section 504); and 01-15-0322-D (ADA).
[25] *United States v. MSM Brothers, Inc.*, Case No. 1:17-cv-00321 (D.N.H. 2017). The case settled favorably for the complainant.
[26] *2015 AI*, *supra* note 8, 7–8 (citations omitted).
[27] Michael E. Porter, *How All 50 States Rank in the Social Progress Index*, Boston Globe (Jan. 28, 2020), https://www.bostonglobe.com/2020/01/28/opinion/how-all-50-states-rank-social-progress-index/.
[28] U.S. Census data (July 2019), https://www.census.gov/quickfacts/NH; *see also* World Population Review, http://worldpopulationreview.com/states/ and Google Public Data (derived from U.S. Census), https://www.google.com/publicdata/explore?ds=kf7tgg1uo9ude_&met_y=population&idim=state:33.
[29] Kenneth M. Johnson, *New Hampshire Demographic Trends in an Era of Economic Turbulence*, Regional Issue Brief #59, Carsey Research, University of New Hampshire 1 (Fall 2019), https://scholars.unh.edu/cgi/viewcontent.cgi?article=1381&context=carsey.

Despite New Hampshire's assets and high standard of living, income inequality is a tenacious and growing problem in the state as it is across the nation.[30] From the period of 1979 to 2007, "the wealthiest 1 percent in New Hampshire captured 35.5 percent of the state's income growth," and the concentration of wealth continued when "from 2009 to 2011—the heart of the recession—that same group held an 83.3 percent share of the income."[31] This trend does not seem to have abated:

> In the decade since the Great Recession, New Hampshire's economy has improved by many measures, yet uneven wage growth, decreases in access to economic opportunity, and increasing expenses have left many Granite Staters behind. New Hampshire's median wage in 2018 was $20.95 per hour or about $43,000 per year when working full time. Half of workers in New Hampshire earn less than this amount. Incomes for workers earning below median wages have not kept pace with inflation, while housing costs have outpaced inflation in recent years. At the same time, individuals earning more than the median have historically seen their inflation-adjusted wages increase.[32]

Income inequality is compounded by income-based housing segregation resulting in "vast inequalities in neighborhoods' social, economic, educational, and political resources."[33] Communities are often structured in ways that create neighborhoods in which there is little income diversity.[34] Children brought up in lower-income neighborhoods generally do not have equal access to the benefits that children living in more affluent communities experience. These disparities tend to have lifelong consequences.[35] Income-based segregation perpetuates generational poverty and disadvantage.[36]

Land use controls, such as local zoning ordinances, are a key factor in the creation or suppression of economically diverse communities. Municipalities' use of high acreage minimum lot size, low density requirements, and other overly restrictive zoning ordinances to control growth act to limit affordable housing development, intentionally or not. Affordable housing

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[30] Bob Sanders, *NH's income inequality fastest-growing in U.S.*, NH Business Review (July 23, 2015), https://www.nhbr.com/nhs-income-inequality-fastest-growing-in-u-s/ ("[Income] [i]nequality has been growing around the nation since the 1970s, and that growth rate has continued, climbing 2.6% nationwide from 2007 to 2013. But New Hampshire's growth has grown more than 5% (5.07%, to be exact).").

[31] *Id.*

[32] *New Hampshire's Workforce, Wages, and Economic Opportunity*, Issue Brief, New Hampshire Fiscal Policy Institute (NHFPI) (Aug. 30, 2019) (citations omitted), http://nhfpi.org/research/state-economy/new-hampshires-workforce-wages-and-economic-opportunity.html.

[33] Ann Owens, *Building Inequality: Housing Segregation and Income Segregation*, 6 Sociological Science 497, 498 (Aug. 7, 2019), https://www.sociologicalscience.com/download/vol-6/august/SocSci_v6_497to525.pdf.

[34] *See id.*

[35] *See, e.g.*, Robert Collinson and Jens Ludwig, *Neighborhoods and opportunity in America*, Brookings (Sept. 19, 2019), https://www.brookings.edu/research/neighborhoods-matter-for-opportunity-time-for-more-place-conscious-policy/.

[36] *See infra* pp. 64–66 for an analysis of the limited upward mobility and lack of intergenerational income growth in certain New Hampshire neighborhoods.

developments that do make it through the arduous and costly local planning and approval processes are often constructed in the least desirable locations of the town.[37]

New Hampshire has struggled with overly restrictive local land use controls for decades. In 1991, in *Britton v. Chester*, the New Hampshire Supreme Court made it clear that every municipality in the state must provide its "fair share" of affordable housing for low and moderate income families by allowing a reasonable and realistic opportunity for its development.[38]

In 2008, the Legislature codified the principles of *Britton v. Town of Chester* by enacting the Workforce Housing Law (WHL).[39] The WHL requires that workforce housing be allowed in a majority of land areas where residential use is allowed while still permitting restrictions on multi-family construction. Although many municipalities embraced the WHL, others have remained resistant or have largely limited affordable housing construction to projects for older adults.

During New Hampshire's 2020 legislative season, housing justice advocates worked with legislators to introduce amendments to the WHL that would further advance the development of affordable housing in New Hampshire communities. The amendments would have required training for planning and zoning board members. Preference for construction of housing for older persons would have been tempered by requiring that any incentives for such housing be available for all types of housing, including workforce housing.[40] A companion bill would have added incentives for the development of affordable housing.[41] Ultimately, neither bill passed in a legislative season abbreviated by the coronavirus pandemic, but similar legislation is expected to be introduced during the next session.

b. Persistent Disparities Based on Race and Ethnicity

New Hampshire remains one of the least diverse states in the country.[42] When the first AI was published in 1996, the state was 98% White.[43] By 2019, White residents represented 90% of the state's population.[44] The increase of minority populations has accounted for two-thirds of the state's tiny population gain.[45] Of the New England states, New Hampshire, Vermont, and Maine remain the least diverse and have considerably less diversity than Massachusetts, Rhode Island, and Connecticut.[46]

Every AI has noted the obvious lack of diversity, but over the years, our analysis of the significance of this fact has become more focused. Data reveals that in spite of small populations, housing discrimination complaints based on race and national origin are not

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[37] *See, e.g.*, Michael Kitch, *Planning, zoning rules faulted for housing woes*, NH Business Review (Sept. 15, 2017), https://www.nhbr.com/planning-zoning-rules-faulted-for-housing-woes/.
[38] *Britton v. Chester*, 134 N.H. 434 (1991).
[39] N.H. R.S.A. § 674:58–61 (eff. Jan. 1, 2010).
[40] *See* New Hampshire General Court, H.B. 1629, http://gencourt.state.nh.us/bill_status/billText.aspx?sy=2020&id=1723&txtFormat=pdf&v=current; *see also* Christopher Swiniarski, *Impacts of Proposed Amendments to Workforce Housing Law – HB 1629 and HB 1632*, New Hampshire Bar News (May 20, 2020).
[41] New Hampshire General Court, H.B. 1632, http://gencourt.state.nh.us/bill_status/billText.aspx?sy=2020&id=1527&txtFormat=pdf&v=current.
[42] Johnson, *supra* note 29, at 9.
[43] *1996 AI*, *supra* note 5, at 5.
[44] U.S. Census data, *supra* note 28; *see also* Johnson, *supra* note 29, at 9.
[45] Johnson, *supra* note 29, at 9.
[46] *See* App. A-01, a chart showing racial/ethnic diversity of the New England states from 1990 through 2019.

uncommon (*see* tables on pp. 123–25). Starting with the 2004 AI, we have included information about state and federally protected class groups to provide further insight into factors and challenges facing particular constituencies.

New Hampshire's perceived advantages are less accessible to some racial and ethnic groups. The 2015 AI included an analysis of access to opportunity following HUD guidance that was ultimately codified as the AFFH Rule. The purpose of the analysis was to evaluate access to opportunity in racially/ethnically-concentrated areas of poverty as defined by HUD.[47] Although no census tract in the state met HUD's concentration definitions at the time, there were high-poverty neighborhoods in the state with significant numbers of non-White residents. The analysis confirmed that people living in those tracts did not fare as well as the rest of the state on a variety of opportunity indicators including affordable housing choice, school proficiency, employment opportunities, and overall access to community assets.[48]

The opportunity analysis included in the 2020 AI echoes the findings of the 2015 assessment: people of color concentrated in the poorest neighborhoods still face the same obstacles outlined in the 2015 AI. By every measure, those neighborhoods faced conditions and access to opportunity far below the state average. In addition, one census tract in Manchester now meets HUD's definitions of racially/ethnically-concentrated areas of poverty (*see* Section II.B, pp. 29–69).

Immigrants and refugees may not feel safe in their communities especially given concerns about anti-immigrant bias in policing. Immigrants, including those lawfully present or who are U.S. citizens, have felt increasingly insecure as federal policies have resulted in increased ICE raids and detentions,[49] implementation of Customs and Border Protection highway checkpoints in northern New Hampshire,[50] initiation of policies that have perpetrated harm upon families through separation,[51] attempts to terminate some temporary status programs,[52] and unconstitutional seizures of immigrants by state and local police.[53] Immigrant families in federally subsidized housing are facing separation from family members who may no longer be allowed to remain in a household if they lack eligible immigration status (*see* discussion on pp. 98–99).[54]

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[47] HUD defines racial/ethnic concentrations as 50% or more of the population in a census tract being non-White and poverty concentration as 40% or more of the population in a census tract living below the poverty level. *Racially or Ethnically Concentrated Areas of Poverty (R/ECAPs)*, HUD Office of Policy Development and Research, https://hudgis-hud.opendata.arcgis.com/datasets/56de4edea8264fe5a344da9811ef5d6e_0.

[48] *2015 AI*, *supra* note 8, at 13–30.

[49] *See, e.g.*, Vanessa Romo, *U.S. Cities Prepare for Increased ICE Raids*, New Hampshire Public Radio (NHPR) (July 13, 2019), https://www.nhpr.org/post/us-cities-prepare-planned-ice-raids-sunday#stream/0.

[50] *See, e.g.*, Alyssa Dandrea, *Immigration checkpoint on I-93 nets no arrests but draws concern*, Concord Monitor (June 11, 2019), https://www.concordmonitor.com/Border-patrol-checkpoint-immigration-Woodstock-NH-26181887.

[51] *See, e.g.*, Michael Garcia Bochenek, *U.S.: Separation Harming Children, Families*, Human Rights Watch (July 11, 2019), https://www.hrw.org/news/2019/07/11/us-family-separation-harming-children-families.

[52] *See, e.g.*, *TPS Termination Will Disrupt Communities Across America and Upend the Lives of Thousands of U.S. Citizen Children*, American Immigration Council (Sept. 14, 2020), https://www.americanimmigrationcouncil.org/news/tps-termination-will-disrupt-communities-across-america-and-upend-lives-thousands-us-citizen.

[53] The ACLU-NH has successfully settled constitutional claims against several police departments that detained persons suspected of violating civil immigration laws. *See infra* note 55.

[54] On May 10, 2019, HUD published proposed rules that would change long-standing regulations that permit immigrants ineligible for federal housing benefits to remain in the household without receipt of any subsidy benefit.

The American Civil Liberties Union-New Hampshire (ACLU-NH) and immigrant rights advocacy groups have initiated actions to address unlawful and unjust actions. The ACLU-NH has sued several police departments for unlawful detention of immigrants and initiated many other legal actions to vindicate immigrants' rights.[55] The advocacy groups have engaged in several strategies to support immigrants living in New Hampshire, including federal and state legislative advocacy, a visitation program for detained immigrants, a bond fund, demonstrations, and prayer vigils.

There are racial disparities in police interactions with members of the community including those involving civilian fatalities.[56] Recent police killings of unarmed Black Americans have caused massive protests around the country including in New Hampshire. Although New Hampshire law enforcement officers are generally well-trained and professional, some may carry implicit or explicit racial biases that negatively affect their interactions.[57] In 2020, the ACLU published a national study of racial disparities involving marijuana arrests.[58] Its analysis found that, in New Hampshire, African Americans were four times more likely to be arrested for marijuana possession than White people.[59]

Race and national origin discrimination cases can be difficult to prove. Fortunately, NHLA's fair housing testing program can often root out otherwise hidden discriminatory practices. Cases based on race have involved subjecting African American tenants to more strenuous background checks than White tenants; a property manager's failure to stop racial harassment of an African American tenant; a landlord who charged a higher rent to a Native American family and provided them with used appliances when the White tenants received brand new ones; and a landlord who subjected an Asian family to disparate treatment and made ethnic slurs. There have been several cases of national origin discrimination involving federally subsidized housing providers who failed to provide adequate language access to applicants or tenants, putting them at risk of losing a housing opportunity or eviction or program termination. Audit telephone testing in the early 2000s revealed disparate treatment based on national origin (Latino ethnicity).

See Housing and Community Development Act of 1980: Verification of Eligible Status, 84 Fed. Reg. 20589 (May 19, 2019). HUD has not yet attempted to implement the rules, but litigation is expected to ensue when it does so.

[55] *Godoy-Ramirez v. Town of Merrimack*, 1:19-cv-01236 (D.N.H. 2019); *Perea v. Town of Northwood*, 1:18-cv-01066 (D.N.H. 2018); *Awadeh v. Town of Exeter*, 1:18-cv-00852 (D.N.H. 2018). The ACLU-NH and the New Hampshire Immigrant Rights Network also worked with the New Hampshire State Police on their civil detentions of immigrants, resulting in cessation of the practice and implementation of a new Fair and Impartial Policing policy.

[56] "By one estimate, Black men are 2.5 times more likely than white men to be killed by police during their lifetime. And in another study, Black people who were fatally shot by police seemed to be twice as likely as white people to be unarmed." Lynne Peeples, *What the data say about police brutality and racial bias – and which reforms might work*, Nature (June 19, 2020) (citations omitted), https://www.nature.com/articles/d41586-020-01846-z.

[57] "New analysis of state and county-wide data shows black and Hispanic people are arrested and incarcerated at higher rates in New Hampshire than whites are, and at more disproportionate rates than blacks and Hispanics nationwide." Emily Corwin, *Data Shows that Racial Disparities Increase at Each Step of N.H.'s Criminal Justice System*, NHPR (Aug. 10, 2016), https://www.nhpr.org/post/data-shows-racial-disparities-increase-each-step-nhs-criminal-justice-system#stream/0.

[58] *New ACLU Report: Despite Marijuana Legalization Black People Still Four Times More Likely to Get Arrested*, ACLU (Apr. 20, 2020), https://www.aclu.org/press-releases/new-aclu-report-despite-marijuana-legalization-black-people-still-almost-four-times.

[59] *Extreme Racial Disparities Exist in Marijuana Arrests*, ACLU, https://graphics.aclu.org/marijuana-arrest-report/NH; *see also* Mark Hayward, *Report: NH blacks 4 times as likely to be busted for weed than whites*, Union Leader (Apr. 20, 2020), https://www.unionleader.com/news/crime/report-nh-blacks-4-times-as-likely-to-be-busted-for-weed-than-whites/article_fc377965-6e5e-5012-8e91-f351218d2a36.html.

c. Municipal Preferences for Housing for Older Persons and its Nexus to Suppression of Housing Opportunities for Families with Children

The FHA carved out an exception to familial status discrimination by allowing the development of housing for older persons. In the 1990s, most of the housing opportunities specifically designated for older persons were found in manufactured housing parks and federally subsidized housing developments. Traditional nursing homes served the needs of those who required medical assistance in their daily lives. As people began to live longer and remain healthier, new housing concepts for older people emerged.[60] For New Hampshire, this dovetailed with the fact that its population has been skewing older for most of this period.

The number of older residents living in New Hampshire is expected to double over the next twenty years.[61] People sixty-five and older now comprise 18.1% of the state's population, up from 11.2% in 1990.[62] Older residents continue to "occupy a growing proportion of the state's housing units, filling one in three units by 2025."[63] To accommodate this population, there has been a "building boom in 55+ communities, assisted living facilities, and other retirement communities."[64]

Contributing to this boom are land use laws in many of the state's municipalities that favor development of housing for older persons as opposed to affordable single-family homes or multi-family developments. Density requirements play a big role. At least eighty municipalities in the southern and coastal areas of the state have regulations that limit residential development in certain areas of their communities to housing for older persons.[65] Even within the subsidized housing world, much of the housing is disproportionately designated for seniors (*see, for example*, Public Housing Authority Survey, p. 83).

Municipal preferences for senior housing are rooted in the notion that allowing more housing for families causes rising property taxes due to New Hampshire's education funding system, which relies heavily on local property taxation. Some experts believe this fear has been seriously overblown and has had dire consequences: "We have wrongly blamed children and the costs to educate them as the reason for our tax bills and we have essentially frozen out the younger generation from being able to live here."[66]

The state is now facing a quandary stemming from the lack of affordable, family-based housing opportunities. The percentage of people of child-bearing age has continued to decrease, causing a decline in the state's birth rate.[67] Consequently, school enrollment has declined, a trend

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[60] The average life expectancy in the U.S. in 1990 was 75.19. In 2020, it is 78.93. *U.S. Life Expectancy 1950–2021*, MacroTrends, https://www.macrotrends.net/countries/USA/united-states/life-expectancy.

[61] Johnson, *supra* note 29, at 7.

[62] U.S. Census data, *supra* note 28; Frank B. Hobbs, *65+ in the United States*, U.S. Census Bureau 5-3 (1996), https://www.census.gov/prod/1/pop/p23-190/p23-190.pdf.

[63] Dennis Delay and Russ Thibeault, *Senior Housing Perspectives: Housing Needs in New Hampshire, Part 2*, New Hampshire Center for Public Policy Studies (March 2014), https://www.nhhfa.org/wp-content/uploads/2019/06/Senior_Housing.pdf.

[64] Rachel Collins, *The Senior Housing Boom*, Business NH (Feb. 6, 2017), https://www.businessnhmagazine.com/article/the-senior-housing-boom.

[65] Noah Hodgetts, *The State of Local Land Use Regulations in New Hampshire*, Town & City Magazine, New Hampshire Municipal Association (Sept./Oct. 2019), https://www.nhmunicipal.org/town-city-article/state-local-land-use-regulations-new-hampshire.

[66] New Hampshire Demographer Peter Francese, quoted in *A Retirement State of Mind*, Business NH (Jan. 20, 2012).

[67] Johnson, *supra* note 29, at 3. "[B]irths in New Hampshire now only minimally exceed deaths." *Id.*

that began about twenty years ago.[68] The implications for the state and its economic and social well-being are dire and underpin renewed efforts to advance the objectives of the Workforce Housing Law (see discussion above).

In 2019, Governor Sununu created a task force to address what he termed a "housing shortage crisis."[69] The task force identified local regulatory restrictions and lack of investment incentives as two primary barriers to affordable housing development (*see* discussion of the task force and resulting legislation in Land Use Controls, pp. 134–36).

Although familial status discrimination has typically been the second most frequently reported category of housing discrimination cases reported in New Hampshire, with issues ranging from discriminatory advertising to steering and other forms of disparate treatment, these cases have been surpassed by race and national origin discrimination cases during the 2015 to 2019 reporting period (*see* Fair Housing Complaint Data, pp. 122–25).

d. Fair Housing Law Advances the Rights of New Hampshire Residents with Disabilities in New Hampshire

Civil rights protections for persons with disabilities were expanded significantly with the passage of amendments to the FHA (1988) which added disability as a protected class status and with the Americans with Disability Act (1990). The laws are comprehensive and together ensure that persons with disabilities have equal access to housing, employment, education, and public accommodations.

Although persons with disabilities comprise only 12.6% of New Hampshire's residents, fair housing complaints based on disability are more common than any other kind of complaint, both here in New Hampshire and nationally.[70] This trend began in the late 1990s and continues to this day.[71] Most of the disability cases in the housing law arena involve persons with mental health-related disabilities and this publication includes a special section on fair housing developments on this issue (*see* Part III, pp. 88–92).

Federal, state, and local laws set out architectural accessibility requirements for new construction and substantial rehabilitation of buildings and impose affirmative accessibility obligations. Similarly, federally subsidized housing providers have duties under Section 504 of the Rehabilitation Act of 1973 to provide "equal access" to housing and housing services to those with disabilities.[72] Federally subsidized housing providers must also bear the reasonable costs of accommodations and modifications. Cases brought on behalf of individuals with physical disabilities are often based on requests for accommodations or modifications specific to the person's unique needs.

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[68] Russ Thibeault, *Where have all the children gone?*, NH Business Review (Sept. 26, 2019), https://www.nhbr.com/where-have-all-the-children-gone-2/.

[69] *Governor Chris Sununu, State and Local Officials, and Young Legislators Release Plan to Address New Hampshire's Housing Shortage*, Press Release, Governor Christopher T. Sununu (October 30, 2019), https://www.governor.nh.gov/news-and-media/governor-chris-sununu-state-and-local-officials-and-young-legislators-release-plan.

[70] *See infra* pp. 122–25 for disability complaints filed by New Hampshire residents for the past five years; *see also Facts and Figures – The 2019 Report on Disability in New Hampshire*, Institute on Disability/UCED, University of New Hampshire (May 2019), https://iod.unh.edu/facts-and-figures/assets/iod/FactsAndFigures_2019.pdf, and *Fair Housing by the Numbers*, National Low Income Housing Coalition (NLIHC) (Oct. 23, 2018), https://nlihc.org/resource/fair-housing-numbers.

[71] *See* tables in pp. 122–25 and App. A-02–A-17 for charts from earlier AIs documenting complaint data.

[72] 29 U.S.C. § 701(c)(2).

Examples of New Hampshire housing discrimination cases litigated on the basis of physical disability include disputes over installation of ramps; provision of designated parking spaces; installation of fire alarm equipment appropriate for hard-of-hearing or Deaf persons; restoration of an accessible entrance/exit for a wheelchair user; discriminatory nursing home and assisted living discharges; use of ASL interpreters and other appropriate communication strategies with Deaf or hard-of-hearing tenants and applicants; and allowing a nursing home resident use of a motorized wheelchair.

e. LGBTQ Housing Rights in New Hampshire

Promotion of rights for those in LGBTQ[73] communities began in the 1990s with an initial focus on sexual orientation. The Legislature added sexual orientation to its "hate crime" law in 1991.[74] In 1998 the Law Against Discrimination was amended to include sexual orientation as a protected class in the arenas of housing, employment, and public accommodation.[75] The New Hampshire Legislature granted the right to marry to same-sex couples in 2009. It was the second state, after Vermont, to enact it by legislative action.[76] In 2014, the New Hampshire Senate mounted an attempt to amend the constitution to prohibit discrimination based on sexual orientation that ultimately failed.[77]

Implementation of civil rights protections based on gender identity took a longer path. In 2016, Governor Hassan issued an executive order banning gender identity and gender expression discrimination in public employment, access to state programs and services, and in state contracts.[78] In 2018, after a decade-long attempt, the New Hampshire Law Against Discrimination was amended to add gender identity as a protected class.[79] Although the New Hampshire Division of Motor Vehicles had permitted people to change their gender on their licenses and state-issued IDs for over a decade, the initial choices were male or female and the change request required professional certification of gender reassignment surgery. Finally, in 2019, the New Hampshire Legislature passed a bill designating a non-binary gender choice as well as male and female and no longer requires proof of surgery to change gender designation on DMV documents.[80]

In 2019, children's civil rights were recognized in the context of public education when the Legislature amended the Law Against Discrimination to include discrimination prohibitions based on several protected classes including sexual orientation and gender identity.[81] Moreover, the state's anti-bullying law also includes protections based on sexual orientation and gender identity among other classes.[82]

There have been a small number of housing discrimination complaints based on sexual orientation and, thus far, only one based on gender identity (*see* Fair Housing Complaint Data,

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[73] Stands for Lesbian, Gay, Bisexual, Transgender, Queer or Questioning.
[74] N.H. R.S.A. § 651:6, I(f).
[75] N.H. R.S.A. § 354-A:1 *et seq.*
[76] N.H. R.S.A. § 457:1-a.
[77] *See, e.g.*, Norma Love, *NH Measure Would Bar Discrimination Against Gays*, Boston Globe (Apr. 2, 2014), https://www.boston.com/news/local-news/2014/04/02/nh-measure-would-bar-discrimination-against-gays.
[78] Exec. Order No. 2016-04, An Order Prohibiting Discrimination on the Basis of Gender Identity or Gender Expression (June 30, 2016), https://das.nh.gov/hr/documents/Executive%20Order%202016-04.pdf.
[79] N.H. R.S.A. § 354-A:1 *et seq.*
[80] N.H. R.S.A. § 260:21, III.
[81] N.H. R.S.A. § 354-A:27–28.
[82] N.H. R.S.A. § 193-F:2.

pp. 122–25). Several years ago, GLAD (Gay and Lesbian Advocates and Defenders) filed a case against the Town of Gilsum. The case involved a group home for persons with HIV and hepatitis C operated by a non-profit known as ASMR. ASMR initiated fair housing and other legal claims against the Town after it took steps to keep the program from operating. ASMR introduced evidence that the Town treated ASMR differently than other non-profit and religious institutions in similar situations. The cases were settled in ASMR's favor.[83]

f. New Hampshire Women Continue to Experience Disparities in Their Lives

Women constitute 50.4% of the state's population but still lag behind men in several important ways.[84] The gender wage gap has persisted over decades. In 2018, New Hampshire women earned seventy-nine cents to their male counterparts' dollar.[85] The statewide percentage of men in poverty was 8% and for women it was 9%, but disparities increased significantly based on race and ethnicity. Sixteen percent of both Latina women and Black women live in poverty as do 22% of women who identified as multiracial or of a race/ethnicity other than White.[86]

Nearly a third of New Hampshire households with children headed by single women (30.6%) live below the poverty line.[87] These facts have significant implications for affordable housing policy in the state, as they do nationally, where women-headed households comprise 75% of households living in public housing and project-based Section 8 housing and 83% of Section 8 Housing Choice Voucher holders.[88]

Women are disproportionately more likely to be victims of domestic violence and sexual assault than men. Much of this violence, by its very nature, occurs in the home. A recent survey by the New Hampshire Coalition Against Domestic and Sexual Violence found that 22.7% of the women surveyed reported being victimized by sexual assault in their lifetimes and 33.4% had experienced domestic violence.[89] The Centers for Disease Control and Prevention has reported that homicide is a leading cause of death in younger women and that a significant percentage of those homicides involved intimate partner violence.[90] Domestic violence has also been a leading cause of homelessness for women and their children.[91]

The federal Violence Against Women Act (VAWA) passed in 1994 has created strong protections for survivors of sexual and domestic violence in federally subsidized housing.[92] The

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[83] *ASMR v. Town of Gilsum*, Cheshire County Superior Court (complaints filed 2008 and 2011).
[84] U.S. Census data, *supra* note 28.
[85] *The Status of Women in New Hampshire*, New Hampshire Women's Foundation 11 (2018), https://nhwomensfoundation.org/wp-content/uploads/2018/10/Final-SoW-2018-PDF-for-Website.pdf.
[86] *Id.* at 10.
[87] *Know the Facts*, New Hampshire Women's Foundation, https://nhwomensfoundation.org/get-involved/know-the-facts/.
[88] Gail Quets, *A Gender Lens on Affordable Housing*, re:gender (Jan. 2016), https://www.icrw.org/wp-content/uploads/2016/11/gender_lens_on_affordable_housing_by_regender_final-1.pdf.
[89] *Violence Against Women in New Hampshire*, New Hampshire Coalition Against Domestic and Sexual Violence (Sept. 2019), https://www.unh.edu/research/sites/default/files/media/2019/09/violence_against_women_report.pdf.
[90] Emiko Petrosky *et al.*, *Racial and Ethnic Differences in the Homicides of Adult Women and the Role of Intimate Partner Violence – United States 2003–2014*, Morbidity and Mortality Weekly Report, Centers for Disease Control and Prevention (July 21, 2017), https://www.cdc.gov/mmwr/volumes/66/wr/pdfs/mm6628a1.pdf.
[91] *The Intimate Relationship Between Domestic Violence and Homelessness*, Institute for Children, Poverty, and Homelessness (Oct. 27, 2018), https://www.icphusa.org/commentary/the-intimate-relationship-between-domestic-violence-and-homelessness-2/.
[92] 42 U.S.C. §§ 14043e–14043e-11. VAWA housing protections currently cover domestic violence, sexual assault, stalking, and dating violence.

statute has been reauthorized several times and has continued to expand and strengthen its housing provisions. In New Hampshire and throughout the country, VAWA protections have provided tools to allow survivors to access housing and prevent housing subsidy terminations and evictions.

In 2016, HUD issued its final rule updating its regulations on harassment in housing.[93] Although the rule covers all of the protected classes, it has been frequently used as a tool to quash sexual harassment in housing. In 2018, U.S. DOJ launched an initiative to combat sexual harassment in housing, as well.[94]

As noted above, New Hampshire's eviction law was also amended to extend further protections to domestic violence survivors by prohibiting evictions solely based on the tenant's status as a domestic violence victim and giving the court the ability to evict only the perpetrator of the violence.[95]

Most of the sex discrimination cases in New Hampshire have involved discrimination against female sexual assault survivors or sexual harassment of female tenants. A 2014 case that received significant attention concerned a female domestic survivor who was denied two separate housing opportunities because of her abusive ex-husband's conduct against her.[96] Other cases include a woman and her child who were terminated from a homeless shelter once its staff discovered she was a victim of domestic abuse (even though her abuser was incarcerated) and a case involving a woman who had been sexually harassed by her landlord. All of the cases were settled favorably for the complainants.

g. Religious Discrimination in Housing Remains Largely Hidden in New Hampshire

Approximately 59% of New Hampshire residents are Christians, 2% are Jewish, with Muslims, Buddhists, and Hindus each making up less than 1% of the population.[97] In 2018, there were estimated to be 10,120 Jewish people living in the state.[98] It is difficult or impossible to find reliable population estimates for practitioners of Islam, Buddhism, or Hinduism.[99] A 2015 news article claimed that in 2000, there were 3,782 Muslims in the state and that number had decreased to 1,616 by 2010.[100] No additional population information on the other religious groups cited above was available.

There have only been a handful of housing discrimination complaints based on religion over the last thirty years. This does not mean that bias based on religion is non-existent in the

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[93] Quid Pro Quo and Hostile Environment Harassment and Liability for Discriminatory Housing Practices Under the Fair Housing Act, 81 Fed. Reg. 63054 (Sept. 14, 2016).
[94] *Sexual Harassment in Housing Initiative*, U.S. Dep't of Justice, https://www.justice.gov/crt/sexual-harassment-housing-initiative.
[95] N.H. R.S.A. § 540:2, VII; *see also infra* pp. 141–42.
[96] *See* Mary Curtis, *HUD Settles Case Alleging Housing Discrimination Against Domestic Violence Victim*, Washington Post (July 22, 2014), https://www.washingtonpost.com/blogs/she-the-people/wp/2014/07/22/hud-settles-case-alleging-housing-discrimination-against-domestic-violence-victim/.
[97] *Religious Landscape Study*, Pew Research Center (Nov. 2015), https://www.pewforum.org/religious-landscape-study/state/new-hampshire/.
[98] *Jewish Population in the United States by State (1899–Present)*, Jewish Virtual Library (2018), https://www.jewishvirtuallibrary.org/jewish-population-in-the-united-states-by-state.
[99] The *Religious Landscape Study*, *supra* note 97, indicates that Muslim, Buddhist, and Hindu populations were less than 1% of New Hampshire residents in 2014.
[100] Rik Stevens, *A mosque grows slowly amid opposition in New Hampshire*, Fosters.com (Nov. 8, 2015), https://www.fosters.com/article/20151108/NEWS/151109466.

state. Documented incidents of religious bigotry over the last few years include: anti-Semitic graffiti defacement in a Manchester neighborhood; an assault of a Muslim woman when a man forcibly yanked on her headscarf while she was with friends in a Manchester restaurant; and mistreatment of a couple perceived to be Muslim by a Jackson innkeeper during a dispute.[101]

The FBI data used in the section on hate crimes includes religion-based bias incidents (*see* pp. 126–29). Although the number of hate incidents in New Hampshire remains small (and likely underreported), incidents of bias based on religion have consistently comprised 19–20% of the reported incidents. The data reported in 2020 AI indicates that of the fifteen religious hate incidents reported for the years 2014 through 2018, nine involved anti-Jewish activity and three involved anti-Muslim activity. The Anti-Defamation League reports that anti-Semitic incidents reached all-time national highs in 2019: "The American Jewish community experienced the highest level of antisemitic incidents last year since tracking began in 1979, with more than 2,100 acts of assault, vandalism, and harassment reported across the United States. . . ."[102]

Interviews with members of New Hampshire's diverse Muslim community (*see* pp. 73–80) reveal that bias against Muslims manifests itself in many ways and often very openly. The interviewees spoke about experiences of anti-Muslim bias in housing searches, employment, and community life. Many felt bias against Muslims had increased and was more dangerous since the 2016 election and that certain government leaders were responsible for spreading stereotypes, untruths, and inaccuracies about Muslim culture and Islam.

5. Moving Forward in the Most Challenging of Times

The year 2020 brought the lethal coronavirus pandemic into the United States and into New Hampshire. Although its effects will not be fully known for some time, it is already apparent that the virus has disproportionately affected communities of color even in New Hampshire (*see* Section VI.A on p. 151 for the pandemic's effects on protected class members).

The virus has been the deadliest among older people. The largest proportion of fatalities in New Hampshire has been connected to outbreaks in nursing homes and assisted living facilities. The consequent economic fallout from the virus was immediate; its full impact was initially dampened by huge federal aid packages and emergency measures implemented by governors throughout the nation. It is still too soon to know the full impact of the virus in the United States from both the public health and economic standpoints.

In May 2020, the killing of George Floyd, an unarmed Black man, at the hands of Minneapolis police prompted national outrage and demand for racial justice and change, and ignited expansion of the Black Lives Matter movement. Residents in New Hampshire participated in Black Lives Matter activism, and protests and counter-protests occurred in cities and towns throughout the state. It remains to be seen whether the protests will lead to a sustained civil rights movement prompting police reform and further deconstruction of structural barriers to full equality for all Americans.

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[101] Mark Hayward, *Third swastika found in North End neighborhood*, Union Leader (Oct. 31, 2018), https://www.unionleader.com/news/crime/third-swastika-found-in-north-end-neighborhood/article_1ff9cae4-5ea6-5722-9f74-9024b3d08b95.html; *Police seek man who pulled on woman's hijab at restaurant*, AP News (July 3, 2020), https://apnews.com/a461d5ed3665499abc45a94fa823ba1c; *Jackson Inn Worker Fined in Conflict with Couple Perceived as Muslim*, NHPR (July 26, 2019), https://www.nhpr.org/post/jackson-inn-worker-fined-conflict-couple-perceived-muslim#stream/0.

[102] *Antisemitic Incidents Reach All-Time High in 2019*, Press Release, Anti-Defamation League (May 12, 2020), https://www.adl.org/news/press-releases/antisemitic-incidents-hit-all-time-high-in-2019.

The events of 2020 will undoubtedly affect housing equity and opportunity in New Hampshire and beyond. Sustained progress will require grassroots advocacy and the commitment of governmental, institutional, business, and community leaders to address the systemic racism that many are recognizing for the first time.

B. ASSESSMENT OF CONCENTRATIONS OF POVERTY AND RACIAL/ETHNIC POPULATIONS IN NEW HAMPSHIRE

1. Introduction

Equal access to suitable housing helps ensure all individuals and families can obtain key resources necessary for them to thrive. As racial and ethnic minority groups have historically not enjoyed equal access to housing opportunity, assessment of demographic patterns illuminate some of the obstacles these groups face. Analysis of concentrations of poverty and of racial/ethnic groups helps identify structural and environmental barriers to opportunity at the neighborhood level.

On July 16, 2015, the U.S. Department of Housing and Urban Development (HUD) published a final rule on affirmatively furthering fair housing in the Federal Register. The federal Fair Housing Act, in conjunction with other statutes, directs participants in HUD programs to take significant actions to overcome historic patterns of segregation, achieve truly balanced and integrated living patterns, promote fair housing choice, and foster communities that are free from discrimination. The rule commits to provide local and regional data on racially or ethnically concentrated areas of poverty, access to opportunity provided by key community assets, public housing location data, and other information related to living patterns and classes protected by the Fair Housing Act.[103]

On March 5, 2019, HUD's Office of Policy Development and Research published an updated document titled *Affirmative Furthering Fair Housing Data and Mapping Tool (AFFH-T) Data Documentation*. This document outlined the data, methods, and sources used in the data and mapping tool that HUD provides. The document notes that users should employ HUD-provided data as well as local data and local knowledge to conduct their assessments of fair housing.[104] The analyses in this section draw upon the descriptions and recommendations in HUD's March 5, 2019, *Data Documentation*.

The HUD assessment tool provided substantial amounts of data, as well as indices HUD intends users to employ in assessing fair housing. These data and indices were employed in this section's analyses, which also include updated data from the U.S. Census Bureau's American Community Survey (ACS) and local and national administrative data sources. The HUD AFFH-T data were, in some instances, based on ACS data from 2009 to 2013, and other data sets incorporated were also from previous releases. Where feasible, the newest updated data were collected, although some of the modeling and data parsing conducted by HUD were not recreated with the newer data. HUD AFFH-T data also did not provide information on the degree

[103] Affirmatively Furthering Fair Housing, 80 Fed. Reg. 42272 (July 16, 2015).
[104] *Affirmatively Furthering Fair Housing Data and Mapping Tool (AFFH-T) Data Documentation, Data Version AFFHT0004a*, U.S. Dep't of Hous. & Urban Dev. Office of Policy Dev. & Research (Mar. 5, 2019), https://files.hudexchange.info/resources/documents/AFFH-T-Data-Documentation-(AFFHT0004a)-March-2018.pdf.

of data uncertainty for each metric, which for certain survey-based metrics at the local level, particularly when considering very small population sizes, can be very significant and make conclusive comparisons between geographies difficult. Data employed outside of the AFFH-T data include:

- Brandeis University, Child Opportunity Index 2.0, 2020;
- HUD Low-Income Housing Tax Credit (LIHTC) data, 1998–2017, drawn from a separate HUD database;
- Federal Reserve Bank of Boston, Home Mortgage Disclosure Act (HMDA) Data for New England and New Hampshire, 2016;
- New Hampshire Department of Education, State Assessments, 2018–2019;
- New Hampshire Department of Education, English Language Learners, 2018–2019;
- New Hampshire Department of Education, Free and Reduced-Price School Lunch Eligibility, 2019–2020;
- New Hampshire Department of Health and Human Services, Social Vulnerability Index;
- New Hampshire Department of Health and Human Services, Supplemental Nutrition Assistance Program Enrollment and Medicaid Enrollment, September 2019;
- U.S. Census Bureau, Harvard University, and Brown University, The Opportunity Atlas, data updates through 2016 ACS data;
- U.S. Census Bureau, ACS data, particularly for the 2014–2018 time period;
- U.S. Census Bureau, 2010 Census;
- U.S. Environmental Protection Agency, National Air Toxics Assessment, 2014.

2. General Limitations

Much of the data analyzed and presented in this section are based on Census Tracts. Two major limitations must be considered throughout to understand these data and analyses.

1. HUD's analytical frameworks encourage a focus on Census Tracts with high concentrations of both poverty and populations that identify as something other than non-Latino White (referred to as the non-White population in the remainder of this section). New Hampshire has the lowest official poverty rate of any state in the country, which was 7.6% for individuals according to data collected in 2018. The state also has the fourth-highest percentage of the population of any state identifying as non-Latino White, with only 10% of the population identifying as belonging to other racial and/or ethnic groups.[105] These demographic characteristics limit the ability to apply analyses encouraged by HUD to even the poorest or the most diverse Census Tracts in New Hampshire.
2. Census Tracts are small geographies that average about 4,000 inhabitants, with a range from 1,200 to 8,000 people. These Tracts are a close approximation to neighborhoods in cities, and the boundaries are determined based on both population

[105] One-Year Data 2018, ACS, U.S. Census Bureau; Estimates for July 1, 2018, Population Estimates Program, U.S. Census Bureau.

changes and local involvement in delineating statistical areas.[106] Many of the data presented at the Census Tract level are drawn from the American Community Survey and other resources that rely on surveys collecting data samples from the population. This methodology results in substantial statistical uncertainty for some estimates. Some indices or aggregate measures were also produced based on modeled data, using other known relationships or multiple other data sets to interpolate. As many of these data sets include considerable statistical uncertainty, comparing data indicators for Census Tracts to each other is less valuable than comparing them to statewide or regional figures. For many of the Census Tract estimates, the data indicators are statistically indistinguishable from one another. Where calculated, margins of error are presented to aid with the interpretations in data tables and graphs.

3. Census Tracts Selected for Analysis

The *Data Documentation* provided by HUD recommended using a specific, threshold-based framework for identifying Racially or Ethnically Concentrated Areas of Poverty by Census Tract. HUD indicated that a Census Tract with a non-White population of 50% or more and a poverty rate of 40% or higher, or a poverty rate at least three times the average Census Tract poverty rate in the metropolitan or micropolitan area, would qualify as a Racially and/or Ethically Concentrated Area of Poverty (R/ECAP).

Based on AFFH-T estimates of current R/ECAPs, only one Census Tract in New Hampshire (Census Tract 15 in central Manchester) meets the criteria for consideration. To expand analysis beyond that Census Tract, the more recent ACS data were used to find the Census Tracts with the highest combinations of the proportion of the population in poverty and the proportion identifying as something other than non-Latino White.

Fifteen Census Tracts were identified for analysis using the U.S. Census Bureau's American Community Survey Five-Year Data for 2014–2018, which is more recent than the data supporting the AFFH-T.[107] To identify these 15 Census Tracts for analysis, all the Census Tracts in New Hampshire with point estimate[108] household poverty rates at least twice the overall statewide household poverty rate (8.0% for 2014–2018), including three Census Tracts with populations too small to estimate a poverty rate, were identified; three of these Census Tracts had point estimate poverty rates above 40%. These 36 Census Tracts were then compared to the 36 Census Tracts with the lowest estimated percentages of householders who identified as non-Latino White. Overlap existed between these two lists for 15 Census Tracts. One of these tracts is likely influenced heavily by the student population at the University of New Hampshire in Durham and was removed from subsequent analysis.[109] The remaining 14 Census Tracts will be referred to as the New Hampshire Analysis Tracts (NHATs).

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[106] *Census Tracts*, U.S. Census Bureau, Geographic Products Branch, https://www2.census.gov/geo/pdfs/education/CensusTracts.pdf.

[107] The data used by AFFH-T for assessment of Census Tracts for R/ECAPs is based on the 2009–2013 ACS and longitudinal modeling from the 1990, 2000, and 2010 Census counts.

[108] Point estimates with their margins of error are shown in text. Point estimates are approximate values based on the sample collected and are bracketed by margins of error defined by certain confidence intervals.

[109] The AFFH-T offers a poverty rate that excludes college students. That estimate shows the poverty rate dropping to 7.4% in Durham-802.03, 5.1% in Dover-815, and 12.5% in Portsmouth-1071. However, the poverty rates used in the AFFH-T's own analysis of Census Tracts were higher, and while the poverty rates were likely calculated by

ACS estimates at the Census Tract level include considerable uncertainty. The point estimates are subject to errors stemming from both sample collection and modeling assumptions. The use of point estimates, as well as the use of households as the basic unit of analysis, excludes Census Tracts that might have been incorporated if margins of error stemming from statistical uncertainties, or individuals rather than households, were incorporated into the Census Tract selection analysis.

Racial or ethnic concentrations were calculated using heads of households, rather than the overall population, as were the poverty rates; using individual poverty rates would have produced a somewhat different subset of Census Tracts, but applying individual-based rates to the criteria offered by HUD would have still limited the analysis to one Census Tract (Census Tract 14 in central Manchester).[110] Three Census Tracts had individual poverty rates over 40%, including two largely populated by students at the University of New Hampshire and Census Tract 14 in Central Manchester, which matched those three Census Tracts with household-level poverty rates above 40% identified previously. All other Census Tracts had estimated poverty rates for both households and individuals at about 30% or below. Non-White populations were estimated to be below 50% for all Census Tracts when measured by head of household, and for all but two Census Tracts (Census Tract 14 in central Manchester and Census Tract 108 in Nashua) on an individual basis. Again, these estimates are bracketed by wide margins of error, suggesting considerable data uncertainty.

The NHATs include descriptions assigned based on municipalities and reviews of maps to characterize locations within their home cities. All NHATs except Census Tract 329 in Concord are in HUD entitlement communities, as identified by the AFFH-T data.

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parsing through ACS microdata, the methodology was not described. If ACS data were used, they appear likely to have been 2009–2013 data. This analysis employs overall household poverty rates from 2014–2018.

[110] This methodology matches the methods in the *2015 AI*, *supra* note 8, at 14–18.

Table 1: Racially and/or Ethnically Concentrated Areas of Poverty
Selected Census Tracts – New Hampshire Analysis Tracts (NHATs)

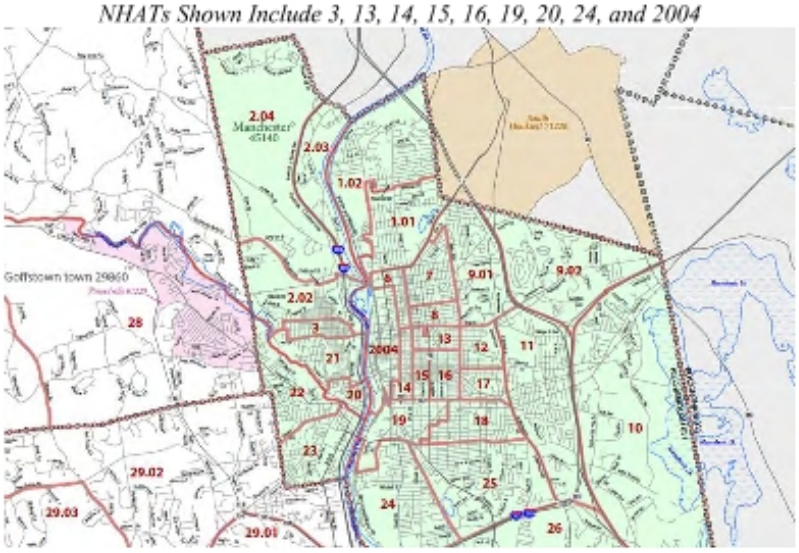
Identifier Number (ID)*	Census Descriptor	Municipality	Short Descriptor	Geographic Notes
1	Census Tract 14, Hillsborough County, New Hampshire	Manchester	Manchester-14	Central City
2	Census Tract 15, Hillsborough County, New Hampshire	Manchester	Manchester-15	Central City
3	Census Tract 108, Hillsborough County, New Hampshire	Nashua	Nashua-108	Downtown to Everett Turnpike
4	Census Tract 16, Hillsborough County, New Hampshire	Manchester	Manchester-16	Central City
5	Census Tract 19, Hillsborough County, New Hampshire	Manchester	Manchester-19	Southern East Side
6	Census Tract 20, Hillsborough County, New Hampshire	Manchester	Manchester-20	West – Southwest
7	Census Tract 105, Hillsborough County, New Hampshire	Nashua	Nashua-105	Downtown
8	Census Tract 13, Hillsborough County, New Hampshire	Manchester	Manchester-13	Central City
9	Census Tract 329, Merrimack County, New Hampshire	Concord	Concord-329	Heights – Loudon Road to I-393
10	Census Tract 2004, Hillsborough County, New Hampshire	Manchester	Manchester-2004	Central Elm Street and Eastern River Bank
11	Census Tract 1071, Rockingham County, New Hampshire	Portsmouth	Portsmouth-1071	Northern City – Newington Border
12	Census Tract 815, Strafford County, New Hampshire	Dover	Dover-815	Downtown North
13	Census Tract 24, Hillsborough County, New Hampshire	Manchester	Manchester-24	South – East River Shore
14	Census Tract 3, Hillsborough County, New Hampshire	Manchester	Manchester-3	West Side – Kelley Street

*Notes: *Ordered by Census Tracts with the highest percentage of non-White householders to the lowest percentage. NHAT selections are the result of New Hampshire Fiscal Policy Institute analysis of U.S. Census Bureau, American Community Survey data, 2014–2018, using households as unit of measurement and examining all New Hampshire Census Tracts with more than twice the statewide household poverty rate.*

Excerpts from maps produced by the U.S. Census Bureau and included below show where in each city the NHATs are located. Of the NHATs, nine were in Manchester, two were in Nashua, and one each were in Concord, Dover, and Portsmouth.

Manchester

NHATs Shown Include 3, 13, 14, 15, 16, 19, 20, 24, and 2004



Source: U.S. Census Bureau Tract Reference Maps

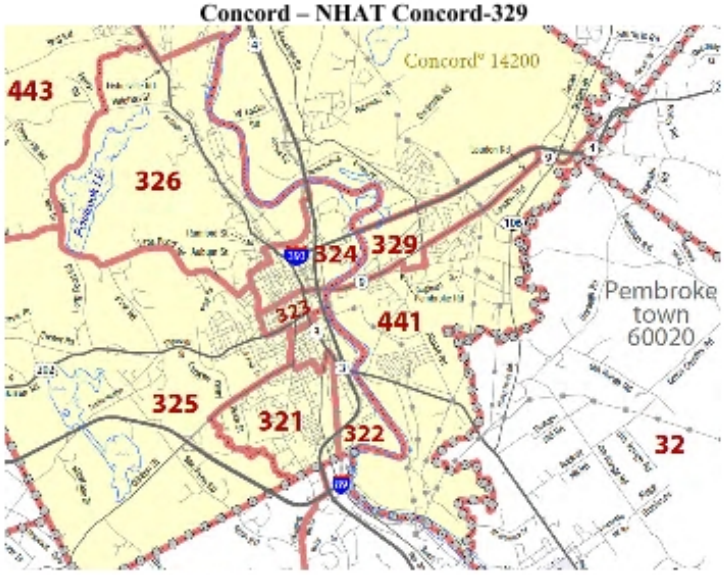
Nashua

NHATs Shown Include 105 and 108



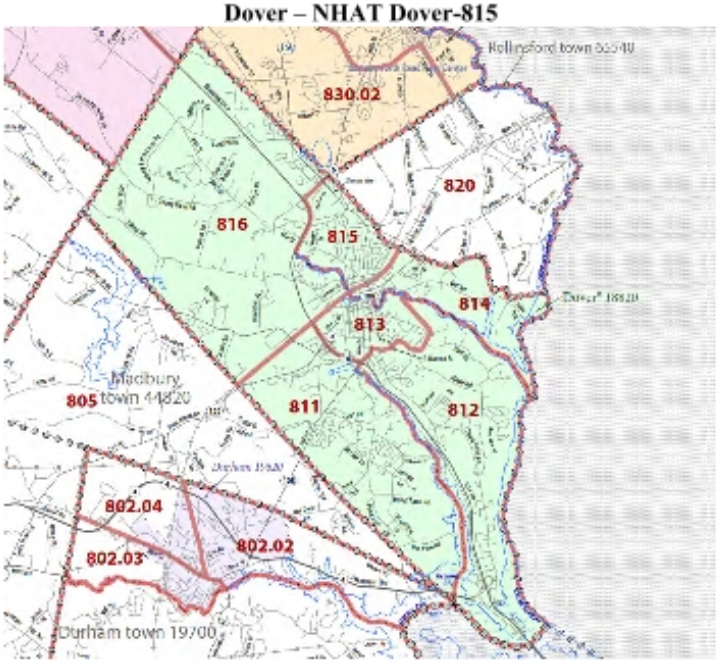
Source: U.S. Census Bureau Tract Reference Maps

Concord – NHAT Concord-329



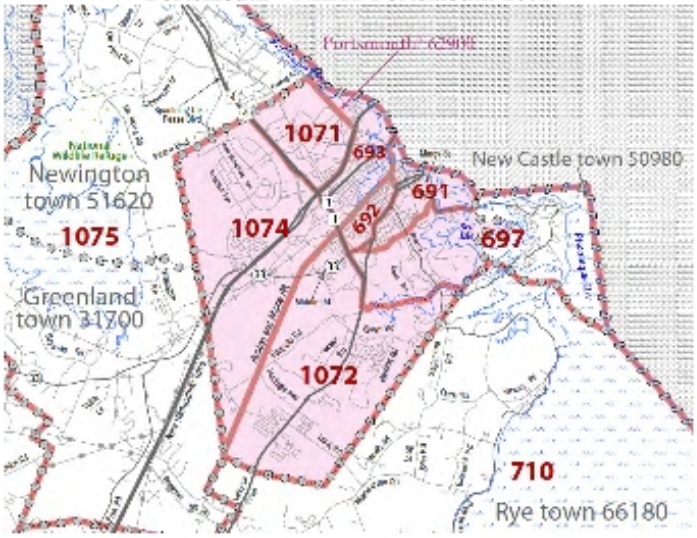
Source: U.S. Census Bureau Tract Reference Maps

Dover – NHAT Dover-815



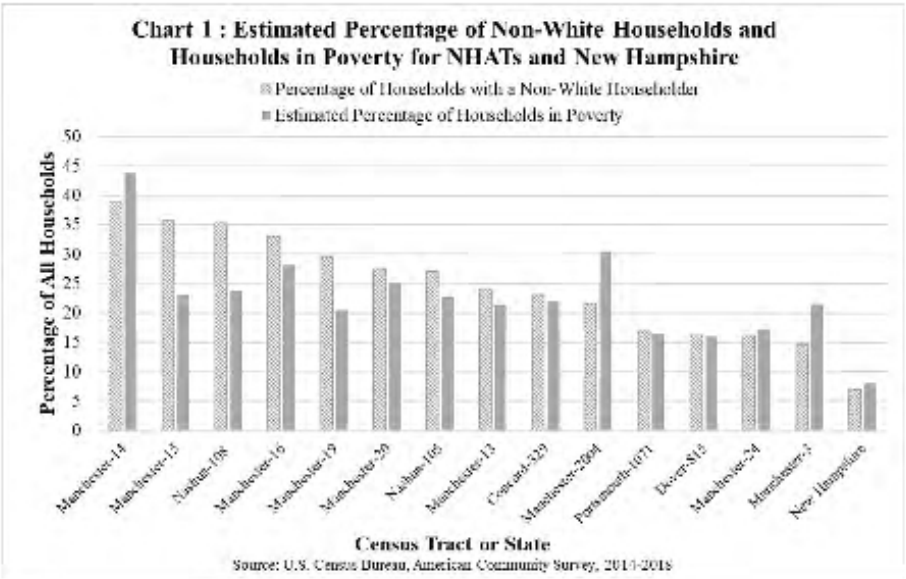
Source: U.S. Census Bureau Tract Reference Maps

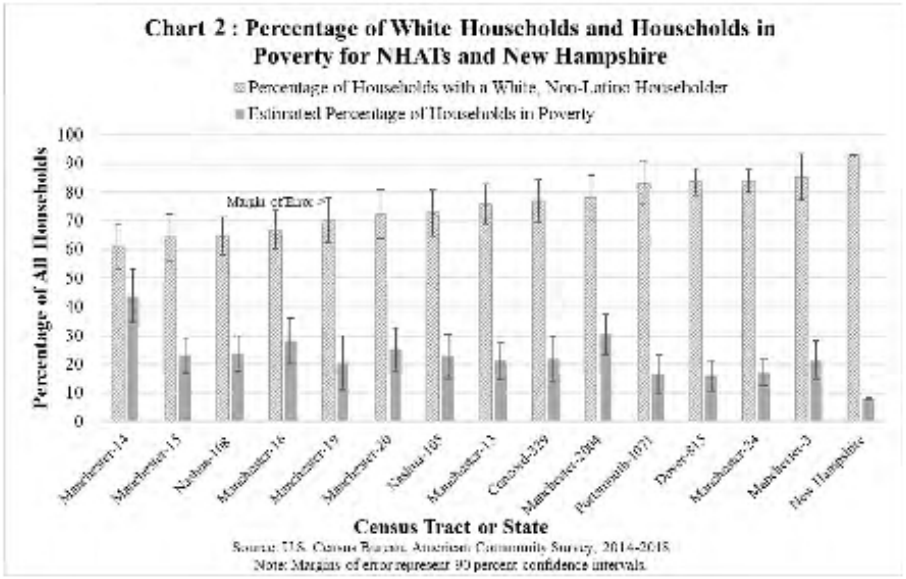
Portsmouth – NHAT Portsmouth-1071



Source: U.S. Census Bureau Tract Reference Maps

Estimated household poverty rates and percentages of non-White householders are shown below graphically for each NHAT. Margins of error are calculated for NHATs based on the percentage of White householders and are compared to statewide levels in each chart.





In every NHAT, all Census Tract-level poverty rates were higher than the statewide household poverty rate. All but one Census Tract had a percentage of White householders that was lower than the rate for householders statewide, while Census Tract Manchester-3 (based around Kelley Street) has a point estimate that was lower but was not statistically distinguishable due to the margin of error resulting from the survey data.[111] The table below presents the point estimates for poverty and non-White householders in the NHATs.

Table 2: Estimated Percentage of Non-White Households and Poverty Rates in NHATs

ID	Short Descriptor	Estimated Percentage of Households with a Non-White Householder	Estimated Percentage of Households in Poverty
1	Manchester-14	38.8	43.8
2	Manchester-15	35.7	23.1
3	Nashua-108	35.2	23.8
4	Manchester-16	33.1	28.2
5	Manchester-19	29.7	20.5
6	Manchester-20	27.5	25.2
7	Nashua-105	27.2	22.8
8	Manchester-13	24.0	21.3
9	Concord-329	23.1	21.9
10	Manchester-2004	21.7	30.5
11	Portsmouth-1071	16.9	16.5
12	Dover-815	16.2	16.0
13	Manchester-24	16.1	17.2
14	Manchester-3	14.6	21.5
Statewide	**New Hampshire**	**7.0**	**8.0**

Source: U.S. Census Bureau, American Community Survey, 2014–2018

[111] Statistical confidence testing for in-text comparisons, including statements of difference or statistical indistinguishability, were completed at the 95% confidence level. Margins of error shown on graphs, and bounds of margin of error discussed in text, are presented at the 90% confidence level unless otherwise noted.

The highest percentage of householders who identify as Black or African American alone by Census Tract is 14.1% (+/- 7.0%), in Manchester-14. Manchester-16 is estimated at 9.4% (+/- 7.1%). The third-highest concentration is estimated at 8.7% (+/- 4.7%), in Nashua Census Tract 106, which is not one of the NHATs. For the nation as a whole, in the 2014–2018 household-level ACS data, about 12.3% of householders identify as Black or African American. Two Census Tracts in southern Nashua, 111.02 and 111.01, have the highest estimated concentrations of Asian householders, at 19.7% (+/- 5.4%) and 14.8% (+/- 4.5%) of households, respectively. As for those identifying as Latino of any race, including White, Black, or Asian, the highest concentration of householders was in Nashua-108, at 30.8% (+/- 6.5%). Manchester-15 was the next highest concentration, at 22.4% (+/- 7.1%), and both NHAT and non-NHAT Census Tracts in Manchester and Nashua comprised the rest with estimated concentrations above 15%. Again, these estimated concentrations are subject to considerable statistical uncertainty, and must be interpreted with consideration to instances of wide margins of error.

More precision is available from each decennial Census count. The ACS provides updated estimates, and the last completed full count is from the 2010 Census.

Table 3: NHAT Populations and Households

Estimates from the 2014–2018 ACS and 2010 Population Counts

ID	Short Descriptor	Total Number of Estimated Households	Household Count Margin of Error	Total Estimated Population	Estimated Population Margin of Error	Population 2010 Census Count
1	Manchester-14	921	77	2,219	236	2,257
2	Manchester-15	929	75	2,905	314	2,987
3	Nashua-108	2,962	202	7,679	586	7,583
4	Manchester-16	1,409	127	4,785	597	4,010
5	Manchester-19	1,185	73	3,415	416	3,390
6	Manchester-20	856	85	2,163	311	2,208
7	Nashua-105	1,764	141	4,030	347	3,903
8	Manchester-13	1,359	103	2,979	287	3,151
9	Concord-329	2,162	131	4,696	406	4,254
10	Manchester-2004	1,698	123	2,927	363	2,867
11	Portsmouth-1071	1,098	70	2,570	231	2,465
12	Dover-815	2,702	166	5,874	394	5,721
13	Manchester-24	2,867	128	6,929	471	7,118
14	Manchester-3	1,286	86	2,941	311	2,881
Statewide	**New Hampshire**	**528,078**	**2,194**	**1,343,622**	*	**1,316,470**

**Note: Margin of error not reported by the U.S. Census Bureau for the statewide population estimate.*

Source: U.S. Census Bureau, American Community Survey, 2014–2018; 2010 Census Count accessed via AFFH-T

4. Additional Racial/Ethnic Concentration Analyses

Data from the U.S. Census Bureau identifies both individuals and households based on race, and separately based on ethnicity, with the ethnicity distinction made based on whether or not an individual identifies as Latino.[112] The data published directly by the U.S. Census Bureau's Decennial Census count and the annual ACS include people identifying as Latino in each racial group. In New Hampshire, the largest number of individuals who identify their ethnicity as Latino also identify their race as White; others who identify their ethnicity as Latino identify their race as a different race, including Black or African American.

The AFFH-T employs a different model and applies it to Census data, which categorizes individuals into five different racial/ethnic groups: White, Black, Native American, Asian or Pacific Islander, or Latino. Individuals that are multiracial are incorporated into the racial group categories.[113] Using the 2010 Census counts and modeling based on the 1990 and 2000 Census counts, the breakdown by race in each Census Tract for the year 2010 is in the table below.

[112] *Race and Ethnicity*, U.S. Census Bureau (Jan. 2017), https://www.census.gov/mso/www/training/pdf/race-ethnicity-onepager.pdf.

[113] This model is the Brown University Longitudinal Tract Database (LTDB). This database was designed to incorporate past historical racial and ethnic data into updated 2010 Census Tract boundaries. The May 2017 update to *Codebook: Longitudinal Tract Data Base* from Brown University, https://s4.ad.brown.edu/projects/diversity/Researcher/LTDB_Codebook.pdf, identifies individuals in groups other than those identifying as White alone and not Latino with their other identities; for example, individuals identifying as "Black Alone" and "Black In Combination With Other Races" and not identifying as Latino were categorized as non-Latino Black in the database.

Table 4: NHAT Percentage of Populations by Race/Ethnicity, 2010
2010 Census-Based Counts from Brown Longitudinal Tract Database, Retrieved from AFFH-T

ID	Short Descriptor	Percent White	Percent Latino	Percent Asian or Pacific Islander	Percent Black or African American	Percent Native American
1	Manchester-14	65.1	21.4	5.2	6.8	1.0
2	Manchester-15	51.8	28.4	4.9	12.1	1.6
3	Nashua-108	60.3	30.8	1.8	5.6	0.9
4	Manchester-16	63.5	20.5	6.6	8.1	1.0
5	Manchester-19	62.5	22.3	4.1	9.6	1.0
6	Manchester-20	70.5	12.3	9.4	6.3	1.2
7	Nashua-105	68.7	22.8	1.8	4.9	1.3
8	Manchester-13	73.2	11.9	6.1	7.7	0.9
9	Concord-329	79.0	2.4	12.2	5.4	0.6
10	Manchester-2004	77.9	10.6	4.0	6.6	0.5
12	Portsmouth-1071	84.1	4.7	3.6	6.4	0.9
13	Dover-815	85.4	2.4	9.2	2.5	0.6
14	Manchester-24	80.2	8.8	3.5	6.6	0.6
15	Manchester-3	83.4	6.9	2.8	5.3	1.1
Statewide	**New Hampshire**	**92.3**	**2.8**	**2.6**	**1.5**	**0.7**

Source: HUD AFFH-T Tract Data, 2010 Brown University Longitudinal Tract Database

The AFFH-T also employs a Dissimilarity Index, which HUD's *Data Documentation* identifies as a commonly used measure of community-level segregation. The Affirmatively Furthering Fair Housing rule requires participants to describe levels of segregation in the jurisdiction and region using HUD-provided data, based on race and ethnicity, and provides the Dissimilarity Index to address this requirement. The Dissimilarity Index measures the degree to which two groups are evenly distributed across a geographic area.[114] The AFFH-T supplies the Dissimilarity Index for all HUD entitlement communities in New Hampshire, which includes all communities with NHATs except for Concord. In the Dissimilarity Index, less than 40% is considered Low Segregation, while 40% to 55% is Moderate Segregation, and 55% and over is

[114] *AFFH Rule Guidebook, Version 1*, U.S. Dep't of Hous. & Urban Dev. 60–61 (Dec. 31, 2015), https://files.hudexchange.info/resources/documents/AFFH-Rule-Guidebook.pdf.

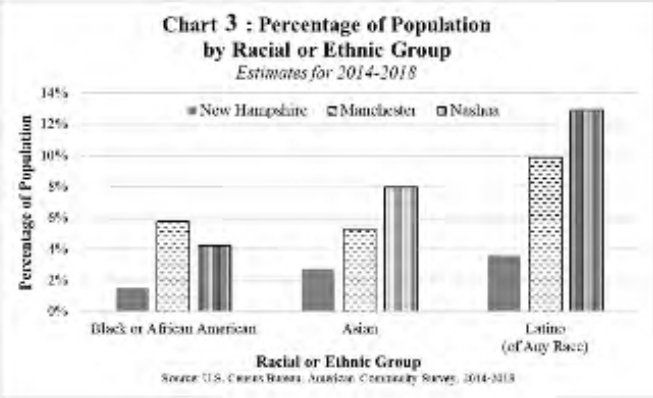
High Segregation. Using the AFFH-T data that categorizes residents into five distinct groups, shown below, all New Hampshire HUD entitlement communities had rates identified as Low Segregation in the 2010-based trend data. When multiracial individuals are excluded from the analysis (not shown in tables) and fixed 2010 figures are used, Nashua has an index value slightly under 41 when measuring dissimilarity between where Latino and non-Latino White individuals live, and both Nashua and Portsmouth had Dissimilarity Index values of between 42 and 43 when comparing where Asian or Pacific Islander and White individuals live.

Table 5: Dissimilarity Index
Measures Degree to Which Two Groups Are Evenly Distributed Across an Area Based on 2010 Census, for Entitlement Communities
Based on Brown University Longitudinal Tract Database, Retrieved from AFFH-T

Jurisdiction Name	Non-White/ White	Black/White	Latino/White	Asian or Pacific Islander/White
Dover	11.42	7.99	11.04	16.73
Manchester	24.07	27.2	32.93	19.05
Nashua	23.48	26.9	36.71	36.03
Portsmouth	24.68	24.03	25.22	26.52
Rochester	8.49	16.97	12.46	9.56
Remainder of New Hampshire	20.11	25.73	19.16	31.84

Note: <40 is considered Low Segregation, 40-55 is Moderate Segregation, and >55 is High Segregation. Multiracial individuals incorporated into displayed categories.
Source: HUD AFFH-T Tract Data, 2010 Brown University Longitudinal Tract Database

Even when excluding multiracial individuals, New Hampshire has a moderate degree of segregation in two of its cities, Manchester and Nashua, with a low degree in all other Dissimilarity Index calculations. With non-Latino Whites comprising approximately 90% of the state's population in 2018,[115] the White versus non-White segregation patterns interpreted through the Dissimilarity Index show low levels of segregation in the state's HUD-entitlement communities and in the rest of the state. Local expertise suggests that the small numbers of non-White residents and limited housing opportunities affect the



[115] Non-Latino White Population Estimate for July 1, 2018, Population Estimates Program, U.S. Census Bureau.

low levels of racial/ethnic concentrations of poverty in small geographies in New Hampshire when compared to the rest of the nation.

While segregation at the local level may be relatively limited in New Hampshire, the disparity in the percentage of the population identifying as a non-White individual between the state as a whole and the two largest cities in the state evidences higher overall concentrations of racial and ethnic groups in these urban centers. All but three of the fourteen Census Tracts included in the NHATs are in Manchester and Nashua, and all the NHATs are in cities.

5. Additional Indicators of Income and Poverty

Estimated poverty rates also varied by geography and race in New Hampshire. The overall poverty rate for individuals in New Hampshire averaged across 2014 to 2018 was estimated to be 7.9% (+/- 0.3%).[116] In the combined NHATs, approximately 24% of individuals were estimated to be in poverty. The poverty rates in the cities surrounding these areas vary considerably, with Manchester's overall poverty rate estimated to be 14.8% (+/- 1.2%) during this time period, while Portsmouth had an estimated poverty rate of 6.1% (+/- 1.2%), and Nashua, Concord, and Dover had estimated individual poverty rates of about 10%.

Children are more likely to live in poverty-level income situations than adults in New Hampshire. Poverty rates for children (under age 18 years) in Manchester and Nashua during 2014–2018 were estimated to be 21.9% (+/- 3.0%) and 13.8% (+/- 3.2%), respectively, while the statewide rate for children was 10.2% (+/- 0.7%).[117]

Poverty rates also change based on household composition of households with children. For householders who are single females with related children under 5 years old, the statewide poverty rate was 35.4% (+/- 4.6%), several times higher than the 4.9% (+/- 0.3%) estimated for all families in New Hampshire. With a poverty rate of 8.6% (+/- 0.3%), female individuals were slightly more likely to be in poverty statewide than the overall population.

The AFFH-T provides several different poverty measures. The poverty rate used by HUD to calculate the R/ECAPs in the federal-level analyses of Census Tracts does not match the ACS 2014–2018 household level poverty data used to identify the NHATs, as the HUD-employed data are based on the ACS 2009–2013, the 2010 Census, and the Brown University Longitudinal Tract Database.[118] This analysis uses the ACS 2014–2018, household-level data, as it is based on more recent survey estimates. The index calculated in the AFFH-T for poverty is a percentile indicator, ranked nationally, with a higher number indicating a lower level of exposure to poverty. Individual NHATs range from the second percentile to the 80th percentile.

[116] Five-Year Estimates 2014–2018, ACS, U.S. Census Bureau. Note that these analyses are of poverty rates among individuals, not among households, which was the basis for analysis in the selection of the NHATs.
[117] The 2014–2018 ACS poverty rate for New Hampshire individuals aged 18 to 64 years old was 7.8% (+/- 0.3%) and 5.4% (+/- 0.3%) for individuals aged 65 years and older.
[118] *AFFH-T Data Documentation*, *supra* note 104, at 4.

Table 6 : Alternative Poverty Measures *HUD AFFH-T Calculated Poverty Metrics for NHATs*		
Short Descriptor	**Poverty Rate Used in AFFH-T for Racially and Ethnically Concentrated Areas of Poverty Analysis**	**Poverty Index (Higher Value = Lower Exposure to Poverty, Ranked Nationally)**
Manchester-14	34.5	9
Manchester-15	48.5	2
Nashua-108	34.1	9
Manchester-16	27.3	15
Manchester-19	22.3	25
Manchester-20	35.3	10
Nashua-105	33.9	9
Manchester-13	25.8	18
Concord-329	22.7	29
Manchester-2004	22.7	25
Portsmouth-1071	12.8	46
Dover-815	9.4	80
Manchester-24	10.6	54
Manchester-3	22.5	21
Source: HUD AFFH-T Tract Data, February 2018		

The income-based poverty thresholds are specific dollar amounts defined by the federal government and adjusted every year for inflation.[119] However, the thresholds do not adjust for regional variations in the cost of living, and the poverty rates do not necessarily provide a full representation of the proportion of all individuals struggling financially to provide for themselves and their families.[120] Other measures may be used to understand the incomes of individuals in communities.

Median household income estimates provide insight into the income levels of a community to supplement the information provided by poverty figures. Median household incomes vary considerably between NHATs, but all are lower than the statewide estimate for 2014–2018. Median household incomes in Dover-815 and Portsmouth-1071 are the nearest to the statewide average, perhaps reflecting more income inequality in those Census Tracts or smaller areas of concentrated poverty in those communities with lower overall populations than Manchester, Nashua, and Concord, the state's three largest cities. Manchester-14 has an estimated median household income of $23,614 (+/- $6,130), with point estimates in four other NHATs well below $40,000 per year. Those estimates are considerably less than the statewide estimate of $74,057 (+/- $714), suggesting very different economic conditions for residents of those NHATs relative to the state population as a whole.

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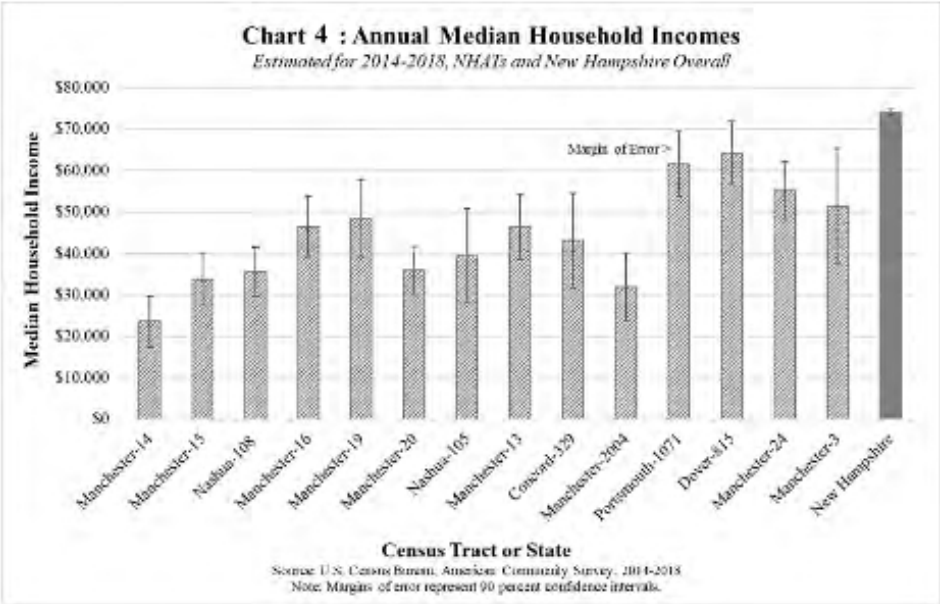
[119] *Poverty Thresholds*, U.S. Census Bureau (accessed Jan. 22, 2020), https://www.census.gov/data/tables/time-series/demo/income-poverty/historical-poverty-thresholds.html. Poverty thresholds are used for understanding demographics in Census data, whereas poverty guidelines are used for determining an individual's program eligibility. *See 2020 Poverty Guidelines*, U.S. Dep't of Health & Hum. Servs., Office of the Assistant Sec'y for Planning & Evaluation (updated Jan. 21, 2020), https://aspe.hhs.gov/2020-poverty-guidelines.

[120] *The Supplemental Poverty Measure: 2018*, U.S. Census Bureau (Oct. 2019), https://www.census.gov/library/publications/2019/demo/p60-268.html.



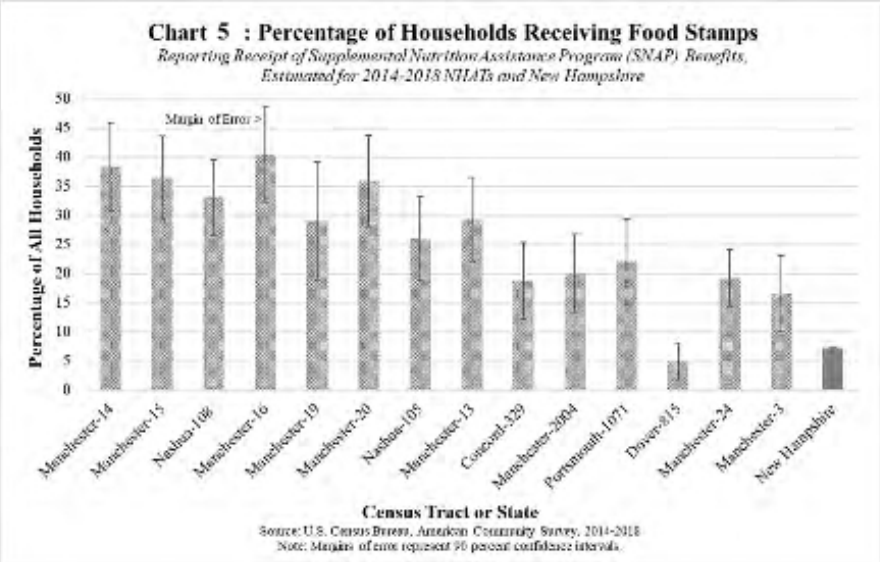
Enrollment in New Hampshire's Food Stamp Program, often identified by the federal name Supplemental Nutrition Assistance Program (SNAP), can be dependent on household size, income, and assets, but it is primarily an income-based entitlement program.[121] U.S. Census Bureau survey figures suggest wide variation among NHATs in SNAP enrollment, ranging from estimates of nearly two out of every five households in certain Manchester NHATs to an estimate of one in twenty households in Dover-815. While certain implementation and referral practices may change from one municipality to another, these figures indicate elevated SNAP enrollment relative to statewide enrollment levels in all but one of the NHATs and suggest lower levels of income in these communities.

Administrative data from the New Hampshire Department of Health and Human Services does not provide SNAP enrollment figures at the Census Tract level, but a municipal-level analysis shows that SNAP enrollment is elevated in three of the five municipalities that include NHATs. Based on September 2019 enrollment and July 2018 population estimates, SNAP enrollment statewide was 5.4% of the population, but was 12.0% in Manchester, 7.6% in Nashua, 8.0% in Concord, 5.1% in Dover, and 4.4% in Portsmouth.[122] New Hampshire's Medicaid program includes enrollees for a variety of reasons, but the target populations are those with limited incomes and assets, particularly children from low-income households and adults

[121] *Food Stamp Manual*, N.H. Dep't of Health & Hum. Servs. (Oct. 2019), https://www.dhhs.nh.gov/fsm_htm/newfsm.htm.

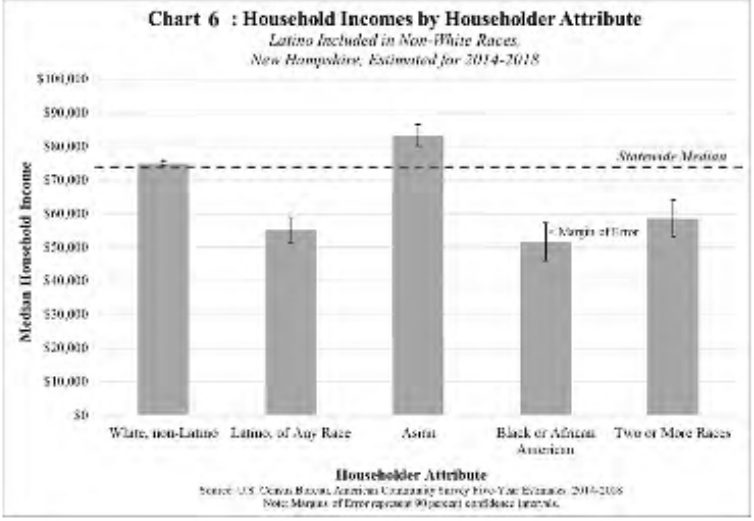
[122] September 2019 Food Stamp Program Enrollment by Municipality, N.H. Dep't of Health & Hum. Servs. (additional analysis conducted to sort non-municipality place enrollees into municipalities); Estimates for July 1, 2018, Population Estimates Program, U.S. Census Bureau.

requiring long-term supports and services.[123] About 13.0% of New Hampshire's population was enrolled in Medicaid in September 2019; however, Manchester's enrollment was 23.5% of the population, Nashua's was 15.4%, and Concord's was 17.1%. Dover and Portsmouth had 11.5% and 9.8% enrollment rates, respectively.[124]

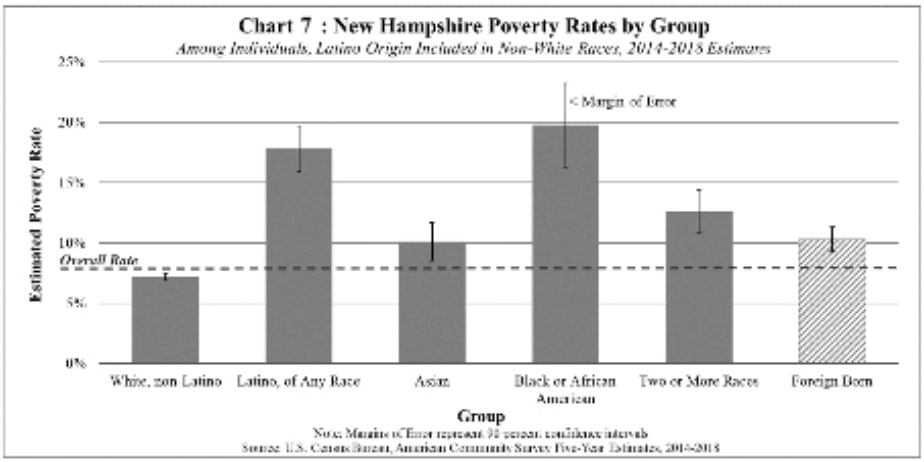


[123] *NH Medicaid Program*, N.H. Dep't of Health & Hum. Servs. (accessed Mar. 1, 2020), https://www.dhhs.nh.gov/ombp/medicaid/.
[124] *New Hampshire Medicaid Enrollment Demographic Trends and Geography*, N.H. Dep't of Health & Hum. Servs. (Sept. 2019), https://www.dhhs.nh.gov/ombp/medicaid/enrollment-data.htm; Estimates for July 1, 2018, Population Estimates Program, U.S. Census Bureau.

Using statewide data, poverty rates and median household incomes by racial and ethnic group show disparities between individuals and groups, particularly certain non-White groups. Median incomes were lower during the 2014–2018 period in households where the householder identified as Latino (of any race), identified as Black or African American, or identified as being of two or more races. Asian householders were in households with higher median incomes than the statewide median, while non-Latino Whites had median household incomes statistically indistinguishable from the statewide median.



Poverty rates for individuals by racial or ethnic group also show that non-White residents are more likely to be in poverty. The poverty rates among individuals who identify as Black or African American, Asian, two or more races, or those of any race who identify as Latino, were higher than the overall statewide poverty rate during the 2014–2018 period, while the rate for non-Latino Whites was lower than the statewide rate. Individuals who were born outside of the United States and living in New Hampshire, regardless of race, were also more likely to be in poverty than the population as a whole.



All these indicators suggest that poverty is higher in the NHATs, incomes are generally lower, and racial/ethnic concentrations are higher than in the state as a whole (*see* App. A-18–A-34 for maps of household poverty rate, racial and ethnic diversity, and median household income by Census Tract).

6. Community Asset Indicators

a. Educational Opportunities and Language Barriers

The Affirmatively Furthering Fair Housing rule requires an assessment of educational opportunities.[125] The AFFH-T provides a Weighted School Proficiency Index to address this question, which ranks school access by Census Tract in percentiles based on a formula that employs 4th grade reading and math scores on state tests. The schools used in the analysis are selected based on a national database of school district borders, where known, and an

[125] *AFFH Rule Guidebook*, *supra* note 114, at 70.

approximation based on the closest schools within a certain mileage radius where catchment borders are unknown.[126]

The AFFH-T weighted school proficiency index shows considerable variation in access to schools with higher levels of 4th grade state-test scores. The schools are ranked by percentile from 0 to 100. The higher the score, the higher the school system ranks in a neighborhood based on the measures in the index. Local schools that are identified by HUD as serving Census Tracts are averaged. Several Manchester tracts likely draw on the same or similar combinations of schools, and this index identifies those test scores as among the lowest in the state, suggesting more limited educational opportunities for elementary students in those NHATs. All NHAT school index scores are in the bottom third except for Portsmouth-1071, which appears to be proximate to some of the highest-performing schools in the state.

Table 7 : NHAT School Proficiency Index

HUD Calculations Based on 4th Grade Test Scores

Short Descriptor	Weighted School Proficiency Index (Percentile Rank at State Level)
Manchester-14	0.5
Manchester-15	0.4
Nashua-108	0.9
Manchester-16	0.9
Manchester-19	1.3
Manchester-20	6.4
Nashua-105	10.2
Manchester-13	2.0
Concord-329	23.0
Manchester-2004	13.6
Portsmouth-1071	97.0
Dover-815	30.3
Manchester-24	16.1
Manchester-3	7.3

Source: HUD AFFH-T Tract Data

Data from the New Hampshire Department of Education provides additional insight into the opportunities elementary students may have in schools within and adjacent to NHATs. Schools face differing challenges and opportunities in educating and supporting their students, and the resources a student has at home may impact the extent to which support is needed at school. Students may also face additional barriers to learning if they are not fluent in English. Individual school data showing the percentage of English Language Learners and eligibility for free or reduced-price meals permits greater understanding of the challenges facing students and schools in the NHAT and adjacent areas.

The table below shows the percentage of students who are English Language Leaners and the percentage of students eligible for free and reduced-price meals by elementary school. Local public district elementary schools were selected as the school associated with an analysis if (1) they were within the borders of the Census Tract, or (2) they were the closest school to the plurality of the area of the Census Tract.[127] For district-level percentages of less than 10% or greater than 90%, the New Hampshire Department of Education suppresses the exact percentage to protect individual identity.

[126] *AFFH-T Data Documentation*, *supra* note 104.

[127] This process was completed manually with available maps.

Table 8 : Elementary School Enrollment Characteristics

Percentage of Students by School

Short Descriptor	Nearby Elementary School	English Language Learners (2018-2019)	Free and Reduced Price Meal Student Enrollment (2019-2020)
Manchester-14	Beech Street School	34%	87%
Manchester-15	Beech Street School	34%	87%
Nashua-108	Ledge Street School	37%	75%
Manchester-16	Henry Wilson Elementary School	36%	77%
Manchester-19	Bakersville School	28%	78%
Manchester-20	Gossler Park School	14%	73%
Nashua-105	Mt. Pleasant School	18%	74%
Manchester-13	McDonough School	16%	65%
Concord-329	Broken Ground School	21%	44%
Manchester-2004	Beech Street School	34%	87%
Portsmouth-1071	New Franklin School	N/A	25%
Dover-815	Horne Street School	<10%	27%
Manchester-24	Bakersville School	28%	78%
Manchester-3	Northwest Elementary School	18%	56%
New Hampshire	**N/A**	**<10%**	**25%**

Source: New Hampshire Department of Education, School and District Report Card and Free/Reduced School Lunch Eligibility

Elementary schools in or near NHATs vary widely in the extent to which students attending are not fully proficient in English or come from households with low incomes. While all local NHAT schools matched or exceeded the statewide percentage of students eligible for free or reduced-price meals, the range varied from lows of 25% and 27% in the Portsmouth and Dover NHATs to 87% at the Beech Street School in Manchester, which was the closest geographically to three NHATs. In ten of the fourteen NHATs, the closest elementary school had 65% or more of students eligible for free or reduced-price meals. Two elementary schools in Manchester and one in Nashua near to NHATs have more than a third of students identified as English Language Learners.

The State of New Hampshire requires all students in grades 3–8 and in grade 11 take the New Hampshire State Assessments in English Language Arts and Mathematics.[128] Scores varied considerably, primarily because of the elementary school closest to Portsmouth-1071, but all other schools had lower percentages of students scoring proficient than the statewide averages.

[128] *iReport: Student Achievement – Overview*, N.H. Dep't of Educ., https://ireport.education.nh.gov/state/NH/student-achievement.

Table 9 : New Hampshire State Assessments by School

Fourth Grade, Percentage Scoring Proficient, 2018-2019

Short Descriptor	Nearby Elementary School	English Language Arts	Mathematics
Manchester-14	Beech Street School	<10%	<10%
Manchester-15	Beech Street School	<10%	<10%
Nashua-108	Ledge Street School	32%	25%
Manchester-16	Henry Wilson Elementary School	16%	<10%
Manchester-19	Bakersville School	21%	22%
Manchester-20	Gossler Park School	21%	18%
Nashua-105	Mt. Pleasant School	39%	23%
Manchester-13	McDonough School	38%	29%
Concord-329	Broken Ground School	54%	40%
Manchester-2004	Beech Street School	<10%	<10%
Portsmouth-1071	New Franklin School	85%	86%
Dover-815	Horne Street School	49%	45%
Manchester-24	Bakersville School	21%	22%
Manchester-3	Northwest Elementary School	36%	33%
New Hampshire	**N/A**	**56%**	**48%**

Source: New Hampshire Department of Education, School and District Report Card

In the community beyond the school systems, limited English language proficiency may also make accessing housing and other services difficult to accomplish. The AFFH-T offers analysis of 2010 Decennial Census count data, the most recent data with a detailed population count at the local level, which permits assessment of both the percentage of residents with limited English proficiency and the number of different languages spoken by those individuals with limited English proficiency. This second metric, although likely not comprehensive due to a finite number of categories offered by the U.S. Census Bureau and HUD, provides some insight into the complexity associated with communicating across up to ten different languages within a Census

Table 10: Limited English Proficiency

By Census Tract, 2010 Census Counts

Short Descriptor	Percentage with Limited English Proficiency (2010)	Number of Different Languages Identified Associated with Limited English Proficient Individuals
Manchester-14	16.4	10
Manchester-15	21.8	7
Nashua-108	12.7	5
Manchester-16	22.0	10
Manchester-19	18.3	6
Manchester-20	9.2	5
Nashua-105	10.9	1
Manchester-13	7.3	5
Concord-329	5.8	6
Manchester-2004	10.4	5
Portsmouth-1071	2.1	2
Dover-815	4.5	4
Manchester-24	6.3	8
Manchester-3	7.4	4
New Hampshire	**2.3**	**N/A**

Source: HUD AFFH-T Tract and State Data

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Tract.[129] ACS estimates from 2014–2018 are too uncertain to provide substantial insight into each NHAT, but five NHATs had point estimates with more than 10% of households identified as limited English speaking households: Manchester-15 (23.4%, +/- 7.5%), Nashua-108 (13.4%, +/- 4.8%), Concord-329 (12.8%, +/- 7.8%), Manchester-20 (12.6%, +/- 6.2%), and Manchester-14 (11.2%, +/- 5.4%).

b. Availability of Affordable and Adequate Housing

There is a limited supply of housing in both the rental and ownership markets in New Hampshire, and prices have been increasing for both homebuyers and renters.[130] These two markets are related, as potential homebuyers may continue to rent if they cannot find an affordable home. Data suggest renters are typically lower-income than homeowners, with median household income for a renter-occupied unit in New Hampshire at approximately $41,000, while owner-occupied units had estimated median household incomes of about $92,000, based on 2018 data.[131] Housing in the NHATs is likely substantially impacted by the rental market.

HUD identifies families who pay more than 30% of their income for housing as cost-burdened.[132] While subject to considerable statistical uncertainty, ACS 2014–2018 data permit estimations of the percentage of renter households owing more than 30% of their incomes in rent and utilities. For NHATs as a whole, approximately 52% of renter households were estimated to be paying more than 30% of their income in rent and utilities during 2014–2018, compared to approximately 47% for all renters statewide.

The AFFH-T also employs older data to estimate the aggregate percentage of households with

Table 11: Cost-Burdened Renter Households by NHAT

2014-2018 Estimates, Include Significant Statistical Uncertainty

Short Descriptor	Estimated Percentage of Renter Households Owing More Than 30 Percent of Income in Rent and Utilities
Manchester-14	55
Manchester-15	61
Nashua-108	62
Manchester-16	48
Manchester-19	45
Manchester-20	59
Nashua-105	58
Manchester-13	40
Concord-329	50
Manchester-2004	49
Portsmouth-1071	42
Dover-815	43
Manchester-24	52
Manchester-3	57
New Hampshire	**47**

Source: U.S. Census Bureau, American Community Survey, 2014-2018

[129] The languages tracked by the U.S. Census Bureau and identified in the AFFH-T HUD data include 38 languages and language classifications, and another category for unspecified languages. The languages and language classifications identified include Spanish, French, French Creole, Italian, Portuguese, German, Yiddish, West Germanic, Scandinavian, Greek, Russian, Polish, Serbo-Croatian, Slavic, Persian, Gujarati, Hindi, Urdu, Indic, Indo, Japanese, Korean, Cambodian, Hmong, Thai, Laotian, Vietnamese, Asian, Tagalog, Pacific, Navajo, North American, Hungarian, Arabic, Hebrew, and African languages.

[130] *Housing Market Report*, NHHFA (Nov. 2019), https://www.nhhfa.org/wp-content/uploads/2019/11/NHHFA-HMR-November2019.pdf.

[131] One-Year Data 2018, ACS, U.S. Census Bureau.

[132] *Affordable Housing*, U.S. Dep't of Hous. & Urban Dev., Office of Cmty. Planning & Dev. (accessed Mar. 2, 2020), https://www.hud.gov/program_offices/comm_planning/affordablehousing/.

"housing problems." According to HUD, a household with a housing problem has at least one of these four issues: (1) lack of complete kitchen facilities, (2) lack of complete plumbing facilities, (3) has more than one person per room, or (4) is cost-burdened, with monthly housing costs (including utilities) exceeding 30% of monthly income. Severe housing problems are defined as the same set of issues with the exception of the cost-burdened component, with severe housing issues only triggered if housing costs are more than 50% of monthly income. Cost burdens comprise most of the identified housing problems, based on analysis of available AFFH-T and ACS data. These percentages were calculated from HUD's Comprehensive Housing Affordability Strategy data from 2009 to 2013, which are produced from custom tabulations of the American Community Survey.

Table 12: Percentage of Households with an Identified Housing Problem

Housing Problems: Lacking Complete Kitchen Facilities, Lacking Complete Plumbing, More than One Person per Room, or Costing More Than 30 Percent of Resident Income

Severe Housing Problems: Any Non-Cost Problem, or Cost of More Than 50 Percent of Resident Income

Short Descriptor	Percent of Households with One or More Housing Problems	Percent of Households with One or More Severe Housing Problems
Manchester-14	57	34
Manchester-15	68	48
Nashua-108	56	34
Manchester-16	54	39
Manchester-19	55	32
Manchester-20	48	33
Nashua-105	58	33
Manchester-13	58	33
Concord-329	49	16
Manchester-2004	48	28
Durham-802.03	55	41
Portsmouth-1071	45	21
Dover-815	46	16
Manchester-24	42	14
Manchester-3	60	29
New Hampshire Statewide - White Population	36	16
New Hampshire Statewide - Black Population	45	23
New Hampshire Statewide - Latino Population	50	24
New Hampshire Statewide - Asian or Pacific Islander Population	46	25

Source: HUD AFFH-T Tract Data, February 2018

Housing problems, including high costs and incomplete facilities, may have disproportionate impacts on certain groups in New Hampshire. The AFFH-T provides estimates of housing problems by race statewide. An estimated 36% of White households have housing problems statewide, while about 45% of Black households reported at least one housing problem. About 50% of Latino households reported at least one qualifying housing problem, as did about 46% of Asian or Pacific Islander households.

Housing units may also have problems associated with age, including exposure to lead paint, which can be particularly detrimental to young children. Homes built before 1978, when the federal government banned the use of lead-containing paint for consumer use, may contain lead-based paint.[133] Other detrimental impacts of living in an older building may include higher utility costs, such as for heating and cooling. In all but one NHAT, Portsmouth-1071, a higher percentage of housing units were built before 1980 than housing units statewide. In four Manchester NHATs, more than nine in ten housing units were built before 1980, which may disproportionately increase the risk of lead exposure in these areas.

Table 13: Older Housing Units

NHAT and Statewide, Based on 2014-2018 Data

Short Descriptor	Estimated Percentage of Housing Units Built Before 1980
Manchester-14	91
Manchester-15	96
Nashua-108	80
Manchester-16	89
Manchester-19	76
Manchester-20	69
Nashua-105	89
Manchester-13	97
Concord-329	39
Manchester-2004	77
Portsmouth-1071	53
Dover-815	63
Manchester-24	76
Manchester-3	93
New Hampshire	**54**

Source: U.S. Census Bureau, American Community Survey, 2014-2018

[133] *Protect Your Family from Exposures to Lead*, U.S. Envtl. Prot. Agency (accessed Mar. 2, 2020), https://www.epa.gov/lead/protect-your-family-exposures-lead.

Publicly-subsidized housing can increase the concentration of more low-income housing units into one area, such as in large apartment complexes; this concentration could potentially impact the information on a Census Tract level. The AFFH-T offers summary information on the assisted housing programs operating by Census Tract. These data are incorporated into the table below for the NHATs.

Table 14 : Assisted Housing Programs

Short Descriptor	Total Number of Units	Total Percentage Occupied by Non-White Individuals	Public Housing Units	Public Housing Percentage Occupied by Non White Individuals	Housing Choice Vouchers Units	Housing Choice Vouchers - Percentage Held by Non-White Individuals	Project Based Section 8 Units	Other Multifamily Units
Manchester-14	376	21%	299	18%	76	35%	1	**
Manchester-15	182	34%	6	*	120	34%	30	26
Nashua-108	661	29%	90	65%	583	32%	107	82
Manchester-16	163	23%	23	23%	140	23%	**	**
Manchester-19	136	41%	44	60%	82	34%	10	**
Manchester-20	272	20%	167	9%	96	40%	9	**
Nashua-105	214	32%	11	36%	160	38%	43	**
Manchester-13	158	22%	21	15%	137	24%	**	**
Concord-329	379	37%	**	**	73	18%	306	**
Manchester-2004	317	18%	**	**	154	20%	163	**
Portsmouth-1071	239	15%	122	18%	94	14%	23	**
Dover-815	103	4%	**	**	103	4%	**	**
Manchester-24	471	29%	208	48%	143	18%	119	**
Manchester-3	223	17%	102	17%	121	16%	**	**

*Notes: *Data not available. **No units in category listed. Source: HUD AFFH-T Data, accessed January 2020.*

These assisted housing programs do not include the Low-Income Housing Tax Credit (LIHTC) properties in the NHAT. This program provides resources to state and local governments to issue tax credits for the creation of rental housing targeted at lower-income households.[134] The development of these properties may also concentrate the housing used by people with low incomes. The table below shows the LIHTC projects, and the number of units, in HUD's LIHTC database that opened from 1998 to 2017.[135]

Table 15: Low-Income Housing Tax Credit Projects
Placed in Service 1998-2017 in NHATs

Census Tract Descriptor	Number of Projects	Project Name	Total Units	Total Low Income Units
Manchester-14	2	Renaissance IV, Lowell Street	40	40
Manchester-15	3	Renaissance III, Renaissance IV, Cedar House	64	64
Nashua-108	4	Millette Manor, Gatewood Manor, Salmon Brook Senior Housing	151	151
Manchester-16	0			
Manchester-19	1	Renaissance VIII (Silver Mills)	57	57
Manchester-20	0			
Nashua-105	2	Xavier House, Cotton Mill	143	89
Manchester-13	0			
Concord-329	0			
Manchester-2004	0			
Portsmouth-1071	1	Betty's Dream	24	24
Dover-815	1	Woodbury Mills	42	42
Manchester-24	1	Beech Hill	320	288
Manchester-3	1	Brown School	34	34

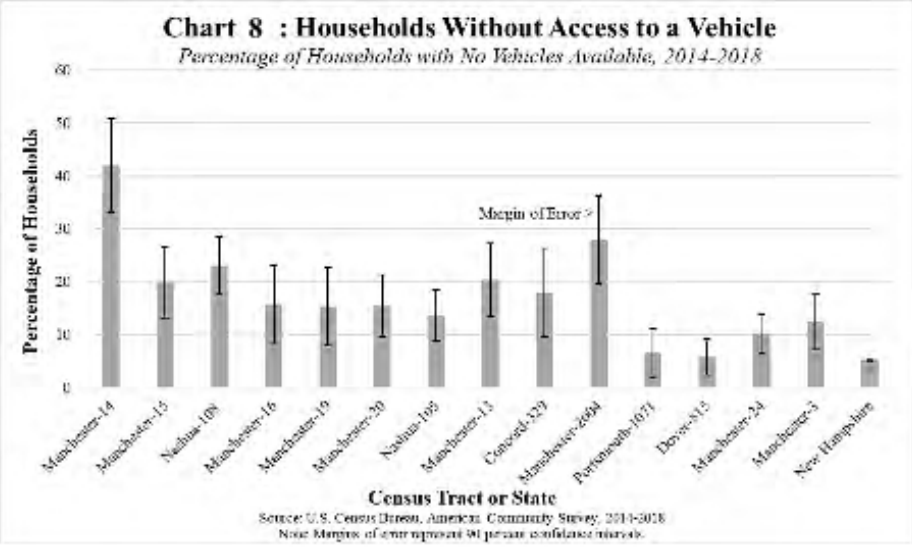
Source: U.S. Department of Housing and Urban Development, Low-Income Housing Tax Credit Database.

c. Access to Transportation

Throughout much of New Hampshire, a vehicle is the only viable means of long-distance transportation, in part due to limited public transportation options. The NHATs are all in New Hampshire's cities and are more densely populated than much of the state's land area. However, access to a motor vehicle is still a relevant consideration in New Hampshire's urban centers. The graph below shows the NHAT and statewide percentages of occupied housing units where residents reported having no vehicle available. These ACS data reveal that, during 2014 through 2018, all NHATs except for Dover-815 and Portsmouth-1071 had statistically significantly higher rates of households reporting having no vehicles available. Dover and Portsmouth are the

[134] *Low-Income Housing Tax Credits*, U.S. Dep't of Hous. & Urban Dev., Office of Policy Dev. & Research (May 24, 2019), https://www.huduser.gov/portal/datasets/lihtc.html.
[135] The HUD database did not clearly indicate whether all these projects were still active.

two smaller cities of the five communities with NHATs. Data for Manchester-14, which is just east of Elm Street in central Manchester, showed between 33.1% and 50.9% of households without a vehicle available.



Both low household resources and relatively high population densities are likely factors in those NHATs with lower levels of vehicle access. Higher population densities likely enable certain individuals to access employment and many needed services without owning a car, although the array of options is much more limited in New Hampshire when driving one's own vehicle is not an option. The availability of public transportation may also influence where individuals live or where they can afford to live. The AFFH-T offers a Low Transportation Cost Index and notes that calculated costs in the index may be low due to higher density of homes, services, and jobs in and around an examined Census Tract. These index values are based on the Location Affordability Index data from 2008–2012 and show that, when ranked in percentiles relative to other areas of the nation, transportation costs in the NHATs are relatively low. Notably, the incomes used to calculate these relative transportation costs use the U.S. Census Bureau's Core-Based Statistical Areas, which indicates Manchester and Nashua are calculated separately from Dover and Portsmouth, with Concord calculated separately from the other four cities.[136] Relative to the state as a whole, the Low Cost Transportation Index shows that NHAT transportation costs appear lower, likely due to the density of population and services compared to the statewide figures. By racial group, the Index suggests transportation costs may be higher for the White population relative to other racial or ethnic groups. This trend likely reflects greater access to public transportation in higher population density areas in New Hampshire, such as Manchester and Nashua, where non-White residents make up a greater share of the population than the statewide figures.

[136] *AFFH-T Data Documentation*, *supra* note 104.

Table 16: Transportation Costs and Public Transit Use *Indices Calculated for the AFFH-T,* *NHAT Index Values and Statewide Values by Race or Ethnic Group*		
Short Descriptor	**Low Transportation Cost Index (Higher Value = Lower Transportation Costs, Ranked Nationally)**	**Transit Trips Index (Higher Value = More Likely to Use Public Transit, Ranked Nationally)**
Manchester-14	98	34
Manchester-15	98	38
Nashua-108	95	35
Manchester-16	97	39
Manchester-19	93	30
Manchester-20	97	36
Nashua-105	95	33
Manchester-13	97	38
Concord-329	86	15
Manchester-2004	97	29
Portsmouth-1071	91	76
Dover-815	83	86
Manchester-24	89	27
Manchester-3	96	37
New Hampshire Statewide - White Population	67	35
New Hampshire Statewide - Black Population	79	38
New Hampshire Statewide - Latino Population	80	37
New Hampshire Statewide - Asian or Pacific Islander Population	76	41
Source: HUD AFFH-T Tract and State Data, February 2018		

Another index offered by the AFFH-T to evaluate transportation at the Census Tract level is the Transit Trips Index, which also is based in part in Core-Based Statistical Areas. Higher values indicate residents are more likely to use public transit, and Census Tracts are ranked by percentile nationally.[137] These figures suggest public transit use is relatively low in some New Hampshire cities, although Dover-815 and Portsmouth-1071 are ranked relatively highly within the NHATs and compared to the nation. The Core-Based Statistical Area basis for certain components of the calculations may be impacting the scores disproportionately, as Portsmouth and Dover are included within the Boston-Cambridge-Newton Metropolitan Statistical Area, while the Manchester-Nashua Metropolitan Statistical Area includes Hillsborough County

[137] *Id.*

alone.[138] Statewide figures analyzed by racial group suggest White residents may be less likely to use public transit than Black, Latino, or Asian residents.

d. Environmental Health Hazards

The AFFH-T supplies an Environmental Health Index to summarize potential exposure to harmful toxins at a neighborhood level. The index combines air quality carcinogenic, respiratory, and neurological hazards collected as part of the U.S. Environmental Protection Agency's National Air Toxics Assessment (NATA), which compiles an inventory of outdoor air toxics sources and estimates ambient concentrations of air toxics, converting those estimates into health risk calculations based on years of exposure. Indoor hazards are not included.[139] The AFFH-T data is from the 2011 NATA; for this analysis, updated data from the cancer risk calculation of the 2014 NATA are also displayed for the NHATs.

Table 17 : Environmental Health Metrics

National Air Toxics Assessment, 2014
AFFH-T Environmental Health Index, 2018 Update

Short Descriptor	National Air Toxics Assessment Cancer Risk (Higher Value = Greater Risk, Measures as Out of One Million)	Environmental Health Index
Manchester 14	28	16
Manchester 15	29	15
Nashua-108	30	31
Manchester-16	29	20
Manchester-19	29	22
Manchester-20	29	36
Nashua 105	30	25
Manchester-13	29	18
Concord-329	27	34
Manchester-2004	29	14
Portsmouth 1071	26	41
Dover-815	25	56
Manchester 24	29	11
Manchester-3	28	37
New Hampshire Statewide - White Population	N/A	76
New Hampshire Statewide - Black Population	N/A	57
New Hampshire Statewide - Latino Population	N/A	56
New Hampshire Statewide Asian or Pacific Islander Population	N/A	64

Source: U.S. Environmental Protection Agency; HUD AFFH-T Tract and State Data, February 2018

Although the 2014 NATA shows slight variation in the overall cancer risk across the NHATs, with apparent dips in risk for the Dover, Portsmouth, and Concord NHATs relative to Manchester and Nashua, directly comparing these estimates for small areas provides only limited

[138] *New Hampshire – Core Based Statistical Areas (CBSAs) and Counties*, U.S. Census Bureau (as of Feb. 2013), https://www2.census.gov/geo/maps/metroarea/stcbsa_pg/Feb2013/cbsa2013_NH.pdf.
[139] *National Air Toxics Assessment, NATA Overview*, U.S. Envtl. Prot. Agency (updated Aug. 27, 2018), https://www.epa.gov/national-air-toxics-assessment/nata-overview.

information, as these estimates are based on limited data and assumptions. For context, the estimated level of cancer risk, at approximately 28 to 30 in one million for the Nashua and Manchester NHATs, appears to be nearly twice as high as the estimated risk of 16 in one million in Pittsburg, New Hampshire (along the Canadian border), and may also be higher than the 19 per one million cancer risk estimated for Francestown, only three towns west of Manchester, and New Ipswich, four towns west of Nashua.[140]

The AFFH-T index values within NHATs suggest a substantial difference in national rankings for each NHAT. While Manchester-2004, which includes parts of Elm Street and the eastern bank of the Merrimack River, had an index value of 14, nearby Manchester-24 had an index value of 44, and Dover-815's index value was 56. That high value relative to all NHATs, however, was approximately equivalent to the index value for Black and Latino individuals statewide. Asian or Pacific Islander individuals had a higher estimated index value of 64, and for the White population statewide the index value was 76. These index figures suggest the NHATs have inferior environmental air quality to the state as a whole, which may reflect the urban nature of the NHATs relative to the rural environment dominant throughout much of the state's land area, and also that Whites may disproportionately have access to air with fewer toxins than non-Whites, based on where residents live.

Notably, environmental hazards are not bound by Census Tracts, and additional information would be needed to determine the statistical significance of any specific differences in air quality between Census Tracts.

e. Labor Market Engagement and Job Opportunities

Measurements of access and proximity to employment and engagement with the labor force provide insight into the economic opportunity in a neighborhood. Alongside the monthly unemployment estimates collected through the Current Population Survey, which has a smaller sample size, the ACS asks respondents about labor force participation rates and unemployment as well.[141] ACS data averaged over five years permits limited analysis at the Census Tract level.

Labor force participation rates for those aged 16 years and older were lower than the overall statewide figure in Manchester-14 and Concord-329. However, the participation rate was higher in Manchester-13, Manchester-3, and Dover-815, suggesting that a mixture of factors may contribute to the labor force participation rates, and neighboring NHATs exhibited measurably different rates from the state in different directions. The employment-to-population ratio for individuals aged 16 and up showed a similar pattern, although the NHATs that were statistically distinguishable from the statewide figures were somewhat different; Manchester-14, Manchester-19, Manchester-24, and Concord-329 have lower employment-to-population ratios than the state, while Manchester-3 has a higher ratio.

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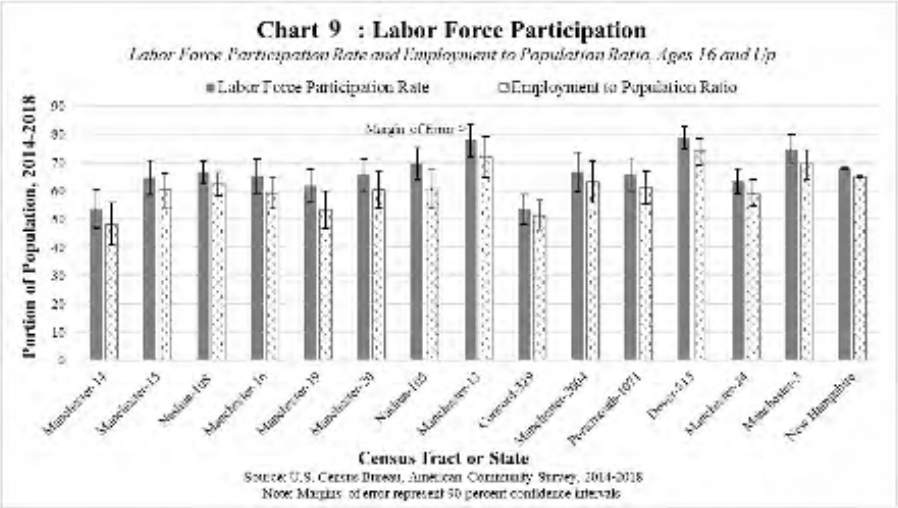
[140] *2014 National Air Toxics Assessment Map Application*, U.S. Envtl. Prot. Agency, https://www.epa.gov/national-air-toxics-assessment/2014-nata-map.

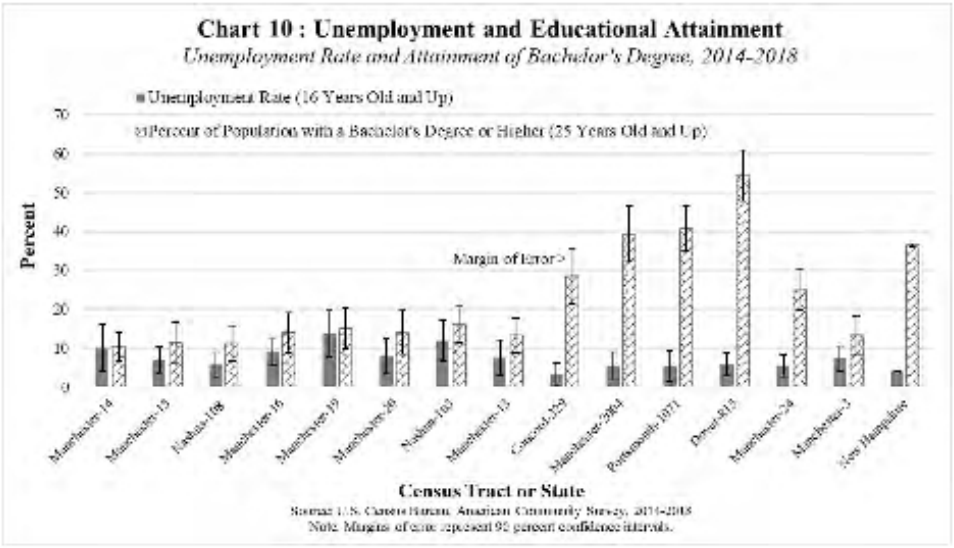
[141] *How the Census Bureau Measures Income and Poverty*, U.S. Census Bureau (Sept. 5, 2017), https://www.census.gov/newsroom/blogs/random-samplings/2017/09/how_the_census_burea.html.



Success in the labor market can also be measured through the unemployment rate. Individuals counting as unemployed are participating in the labor force and seeking work, but they have not yet become employed.[142] The unemployment rates at the Census Tract level are very uncertain, even when five years of collected data are used to calculate them. However, the NHAT unemployment rates were statistically higher than the statewide rate for 2014–2018 in Manchester-16, Manchester-19, and Nashua-105.

Investment in educational attainment may enable more successful engagement in job opportunities. Higher levels of educational attainment correlate with higher incomes.[143] Educational attainment, as measured by the percentage of individuals aged 25 and older with a Bachelor's degree or a more advanced degree, varies considerably between NHATs. The estimated percentage of higher educational attainment of the population in Manchester-14 is 10.4% (+/- 3.7%), while the estimated percentage in Dover-815 is 54.4% (+/- 6.6%), surpassing the statewide percentage of 36.5% (+/- 0.4%). Portsmouth-1071, Manchester-2004, and Concord-329 are statistically indistinguishable from the statewide percentage, with all other NHATs having lower percentages. These disparities between NHATs suggest that some NHATs may have more income inequality, or variations within the resident population, than others, such as those in central Manchester or Nashua, where higher populations may lend themselves to more homogenous demographics throughout a full Census Tract. These differences may also suggest that Dover and Portsmouth have populations of college or graduate students that impact the income, poverty, and educational attainment figures.

[142] There are some differences between the ACS and the Current Population Survey. *See Local Area Unemployment Statistics, American Community Survey (ACS) Questions and Answers*, U.S. Bureau of Labor Statistics (updated Dec. 6, 2019), https://www.bls.gov/lau/acsqa.htm.
[143] Analysis of U.S. Census Bureau, ACS 2014–2018 data for New Hampshire.



The AFFH-T offers two indices that help provide insights into both job opportunities and labor market engagement. The HUD-calculated Labor Market Engagement Index combines the educational attainment of a Census Tract, as measured through the percentage of the population with a Bachelor's degree, with the unemployment rate and the labor force participation rate. Values are ranked nationally, with the AFFH-T *Data Documentation* describing higher scores as higher labor force participation and human capital.[144] The other index is the Jobs Proximity Index, which measures the neighborhood as a function of distance to all jobs within the Core-Based Statistical Area, with employment centers more heavily weighted. This index is ranked in percentiles at the Core-Based Statistical Area level, meaning Manchester and Nashua may not be ranked on the same percentile scale as Portsmouth and Dover or, separately, Concord. These rankings are useful for understanding the accessibility of jobs to individuals in the NHATs relative to those Census Tracts in the same area.[145]

[144] Human capital is described by *Encyclopedia Britannica* as the intangible resources available to communities or organizations, including the "knowledge, talents, skills, abilities, experience, intelligence, training, judgment, and wisdom" that individuals or groups hold (https://www.britannica.com/topic/human-capital). Writing in 2014, Claudia Goldin of Harvard University and the National Bureau of Economic Research identified human capital as the "stock of skills the labor force possesses" that often have positive externalities; human capital includes both health and education/training (https://scholar.harvard.edu/files/goldin/files/human_capital_handbook_of_cliometrics_0.pdf).

[145] *AFFH-T Data Documentation*, *supra* note 104.

Table 18 : Labor and Job Market Indices

AFFH-T Employment-Related Indices

Short Descriptor	Labor Market Engagement Index (Higher Value = Higher Participation and Human Capital, Ranked Nationally)	Jobs Proximity Index (Higher Value = Better Access to Employment, Ranked and Grouped Relative to Core-Based Statistical Area)
Manchester-14	6	71
Manchester-15	8	36
Manchester-16	33	36
Manchester-19	24	88
Manchester-20	12	41
Manchester-13	32	36
Manchester-2004	61	97
Manchester-24	49	22
Manchester-3	26	52
Nashua-105	13	59
Nashua-108	21	36
Portsmouth-1071	74	98
Dover-815	91	98
Concord-329	32	64
New Hampshire Statewide - White Population	71	64
New Hampshire Statewide - Black Population	62	60
New Hampshire Statewide - Hispanic Population	59	61
New Hampshire Statewide Asian or Pacific Islander Population	73	64

Note: Core-Based Statistical Areas include Metropolitan and Micropolitan Statistical Areas defined by the U.S. Census Bureau. Dover and Portsmouth are included in the Boston-Cambridge-Newton Metropolitan Statistical Area, while Manchester and Nashua are within a separate Metropolitan Statistical Area that includes Hillsborough County alone. Concord is in a Micropolitan Statistical Area that includes Merrimack County. The Jobs Proximity Index compares Census Tracts within Core-Based Statistical Areas, which are separated in this table by thicker lines between the rows. The Labor Market Engagement Index is ranked nationally and not limited to Core-Based Statistical Areas.

Source: HUD AFFH-T Tract and State Data, February 2015

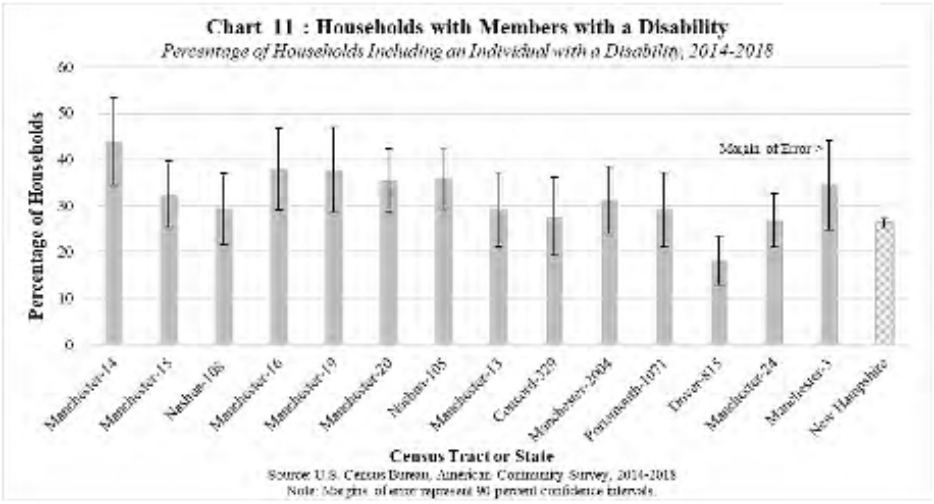
The AFFH-T labor and job market indices reveal a wide range within the NHAT on both metrics. Engagement with the labor market, relative to a national ranking, appears to be quite low in certain Manchester and Nashua NHATs, particularly Manchester-14, Manchester-15, Manchester-20, and Nashua-105, which are all at the 13th percentile or lower nationally. Nearby Manchester-2004, which includes Elm Street, rises to a percentile of 61, while Portsmouth-1071 and Dover-815 rank very highly, likely due in part to the elevated levels of educational attainment. Notably, the statewide percentile broken out by race is more favorable for all races except for three NHATs, which are higher than the statewide Latino index value of 59. That value shows a gap relative to the statewide White index value of 71 and the statewide Asian or Pacific Islander index value of 73.

The Jobs Proximity Index is based on the Core-Based Statistical Area, meaning the percentile rankings for Portsmouth-1071 and Dover-815 may only be comparable to each other. The Index also reveals how sensitive the formula is to small changes in geography. Jobs proximity in Manchester-15 and Manchester-16 has a score of 36, but shifting west to the next Census Tract, Manchester-14, boosts jobs proximity to 71, and one more west to Manchester-2004 increases jobs proximity to the 97th percentile. These changes suggest that job opportunities

can be highly localized and may have implications for the cost and accessibility of housing near to these job opportunities.

f. Households with Disabilities

Labor market engagement may be limited by disability. The ACS identifies individuals with a disability through its questionnaire. The percentage of households that includes someone with a Census Bureau-identified disability varies considerably by NHAT.



Many NHATs appear to have household disability rates near to the statewide percentage. Others, such as Manchester-14, appear to be elevated, which may help to explain lower rates of labor force participation and may be related to specific congregate housing options, such as for older adults, in those NHATs. With many NHATs potentially having one-third, or more, of all households include an individual with a disability, opportunities to access suitable housing and employment may be further limited.

g. Other Indices

Several groups of researchers have sought to measure economic conditions and opportunity at the Census Tract level. In this analysis, five sets of other indices are applied to the NHATs. These indices are not necessarily definitive, quintessential, or meant to replace or supplant other analyses; they are included to supplement and enrich existing analyses included in this framework. In summary, the sources for these indices are outlined below.

1. The Opportunity Atlas seeks to track the economic mobility of children into their adult lives based on the neighborhood in which they grew up. This collaboration between the U.S. Census Bureau, Harvard University, and Brown University uses anonymous tax records and available U.S. Census Bureau data to track 20 million Americans from

childhood through to their 30s, comparing incomes later in life to the original neighborhoods, by Census Tract, where the children were raised. Two metrics are incorporated from the Opportunity Atlas: the estimated median household income in 2014–2015 for individuals born between 1978 and 1983 with parents whose incomes were at the 25th percentile (low income); and the estimated 2014–2015 household incomes in the top 20% relative to individuals born in the same year, with a birth year range of 1978 to 1983, who grew up in the Census Tract with parents at the 25th income percentile. One measure identifies how the median child with low-income parents fared in terms of household income, while the second measure indicates how many children moved from the 25th percentile of income in childhood to the 80th percentile or above in their mid-30s.[146]

2. Curated by researchers at Brandeis University, the Child Opportunity Index uses 29 indicators in three areas (education, health and environment, and social and economic) to develop a composite measure of the neighborhood features that help children develop in a healthy way. The indicators are weighted, and the neighborhoods are scaled from 1 to 100, with 100 providing the highest level of opportunity. While the data are also used to calculate Child Opportunity Levels and Child Opportunity Gaps, only the Child Opportunity Scores derived from the Child Opportunity Index are included here. Both the state-level percentiles and the national-level percentiles are shown, permitting intrastate and interstate comparisons.[147]
3. The New Hampshire Department of Health and Human Services has compiled a Social Vulnerability Index, based on ACS 2011–2015 survey data, that focuses on the indicators that are extreme (the 20% of the distribution with the greatest need compared to the 20% of Census Tracts with the least need by that metric) relative to other Census Tracts in New Hampshire. This index uses demographic information on children, older adults, single parents, limited English proficiency, race, income, employment, poverty, health insurance, housing, transportation, and other metrics to identify the tracts that are most in need. For each metric on which a Census Tract is identified as in the greatest need, its Social Vulnerability Index score climbs.[148]

The values of these indices calculated for the NHATs are included below.

[146] *The Opportunity Atlas*, U.S. Census Bureau (accessed 2019 and 2020), https://www.opportunityatlas.org/.
[147] *What is child opportunity?*, Brandeis University and diversitydatakids.org (Dec. 17, 2019), http://www.diversitydatakids.org/research-library/research-brief/what-child-opportunity.
[148] *Social Vulnerability Index: An Emergency Response Tool*, N.H. Dep't of Health & Hum. Servs.: Div. of Pub. Health Servs., https://www.nh.gov/epht/highlights/documents/social-vulnerability-index.pdf; Social Vulnerability Index Introduction Video Tour, https://www.dhhs.nh.gov/media/av/dphs-tour-edited.htm; Social Vulnerability Overview, https://nhvieww.maps.arcgis.com/apps/MapSeries/index.html?appid=5ea495d44e1645978b365c7cd831c611; New Hampshire Environmental Public Health Tracking (WISDOM), https://wisdom.dhhs.nh.gov/wisdom/#StartPage_69A411AED88A4247BC1AF177B6B0B06E.

Table 19 : Other Published Indices of Mobility and Well-Being

Census Tract-Level Analyses of NHATs

NHAT Short Descriptor	Estimated 2014-2015 Household Income for Individuals Born 1978-1983, Grew Up In Census Tracts With Parents at 25 Income Percentile	Estimated 2014-2015 Household Incomes in Top 20 Percent for Individuals Born in 1978-1983, Who Grew Up In Census Tracts With Parents at 25 Income Percentile (Higher = More Upward Mobility)	Child Opportunity Index - National Percentile Scoring (Higher = More Opportunity)	Child Opportunity Index - State Percentile Scoring (Higher = More Opportunity)	Social Vulnerability Index (Higher = More Vulnerability)
Manchester-14	$26,000	7.1%	7	1	11
Manchester-15	$27,000	7.5%	6	1	11
Nashua-108	$28,000	9.1%	8	2	12
Manchester-16	$26,000	6.8%	11	3	9
Manchester-19	$32,000	7.3%	6	1	10
Manchester-20	$25,000	7.5%	11	2	11
Nashua-105	$29,000	7.0%	11	3	9
Manchester-13	$32,000	9.0%	16	4	10
Concord-339	$28,000	8.1%	27	6	5
Manchester-2004	$31,000	7.5%	7	1	9
Portsmouth-1071	$32,000	9.3%	54	22	1
Dover-815	$36,000	16.0%	68	11	1
Manchester-24	$35,000	24.0%	32	8	4
Manchester-3	$31,000	17.0%	31	8	2

Sources: The Opportunity Atlas (U.S. Census Bureau, Harvard University, Brown University); The Child Opportunity Index (Brandeis University); New Hampshire Department of Health and Human Services

The Opportunity Atlas analyses suggest limited upward mobility in the Census Tracts where incomes were approximately $27,000 or less, as those income levels suggest essentially no intergenerational income growth. Dover-815 and Manchester-24 appear to have higher levels of intergenerational income mobility relative to median incomes. A higher percentage of children growing up in Manchester-24, Manchester-3, and Dover-815 appeared to reach the top 20% of the income bracket by their mid-30s than the other NHATs. The Child Opportunity Index suggests that the NHATs, except for Portsmouth-1071 and Dover-815, are in the bottom half of Census Tracts for child opportunity nationally by the metrics used, and all but those two Tracts are in the bottom 10% within New Hampshire. The high Social Vulnerability Index scores for the majority of the Manchester and Nashua NHATs suggest that these Tracts are among those with the highest amount of adverse community circumstances relative to all Tracts in the state.

h. Overall Assessment of Exposure to Community Assets

Residents of the NHATs have varying degrees of access to community assets. All NHATs had household poverty rates higher than the state as a whole during the 2014–2018 time period and included higher percentages of racial or ethnic minority populations than the state. All had lower median household incomes than the statewide median. Most were closest to elementary schools in which students underperformed statewide averages on standardized tests, and half were closest to elementary schools with more than three times the statewide free and reduced-price school meal eligibility rate among students. All but one had a higher percentage of households receiving SNAP benefits, and all but two had a higher percentage of housing units constructed before 1980 than the state as a whole, increasing the risk of exposure to lead paint

and other environmental hazards. Although the NHATs include considerably varied situations, including some positive metrics, the NHATs' data appear to suggest that households in areas of high racial/ethnic concentrations combined with concentrations of poverty have fewer resources and overall have less access to community assets, with minor but notable exceptions such as transportation costs, than the state as a whole.

7. Home Mortgage Disclosure Act Analysis

Summary statistics of home mortgage applications can provide insights into the composition of the population seeking a loan to purchase a home. Summary statistics can also provide insights into the populations whose applications are denied. The Federal Reserve Bank of Boston publishes data made available due to the Home Mortgage Disclosure Act. The summary statistics for the number of applicants for loans in New Hampshire by racial or ethnic identity and year are included in a table below.

Table 20 : All Home Mortgage Loan Applications by Race or Ethnicity

New Hampshire

	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
White	59,682	50,581	42,335	56,983	48,041	42,259	51,621	47,156	29,771	37,968	44,127
Black	654	506	282	314	257	227	286	286	210	316	390
Asian	813	681	677	1,168	1,154	954	1,378	972	583	750	1,004
Latino	1,390	1,158	756	818	676	558	818	767	639	913	1,181
Total	80,626	66,879	51,427	68,470	58,889	51,050	65,971	56,605	35,889	45,279	53,609

Note: Columns do not sum due to missing or otherwise unpublished data.

Source: Federal Reserve Bank of Boston, Home Mortgage Disclosure Act (HMDA) Data for New England, October 29, 2018.

Although the number of non-White applicants is relatively low, informative patterns appear in the home mortgage loan denial rates. With the exception of 2010, denial rates appear to be consistently higher in New Hampshire for Black or African American applicants than for White applicants and appear to be consistently higher for those identifying as Latino as well.

Table 21 : Home Mortgage Loan Denial Rates by Race or Ethnicity

New Hampshire

	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
White	21%	25%	26%	20%	19%	18%	15%	17%	18%	17%	17%
Black	35%	39%	39%	25%	19%	26%	27%	22%	27%	23%	26%
Asian	18%	21%	20%	17%	17%	16%	14%	17%	19%	13%	15%
Latino	27%	36%	32%	29%	24%	21%	18%	22%	22%	19%	21%
Overall	23%	26%	27%	21%	19%	19%	16%	18%	19%	17%	18%

Note: Columns do not sum due to missing or otherwise unpublished data.

Source: Federal Reserve Bank of Boston, Home Mortgage Disclosure Act (HMDA) Data for New England, October 29, 2018.

This analysis does not control for other factors, such as income. However, in the 2015 AI, the authors found that in 2013 Latino home mortgage loan applicants were more likely than non-Latino applicants to be denied a mortgage, controlling for income, geography, and type of mortgage sought.[149]

[149] *2015 AI, supra* note 8.

8. Conclusions

The data analyses conducted on the NHATs and for relevant local and statewide figures permit several conclusions.

First, New Hampshire has relatively limited incidence of racial and ethnic concentrations of poverty based on HUD's definitions, with only one Census Tract that qualifies as a R/ECAP. The subset of Census Tracts selected for analysis and designation as NHATs reveals lower levels of resources at the personal and family level in these neighborhoods. Poverty rates were higher than the statewide rate in each NHAT, and median household incomes were lower than the statewide figure in each NHAT as well. SNAP enrollment rates based on survey data were higher in every NHAT but one, and administrative data indicated higher rates of SNAP enrollment in Manchester, Nashua, and Concord than in the state as a whole.

Second, indicators also suggest more limited community assets beyond income levels at the personal and household levels. Local educational institutions for children in most of the NHATs appeared to face challenges in meeting the needs of their students. Some local elementary schools have more than two-thirds of their pupils eligible for free and reduced-price school meals, indicating limited access to resources at home. Certain schools local to NHATs also identified up to a third of students as English language learners; data from the 2010 Census indicated that half of the NHATs had more than one in ten residents with limited English proficiency, suggesting language barriers may hinder access to opportunity both inside and outside of schools. Educational attainment in the broader communities suggested a more limited ability to build human capital, with ten of the 14 NHATs showing lower levels of the population ages 25 and older with at least a Bachelor's degree relative to the state overall. Environmental metrics pointed to more adverse conditions than the statewide figures, and the higher percentage of older housing stock in the NHATs posed a higher risk of child exposure to lead paint and other potential hazards associated with older housing units.

Third, while the need for car-based transportation varies, access to transportation appears limited. The urban setting of the NHATs generally indicates more access to employment opportunities locally and lower transportation costs. However, all but two of the NHATs indicated a lower likelihood to use public transportation than the median Census Tract nationally, despite the population density, and all but two NHATs had a higher percentage of households without access to a vehicle than New Hampshire as a whole.

Fourth, challenges may be higher generally for those who identify as a race other than White or who are in households with children. Black or African American individuals or those identifying as Latino in New Hampshire face higher poverty rates, lower median household incomes, and more adverse environmental conditions than those who identify as White and non-Latino. Members of racial and ethnic minority groups may also be more likely to have their home mortgage loan applications denied.[150] Children are more likely to live in poverty than individuals overall statewide, and the poverty rate among children is twice the statewide rate in Manchester, a more racially diverse city than the state as a whole.

New Hampshire can take steps to reduce the detrimental impact that patterns of income, race, and housing opportunities have in our communities. These patterns have limited the ability of residents in states with higher levels of racial segregation and concentrations of poverty to thrive. As the number of Granite Staters from diverse racial or ethnic backgrounds increases,

[150] This correlation cannot be determined to be a causal relationship without controlling for other factors, such as income and assets.

strategies to help ensure widespread economic and housing opportunities will become more important to limiting concentrations of poverty and discriminatory practices in the future. Access to affordable housing both within areas with lower incomes and across the state is key for all New Hampshire residents to have equitable opportunities for employment, education, health, and well-being.

C. TARGETED COMMUNITY INPUT

Our original plan was to conduct two focus groups: one of Brazilian immigrants and the other of New Hampshire residents of Muslim heritage. We were able to complete the Brazilian focus group in November 2019 but the plans to conduct a spring forum with Muslim residents was derailed by the onset of COVID-19. In lieu of a focus group, we conducted telephonic interviews with five people of Muslim heritage as described more fully below.

1. Focus Group with Brazilian Immigrants

a. Overview

The NHLA team conducted a focus group comprised of Brazilians who reside or have resided in New Hampshire. We selected this ethnic group due to its growing numbers in the southern part of the state, particularly in the Nashua area, over the last two decades. Brazilians, who speak Portuguese as their native language, are typically grouped in with other Latinos and remain somewhat invisible to many community institutions. We were unable to fully determine the New Hampshire population estimates for this group. We did locate data indicating an estimate of 3,518 Portuguese speakers in the state and believe that the majority of this demographic are Brazilians.[151] Another indicator of the growing population is that there were a sufficient number of Brazilians residing in the state during the 2018 Brazilian presidential election for the Brazilian Consulate to establish a polling place in Nashua for the first time. (It is mandatory for Brazilian citizens to vote in their presidential elections, no matter where they reside.)[152]

NHLA partnered with community advocates to recruit participants and provide interpretation. The advocates coordinated with the pastor of a Nashua church serving the Brazilian community, and the focus group was held after the church service. In addition to questions about housing discrimination, members of the group were also asked questions about their reasons for coming to New Hampshire and about their quality of life within their respective communities. The facilitators also distributed Fair Housing Project pamphlets in Portuguese and left more with the church pastor.

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[151] The Migration Policy Institute's 2018 data indicates that there are 3,518 Portuguese speakers in the state: https://www.migrationpolicy.org/data/state-profiles/state/language/NH.

[152] Daniella Allee, *Brazilian Voters in New Hampshire Can Cast a Ballot for a New President In-State*, NHPR (Oct. 26, 2018), https://www.nhpr.org/post/brazilian-voters-new-hampshire-can-cast-ballot-new-president-state#stream/0.

Location of Meeting:	**CAVE Church, Nashua, NH**
Date and Time:	**November 3, 2019, 11:30 am–1:30 pm**
Sponsored by:	**New Hampshire Legal Assistance**
Organizers/Facilitators:	**Lindsay Lincoln (NHLA), Christine Wellington (Consultant), Barbara Costa (Community Advocate), Bruno Soares (Community Advocate)**

The meeting was held at a Brazilian Church named CAVE Church in Nashua. The meeting took place after the religious service ended. Sixteen adults participated: eleven women and five men. Two adults were in their twenties, one in their thirties, five in their forties, six in their fifties, and two in their sixties. Only eight participants stayed for the whole time.

All the participants but one lived in New Hampshire. Eight participants lived in Nashua, four lived in Hudson, two in Manchester, one in Hollis, and one former New Hampshire resident was living in Lowell, Massachusetts. Fourteen of the participants were tenants including the participant from Massachusetts. Two of the participants were homeowners. None of the participants rented from a housing authority or lived in a property where rent was based on income guidelines. Eight of the participants had children under 18 living with them. The meeting was conducted in Portuguese. All participants were comfortable speaking Portuguese, and five participants were not fluent in English.

b. <u>Questions and Responses</u>

i. How long have you lived in New Hampshire?

Two people said twenty years, three people said twenty-two years, one person said eighteen years, three people said fourteen years, one person said six years, one person said five years, three people said two years, and two people said three months.

ii. Why did you move to New Hampshire?

Five people came to join family members already living in the state, six people came because they had a friend living here, two people came because they had a calling to open a church here, one came to seek medical treatment here and stayed, one was transferred to work to New Hampshire, and one left for Massachusetts.

iii. Do you believe that Brazilians face discrimination in housing in New Hampshire? Yes or No.

All sixteen participants said yes.

iv. Have you personally believed or suspected that you were treated differently because of your ethnicity or for any other reason? If yes, explain.

Three participants shared personal stories.

One participant recounted that she tried to rent an apartment and completed the application but when landlord found out that she had an 18-year-old daughter, the landlord told her that her daughter could not live in the apartment.

Another participant stated that her landlord gave her a verbal 30-day notice telling her to move out because of her children. The participant stated that she had never received any complaints about her children from neighbors.

The last participant stated that he and his wife were living in a house and were discussing amongst themselves whether they wanted to renew their lease. They had not communicated this to the landlord. At the time of the lease renewal, the landlord told them that renewal was not an option. The participant's wife was pregnant at the time, but he didn't know whether that was a factor in the landlord's decision. The landlord did not return their security deposit and charged them $300.00 extra for cleaning the place. His wife cleans houses for living and the place was immaculate when they left.

v. Do you believe that during a search for an apartment or a house, you were directed to certain buildings, neighborhoods or sections of a city and not shown or made aware of other housing opportunities? If yes, explain.

No participants were aware of this situation.

vi. Within the context of housing, has anyone ever made statements to you or asked questions about your race, nationality, ethnicity, immigration status, skin color/tone or accent? Explain.

No participants were aware of this situation.

vii. For renters: Because of discriminatory practices, do you suspect or believe that you have been charged more for rent, security deposits or other fees than other tenants? Explain.

No participants were aware of this situation.

viii. For homeowners: Because of discriminatory practices, do you suspect or believe that you were charged higher interest rates, had a more difficult time getting a mortgage, insurance, appraisals or were charged a higher price? Explain.

One homeowner had already left. The other said no.

ix. Have you ever unfairly been denied an opportunity to rent a particular apartment or buy a particular home due to discriminatory practices? Explain.

Three participants raised their hands.

Other participants responded with questions:

- One participant asked if landlords could request three months' rent as a security deposit? Is there a rule?

- Another participant said that if they don't pay all the amount of security deposit the landlords ask for, the landlords won't rent to them.

The facilitators then briefly explained New Hampshire security deposit law.

A participant provided stories about two families who were undocumented:

- First family: A landlord refused to rent to them because the family members were undocumented. The family had to move to a more expensive place.

- Second family: One of the family members made some improvements to their unit without asking permission to the landlord. The landlord said they didn't ask for permission and made them restore the unit back to the original state. The family members were undocumented and were afraid, so they complied.

Another participant said that a landlord asked her for her Social Security number, and she refused to provide it. The landlord then asked her for a passport number. This participant wanted to know if that was permissible and the facilitators responded to her question.

A participant said he rented a house and has made renovations to the whole house. He asked if the landlord says he wanted the house returned to its original condition, does he have any protections? The facilitators briefly answered the question.

One participant rented a condo and the landlord itemized things the tenants were required to pay for such as insurance and condo association fees. The participant wanted to know if they were required to pay items like light bulbs or whether condo fees should cover those items. The facilitators briefly responded to the participant's questions.

x. For those in subsidized housing,

- **Have you been able to communicate with someone who speaks Portuguese?**
- **Have you been offered free interpreter or translation services?**
- **Receive important documents in Portuguese?**
- **Within the context of housing, has anyone ever made discriminatory statements to you because your ability to speak English was limited?**
- **Other housing related situations where language is a barrier?**

No participants lived in subsidized housing or have vouchers.

xi. When you think of the type of community you wish to live in, are the following things important to you?

Eight participants gave the following answers.

- **Living near schools:** Six participants believed this was important.
- **Living near schools that rank high in educational success:** Six participants believed this was important.
- **Living near where you work:** Six participants believed this was important.

- **Having access to public transportation:** Five participants believed this was important.
- **Living in a neighborhood with a low crime rate:** All eight participants believed this was important.
- **Living in an area close to amenities like parks, stores, hospitals, etc.:** All eight participants believed this was important.
- **Living in a neighborhood with people of your same ethnicity, income group, age, etc.:** None of the participants believed this was important.

xii. Are you currently living in a neighborhood that you which to be in?

All eight remaining participants reported to be happy with the neighborhood they lived in.

xiii. Do you know where to go/call if you believe that you have been the victim of housing discrimination?

None of the remaining eight participants knew of any of the fair housing resources available to them.

xiv. Would you like more information about housing discrimination?

All eight remaining participants said they were interested in learning more about their fair housing rights and tenant rights.

2. Interviews with Members of New Hampshire's Muslim Communities

a. Overview

When initial plans to conduct a spring focus group with members of New Hampshire's Muslim communities were thwarted by the advent of the coronavirus pandemic, we decided to reach out to five New Hampshire residents of Muslim heritage from diverse backgrounds and countries for telephonic interviews conducted by Consultant Christine Wellington.

We specifically sought participants who held formal and/or informal leadership positions within their communities. We were interested not only in their own personal opinions and observations but also in the knowledge they held of others' experiences. Each of the participants has been a resource for other immigrants in New Hampshire, often beyond their own ethnic and/or religious group. In their own individual ways, they have helped other immigrants negotiate life in New Hampshire and access housing, safety, immigration benefits, and other services. They have listened to their experiences and offered advice and assistance.

The participants consisted of three women and two men. Four of the interviews were conducted in March 2020 and the fifth was conducted in September 2020. Three participants come from three different African countries; one person is from the Middle East; and one person is from a European country. The majority of the group came to the United States as refugees. All are educated, several with advanced degrees. Some have lived in New Hampshire for their entire time in the United States, one came to New Hampshire for an advanced degree, and another recently moved out of state after retiring. The duration of their residencies in New Hampshire

range from eight years to over twenty years. Two of the participants have names that most people would identify as Muslim. The others' names are not common names in this state. At least one person wore a headscarf for several years which likely caused others to identify them as Muslim. This person described wearing a hijab while living in New Hampshire as a "negative experience."

Over the years of New Hampshire residency, members of this group have had a variety of work experiences in both non-profit and for-profit work as well as in state and local government positions. They work or have worked as advocates; educators, interpreters/translators; managers; and many other occupations. At some time during their careers, most engaged in social services work serving immigrants from their own communities and beyond. One person founded an advocacy organization to help other immigrants, and most have served on boards of non-profit organizations. A majority of the participants received post-secondary and/or advanced degrees during their time in the state. Several have been involved with their religious communities including engaging in work to establish mosques.

Sadly, every single one of the participants has personally experienced religious and/or racial bias or knew others within the Muslim communities that had. Most of them identified the last several years as the most challenging and attributed the increase in anti-Muslim and racial rancor to specific national policies and leaders.

b. Questions and Responses

We conducted individual interviews asking each participant the same set of questions with an opportunity to make additional comments. We have taken pains to limit information that would identify the person and so also use the pronouns "they," "them," and "their." We also do not identify the specific countries the participants come from.

i. What have been your experiences accessing housing and living in New Hampshire?

A majority of the participants were resettled in New Hampshire as members of refugee families. Two participants reported personally experiencing no difficulties accessing housing in New Hampshire but the remaining three did. Two reported their first housing experiences as challenging with substandard housing conditions, unresponsive landlords, and unsafe neighborhoods. Their access to better housing was compromised initially by lack of credit and lack of work histories and insufficient information from resettlement workers and other service providers.

Two participants experienced what they believed was housing discrimination and others said that they would likely not know if they had been victims of discrimination. It took one person over six months to find an apartment, and they found the experience "heartbreaking." Landlords often asked "weird questions." On several occasions, when the participant arrived to see the apartment it was suddenly unavailable. People would ask about the participant's name and some would emphasize that there was an income requirement in order to qualify for the apartment even though the participant could have easily been able to afford rent.

At one apartment viewing, the participant who was dressed in business attire, was almost completely ignored as the landlord focused her attention on a White couple also looking at the apartment. When the participant asked for an application, the landlord said that she would mail one but never asked for the participant's address. This participant eventually used a broker to buy

a condo. The experience was completely different because of this, and the participant was very satisfied with that experience.

Another participant reported that when they and their spouse were seeking to purchase a condo, they made an offer above the selling price. The seller did not accept the offer and according to the participant's broker, accepted a lower offer from another family. When this same participant and spouse recently bought a house and attended the closing, the closing agent asked for their passports even though they were both U.S. citizens.

ii. Do you or have you ever felt isolated because of your religion, race, or ethnicity?

All but one person reported that they had personally experienced isolation because of race, religion, or ethnicity. They were surprised to learn that equal employment laws require employers to consider accommodation of religious practices. The one participant who didn't experience isolation was allowed by their employer to have Fridays off to accommodate worship at the mosque.

The others reported several instances of isolation and animus. One reported that things got bad after 9/11 and more people, including co-workers, felt free to make anti-Muslim remarks. The participant served on several police training panels about Islam with other Muslim members of the community. The participant reported that many of the officers were openly hostile and said very negative things about Islam and Muslims including that "the Koran dictates that Muslims kill all Americans." During this time and up until even now, many members of this participant's ethnic group hide the fact that they are Muslims in order to avoid problems. Even recently at a leadership training program on inclusion and diversity for state and local government workers, the participant heard an employee who conducts safety inspections "jokingly" say "What does it matter if we lose a few more [immigrants] because of inspection delays?"

Several participants provided examples of discriminatory treatment. One participant talked about the daily differences they are subjected to such as being required to go through the security line in a government building although they have clearance and others in the same position are waved through or when strangers challenge them about parking in a space reserved for government employees as if someone of the participant's ethnicity and religion could not hold such a position. The same participant was also followed as they shopped in a popular retail store as if they were more likely to steal. After that incident, the participant never shopped in that store again.

Another example was when a participant who is Black was with a White co-worker in the noncitizens line at the DMV. The co-worker was of European heritage. The DMV employee told the European immigrant that they needed to get in another line and the co-worker asked why. The DMV employee suggested that the White co-worker was in the wrong line apparently assuming this because the co-worker was White. The same participant spoke of times when their supervisor had to verify that they were actually an employee of the governmental office during phone calls they were making as part of their work. The participant shared that although the majority of their co-workers were great people, there were some who were openly biased and used code words as racial slurs. This participant felt that being known as holding racial and/or ethnic biases is not an obstacle to career advancement in their workplace.

Even with workplace and community recognition of their leadership skills, some participants still feel isolated. One participant noted that although they have had many

opportunities to serve on boards and advisory committees, they have often felt alone or that their voice was not heard. They opined that many well-meaning organizations invite one or two members of ethnic minority groups to participate but not a sufficient number that their presence and voices can effect change.

Another participant moved to New Hampshire to attend school. The participant expected that people in New Hampshire would be more welcoming than the region from which they came but that was not the case. They found the whole experience quite isolating. The participant was the only Black person in their academic year, and one of only four Black people in their program during their academic career. There were four or five people of Asian heritage and the other students were all White.

The participant lived in the municipality where their school was located but was unhappy there. One of the Black students was called the N-word twice: once in the downtown area and once in the school parking lot. Another Black student who was walking to the school was stopped by the police when someone called to report him walking through their neighborhood.

Several participants observed that Muslims who were also of African heritage were at risk of suffering racial discrimination, as well.

iii. As a leader, what have you heard are obstacles and of the experiences of others?

The participants shared their opinions of obstacles and experiences shared with them by Muslims and other immigrants.

Obstacles

- Limited English proficiency
- Lack of education
- Programs not meeting their Title VI language access obligations
- Failure of programs to provide culturally competent communications to specific immigrant communities
- Lack of credit history
- Lack of familiarity with American systems, customs, and procedures
- Housing discrimination
- Difficulty accessing "high quality" housing
- Lack of awareness of legal protections
- Difficulty accessing to health care
- Increasing health care costs
- Lack of understanding about the "Public Charge" rule causing many to forgo benefits unnecessarily
- Being disadvantaged due to cultural differences and racial, ethnic, and religious stereotypes
- Disparate disciplinary treatment of children of color in public schools
- Being treated poorly when wearing a hijab
- Professional licenses are not transferrable and certification procedures are costly and time-consuming
- Educational credentials are often not fully transferrable
- Halal foods are not available in most supermarkets

Experiences Reported to Participants

- Muslims being victimized by verbal slurs
- Muslims do not feel "welcomed" by many in New Hampshire and the U.S.
- Applicants being denied housing opportunities even when qualified
- Applicants being denied housing opportunities because of children in their families
- Roadblocks to purchase land to build mosques and complicated municipal codes
- Many Muslims use realtors to "avoid problems"
- Lack of respect for and/or ignorance of Muslims' dietary restrictions
- Problems with the DMV due to the employees' lack of knowledge of immigration documents

iv. Is it better or worse over the past five years?

Participant 1: The participant stated that people openly make biased statements at work and that members of the public are more willing to speak their true feelings because they do not believe there will be negative consequences. As one example, in the summer of 2018, this participant was running in their suburban community in the early morning following their regular route. They were running over a bridge when a White man in a green truck pulled up and said, "just jump!" Then the White man said, "Hey N-word, didn't I just tell you to jump?" The participant reported the incident to the police, but the participant was too shaken up to get a plate number. Now they do not run as early, and they take different routes.

Participant 2: The participant felt that it depends on people individually. Under the law it does not matter if one is African American or from Africa. The laws keep White people from discriminating in most cases. The participant felt that White people hid their true feelings until President Trump started attacking Muslims and that this gave permission to other Americans to act with bias towards Muslims.

Participant 3: This participant's religious community has moved forward with the development of a mosque. The congregation has purchased a building and planning is progressing. The participant has achieved educational success in New Hampshire, earning both an Associate's and Bachelor's degree with honors and is now pursuing an advanced degree. They are involved in a leadership program in their workplace. They have incorporated recommendations for making New Hampshire more welcoming to Muslims in their educational and professional work. They serve as a resource for their fellow Muslims, both men and women.

Participant 4: This participant discussed that when the so-called "Muslim Ban"[153] went into effect, everyone's fears were raised. They noted that anti-Muslim bias has increased over the last five years and that people are very reluctant to access services for fear of running afoul of the "Public Charge" rules even when they are not applicable to them. People are afraid of immigration enforcement (ICE), particularly those who are immigrants but not refugees, who have more protection against deportation. People are trying to avoid attention and controversy, and many do not disclose that they are Muslim.

[153] This is referring to Executive Order 13769, "Protecting the Nation from Foreign Terrorist Entry into the United States," labeled as a Muslim Ban by its detractors, and a travel ban by its supporters.

This participant also stated that language access is still bad and LEP individuals have to rely on friends and family for communications. Health care costs have gone up for many people as many employers have reduced the share they contribute as deductibles have also gone up. People must sometimes choose rent over medications or medical care.

The participant felt there is a lot of misinformation within the community especially with older and LEP immigrants. One challenge is that many members of the participant's ethnic community and other refugees listen to news reports in their native languages about what is going on in the U.S. There is no array of reporting choices—there is one source with the slants that a particular foreign news agency puts into reporting events so often people's views are formed by questionable information. Many people of the participant's ethnic community keep saying, "in November, things will be different (after the election)," and they do not seem to realize that President Trump could be reelected. People in the participant's ethnic group also know how far political discord can go. The participant's parents experienced and witnessed how politics brought war to their country. They know that things can get worse.

Participant 5: The participant felt things have gotten worse since the 2016 elections. They said that they have started to see hate crime cases in their caseload and that they had not seen anything like that prior to that time. They now have two such cases.

v. Comments, Recommendations, Hopes

Participant 1: This participant stated that if people are honest and they talk to each other, positive change can happen. The younger generations are the nation's hope as they are more willing to embrace difference and have friendships and romances with others different than them.

Participant 2: This participant's wish for Muslims, and everyone else for that matter, is to feel free and comfortable practicing their religion and observing their traditions without the fear of being stereotyped. Their recommendations are that small efforts or simple steps can be taken to make a better community for everyone.

They stated that education is key because there is a lot of misinformation and stereotypes when it comes to Muslims. They believe it is largely due to lack of education on the subject matter. They suggest planning events, such as panel discussions with a diverse panel including Muslims, with community organizations such as the local fire department, police department, hospital, etc. They believe it is important to break the stereotypes and give people the opportunity to see that not every Muslim woman chooses to cover their hair with a hijab and not every Muslim man has a beard.

Additionally, this participant noted that as the holiday season approaches, it is an opportunity to address the very false idea that Muslims get offended by Christmas or if somebody says Merry Christmas. They think in general that just bringing awareness to all the similarities and values we share would go a long way in bringing people together as a community.

Participant 3: They are passionate about diversity, inclusion, and access to opportunity. They would like to develop a program for non-Muslims to learn about Islam. Once the mosque is open, this participant would like to invite state police and local police to meet the community.

Participant 4: This participant stated that housing providers and social service programs must diversify their staff at all levels including management and their boards. Their hope is that making real change will eliminate institutional racism and bias.

They feel very strongly about justice and want solidarity with other groups and opportunities across the spectrum. The participant feels that they have more in common with the LGBTQ community than with "mainstream" White Americans because of the participant's own and their community's experience with bias. Institutions must be more flexible about job interviews with immigrants who might be great candidates but because of cultural mores do not feel comfortable bragging about their skills and strengths.

The participant also feels that institutions must find ways to truly have diverse members of the community at the table. Members of diverse groups need to have a real voice in what happens in their lives and communities—they need real, meaningful communication.

Participant 5: This participant recommended increasing the "welcoming" aspect of interactions. They were recently a speaker at a community event. Many in the audience asked what they could do. The participant noted that New Hampshire is a state with many privileged White people who want to be "part of the fight," and believes they must incorporate "intentionality" into their interactions and their way of living. As an example of intentionality, this participant thought about a White friend who specifically looked for a childcare program with diversity in order to have their children in an integrated setting.

3. Conclusions and Observations

Most of the participants have spent several years or more in residency in New Hampshire and many described enjoying the communities they lived in. But most also described knowing of or personally encountering incidents of disparate treatment based on their nationality, color, race, or religion.

People in both groups described situations in which they felt mistreated, sometimes quite seriously, or subject to unfair and often unlawful practices in housing transactions and beyond. All of the Brazilian participants responded that they believe that Brazilians face housing discrimination in New Hampshire. They described situations in which landlords denied housing opportunities for families with children, failed to renew leases, charged exorbitant security deposit amounts, and wrongfully retained security deposits or charged additional fees. People in the Brazilian group were unfamiliar with landlord obligations and tenant protections or where to go for help. Language was another barrier for several and contributed both to vulnerability to unlawful housing practices and lack of knowledge of resources.

People in the Muslim interviews had reached points in their lives in which they were fluent in English and knowledgeable about the law and legal protections available in New Hampshire for a variety of subjects including housing, employment, and language access. Yet the majority of interviewees described experiencing pervasive bias in their lives and the lives of other Muslims living in New Hampshire. The harms ranged from housing discrimination and workplace and community incidents to criminal conduct perpetrated against them. Several interviewees described the use of real estate agents to avoid mistreatment. Another shared that people in that person's ethnic group often hid the fact that they were Muslim to avoid harm. Most interviewees, whether applicable to them personally or not, felt that Muslims from Africa faced racial discrimination as well as religious bias. Most interview participants also felt that

animus toward Muslims and people's willingness to express their biases increased since the 2016 election.

Most participants did not seek assistance or report the wrongs committed against them or of which they were aware. The only exception was the person who notified the police after being victimized by threatening behavior and racial epithets (*see* Participant 1's remarks on p. 77). There are many reasons why one chooses not to pursue wrongs committed against them. Sometimes they are unaware of how to pursue redress. It is difficult to dwell on the wounds caused by mistreatment and moving on is a coping strategy. In addition, many times it may be impossible to use the energy needed when one is coping with work, school, family, or other pressing conditions of daily life. Other explanations are embarrassment, fear of retaliation, or not being taken seriously or believed.[154]

Based on the reported experiences of the participants in these two groups, it is clear that outreach and education efforts to provide information about available rights, protections, and programs are still much needed but cannot be the only initiatives. New Hampshire must also take action to eliminate insidious bias from all aspects of community life in the state.

D. NEW HAMPSHIRE PUBLIC HOUSING AUTHORITY SURVEY

HUD-administered housing is a vital resource for safe and affordable housing throughout the United States. There are approximately five million households receiving housing assistance through "tenant-based vouchers, project-based subsidies, and the provision of public housing."[155] New Hampshire has seventeen HUD-funded and regulated housing authorities operating housing programs that range from traditional public housing, Housing Choice Voucher programs, and housing subsidized via various federal housing programs, to tax credit properties.

We conducted a survey of the state's Public Housing Authorities (PHAs) to learn more about their experiences and challenges managing and carrying out fair housing policies and principles. We initially met with members of the New Hampshire Housing Authorities Corporation in the autumn of 2019 to explain our interest in conducting a survey. Their response was positive, and in February 2020, we began conducting the survey by mailing out the ten-question survey instrument and following up with phone contacts and interviews beginning in early March 2020.

Then COVID-19 struck, and President Trump and Governor Sununu issued emergency orders on March 13, 2020. We had already interviewed most of the PHAs by then but decided to suspend any further interviews until the pandemic was under control and the remaining PHAs would again have the time to speak with us. When it became clear that the pandemic was not abating and was affecting almost every aspect of life in our state and the country, we added a question about the pandemic's impact on PHA operations. We completed the surveys in mid-

[154] *See, e.g.*, Catherine Devine *et al.*, *Millions Are Victims of Hate Crimes Though Many Never Report Them*, The Center for Public Integrity (Aug. 16, 2018), https://publicintegrity.org/politics/millions-are-victims-of-hate-crimes-though-many-never-report-them/.

[155] *A Snapshot of HUD-Assisted Households*, PD&R Edge (2018), https://www.huduser.gov/portal/pdredge/pdr-edge-featd-article-061118.html.

December 2020 with fifteen of the seventeen PHAs' participation.[156] The executive directors of almost every PHA personally participated in the survey process and their responses are compiled below.

1. What are the biggest fair housing challenges for your PHA?

- Reasonable accommodations and modifications: Working to make sure that staff are trained and follow established protocols for processing accommodation requests is a priority. Balancing the costs of accommodations and the reasonableness of the request also requires knowledge and unbiased analysis. Obtaining information from health care providers can be challenging.
- Managing and analyzing requests for emotional support animals is often difficult.
- Staff training: making sure all staff are trained on fair housing law and principles. Finding training that is affordable and local may also be tough.
- Bias and stereotyping of people seeking affordable housing opportunities: this challenge was most often communicated within the context of voucher holders seeking to place their voucher within the private market.
- Increasing accessibility features in their housing units.
- Outreach to populations least likely to apply for housing, especially in a very tight market.
- Other challenges: hoarding cases, tenants' threats to file complaints if their request is not granted, requests for live-in aides, and unauthorized occupants.
- One PHA respondent was unaware of any challenges within their operation.

2. What are the challenges of incorporating AFFH obligations into your planning, policies, staff development?

Several respondents pointed out that as required, they have incorporated AFFH principles into their administrative plans and have certified that they are in compliance.

- A significant challenge for many is the uncertain state of AFFH obligations given the Trump administration's intent to scale back the AFFH rule promulgated during the Obama era and the ensuing litigation. One respondent anticipated more clarity and enforcement under the incoming administration.
- Funding to carry out AFFH principles was a common complaint and included several themes:
  - Difficulty in developing new properties due to community resistance;
  - Costs of increasing accessibility in existing buildings;
  - Introducing visitability concepts; and
  - Costs of research and staff development to carry out AFFH principles especially for small PHAs.

[156] The following PHAs participated: Berlin-Northumberland-Lancaster Housing Authority, Claremont Housing Authority, Concord Housing + Redevelopment, Dover Housing Authority, Exeter Housing Authority, Keene Housing, Laconia Housing, Lebanon Housing Authority, Manchester Housing and Redevelopment Authority, Nashua Housing and Redevelopment Authority, New Hampshire Housing Finance Authority, Portsmouth Housing, Rochester Housing Authority, Salem Housing Authority, and Somersworth Housing Authority. Derry Housing and Redevelopment Authority and Newmarket Housing Authority did not participate.

- Creating an effective affirmative marketing plan with AFFH principles.

3. What other community or governmental institutions do you collaborate with across the scope of your work?

Every PHA utilizes and connects with many community resources and most connections are made for the benefit of their tenants and program participants.

- Local social service programs
- City or Town Welfare Department
- Local Programs providing homeless services
- Community Action Programs
- Community Mental Health Centers
- Domestic Violence programs
- ServiceLink
- Local government
- New Hampshire Housing Finance Authority
- NH Department of Health and Human Services
- Bureau of Elderly and Adult Services
- Other subsidized housing providers
- Community Health Centers
- National, regional, and state professional associations
- Local police department
- Municipal health department
- Programs serving children (Boy Scouts, Girl Scouts, Boys & Girls Clubs, YMCA)
- School department
- Veterans' programs
- Nursing facilities
- Programs serving immigrants
- Interpreter services
- Fire department
- Community child care program
- NH Legal Assistance
- NH Division of Child and Youth Services
- Senior Citizen Council
- NH Community Development Finance Authority
- Housing Action NH

Several PHAs have established unique partnerships. For example, one PHA partners with a private school to grant a scholarship for a child tenant. In another case, the local YMCA provides memberships to PHA residents living in a senior housing building. Another PHA provides space for the local Community Caregivers program. Some PHAs operate specialized voucher programs for certain high-risk populations, and at least one PHA is working with a social service organization to provide vouchers for young adults aging out of the state child welfare system.

4. Do you consider disparate impact in your planning or policy development?

Most PHA respondents spoke about admission criteria and criminal histories as their focus in considering disparate impact on protected class members and groups. Several said that they were in the process of reassessing their admissions criteria or their administrative plans through the lens of disparate impact. A few respondents felt that it was difficult to evaluate disparate impact when there have very low vacancy rates and are not developing any new properties.

One respondent pointed to their PHA's evaluation of potential integration/segregation impacts in policy development and cited the example of obtaining permission from HUD to convert some of their properties to senior only due to conflicts arising out of blending older residents with younger ones. Another respondent was excited about the prospect of redeveloping a family development sited in a location where it is a bit isolated and then envisioning ways to increase livability with the incorporation of resources such as transportation, grocery store, on-site daycare, and more.

5. Do you use preferences? Why/why not?

Only one participating PHA reported that they do not use preferences. All of the other PHAs used some preferences although several thought that preferences were overly restrictive. Most of the PHAs utilized preferences for local applicants residing or working within the municipality, county, or local area or having relatives within the area. Many reported preferences for persons displaced by flood, fire, other natural disasters, or government action. Several had preferences for veterans. Others used preferences for very low-income families; senior citizens; people with disabilities; survivors of VAWA crimes (domestic violence, sexual assault, dating violence, and stalking); working families; persons participating in the Choices for Independence program; applicants who had participated in a local program for tenants; and homeless persons. One respondent was in the planning stages of developing housing for VAWA survivors and another property for persons with intellectual or developmental disabilities.

6. What is your ratio of senior/disabled housing to family housing?

In retrospect, this question was not framed as clearly as it could have been and did not specifically ask for ratios for the Housing Choice Voucher programs (HCV). A majority of PHAs operate "bricks and mortar" housing programs as well as HCV programs. Two PHAs manage HCV programs but do not own or manage public housing or subsidized properties, and one PHA operates only housing for older persons and persons with disabilities.[157] Of the two PHAs that operate HCV programs only, one provided the information and the other PHA did not participate.

The majority of PHAs allocated a substantially higher ratio of housing units for older persons and persons with disabilities than for families. Two PHAs had slightly larger allocations of family units.

Percentage of housing dedicated for older persons and persons with disabilities:

- 100% - 3 PHAs
- 72 – 79% - 4 PHAs
- 60 – 63% - 3 PHAs
- 52 – 54% - 2 PHAs
- 46 – 48% - 2 PHAs

[157] In analyzing this question, we also included limited information for the two PHAs that did not participate: Derry Housing and Redevelopment Authority and Newmarket Housing Authority.

For the two PHAs that provided information on ratios within their HCV programs, the data indicated that 71% and 77% of program vouchers were being utilized by older persons and persons with disabilities.

7. What protected class groups, if any, are designated in your affirmative marketing efforts?

A majority of respondents pointed out that with low vacancy rates and long waiting lists, there is not much ability to engage in marketing activities. Some respondents did state that in spite of that, they do some marketing to protected class members. The marketing is connected to specialized housing or voucher programs for which only certain populations are eligible. Several people mentioned sending information to local social service and state agencies including domestic violence programs, the Bureau of Elderly and Adult Services (BEAS), the Department of Health and Human Services (DHHS), and community mental health centers. Others articulated that they follow the affirmative marketing plans set out in their administrative plans. A few respondents mentioned marketing plans focused on particular racial and ethnic groups such as Latinos, African Americans, and Native Americans. One respondent talked about using marketing materials in both English and Spanish.

8. Do you have a civil rights compliance officer/designee?

Most PHAs did not have a specific person assigned to this role but indicated that, in most cases, the Executive Director would assume this role. Three stated that they have designated someone for that role, and two others indicated that they would use their Section 504 compliance officer for that role. One PHA stated that it has designated a staff member to maintain a reasonable accommodation file.

9. What language access challenges, if any, does your PHA face?

All of the PHAs are familiar with their obligations and have policies and protocols in place even though many have few encounters with persons who have limited English proficiency (LEP) and do not view language access as a particular challenge for their PHA. Spanish and American Sign Language (ASL) were the languages most frequently cited by the respondents. Several PHAs had staff members who were bilingual or sufficiently proficient for basic preliminary communications. Tools employed to communicate with LEP individuals included the use of certified ASL interpreters and professional language services such as Language Line and Language Bank, "I Speak" materials, and HUD documents that have been translated into several languages. Other tools used include online translation resources and software applications. One PHA has installed a "One-call" system that has the capacity to make announcements in other languages. Another PHA codes LEP files to make sure that the staff knows to arrange for interpretation and translation services for communications with that household.

10. What are the challenges of operating housing for younger persons with disabilities living together with older persons? Have you developed any innovative strategies?

All of the respondents acknowledged the challenges of mixing these two populations and they have tried many strategies to address conflicts. The most frequent conflicts seem to be rooted in "lifestyle" differences in which the younger residents may be perceived as louder, staying up later, and having more visitors. Conflicts also arise out of fears involving substance use and mental illness.

Several PHAs have created HUD-approved "seniors only" buildings and others are in the process of applying for such permission. Other respondents have imposed "quiet hours" or hired police officers or established law enforcement substations in the building to create a presence. PHAs employ resident service coordinators (RSCs) as a way of bringing the tenants together, and this seems to be the most successful method.[158]

Several respondents spoke about RSCs' work to create activities that encourage people to get to know each other and participate in programs such as garden club, movie nights, and bingo. These activities promote positive interactions and reduce conflicts. RSCs have been used to mediate conflicts between residents as well. Another PHA used the REAP program (a statewide program for seniors provided by local community mental health centers) to discuss issues like bullying and crime reporting. Still another initiated "listening tours" so that residents could hear about and discuss issues of concern within their building.

11. Describe the impact of the COVID-19 pandemic on your PHA's operations.

The pandemic presented enormous challenges for PHAs. All respondents reported that the COVID-19 pandemic fundamentally altered their entire operations and required as one executive director put it, a "hard pivot." Another described changing their entire business model. Many reported that, as of December 2020, they had none or very few known COVID-19 cases among their tenants or staff. The larger PHAs were not as fortunate but were working with their municipal health departments and other agencies to stem contagion.

Although describing the circumstances as daunting, it was clear from the responses that the people representing the PHAs—the executive directors, staff, and commissioners—effectively worked together to maintain operations and meet the needs of tenants, applicants, and program participants.

Almost every respondent described the CARES Act funds they received as crucial. Several PHAs invested other funds into COVID-19 responses. HUD's implementation of a waiver program allowed for more flexibility in carrying out operations including inspections and certifications. One respondent credited HUD's staff at the regional office in Boston and the Washington, D.C., headquarters as very responsive and helpful.

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[158] "The Service Coordinator Program provides funding for the employment of Service Coordinators in insured and assisted Multifamily Housing designed for the elderly and persons with disabilities. A Service Coordinator is a social service staff person hired or contracted by the Owner or management company. The Service Coordinator plays a critical role to support HUD assisted housing as a platform for financial security, physical security, social connections, and the delivery of long-term community based supportive services." HUD Service Coordinator Program at https://www.hud.gov/program_offices/housing/mfh/scp/scphome.

PHAs used these tools to manage four general categories: health and safety; communications; constituent support; and operations. As part of the process, they implemented new practices, policies, and protocols.

Health and Safety: PHAs purchased masks and other personal protective equipment; special cleaning supplies and devices; and materials such as plexiglass partitions to advance social distancing. They closed their offices at the onset with most implementing limited re-openings and staggered hours for staff and the flexibility to increase or decrease office hours with the ebb and flow of the pandemic's infection rates. In most cases, routine business was conducted by phone, email, Zoom, video, or by mail while still making provisions for safe, socially distant meetings when necessary. Many PHAs implemented mandatory masking in common areas even before state or local orders.

Cleaning and disinfecting protocols were instituted. New work order systems were developed and many PHAs initially limited maintenance calls to emergencies. Procedures for entering apartments to conduct maintenance were established including policies for use of protective gear.

Communications: Many PHAs installed or used "All-call" systems to communicate important messages to tenants. Others installed intercoms at their office entrances for visitors to communicate with staff working in the office. One PHA also purchased an awning outside their office door to provide some cover for visitors during inclement weather. At least one PHA installed TV monitors in common areas to communicate messages to tenants.

Tenant Support: All respondents described concerns for their tenants, particularly for older residents, tenants with mental health and other disabilities, and for families with children engaged in remote learning programs. Several respondents spoke of their concern for the well-being of tenants who were already isolated, with one executive director saying it was like "loneliness on steroids." In-home community services declined creating further isolation. PHA staff coordinated activities for older residents and those with disabilities. Examples include:

- Regular "well-being" calls to older residents by staff and/or volunteers
- Purchase and deliveries of food and necessaries when no other alternatives
- Hiring of a "concierge" for brief contacts, shopping, problem-solving
- Partnering with local agencies for recreational activities such as outdoor bingo and exercise class
- Delivery of a holiday meal to tenants
- Providing transportation when the local downtown trolley ceased operations due to the pandemic
- Purchase and delivery of food when an assisted living program's meals program closed because of the pandemic

Families with school-aged children faced difficulties. One PHA operated a summer camp for children in their closed senior center. Many parents struggled with the challenges of helping their children learn at home without the resources they required. Quite a few PHAs invested in improvement of internet infrastructure to facilitate families' abilities to access their schools' remote learning programs. Some PHAs provided additional Chromebooks to families in which children were sharing school-provided ones or as replacements for defective machines. Several

also worked with their school departments and other community agencies to create learning centers for children complete with computers and adults to assist with lessons.

Operations: The PHAs used HUD waivers to modify or temporarily suspend certain required activities such as certifications and inspections. They invested in technology that allowed staff to work remotely. Several PHAs upgraded their records systems, digitizing files to allow for secure access to files via computer. Others upgraded phone systems and purchased laptops and software to facilitate remote work. By December 2020, most PHAs reported that they had adapted their practices to the reality of the pandemic and were proceeding with their routine work. Many were still incorporating flexibility into their operations such as conducting inspections via video or temporarily waiving minor housing quality standards to allow a family to lease up or providing longer periods for a voucher holder to find an apartment. Some PHAs reported slightly higher vacancy rates and delays in turning over apartments due to reduction of the sizes of maintenance teams.

Overall, the respondents were proud and appreciative of the extraordinary work of their staff and the support of their commissioners and seemed confident that their PHA could continue to operate effectively for the duration of the pandemic.

PART III: HOUSING DISCRIMINATION FOCUS – HOUSING JUSTICE FOR PERSONS WITH SERIOUS MENTAL ILLNESS

People with mental illness (MI) continue to face significant obstacles accessing and maintaining housing within their communities both in New Hampshire and throughout the country. This is especially true for those living with significant MI who are at heightened risk of hospitalization, long-term institutionalization, and segregation.

The move to integrate persons with MI into communities began well before the 1988 amendments to the FHA which added disability as a protected class. The 1963 Community Mental Health Act mandated the creation of community-based mental health centers and promoted deinstitutionalization of those with MI.[159] The aspirational intentions of the Act were compromised early on by many factors including lack of comprehensive planning and insufficient funding.[160] Housing policies initiated during the Reagan era further exacerbated conditions and were directly responsible for the rise of homelessness, a crisis that has not abated and that has disproportionately affected people with MI.[161]

The consequences of the lack of adequate and appropriate community-based services and funding have led not only to chronic homelessness but also to overcriminalization of persons displaying the symptoms of their MI. Jails and prisons have ended up "serving as the country's largest psychiatric care providers."[162] Nationally, 37% of those incarcerated in state and federal prisons and 41% of those in "locally-run" jails have been diagnosed with a mental illness.[163]

In 1999, the U.S. Supreme Court issued a landmark decision in *Olmstead v. L.C.*, 527 U.S. 581 (1999), hailed as the most important civil rights case for persons with disabilities in our nation's history. It reaffirmed that persons with disabilities are entitled to receive supports and services in their own communities rather than be confined to institutions.[164] The *Olmstead* decision applies to all people with disabilities and has certainly improved many lives. Unfortunately, the mandates of *Olmstead* have often been compromised by lack of state legislative commitment and consequent inadequate funding.

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[159] Community Mental Health Act of 1963, Pub. L. 88-164 (Oct. 31, 1963).

[160] Heidi Shultheis, *Lack of Housing and Mental Health Disabilities Exacerbate One Another*, Ctr. for Am. Progress (Nov. 20, 2018), https://www.americanprogress.org/issues/poverty/news/2018/11/20/461294/lack-housing-mental-health-disabilities-exacerbate-one-another/.

[161] *See, e.g.*, Marian Moser Jones, *Creating a Science of Homelessness During the Reagan Era*, 93 Milbank Q. 139 (Mar. 5, 2015), https://onlinelibrary.wiley.com/doi/abs/10.1111/1468-0009.12108.

[162] *Id.*; *see also* Daniel Yohanna, *Deinstitutionalization of People with Mental Illness: Causes and Consequences*, 15 AMA J. of Ethics 886 (Oct. 2013), https://journalofethics.ama-assn.org/sites/journalofethics.ama-assn.org/files/2018-05/mhst1-1310.pdf.

[163] *Mental Health*, Key Statistics, Prison Policy Initiative (accessed Oct. 21, 2020), https://www.prisonpolicy.org/research/mental_health.

[164] "The Supreme Court held that people with disabilities have a qualified right to receive state funded supports and services in the community rather than institutions when the following three part test is met: 1. the person's treatment professionals determine that community supports are appropriate; 2. the person does not object to living in the community; and 3. the provision of services in the community would be a reasonable accommodation when balanced with other similarly situated individuals with disabilities." *Olmstead v. LC: History & Current Status*, OlmsteadRights, https://www.olmsteadrights.org/about-olmstead/.

New Hampshire's experience in ensuring the civil rights of persons with MI mirrors that of the nation. After the passage of Community Mental Health Act, New Hampshire made progress toward the community-based model of service provision and, for a period of time in the 1980s, became a national leader in providing community-based services.[165] Sadly, by the time of the Great Recession in 2008, legislative support for adequate funding had waned and only worsened as the economy fell into crisis.[166] The state, once again, failed to meet its commitment of adequate community care and services.

In 2012, the New Hampshire Disability Rights Center and the U.S. Department of Justice sued the state of New Hampshire on behalf of plaintiffs with serious mental illness. The legal action centered on the state's institutionalization practices and asserted that these practices were unjustified and unlawful discrimination against persons with mental illness pursuant to the *Olmstead* decision.[167] The parties reached a settlement in 2014 which requires the state to provide a full array of mechanisms to ensure that people with serious MI have a realistic opportunity of residing in their communities and not in institutions.

The comprehensive class settlement agreement, known as the Community Mental Health Agreement (CMHA), is perhaps the most important legal advancement of the civil rights of persons with MI in New Hampshire's history.[168] The CMHA set out obligations with benchmarks designed to timely create and maintain sufficient resources throughout the state to allow persons with serious MI to successfully integrate into their communities. It requires:

1. Creation of a Crisis Service System including around-the-clock mobile crisis teams and community crisis apartments;
2. Development of Assertive Community Treatment Teams composed of multi-disciplinary team members and 24-hour availability;
3. Implementation of a coordinated Supportive Housing programs utilizing the State's Bridge Subsidy program and acquisition of HUD-funded subsidies to support permanent housing in scattered sites and community residences;
4. Provision of Supported Employment services;
5. Institution of Family and Peer Support programs;
6. Establishment of Data Collection and Quality Assurance programs; and
7. Appointment of an Expert Reviewer.[169]

As the state initiated the requirements of the CMHA, funding of mental health services increased significantly, going from $97 million in FY 2013 (the year prior to the effective date of

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[165] The changes were prompted by the results of a lawsuit brought on behalf of persons with intellectual disabilities institutionalized at a state school in Laconia (*Garrity v. Gallen*, 522 F. Supp. 171 (D.N.H. 1981)) and the issuance of the Nardi-Wheelock Report in 1982 which set out the roadmap for this new model.

[166] For brief overviews, *see, e.g.*, Rick Jurgens, *As Mental Health Care Evolved, State Resources Fell Behind*, Valley News (July 20, 2015), https://www.vnews.com/As-Mental-Health-Care-Evolved-State-Resources-Fell-Behind-1697021; *New Hampshire's Crumbling Mental Health System*, Treatment Advocacy Center (Mar. 9, 2017), https://www.treatmentadvocacycenter.org/fixing-the-system/features-and-news/3788; Sara Plourde & Jack Rodolico, *From 'Religious Excitement' to Class Action Suits: A History of NH's Mental Health & Disability Care*, NHPR (Aug. 13, 2015), https://www.nhpr.org/post/religious-excitement-class-action-suits-history-nhs-mental-health-disability-care#stream/0.

[167] *Amanda D. v. Hassan; United States v. New Hampshire*, Docket No. 1:12-CV-00053-SM (D.N.H. Feb. 9, 2012). Note that the case is now referred to as *Amanda D. v. Sununu*.

[168] The Disability Rights Center maintains key documents in this case at https://drcnh.org/issue-areas/mental-health/mental-health-agreement/.

[169] *Amanda D.* Class Action Settlement Agreement (Feb. 12, 2014) known as the Community Mental Health Agreement (CMHA) and available on the Disability Rights Center's website (*see* link, *supra* note 168).

the CMHA) to almost $164 million in FY19.[170] In 2015, as part of its obligation to create housing opportunities, the state partnered with NHHFA and "applied for and was awarded funds to develop a total of 241 units of supported housing under the HUD Section 811 Program (191 Program Rental Assistance [PRA] and 50 Mainstream)."[171] The 811 program is designed to serve extremely low-income, non-elderly persons with severe mental illness in scattered-site locations to ensure integration into the community.

The Court-appointed Expert Reviewer (ER) has monitored the state's progress pursuant to the CMHA and has produced reports every six months since December 2014.[172] In the last August 2020 report, the ER has noted that even with the additional investment into community mental health programs, the state still is struggling to fully and substantially meet the terms of the CMHA.[173] The ER acknowledges that implementation is daunting given the magnitude of the endeavor and that the state deserves credit for its accomplishments[174] but also notes several specific and significant areas of non-compliance:

1. Failure of the state to fully and timely implement Assertive Community Treatment, a "core element of the CMHA". The ER notes that staffing and caseload capacity fall below the required level.[175]
2. The Supported Employment program has not achieved statewide compliance with the terms of the CMHA including ensuring sufficient program accessibility to persons who would benefit from the program.[176]
3. The state has not met CMHA requirements of providing 450 units of supported housing through the Bridge and 811 programs. The ER reports that the number of persons using the Bridge subsidy program has been below target numbers and that too many people remain on waiting lists beyond acceptable time periods. The 811 program has not developed the target number of units within the required timeframe the CMHA.[177] In addition, the ER was concerned that in some cases, the state may be exceeding the number of subsidized units allowed in any given building complex.[178]

Although the CMHA initially contemplated that the ER's oversight would end after six years, the parties have agreed to extend his oversight "until the agreement is fulfilled or the parties with court approval otherwise reach an endpoint on the monitoring."[179]

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[170] *New Hampshire 10-Year Mental Health Plan*, N.H. Dep't of Health & Hum. Servs. (Jan. 2019), https://www.dhhs.nh.gov/dcbcs/bbh/documents/10-year-mh-plan.pdf.
[171] *New Hampshire Community Mental Health Agreement Expert Reviewer Report Number Twelve* 24 (Aug. 18, 2020), https://drcnh.org/wp-content/uploads/2020/08/Twelfth-Expert-Reviewer-Report_8.18.20.pdf.
[172] *See supra* note 168 for link to reports.
[173] *New Hampshire Community Mental Health Agreement Expert Reviewer Report Number Twelve*, *supra* note 171.
[174] *Id.* at 2.
[175] *Id.* at 7–17.
[176] *Id.* at 17–20.
[177] *Id.* at 20–23.
[178] "The CMHA stipulates that ". . . all new supported housing . . . will be scattered-site supported housing, with no more than two units or 10 percent of the units in a multi-unit building with 10 or more units, whichever is greater, and no more than two units in any building with fewer than 10 units known by the State to be occupied by individuals in the Target population." *Id.* at 22.
[179] Email correspondence with Litigation Director Pamela Phelan, Disability Rights Center (Nov. 6, 2020).

Persons with MI often face housing discrimination. Nationally, disability discrimination consistently comprises the largest number of discrimination complaints.[180] Disability discrimination can take many forms and includes outright denial of access to housing, subjecting a person with MI to disparate treatment, harassment by other tenants, eviction based on discriminatory terms or conditions, or failure to provide a requested accommodation which would allow the person to use and enjoy their residence.

In 2017, HUD published a study of rental housing discrimination based on mental disability. Focus groups convened for the HUD Study identified the following barriers:

1. Negative and stigmatizing reactions and attitudes by housing providers and their agents;
2. Improper requests to disclose personal and disability-related information;
3. A lack of understanding about what types of reasonable accommodations may be needed by individuals with MD [mental disabilities];
4. The denial of proper requests for reasonable accommodations; and
5. Steering toward specific housing, buildings, or units based on an individual's disability.[181]

The testing component of the HUD Study confirmed the existence of pervasive discriminatory conduct by housing providers toward persons perceived to have MDs: "The testing conducted in this study documented significant levels of adverse differential treatment toward individuals with MI and I/DD [intellectual/developmental disabilities] when compared with individuals who did not have MD."[182] Specifically, the testing results established that the testers perceived to have MD were less likely to receive a response to their inquiry, be told an advertised unit was available, be invited to contact the housing provider, and be invited to inspect the available unit, and were more likely to be encouraged to look at a different unit than the one advertised—a possible indicator of steering. Testers also experienced "adverse treatment" when they made requests for accommodations for their disabilities.[183]

The findings and observations of the HUD Study are consistent with NHLA's fair housing investigation and enforcement experiences. The majority of housing discrimination complaints NHLA investigates are based on disability, with those with MI comprising the largest share (*see* tables on pp. 123–25 illustrating the number of complaints investigated in New Hampshire). A significant proportion of those cases involve people at risk of eviction. While NHLA has an excellent track record of obtaining accommodations and preventing eviction on behalf of its clients, the persons with the most likelihood of long-term success in maintaining their housing are those with strong support systems including access to and utilization of the community mental health systems.

The supportive housing models advanced by the CMHA can help reduce the tendency of many housing providers to respond with an eviction notice when issues and/or conflicts arise for a tenant with MI. Both tenants with MI and people in their support systems must be aware of all of the tools available to mitigate problems and prevent evictions. To that end, NHLA has invested in statewide fair housing training as an essential aspect of fair housing work.

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[180] *Rental Housing Discrimination on the Basis of Mental Disabilities: Results of Pilot Testing*, U.S. Dep't of Hous. & Urban Dev. Office of Policy Dev. & Research 2 (Aug. 2017), https://www.huduser.gov/portal/sites/default/files/pdf/MentalDisabilities-FinalPaper.pdf.
[181] *Id.* at vi.
[182] *Id.* at vii.
[183] *Id.*

Overly restrictive access criteria in both private and publicly subsidized housing create additional barriers with many persons with MI finding it difficult to pass criminal background checks, rigid credit checks, and obtain positive landlord references. This is particularly true if they have been homeless and/or incarcerated. HUD has issued guidance to housing providers encouraging them to evaluate the disproportionate impact rigid criminal history evaluations may have on certain protected class groups.[184] Although the guidance largely concentrates on the potential effects on persons of color, an argument can be made that because persons with MI have also been overrepresented in the criminal justice system, they too suffer disproportionally.

Until our society fully overcomes bias against persons with MI, adherence to *Olmstead* principles and enforcement of the FHA[185] are vital tools for advancement of the rights of those with MI to live and prosper within our communities.

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[184] *Office of General Counsel Guidance on Application of Fair Housing Act Standards to the Use of Criminal Records by Providers of Housing and Real Estate-Related Transactions*, U.S. Dep't of Hous. & Urban Dev. (Apr. 4, 2016), https://www.hud.gov/sites/documents/HUD_OGCGUIDAPPFHASTANDCR.PDF [hereinafter *OGC Guidance on Use of Criminal Records*].

[185] There are other vital legal protections for persons with disabilities which also secure their civil rights, including the Americans with Disabilities Act, the Rehabilitation Act of 1973, the New Hampshire Law Against Discrimination, and protections found in the New Hampshire Constitution.

PART IV: LEGAL UPDATE

Part IV highlights legal developments from 2015 through 2020, both on the federal level and in New Hampshire.[186] Although most of the developments cited directly involve housing discrimination law, we also have included some developments that affect protected class members directly and indirectly. Unfortunately, many of the strides made in advancing fair housing and anti-discrimination protections have been eroded over the past few years. The duration of the impacts of these damaging rollbacks and new regulations is not yet known, but with the change in federal administration, it is expected that new policies will revert to regulations that are more protective of protected class members.

A. FEDERAL LAW DEVELOPMENTS

1. Regulatory Changes

a. Suspension of the Affirmatively Furthering Fair Housing (AFFH) Rule in 2018 and Repeal of 2015 AFFH Rule in 2020

On January 5, 2018, HUD published a notice in the *Federal Register* suspending most jurisdictions' obligation under the Affirmatively Furthering Fair Housing (AFFH) rule to submit an Assessment of Fair Housing (AFH) until after October 31, 2020.[187] The National Fair Housing Alliance (NFHA) and other non-profit organizations filed suit against HUD on May 8, 2018, alleging violations of the Administrative Procedure Act (APA), including that HUD failed to provide public notice and comment, that HUD acted in an arbitrary and capricious manner, and that HUD abdicated its duty under the Fair Housing Act to ensure that recipients of HUD funds affirmatively further fair housing.[188] On May 23, 2018, HUD issued three notices in the *Federal Register* indefinitely suspending the 2015 AFFH rule, withdrawing the AFFH Assessment Tool that local governments were required to use to complete their AFHs, and reminding jurisdictions that they must continue to comply with their duty to affirmatively further fair housing by conducting analyses of impediments (AI) to fair housing.[189] HUD justified its decision to withdraw the Assessment Tool by stating that it had "become aware of significant deficiencies in the Tool impeding completion of meaningful assessments by program participants," making the tool "inadequate to accomplish its purpose of guiding program participants to produce meaningful AFHs."[190]

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[186] This section does not include COVID-19 related legislation.
[187] Affirmatively Furthering Fair Housing: Extension of Deadline for Submission of Assessment of Fair Housing for Consolidated Plan Participants, 83 Fed. Reg. 683 (Jan. 5, 2018).
[188] Complaint, *Nat'l Fair Housing Alliance v. Carson*, No. 1:18-cv-01076 (D.D.C. May 8, 2018).
[189] Affirmatively Furthering Fair Housing: Withdrawal of Notice Extending the Deadline for Submission of Assessment of Fair Housing for Consolidated Plan Participants, 83 Fed. Reg. 23928 (May 23, 2018); Affirmatively Furthering Fair Housing: Withdrawal of the Assessment Tool for Local Governments, 83 Fed. Reg. 23922 (May 23, 2018); Affirmatively Furthering Fair Housing (AFFH): Responsibility To Conduct Analysis of Impediments, 83 Fed. Reg. 23927 (May 23, 2018).
[190] Affirmatively Furthering Fair Housing: Withdrawal of the Assessment Tool for Local Governments, *supra* note 189.

In response to HUD's withdrawal of the AFFH Assessment Tool, NFHA and the other plaintiffs in the lawsuit challenging the suspension of the AFFH rule filed an amended complaint and a renewed motion for a preliminary injunction.[191] New York State filed a motion to intervene as a plaintiff, and several states and cities filed an amicus brief supporting the plaintiffs.[192] Ultimately, the court dismissed the lawsuit ruling that the plaintiffs lacked standing because they had not established a cognizable injury, that HUD was not required to comply with the APA's notice-and-comment rulemaking procedures when withdrawing the AFFH Assessment Tool, and that HUD's withdrawal of the tool was not arbitrary or capricious.[193]

On January 14, 2020, HUD issued a new proposed AFFH rule that made significant changes to the 2015 regulation.[194] The proposed rule dramatically changed the definition of "affirmatively furthering fair housing," which had required funded recipients to take "meaningful actions, in addition to combating discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics" and "that, taken together, address significant disparities in housing needs and in access to opportunity, replacing segregated living patterns with truly integrated and balanced living patterns, transforming racially and ethnically concentrated areas of poverty into areas of opportunity, and fostering and maintaining compliance with civil rights and fair housing laws."[195] The proposed rule defined AFFH as "advancing fair housing choice within the program participant's control or influence."[196] The proposed rule represented a rejection of efforts to address long-standing discrimination and segregation in this country and championed "affordable" housing without full consideration of barriers to protected class members. In its announcement of the proposed rule, HUD stated that the 2015 AFFH rule "proved ineffective, highly prescriptive, and effectively discourages the production of affordable housing."[197]

Then, in July 2020, HUD issued its final rule, entitled Preserving Community and Housing Choice, which repealed the 2015 AFFH regulations and merely defined AFFH to mean "any action rationally related to promoting any attribute or attributes of fair housing," with fair housing defined as "housing that, among other attributes, is affordable, safe, decent, free of unlawful discrimination, and accessible as required under civil rights laws."[198] The rule did not go through the Administrative Procedure Act (APA) review and comment process. Despite HUD's contentions that the 2015 AFFH rule was "unworkable and ultimately a waste of

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[191] First Amended Complaint, *Nat'l Fair Hous. Alliance v. Carson*, No. 1:18-cv-01076-BAH (D.D.C. May 29, 2018).

[192] Memorandum of Law in Support of Plaintiffs' Renewed Motion for a Preliminary Injunction and for Summary Judgment; and Brief of the States of Maryland, California, Massachusetts, Virginia, and Washington; the District of Columbia; and the Cities of Austin, Texas; New Orleans, Louisiana; Oakland, California; Portland, Oregon; Seattle, Washington; and Toledo, Ohio as *Amici Curiae* in Support of Plaintiffs' Renewed Motion for Preliminary Injunction and for Summary Judgment, *Nat'l Fair Hous. Alliance v. Carson*, No. 1:18-cv-01076-BAH (D.D.C. June 5, 2018).

[193] *Nat'l Fair Hous. Alliance v. Carson*, 330 F. Supp. 3d 14, 44–50, 54, 58 (D.D.C. 2018).

[194] Affirmatively Furthering Fair Housing, 85 Fed. Reg. 2041 (Jan. 14, 2020).

[195] Affirmatively Furthering Fair Housing, *supra* note 103, at 42353.

[196] Affirmatively Furthering Fair Housing, *supra* note 194, at 2045.

[197] *HUD Issues Improved Fair Housing Rule*, Press Release, U.S. Dep't of Hous. & Urban Dev. (Jan. 7, 2020), https://www.hud.gov/press/press_releases_media_advisories/HUD_No_20_002.

[198] Preserving Community and Housing Choice, *supra* note 4; *Secretary Carson Terminates 2015 AFFH Rule*, *supra* note 17.

time,"[199] opposition to the gutting of the AFFH rule among civil rights leaders and fair housing advocates is strong.[200]

b. HUD's Proposed Disparate Impact Rule

In 2019, HUD issued a proposed rule revising that standards for proving disparate impact or discriminatory effect liability under the FHA.[201] Although HUD claimed[202] that the proposed rule amends HUD's interpretation of the disparate impact standard to better align with the Supreme Court's ruling in the 2015 *Inclusive Communities* case,[203] the rule instead serves to gut the standard altogether. The proposed rule would increase plaintiffs' burden of proof and make it easier for defendants to rebut plaintiffs' claims. Currently, a plaintiff "has the burden of proving that a challenged practice caused or predictably will cause a discriminatory effect."[204] The burden then shifts to the defendant to prove that the practice "is necessary to achieve one or more substantial, legitimate, nondiscriminatory interests" of the defendant.[205] If the defendant satisfies its burden, the plaintiff may prevail by "proving that the substantial, legitimate, nondiscriminatory interests supporting the challenged practice could be served by another practice that has a less discriminatory effect."[206]

Under the proposed regulation, however, a plaintiff must plead facts supporting allegations

> (1) That the challenged policy or practice is arbitrary, artificial, and unnecessary to achieve a valid interest or legitimate objective such as a practical business, profit, policy consideration, or requirement of law; (2) That there is a robust causal link between the challenged policy or practice and a disparate impact on members of a protected class that shows the specific practice is the direct cause of the discriminatory effect; (3) That the alleged disparity

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[199] *Secretary Carson Terminates 2015 AFFH Rule*, *supra* note 17; *see also HUD Issues Improved Fair Housing Rule*, *supra* note 197.

[200] *E.g.*, *Trump Administration Eliminates Affirmatively Furthering Fair Housing Rule, NLIHC and Other Advocates Condemn Action, Rhetoric*, NLIHC (July 27, 2020), https://nlihc.org/resource/trump-administration-eliminates-affirmatively-furthering-fair-housing-rule-nlihc-and-other; *Civil Rights Groups Strongly Oppose HUD's New "Fair Housing" Rule and Call on the Agency to Reinstate the 2015 AFFH Regulation*, NFHA (Sept. 8, 2020), https://nationalfairhousing.org/2020/09/08/civil-rights-groups-strongly-oppose-huds-new-fair-housing-rule-and-call-on-the-agency-to-reinstate-the-2015-affh-regulation/; *Statement from NLIHC President & CEO Diane Yentel on Release of HUD's Proposal to Gut the Affirmatively Furthering Fair Housing (AFFH) Rule*, NLIHC (Jan. 7, 2020), https://nlihc.org/news/statement-nlihc-president-ceo-diane-yentel-release-huds-proposal-gut-affirmatively-furthering; *Affirmatively Furthering Fair Housing*, Poverty & Race Research Action Council (PRRAC) (Jan. 7, 2020), https://prrac.org/affirmatively-furthering-fair-housing/#b; *Civil Rights Leaders Respond to Trump Administration's Latest Attack on Fair Housing, Legacy of Martin Luther King, Jr.*, National Housing Law Project (NHLP) (Jan. 16, 2020), https://www.nhlp.org/our-initiatives/civil-rights-leaders-respond-to-trump-administrations-latest-attack-on-fair-housing-legacy-of-martin-luther-king-jr/.

[201] HUD's Implementation of the Fair Housing Act's Disparate Impact Standard, 84 Fed. Reg. 42854 (Aug. 19, 2019).

[202] *Id.* at 42854.

[203] *Texas Dep't of Hous. & Cmty. Affairs v. Inclusive Communities Project, Inc.*, 135 S. Ct. 2507 (2015).

[204] 24 C.F.R. § 100.500(c)(1).

[205] *Id.* § 100.500(c)(2).

[206] *Id.* § 100.500(c)(3).

> caused by the policy or practice has an adverse effect on members of a protected class; (4) That the alleged disparity caused by the policy or practice is significant; and (5) That there is a direct link between the disparate impact and the complaining party's alleged injury.[207]

The defendant may rebut the plaintiff's claim that the policy is arbitrary, artificial, and unnecessary by producing evidence that the challenged policy or practice "advances a valid interest (or interests)."[208] The plaintiff would then be required to prove "that a less discriminatory policy or practice exists that would serve the defendant's identified interest in an equally effective manner without imposing materially greater costs on, or creating other material burdens for, the defendant."[209] The proposed rule also sets forth other defenses available to a defendant. This rule undermines the purpose of the FHA and would severely limit its protections. The pleading standard for plaintiffs is impossibly high and the defenses available to defendants are unjustifiably extensive.

HUD issued its final disparate impact rule in September 2020.[210] The final version disregards the majority of opposing comments and, like the proposed rule, severely limits disparate impact theory.[211] That same month, the Massachusetts Fair Housing Center and Housing Works, Inc., filed suit challenging the final disparate impact rule, and, in October 2020, a federal judge granted a preliminary injunction against the new rule only one day before it was to take effect.[212]

c. LGBTQ Rights

In 2016, HUD issued a final rule clarifying that the 2012 Equal Access Rule, which guaranteed its programs were "open to all eligible individuals and families regardless of sexual orientation, gender identity, or marital status,"[213] applies to emergency shelters. The 2016 rule provides that transgender and gender non-conforming individuals should be accommodated in temporary, emergency shelters in accordance with their gender identity.[214]

In 2020, HUD changed course, however, and issued a proposed rule on July 24 that would allow federally funded shelters whose facilities are segregated by sex to establish a policy

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[207] HUD's Implementation of the Fair Housing Act's Disparate Impact Standard, *supra* note 201, at 42862.
[208] *Id.* at 42863.
[209] *Id.*
[210] HUD's Implementation of the Fair Housing Act's Disparate Impact Standard, 85 Fed. Reg. 60288 (Sept. 24, 2020) (*see* pp. 60289–90 for changes made at the final stage).
[211] *See, e.g.*, *Preliminary Analysis of HUD's Final Disparate Impact Rule*, NLIHC (Sept. 14, 2020), https://nlihc.org/resource/preliminary-analysis-huds-final-disparate-impact-rule.
[212] *Massachusetts Fair Hous. Ctr. v. United States Dep't of Hous. & Urban Dev.*, No. CV 20-11765-MGM, 2020 WL 6390143 (D. Mass. Oct. 25, 2020). The court held that the fair housing organizations had standing to challenge the rule, the challenge was ripe, the organizations were substantially likely to succeed on the merits of their Administrative Procedure Act (APA) claim, they would suffer irreparable harm without an injunction, and the balance of harms and public interest favored an injunction. *Id.* at *5–8. As of December 31, 2020, the case remains pending before the court. *See also Open Communities Alliance v. United States Dep't of Hous. & Urban Dev.*, No. 3-20-cv-01587 (D. Conn. Oct. 22, 2020).
[213] Equal Access to Housing in HUD Programs Regardless of Sexual Orientation or Gender Identity, 77 Fed. Reg. 5662, 5662 (Feb. 3, 2012).
[214] Equal Access in Accordance with an Individual's Gender Identity in Community Planning and Development Programs, 81 Fed. Reg. 64763 (Sept. 21, 2016).

by which the shelter considers an individual's biological sex for the purposes of determining admission to and accommodation within the shelter.[215] This proposed rule was issued despite testimony by HUD Secretary Ben Carson in front of the House Committee on Financial Services that he was not anticipating changing the Equal Access Rule[216] and despite a request by members of the Committee in June 2020 to reconsider the proposed rule in light of the U.S. Supreme Court's ruling in *Bostock* (discussed below).[217]

d. Quid Pro Quo and Hostile Environment Harassment

On September 14, 2016, HUD published a final rule amending its regulations to protect those who experience harassment in housing.[218] Although harassment based on protected class status is prohibited under the FHA, the standards for assessing such claims had not been articulated in regulations until publication of this rule. The rule defines "quid pro quo" harassment and "hostile environment" harassment, clarifies standards for direct liability, and describes how HUD will evaluate complaints.

In October 2017, the U.S. Department of Justice's Civil Rights Division announced the Sexual Harassment in Housing Initiative. The Initiative's goals are to "increase awareness about sexual harassment in housing and that it is against the law" and "to increase awareness that DOJ investigates and files lawsuits about sexual harassment in housing."[219] The Initiative's website includes information about what the DOJ can do to assist victims of sexual harassment, resources for victims, and victim testimonials.

e. Protections for Domestic Violence Survivors

In 1994, Congress enacted the Violence Against Women Act (VAWA), a comprehensive initiative targeting violence against women and others victimized by family and sexual violence. VAWA's protections have expanded since its original passage, most recently when Congress again reauthorized VAWA in 2013. HUD issued a final rule in 2016 amending its regulations to fully implement the 2013 statutory changes[220] and issued guidance to housing authorities and owners on VAWA's requirements in 2017.[221] Importantly, VAWA does not contain a sunset

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[215] *See* Making Admission or Placement Determinations Based on Sex in Facilities Under Community Planning and Development Housing Programs, 85 Fed. Reg. 44811 (July 24, 2020); *HUD Updates Equal Access Rule, Returns Decision Making to Local Shelter Providers*, Press Release, U.S. Dep't of Hous. & Urban Dev. (July 1, 2020), https://www.hud.gov/press/press_releases_media_advisories/HUD_No_20_099.

[216] *See, e.g.*, *Statement: Advocacy Groups Condemn Carson for Misleading Congress Over Equal Access Rule*, NFHA (May 23, 2019), https://nationalfairhousing.org/2019/05/23/equal-access-rule/. The summary of the forthcoming proposed rule was released a day after this testimony. *See* Revised Requirements Under Community Planning and Development Housing Programs, FR-6152, RIN 2506-AC53 (May 22, 2019), https://www.reginfo.gov/public/do/eAgendaViewRule?pubId=201904&RIN=2506-AC53.

[217] Letter from Jennifer Wexton and Maxine Waters to HUD Secretary Ben Carson (June 29, 2020), https://financialservices.house.gov/uploadedfiles/6.29.20_ltr_to_hud_ea_scd_wexton_waters.pdf.

[218] Quid Pro Quo and Hostile Environment Harassment and Liability for Discriminatory Housing Practices Under the Fair Housing Act, *supra* note 93.

[219] Sexual Harassment in Housing Initiative – About Us, U.S. Dep't of Justice (Nov. 7, 2018), https://www.justice.gov/crt/sexual-harassment-housing-initiative-about-us.

[220] Violence Against Women Reauthorization Act of 2013: Implementation in HUD Housing Programs, 81 Fed. Reg. 80724 (Nov. 16, 2016).

[221] *Violence Against Women Reauthorization Act of 2013 Guidance*, Notice PIH-2017-08, U.S. Dep't of Hous. & Urban Dev. (May 19, 2017), https://www.hud.gov/sites/documents/PIH-2017-08VAWRA2013.PDF.

provision and does not expire, even if it is not reauthorized for appropriations.[222] The Department of Justice has made clear that VAWA "remains the law of the land."[223]

In 2016, HUD issued guidance on the application of the FHA to local nuisance and crime-free housing ordinances when enforced against victims of crime, including domestic violence survivors, who use emergency services.[224] It did so to ensure that the "growing number" of these ordinances "do not lead to discrimination in violation" of the FHA.[225] The guidance addressed both discriminatory effects (or disparate impact) and disparate treatment methods of proof.

f. Immigrants' Rights and Protections for People with Limited English Proficiency

The FHA protects individuals against discrimination based on national origin, and this includes protections for those who have limited English proficiency (LEP). HUD issued guidance in 2016 on how the discriminatory effects (or disparate impact) and disparate treatment methods of proof apply in FHA cases involving LEP persons, noting that lack of English proficiency is often used as a proxy for national origin discrimination.[226]

Also in 2016, the Department of the Treasury issued a final rule providing for the enforcement of Title VI of the Civil Rights Act of 1964, as amended, in any program or activity that receives federal financial assistance from that department.[227] Title VI prohibits discrimination based on race, color, or national origin in federally-funded programs, which includes ensuring that LEP individuals have meaningful access to those programs. Even though each federal agency subject to Title VI is required to promulgate implementing regulations, this rule is the first such action by the Department of the Treasury. The rule does not include the Low-Income Housing Tax Credit (LIHTC) program, but the Treasury reiterated that LIHTC properties must comply with fair housing requirements.[228]

With the 2017 change in administration of the federal government came significant negative policy changes in the area of immigrants' rights. In 2019, HUD issued a proposed "mixed status" rule[229] which would "effectively evict tens of thousands of immigrant families

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[222] Laura L. Rogers, Acting Director, *The Violence Against Women Act – An Ongoing Fixture in the Nation's Response to Domestic Violence, Dating Violence, Sexual Assault, and Stalking*, U.S. Dep't of Justice Office on Violence Against Women (Feb. 19, 2020), https://www.justice.gov/ovw/blog/violence-against-women-act-ongoing-fixture-nation-s-response-domestic-violence-dating.

[223] *Id.*

[224] *Office of General Counsel Guidance on Application of Fair Housing Act Standards to the Enforcement of Local Nuisance and Crime-Free Housing Ordinances Against Victims of Domestic Violence, Other Crime Victims, and Others Who Require Police or Emergency Services*, U.S. Dep't of Hous. & Urban Dev. (Sept. 13, 2016), https://www.hud.gov/sites/documents/FINALNUISANCEORDGDNCE.PDF [hereinafter *OGC Guidance on Local Nuisance and Crime-Free Housing Ordinances*].

[225] *Id.*

[226] *Office of General Counsel Guidance on Fair Housing Act Protections for Persons with Limited English Proficiency*, U.S. Dep't of Hous. & Urban Dev. (Sept. 15, 2016), https://archives.hud.gov/news/2016/pr16-135-lepmemo091516.pdf; *HUD Issues New Guidance on Fair Housing Protections for People with Limited English Proficiency*, Press Release, U.S. Dep't of Hous. & Urban Dev. (Sept. 15, 2016), https://archives.hud.gov/news/2016/pr16-135.cfm.

[227] Regulation Regarding Nondiscrimination on the Basis of Race, Color, or National Origin in Programs or Activities Receiving Federal Financial Assistance from the Department of the Treasury, 81 Fed. Reg. 89852 (Dec. 13, 2016).

[228] *Id.*

[229] Housing and Community Development Act of 1980: Verification of Eligible Status, *supra* note 54.

and jeopardize housing subsidies for millions of U.S. citizens."[230] Currently, families of "mixed status," where some members are eligible for federal subsidies and some are not, receive financial housing assistance on a prorated basis. At least one U.S. citizen or eligible immigrant must live in the household and noneligible members can choose to not contend eligibility. The proposed rule, however, will bar "mixed-status" families from public housing and other specified federally-assisted housing programs by prohibiting prorated assistance. Individuals who are not eligible may not be tenants in subsidized housing, even if other family members are eligible. The rule will require the verification of eligible immigration status for all family members under age 62 through the Department of Homeland Security's Systematic Alien Verification for Entitlement Program (SAVE) and require that the leaseholder be a citizen or eligible noncitizen.[231] HUD's own analysis of this rule reveals that over 25,000 households receiving assistance are "mixed status" and over 55,000 children within those households are eligible for assistance.[232]

Another change concerning immigrants' rights came with the Department of Homeland Security's (DHS) Public Charge rule.[233] The rule makes it easier for DHS to determine that certain immigrants are likely to be a "public charge" by expanding the benefits DHS considers in the determination to include such benefits as Medicaid, Supplemental Nutrition Assistance Program (SNAP), public housing, and Section 8 subsidies. This determination can result in immigrants being denied admission into the country or prevent them from receiving a permanent resident status. Several lawsuits were filed in 2019 to challenge the implementation of this rule,[234] resulting in various injunctions across the country that temporarily stopped the rule from taking effect. The U.S. Supreme Court issued two rulings in early 2020 staying the last remaining injunctions, allowing DHS to implement the new public charge rule nationwide.[235] Later, in August 2020, the Second Circuit limited a nationwide preliminary injunction that had been issued by a New York federal district court to place the rule on hold during the COVID-19 pandemic to the states of New York, Connecticut, and Vermont.[236] In November 2020, an Illinois federal district court vacated the rule nationwide for violating the Administrative Procedure Act (APA),[237] but the Seventh Circuit stayed that decision pending its appeal.[238] The controversial Public Charge rule is still actively being litigated, and has been in effect for New Hampshire since February 24, 2020.

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[230] Mollie Cueva-Dabkoski & Linda Morris, *The Trump Administration's Proposed "Mixed Status" Housing Rule Is Another Form of Family Separation*, ACLU (July 10, 2019), https://www.aclu.org/blog/immigrants-rights/trump-administrations-proposed-mixed-status-housing-rule-another-form-family.

[231] Housing and Community Development Act of 1980: Verification of Eligible Status, *supra* note 54, at 20589.

[232] Regulatory Impact Analysis, Amendments to Further Implement Provisions of the Housing and Community Development Act of 1980, HUD, FR-6124-P-01, 6–7 (April 15, 2019).

[233] *See* Inadmissibility on Public Charge Grounds, 84 Fed. Reg. 41292 (August 14, 2019).

[234] *E.g.*, *San Francisco & Santa Clara v. United States Citizenship & Immigr. Servs.*, No. 4:19-cv-04717-PJH (N.D. Cal. Aug. 13, 2019); *California v. United States Dep't of Homeland Sec.*, No. 3:19-cv-04975-JSC (N.D. Cal. Aug. 16, 2019); *New York v. United States Dep't of Homeland Sec.*, No. 1:19-cv-07777 (S.D.N.Y. Aug. 20, 2019).

[235] *See United States Dep't of Homeland Sec. v. New York*, 140 S. Ct. 599 (2020); *Wolf v. Cook Cty., Illinois*, 140 S. Ct. 681 (2020).

[236] *New York v. United States Dep't of Homeland Sec.*, 969 F.3d 42, 88 (2d Cir. 2020).

[237] *Cook Cty., Illinois v. Wolf*, No. 19 C 6334, 2020 WL 6393005, at *7 (N.D. Ill. Nov. 2, 2020).

[238] *Cook Cty., Illinois v. Wolf*, No. 20-3150 (7th Cir. 2020).

g. HUD's Guidance on Assistance Animals

In 2020, HUD issued a notice explaining obligations of housing providers under the FHA with respect to assistance animals.[239] This guidance replaces HUD's prior 2013 guidance on this issue. The notice provides a set of best practices for housing providers when assessing requests for reasonable accommodations to keep service animals and emotional support animals in housing. It details the information a housing provider may need to know from a health care provider about an individual's need for the assistance animal and the type and amount of documentation a housing provider may request. The guidance reaffirms that housing providers "may not require a health care professional to use a specific form . . . , to provide notarized statements, to make statements under penalty of perjury, or to provide an individual's diagnosis or other detailed information about a person's physical or mental impairments."[240]

h. FHA's Design and Construction Requirements

The FHA requires that multifamily housing built after March 1991 contain accessible features for persons with disabilities. In 2020, HUD proposed a rule that would amend the FHA design and construction regulations by recognizing additional sets of standards and model building codes as safe harbors under the Act.[241] The proposed additions include: the 2009 edition of International Code Council (ICC) Accessible and Usable Building and Facilities standard (ICC A117.1-2009); and the 2009, 2012, 2015, and 2018 editions of the International Building Code (IBC).[242] New Hampshire currently utilizes the 2015 Code.

i. White House Council on Eliminating Barriers to Affordable Housing

In June 2019, President Trump issued an executive order establishing the White House Council on Eliminating Regulatory Barriers to Affordable Housing and named HUD Secretary Ben Carson as its chairperson. The council is intended to "address, reduce, and remove the multitude of overly burdensome regulatory barriers that artificially raise the cost of housing development and help to cause the lack of housing supply."[243] Housing advocates have questioned the true purpose of the council, stating that it "will likely work to remove important federal regulations that protect fair wages, fair housing, the environment, and more, and not the restrictive local zoning over which the federal government has very little control."[244] It is not clear whether the Biden Administration will continue the Council.

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[239] *Assessing a Person's Request to Have an Animal as a Reasonable Accommodation Under the Fair Housing Act*, FHEO-2020-01, U.S. Dep't of Hous. & Urban Dev. (Jan. 28, 2020), https://www.hud.gov/sites/dfiles/PA/documents/HUDAsstAnimalNC1-28-2020.pdf.
[240] *Id.*
[241] Fair Housing Act Design and Construction Requirements; Adoption of Additional Safe Harbors, 85 Fed. Reg. 2354 (Jan. 15, 2020).
[242] *Id.* at 2354.
[243] Exec. Order No. 13878, 84 Fed. Reg. 30853, 30854 (June 28, 2019).
[244] *Statement from NLIHC President and CEO Diane Yentel on the White House Establishing a Council to Eliminate Regulatory Barriers to Affordable Housing*, NLIHC (June 25, 2019), https://nlihc.org/news/statement-nlihc-president-and-ceo-diane-yentel-white-house-establishing-council-eliminate.

2. Case Law Developments Outside the Region

a. Bank of America v. City of Miami

In 2014, The City of Miami filed suit against Bank of America and Wells Fargo alleging that the banks discriminated on the basis of race and national origin by intentionally issuing riskier mortgages to Black and Latino borrowers as compared with similarly-situated White borrowers.[245] Miami contended that this discriminatory conduct "(1) adversely impacted the racial composition of the City, . . . (2) impaired the City's goals to assure racial integration and desegregation, . . . (3) frustrate[d] the City's longstanding and active interest in promoting fair housing and securing the benefits of an integrated community, . . . and (4) disproportionately cause[d] foreclosures and vacancies in minority communities in Miami," which harmed Miami by decreasing property values and thus diminishing property tax revenue and increasing the demand for municipal services.[246] In 2017, the U.S. Supreme Court ruled that the injuries Miami alleged "fall within the zone of interests" protected by the FHA.[247] However, it held that a plaintiff "must do more" than establish that its injuries foreseeably flowed from the alleged violation to establish proximate cause under the FHA.[248] The Court remanded the case for the lower courts to "define . . . the contours of proximate cause under the FHA" and apply it to the City's claims.[249]

b. County of Westchester v. HUD

In 2013, Westchester County, New York, brought an action under the Administrative Procedure Act (APA) to challenge HUD's decision to withhold funds originally awarded to the county. This case was but one of a series involving the county's analysis of impediments to fair housing with its jurisdiction and certification that it was affirmatively furthering fair housing. In 2015, the Second Circuit affirmed the district court's order of summary judgment in favor of HUD.[250] The court ruled that HUD's decision to withdraw the funds based on its determination that the county was not complying with its AFFH obligations was not arbitrary or capricious and, thus, did not violate federal law.

c. United States v. JPMorgan Chase Bank

The United States Attorney's Office filed a complaint in 2017 alleging that JPMorgan Chase Bank engaged in a pattern or practice of discrimination on the basis of race or ethnicity, violating the FHA and the Equal Credit Opportunity Act.[251] The complaint alleged that from "at least 2006 through late 2009" the bank's Black and Latino borrowers had paid higher rates and fees on wholesale home mortgage loans than similarly-situated White borrowers. The court

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[245] *Bank of Am. Corp. v. City of Miami, Fla.*, 137 S. Ct. 1296, 1300–01 (2017).
[246] *Id.* at 1301 (internal quotations omitted).
[247] *Id.*
[248] *Id.*
[249] *Id.* at 1306.
[250] *Cty. of Westchester v. United States Dep't of Hous. & Urban Dev.*, 802 F.3d 413 (2d Cir. 2015).
[251] Complaint, *United States v. JPMorgan Chase Bank*, No. 1:17-cv-00347 (S.D.N.Y. Jan. 18, 2017).

entered a consent order which included creation of a settlement fund of approximately $53 million and a $55,000 civil penalty.[252]

d. National Fair Housing Alliance v. Facebook and HUD v. Facebook

In 2019, the National Fair Housing Alliance and several other plaintiffs settled claims against Facebook for violations of the FHA and other civil rights laws. The plaintiffs alleged that Facebook's paid advertising platform allowed advertisers "to target housing, employment, and credit ads to Facebook users based on race, color, gender, age, national origin, family status, and disability."[253] The settlement includes extensive changes to Facebook's advertising platform, the commitment that Facebook will provide education materials to advertisers and engage in fair housing training, and the provision of a $500,000 advertising credit for placement of fair housing ads.[254] The week after announcement of this settlement, HUD announced it was charging Facebook with violating the FHA by "encouraging, enabling, and causing housing discrimination through the company's advertising platform."[255] This charge followed HUD's investigation of a Secretary-initiated complaint.[256]

e. HUD and City of Los Angeles Compliance Agreement

In 2019, HUD reached an historic agreement with the City of Los Angeles to provide accessible housing for individuals with disabilities.[257] This agreement resolves HUD's findings after multiple on-site reviews that the City had failed to comply with Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act (ADA) throughout the City's affordable housing program.[258] The agreement includes the development of 10,000 units of new affordable housing over the next ten years, including 1,500 accessible units, and the retrofitting of 3,100 affordable units to be accessible for individuals with disabilities.[259] This settlement comes three years after settlement in *Independent Living Center of Southern California v. City of Los Angeles*, which also involved allegations of the City's failure to satisfy the accessibility requirements of federal law in its provision of affordable housing.[260]

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[252] Consent Order, *United States v. JPMorgan Chase Bank*, No. 1:17-cv-00347-AJN (S.D.N.Y. Jan. 20, 2017).
[253] *Civil Rights Advocates Settle Lawsuit with Facebook: Transforms Facebook's Platform Impacting Millions of Users*, NFHA, https://nationalfairhousing.org/facebook-settlement/ (accessed June 8, 2020).
[254] *Id.*
[255] *HUD Charges Facebook with Housing Discrimination Over Company's Targeted Advertising Practices*, Press Release, U.S. Dep't of Hous. & Urban Dev. (Mar. 28, 2019), https://www.hud.gov/press/press_releases_media_advisories/HUD_No_19_035.
[256] *HUD Files Housing Discrimination Complaint Against Facebook*, Press Release, U.S. Dep't of Hous. & Urban Dev. (Aug. 17, 2018), https://archives.hud.gov/news/2018/pr18-085.cfm.
[257] *HUD and Los Angeles Reach Historic Settlement Resolving Disability Discrimination and Lack of Accessible Housing*, Press Release, U.S. Dep't of Hous. & Urban Dev. (Aug. 2, 2019), https://www.hud.gov/press/press_releases_media_advisories/HUD_No_19_116.
[258] Voluntary Compliance Agreement Between the U.S. Department of Housing and Urban Development and the City of Los Angeles, California 4 (Aug. 2, 2019), https://www.hud.gov/sites/dfiles/Main/documents/HUD-City-of-Los-Angeles-VCA.pdf.
[259] *Id.* at 13–14.
[260] Case Profiles, *Independent Living Center of Southern California v. City of Los Angeles*, Relman Colfax, https://www.relmanlaw.com/cases-ilcsc-v-los-angeles.

f. Landlord Liability for Tenant-on-Tenant Harassment

i. Francis v. Kings Park Manor

This case considers the issue of a landlord's liability for tenant-on-tenant racial harassment.[261] In 2019, a panel of the Second Circuit ruled that a landlord may be liable under the FHA where the landlord refuses "to take any action to address what it knew to be a racially hostile housing environment created by one tenant targeting another, even though the landlord had acted against other tenants to redress prior, non-race related issues."[262] The harassing neighbor's discriminatory conduct was "so severe that it resulted in police warnings and [his] arrest and eventual conviction."[263] The court also joined other circuits in holding that the FHA applies to post-acquisition conduct.[264] The Second Circuit voted in February 2020 to rehear the appeal *en banc*.[265]

ii. Wetzel v. Glen St. Andrew Living Community

In 2018, the Seventh Circuit held that the FHA not only creates liability for a landlord who "intentionally discriminates against a tenant based on a protected characteristic," but it also "creates liability against a landlord that has actual notice of tenant-on-tenant harassment based on a protected status, yet chooses not to take any reasonable steps within its control to stop that harassment."[266] The plaintiff in this case suffered severe and pervasive harassment by other residents "because she is openly lesbian."[267] The court cited, but did not rely on, a 2016 rule published by HUD interpreting third-party liability under the FHA.[268] The rule provides that liability extends to "[f]ailing to take prompt action to correct and end a discriminatory housing practice by a third-party, where the person knew or should have known of the discriminatory conduct and had the power to correct it."[269]

g. Fair Housing Rights Center in Southeastern Pennsylvania v. Morgan Properties

This 2018 case is the first federal decision holding that a landlord's policy of refusing to consider reasonable accommodation requests from tenants with disabilities to change the due date of their rent to correspond with receipt of their disability benefits can violate the FHA.[270] The case settled with Morgan Properties agreeing to provide reasonable accommodations for existing tenants and for qualified applicants who demonstrate the need to adjust the due date of

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[261] *Francis v. Kings Park Manor, Inc.*, 944 F.3d 370, 379 (2d Cir. 2019), *reh'g en banc granted*, 949 F.3d 67 (2d Cir. 2020).
[262] *Id.* at 373.
[263] *Id.* at 379.
[264] *Id.* at 375–78. "Post-acquisition conduct" refers to discrimination occurring after a person buys or rents housing (i.e., after the rental or sales transaction itself).
[265] As of December 31, 2020, the case is still pending. *See* Case Profiles, *Francis v. Kings Park Manor*, Relman Colfax, https://www.relmanlaw.com/cases-francis, for case updates.
[266] *Wetzel v. Glen St. Andrew Living Cmty., LLC*, 901 F.3d 856, 859 (7th Cir. 2018), *cert. dismissed sub nom. Glen St. Andrew Living Com. v. Wetzel*, 139 S. Ct. 1249 (2019).
[267] *Id.*
[268] *Id.* at 866.
[269] 24 C.F.R. § 100.7(a)(1)(iii).
[270] *See Fair Hous. Rights Ctr. in Se. Pennsylvania v. Morgan Properties Mgmt. Co., LLC*, No. CV 16-4677, 2018 WL 4489653 (E.D. Pa. Sept. 19, 2018).

their rent to align with the date they receive their SSDI check.[271] Morgan Properties also agreed to a monetary payment of $480,000.[272]

h. Masterpiece Cake Shop v. Colorado Civil Rights Commission

This case involved a same-sex couple for whom a bakery owner refused to create a wedding cake because of his religious opposition to same-sex marriage.[273] Despite the important constitutional questions presented, namely whether a business owner has a constitutional right to discriminate based on his religious beliefs, the case was decided on narrower grounds.[274] The U.S. Supreme Court held that the Colorado Civil Rights Commission evidenced a hostility toward the baker's sincere religious beliefs, thus violating the Free Exercise Clause, and the Court set aside the Commission's ruling in favor of the couple on this basis.[275]

i. Bostock v. Clayton County, Georgia

In 2020, the U.S. Supreme Court considered the question of whether Title VII's protection against sex discrimination prohibits an employer from firing an employee based on that employee's sexual orientation or gender identity.[276] The Court held that it does, stating, "[a]n employer who fires an individual for being homosexual or transgender fires that person for traits or actions it would not have questioned in members of a different sex. Sex plays a necessary and undisguisable role in the decision, exactly what Title VII forbids."[277] The Court noted that, "when an employer treats one employee worse because of that individual's sex," it does not matter that other factors "might also be at work, or even play a more important role in the employer's decision."[278] The fact that sex is a but-for cause of the decision is sufficient for liability to attach to the employer.[279]

3. Federal Case Law Developments in the First Circuit Court of Appeals and in New Hampshire

a. Batista v. Cooperativa De Vivienda Jardines De San Ignacio

In this case, a tenant with disabilities who had a Section 8 voucher was informed that she was over-housed in her three-bedroom unit and would need to transfer her voucher to a smaller unit or pay market rent.[280] The tenant brought suit against the private landlord, not the housing authority, alleging that she needed the additional bedrooms due to her disabilities. The court

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[271] Case Profiles, *Fair Housing Rights Center in Southeastern Pennsylvania v. Morgan Properties Management Company, LLC*, Relman Colfax, https://www.relmanlaw.com/cases-Morgan-Properties.
[272] *Id.*
[273] *Masterpiece Cakeshop, Ltd. v. Colorado Civil Rights Comm'n*, 138 S. Ct. 1719, 1723 (2018).
[274] *See id.*
[275] *Id.* at 1723–24.
[276] *Bostock v. Clayton Cty., Georgia*, 140 S. Ct. 1731 (2020).
[277] *Id.* at 1737.
[278] *Id.* at 1742.
[279] *Id.* at 1739–40.
[280] *Batista v. Cooperativa De Vivienda Jardines De San Ignacio*, 776 F.3d 38, 40 (1st Cir. 2015).

ruled in 2015 that her requested accommodation was not reasonable where the Puerto Rico housing authority, not the landlord, was the party administering the voucher program.[281]

b. Castillo Condominium Association v. HUD

In 2016, the court in this case articulated—for the first time in the First Circuit—the standard of review a reviewing court must use where the HUD Secretary rejects the factual findings of an Administrative Law Judge (ALJ).[282] In such a case, the court must "first make certain that the Secretary has adequately articulated his reasons for overturning the ALJ's findings" and then must "ask whether those articulated reasons derive adequate support from the administrative record."[283] The case involved a charge of discrimination issued by HUD against a condominium association for violating the reasonable accommodation provisions of the FHA by forcing a resident to vacate his unit because he was keeping a dog on the premises, despite documentation from the resident that the dog was an assistance animal.[284] After an evidentiary hearing, the ALJ issued a decision that the association had not violated the FHA.[285] After appeal to the Secretary, the Secretary set aside the ALJ's recommended decision and remanded the case for a determination of damages.[286] The ALJ's second decision awarded the resident $3,000 in emotional distress damages and assessed a $2,000 civil penalty against the association; the Secretary again set aside the ALJ's decision, awarding $20,000 in emotional distress damages and assessing a $16,000 penalty.[287] The court held in favor of the Secretary.[288]

c. Summers v. City of Fitchburg

In 2019, the First Circuit affirmed an order of summary judgment for a defendant city in a reasonable accommodation case in which the plaintiffs, operators of four sober homes, challenged the city's refusal to exempt them from a law requiring such facilities to have sprinkler systems.[289] The court held that the request was not reasonable because "such an exemption would thwart the very salutary purpose" of the law in fire prevention and public safety.[290] The court did not address the plaintiffs' claim that the law discriminates against individuals with disabilities because it exempts certain structures, such as buildings housing six or more family members and fraternity houses; the court viewed this argument as "an attempt to challenge the district court's dismissal of the plaintiffs' disparate treatment and disparate impact claims" but found that such claims had been waived.[291]

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[281] *Id.* at 40, 42–43.
[282] *Castillo Condo. Ass'n v. United States Dep't of Hous. & Urban Dev.*, 821 F.3d 92, 95–97 (1st Cir. 2016).
[283] *Id.* at 97.
[284] *Id.* at 95.
[285] *Id.*
[286] *Id.* at 96.
[287] *Id.*
[288] *Id.* at 99.
[289] *Summers v. City of Fitchburg*, 940 F.3d 133, 136 (1st Cir. 2019).
[290] *Id.* at 140.
[291] *Id.* at 142.

d. United States v. Avatar Properties

In 2015, the district court in this case held that the FHA does apply to post-acquisition conduct,[292] noting that the First Circuit had not yet explicitly ruled on this issue.[293] The case involved a Londonderry resident with disabilities who was denied a reasonable accommodation to be assigned an accessible parking space closer to his home.[294] Ultimately, the court entered a consent decree requiring the condominium association and management company to pay the resident $25,000, adopt a reasonable accommodation policy, and obtain fair housing training.[295]

e. United States v. Talgar General Partnership

In 2015, the district court entered a consent order in this case, originally filed in 2012 following a HUD reasonable cause determination.[296] The case involved a Newmarket manufactured housing park's response to a reasonable accommodation request for an assistance animal.[297] The park was alleged to have "repeatedly and consistently" refused to grant the accommodation, despite having been provided medical documentation of the need for the animal.[298] The consent order included $10,000 in damages to the complainants as well as injunctive relief.[299]

f. Dalomba v. Simonsen

This 2015 civil rights case was brought against managers of a Derry RV park and involved allegations of extensive racial harassment.[300] The plaintiff sought relief under 42 U.S.C. § 1981, which prohibits racial discrimination in the making and enforcing of contracts. In considering the statute of limitations defense in the defendants' motion to dismiss, the district court held that all events could be considered when evaluating the hostile environment claim, but that only events falling within the limitations period could serve as a basis for the retaliation claim.[301] In determining whether the defendants possessed discriminatory intent, all conduct could be considered.[302] The court noted that much of the harassment alleged was inflicted by other park residents and that to resolve the motion it need not address the question of "whether a landlord . . . may be held liable on a harassment theory for failing to prevent harassment by other tenants."[303] The case ultimately settled in 2016.

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[292] "Post-acquisition conduct" refers to discrimination occurring after a person buys or rents housing (i.e., after the rental or sales transaction itself).
[293] *United States v. Avatar Properties, Inc.*, No. 14-cv-502-LM, 2015 WL 2130540, at *2–3 (D.N.H. May 7, 2015).
[294] *Id.* at *1–2.
[295] Consent Decree, *United States v. Avatar Properties, Inc.*, No. 14-cv-502-LM (D.N.H. May 6, 2016).
[296] *See* Consent Order, *United States v. Talgar Gen. P'ship*, No. 1:12-cv-00219-PB (D.N.H. June 25, 2015); Complaint, *United States v. Talgar Gen. P'ship*, No. 1:12-cv-00219 (D.N.H. June 11, 2012).
[297] Complaint, *Talgar Gen. P'ship*, No. 1:12-cv-00219, at 2–4.
[298] *Id.* at 3.
[299] Consent Order, *Talgar Gen. P'ship*, No. 1:12-cv-00219-PB, at 2–7.
[300] *Dalomba v. Simonsen*, No. 15-CV-272-PB, 2016 WL 1257891 (D.N.H. Mar. 30, 2016).
[301] *Id.* at *7–8.
[302] *Id.* at *8.
[303] *Id.* at *8 n.12.

g. Lath v. Oak Brook Condominium Owners' Association

An owner of a condominium unit in Manchester asserted "several dozen federal and state claims," including claims under the FHA, against multiple defendants, including the condominium association.[304] In assessing the sufficiency of these claims in response to various motions to dismiss, the district court, in 2017, noted that the First Circuit has yet to consider whether the FHA creates a "hostile housing environment" cause of action but cited that other courts have recognized such an action and assumed that the First Circuit would as well.[305] The court also set out the standard for bringing a retaliation claim under the FHA, noting that the First Circuit had yet to do so,[306] but this standard was amended in a subsequent case,[307] discussed below.

h. Kris v. Dusseault Family Revocable Trust of 2017

In this case, the district court addressed a former Manchester tenant's FHA retaliation claim against her prior landlord arising out of eviction proceedings in state court.[308] The tenant alleged her landlord had retaliated against her because of complaints she made to the local housing authority and to HUD, including related to her request for a reasonable accommodation.[309] The court cited the test for establishing an FHA retaliation claim provided in *Lath*[310] and further clarified that a plaintiff is not required to prove discriminatory animus, or proof of intentional discrimination based on the plaintiff's protected-class status, to establish such a claim.[311]

The court determined that the FHA's anti-retaliation provision should be construed consistent with other anti-discrimination statutes' anti-retaliation provisions, which "provide protection not because of who people are, but because of what they do."[312] Therefore, to establish an FHA retaliation claim requires proof that "(1) [the] plaintiff engaged in protected activity; (2) [the] defendant subjected [the] plaintiff to an adverse action; and (3) there was a causal connection between the protected conduct and the adverse action."[313] The court denied the defendants' motion to dismiss.[314]

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[304] *Lath v. Oak Brook Condo. Owners' Ass'n*, No. 16-CV-463-LM, 2017 WL 1051001, at *1 (D.N.H. Mar. 20, 2017).
[305] *Id.* at *4.
[306] *Id.* at *6 (The court stated that a plaintiff must show: "(1) the plaintiff is a member of an FHA-protected class; (2) the plaintiff exercised a right protected by §§ 3603–06 of the FHA, or aided others in exercising such rights; (3) the defendants' conduct was at least partially motivated by intentional discrimination; and (4) the defendants' conduct constituted coercion, intimidation, threat, or interference on account of having exercised, aided, or encouraged others in exercising a right protected by the FHA.").
[307] *Kris v. Dusseault Family Revocable Tr. of 2017*, No. 18-CV-566-LM, 2019 WL 4647211, at *4–5 (D.N.H. Sept. 24, 2019).
[308] *Id.* at *1, 3.
[309] *Id.* at *5.
[310] *See Lath*, No. 16-CV-463-LM, 2017 WL 1051001, at *6.
[311] *Kris*, No. 18-CV-566-LM, 2019 WL 4647211, at *4.
[312] *Id.* at *4–5 (internal quotations and citations omitted).
[313] *Id.* at *5.
[314] *Id.* at *7. As of December 31, 2020, the case is still pending.

i. United States v. MSM Brothers, Inc. d/b/a White Cliffs at Dover

In December 2017, the DOJ settled a case of familial status discrimination based on allegations that a Dover landlord denied a mother with a young child a housing opportunity due to its policy of limiting families with children under 10 to first-floor units. NHLA represented the plaintiff and also conducted testing supporting the allegation. The settlement agreement required the defendant to pay the complainant $25,000, undergo fair housing training, draft a new non-discrimination policy, and provide annual reports to the Department of Justice.[315]

j. Medicaid Work Requirements

In November 2018, New Hampshire received approval from the U.S. Secretary of Health and Human Services to impose work requirements on most non-disabled Medicaid beneficiaries ages 19 to 64, who would be required to demonstrate that they had completed 100 hours of qualifying employment or other "community engagement" activities each month or risk losing their healthcare coverage if they did not qualify for an exemption. The waiver also would have eliminated retroactive coverage for most adults under age 65 without disabilities. NHLA worked with national partners, the National Health Law Program (NHELP) and the National Center for Law and Economic Justice (NCLEJ), to challenge this approval in federal court, arguing that it violated the Administrative Procedure Act (APA), resulting in the state's waiver being vacated by the court in July 2019[316] and maintaining health coverage for approximately 17,000 low-income Granite Staters who were at risk of losing it.[317]

B. NEW HAMPSHIRE LEGAL DEVELOPMENTS

1. New Hampshire Supreme Court and Selected NHLA Fair Housing Project Cases

a. Eldridge v. Rolling Green at Whip-Poor-Will Condominium Owners' Association

In 2011, a Hudson resident and condominium owner filed a housing discrimination complaint with the New Hampshire Human Rights Commission (HRC) against the condominium association, alleging that the association had discriminated against him based on his disabilities by failing to repair a walkway in front of his unit.[318] The HRC found probable cause of discrimination, and the association exercised its right to have the case heard in superior court.[319]

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[315] Settlement Agreement Between the United States of America and MSM Brothers, Inc. d/b/a White Cliffs at Dover and Kim Hughes, Resolving *United States v. MSM Brothers, Inc., et al.*, 17-cv-00321 (D.N.H.) (Dec. 12, 2017).

[316] *Philbrick v. Azar*, 397 F. Supp. 3d 11 (D.D.C. 2019), *aff'd*, No. 19-5293, 2020 WL 2621222 (D.C. Cir. May 20, 2020), *cert. granted sub nom. Azar v. Gresham*, No. 20-37, 2020 WL 7086046 (U.S. Dec. 4, 2020).

[317] *Federal Court Vacates New Hampshire Medicaid Work Requirements – Statement on the United States District Court's Decision in* Philbrick v. Azar, NHLA (July 30, 2019), https://www.nhla.org/blog/Federal-Court-Vacates-New-Hampshire-Medicaid-Work-Requirements-entry-62; *Victory for Medicaid Recipients in New Hampshire*, NCLEJ (July 30, 2019), https://nclej.org/news/victory-medicaid-nh.

[318] *Eldridge v. Rolling Green at Whip-Poor-Will Condo. Owners' Ass'n*, 168 N.H. 87, 88–89 (2015).

[319] *Id.*

The association's motion for summary judgment was granted, and the owner appealed.[320] In 2015, the New Hampshire Supreme Court determined that the date of the alleged discrimination was the date of the letter denying the owner's request for the repair of the walkway and that the owner's claim was therefore barred because he had not filed his complaint with the HRC within the 180-day limitations period in R.S.A. § 354–A:21, III.[321] The owner had argued that there was a continuing violation because the unrepaired walkway impacted him "throughout the 180-day period leading up to the filing" of his complaint.[322] The court held that the continuing violations theory did not apply because the association's letter refusing to make the repair "was a discrete act that occurred on a particular day."[323]

b. Hendrick v. New Hampshire Department of Health and Human Services

In 2016, the New Hampshire Supreme Court held that the state can no longer consider a child's federal Supplemental Security Income (SSI) disability assistance as income when determining the family's eligibility for state Temporary Assistance for Needy Families (TANF).[324] NHLA represented a mother of six and a mother of three arguing that under federal law a child's SSI must be used only for the benefit of the child with disabilities, not the entire family, and that DHHS's policy of treating children's SSI as income to the family assistance group violated the Social Security Act.[325] The Court held that the state administrative rule He-W 654.04(c) was preempted by federal law and invalid to the extent it required inclusion of children's SSI as income to the TANF assistance group.[326]

c. Horton v. Clemens

In 2020, the New Hampshire Supreme Court reaffirmed that for eviction actions pursuant to R.S.A. chapter 540, strict compliance with the statute's terms is required.[327] R.S.A. § 540:5, II mandates that "a valid demand for rent or eviction notice shall include the same information as is requested and provided" on the judicial branch form notice.[328] The Court considered the question of "whether an eviction notice that does *not* contain the same information as the judicial branch form is, nonetheless, legally sufficient because it contains the information required by R.S.A. § 540:3."[329] NHLA argued in its *amicus* brief that strict compliance with the requirements of

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[320] *Id.* at 89–90.
[321] *Id.* at 92.
[322] *Id.*
[323] *Id.* at 93.
[324] *Hendrick v. New Hampshire Dep't of Health & Hum. Servs.*, 169 N.H. 252, 264–65 (2016).
[325] *Id.* at 258, 260. The United States filed an *amicus* brief supporting NHLA's position, illustrating the significance of the case.
[326] *Id.* at 258, 264–65; *see* Allie Morris, *Children's disability assistance isn't income, state Supreme Court says*, Concord Monitor (Aug. 2, 2016), https://www.concordmonitor.com/Supreme-Court-Social-Security-DHHS-NH-3817275.
[327] *Horton v. Clemens*, No. 2019-0476, 2020 WL 4590499 (N.H. Aug. 11, 2020).
[328] N.H. R.S.A. § 540:5, II.
[329] *Horton*, No. 2019-0476, 2020 WL 4590499, at *3 (emphasis in original). The eviction notice did not include the following information: "**NOTE**: This notice is not a court order requiring you to vacate the rental property. However, if you remain on the premises after the expiration of this notice, your landlord may continue with New Hampshire's lawful eviction process: That process would result in you being served by a sheriff with a summons called a Landlord and Tenant Writ. If served with a Landlord and Tenant Writ, you will have the right to dispute the

R.S.A. chapter 540 is required and that the proper remedy is dismissal. The Court agreed and affirmed the trial court's dismissal of the eviction proceeding.[330]

d. Settlement with Manchester Housing Authority on Behalf of Deaf Resident

In 2015, NHLA assisted a young Deaf man who had moved into housing operated by Manchester Housing and Redevelopment Authority (MHRA) (*see* press release in App. A-35–A-36). NHLA filed a HUD complaint on the man's behalf, citing MHRA's failure to provide certified American Sign Language interpreters or adaptive intercom systems, fire alarms, and smoke detectors and alleging violations of the FHA, the Americans with Disabilities Act (ADA), and Section 504 of the Rehabilitation Act. Through a HUD-executed conciliation agreement, MHRA agreed to provide the man with financial remuneration, establish a formal policy for filing and responding to all requests for reasonable accommodations, and provide retraining for all management and staff on services for Deaf and hard-of-hearing residents (MHRA staff had received training a few years earlier due to a previous and similar discrimination case).

e. Conciliation Agreement in Race and Disability Discrimination Case

NHLA represented a woman in a complaint filed with HUD alleging discrimination by a subsidized housing provider based on disability and race by not granting the tenant's request for additional time to train her assistance animal and failure to take action on her complaints of racial harassment by other tenants. The case settled in 2015, and the respondent agreed to pay $5,000 and forgive any balance owed or alleged to be owed by the complainant with respect to her past tenancy. The respondent also agreed to participate in fair housing training and to create policies on discrimination and harassment between tenants, which would be provided to all residents of the subject property who must agree to abide by its terms.

f. Brown v. Saari

In 2017, an Administrative Law Judge (ALJ) issued an order holding that a Keene landlord had violated the FHA by discriminating on the basis of familial status against prospective tenants, who were a married couple and their minor children.[331] HUD brought the case after issuing a charge of discrimination against the respondent finding that he refused to negotiate the rental of a dwelling and stated he would not rent to complainants because they had children.[332] NHLA's Fair Housing Project conducted testing that supported the allegations of discrimination.[333] The ALJ ordered the respondent to pay the complainants $12,320 in damages, consisting of out-of-pocket expenses and emotional distress of the two adults and their oldest child, as well as to pay the Secretary of HUD $4,000 in civil penalties.[334] The ALJ also ordered the respondent to undergo fair housing training.[335]

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reason(s) for the eviction at a hearing before a judge. To do that, you will have to file a document called an Appearance with the court where the eviction case is filed, no later than the "return date" listed on the Writ."

[330] *Id.* at *4–5.

[331] *United States Dep't of Hous. & Urban Dev. v. Allan R. Saari*, 16-AF-0152-FH-021, HUD Office of Hearings and Appeals (Oct. 6, 2017).

[332] *Id.* at 1.

[333] *Id.* at 1, 7–8, 12–13.

[334] *Id.* at 14–26.

[335] *Id.* at 26.

g. Domestic Violence Discrimination Settlement with Friends Program

In 2017, NHLA represented a woman who was terminated from an emergency family shelter in Concord after disclosing her history of domestic abuse.[336] At the time, the woman's abuser was incarcerated and did not pose an actual risk to the shelter. NHLA filed a HUD complaint on the woman's behalf, alleging that the shelter's policy had a disparate impact on domestic violence survivors, the majority of whom are women. In settlement, the shelter agreed to change its policies so that risk assessments of applicants and residents would not be focused solely on the person's history of domestic violence. The woman also received $5,000 in damages.

h. White v. Hanover Hill

NHLA represented a National Guard veteran and life-long resident of Manchester in challenging discriminatory practices at Hanover Hill Healthcare Center (*see* press release in App. A-37–A-38). Hanover Hill denied his reasonable accommodation request to use a motorized wheelchair. NHLA filed a housing discrimination complaint with HUD, and in 2017 the parties entered a conciliation agreement settling the complaint. The resident was allowed to use his motorized wheelchair after an on-site evaluation supported that he could operate it safely. Hanover Hill agreed to undergo training, help sponsor a fair housing conference for skilled nursing facilities, provide information about entitlements to accommodations to residents and applicants, and pay attorneys' fees to NHLA.

2. Statutory Developments

a. Legislation Relative to the Human Rights Commission (HRC) and the State's Law Against Discrimination

i. Gender Identity Added as a Protected Class

In 2018, New Hampshire passed House Bill 1319, which amended the state's Law Against Discrimination to explicitly prohibit discrimination based on gender identity.[337] At the time, New Hampshire was the only state in New England that had not passed anti-discrimination protections for transgender people.[338] The bill garnered broad bipartisan support, and Governor Sununu signed the bill into law on June 8, 2018.[339] Governor Sununu also signed into law House

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[336] *See, e.g.*, *Settlement leads to policy change at Friends Program Shelter*, Concord Monitor (June 16, 2017), https://www.concordmonitor.com/Concord-homeless-shelter-to-revise-policies-regarding-domestic-abuse-survivors-10607901.

[337] N.H. R.S.A. § 354-A; H.B. 1319 (2018).

[338] *E.g.*, MJ Okma, *New Hampshire Lawmakers Vote to Explicitly Protect Transgender People from Discrimination*, GLAAD (May 2, 2018), https://www.glaad.org/blog/new-hampshire-lawmakers-vote-explicitly-protect-transgender-people-discrimination.

[339] *E.g.*, *Victory! New Hampshire Governor Signs Legislation Protecting Transgender People from Discrimination*, ACLU-NH (June 8, 2018), https://www.aclu-nh.org/en/news/victory-new-hampshire-governor-signs-legislation-protecting-transgender-people-discrimination.

Bill 587,[340] which bans conversion therapy for minors, "a dangerous and debunked practice that purports to change a person's sexual orientation or gender identity."[341]

ii. Protection from Discrimination in New Hampshire's Schools

In 2019, the state's Law Against Discrimination was amended to add protections against discrimination in public schools.[342] The law protects public school students in New Hampshire from discrimination on the basis of age, sex, gender identity, sexual orientation, race, color, marital status, familial status, disability, religion, or national origin,[343] and it creates a cause of action for aggrieved persons and the attorney general against violating schools or school districts.[344] In addition to these changes, Senate Bill 263 requires each school district and chartered public school to develop a policy to prevent and respond to incidents of discrimination.[345]

b. Designation of Juneteenth as a New Hampshire Holiday

In 2019, Governor Sununu signed into law Senate Bill 174, proclaiming the annual observance of Juneteenth as an official state holiday.[346] New Hampshire was one of the few remaining states left to do so.[347] The official designation of Juneteenth as a state holiday is a long-overdue recognition of the importance of the commemoration and celebration of the end of slavery in the United States.

c. Lead Poisoning Prevention

New Hampshire passed Senate Bill 247 in 2018, which made several changes to the state's lead poisoning prevention laws, including lowering the blood lead levels in children that would trigger parental and property owner notifications and DHHS investigations; establishing universal testing of blood lead levels for all 1- and 2-year-olds, with the option for parents to opt-out of testing; identifying whether lead is present in drinking water in rental housing where children are diagnosed with elevated blood lead levels, and in child care centers and schools, and addressing the problem where lead levels exceed EPA standards; establishing a loan guarantee program to assist landlords and homeowners in eliminating lead hazards; requiring insurance coverage of blood lead level testing; and requiring more complete, accurate information about lead be provided by a seller of real estate.[348] The bill has a phased implementation, and Governor Sununu signed it into law on February 8, 2018.[349]

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[340] N.H. R.S.A. § 332-L; H.B. 587 (2018).
[341] *Victory!*, *supra* note 339.
[342] N.H. R.S.A. § 354-A:27–28; S.B. 263 (2019).
[343] N.H. R.S.A. § 354-A:27.
[344] N.H. R.S.A. § 354-A:28.
[345] S.B. 263 (2019); N.H. R.S.A. § 193:39.
[346] N.H. R.S.A. § 4:13-aa; S.B. 174 (2019).
[347] *See, e.g.*, *Gov. Sununu Signs Bill Declaring Juneteenth a State Holiday*, Seacoastonline (June 19, 2019), https://www.seacoastonline.com/news/20190619/gov-sununu-signs-bill-declaring-juneteenth-state-holiday.
[348] S.B. 247 (2018).
[349] *E.g.*, Sheila Vargas, *Governor Sununu Signs SB 247 Into Law Adding Long Awaited Preventative Measures to Safeguard Granite State Children Against Lead Poisoning*, New Futures (Feb. 8, 2018), https://new-

d. Caregivers for Persons with Disabilities Not Tenants

In 2018, the list of exclusions from the definition of "tenant" and "tenancy" contained in R.S.A. § 540:1-a, IV, was amended to include live-in caregivers hired to provide assistance for persons with disabilities.[350] In such cases, the person with disabilities can order the caregiver to vacate without legal process, provided a written agreement authorizes summary ejection, the caregiver is given 72 hours written notice to vacate, and the caregiver is paid any money due under the agreement prior to vacating the premises.[351]

e. Accessory Dwelling Units

New Hampshire's Accessory Dwelling Units (ADU) statute became law in 2017.[352] The law is intended to expand the supply of housing in the state without further land development, encourage the efficient use of existing housing stock and infrastructure, and provide an affordable housing option in communities. The statute requires municipalities to allow at least one attached ADU in any zoning district in which single-family uses are permitted.[353] It defines an accessory dwelling unit as "a residential living unit that is within or attached to a single-family dwelling, and that provides independent living facilities for one or more persons, including provisions for sleeping, eating, cooking, and sanitation on the same parcel of land as the principal dwelling unit it accompanies."[354] Municipalities are prohibited from limiting ADU occupancy based on a familial relationship with the property owner.

f. Housing Appeals Board

In 2019, New Hampshire passed Senate Bill 306 establishing a Housing Appeals Board, which has concurrent appellate jurisdiction with the superior court to hear appeals of municipal decisions regarding housing and housing development.[355] The board's power includes the authority to determine, as part of an appeal of a local decision, whether a municipality's land use ordinances and regulations provide a "reasonable and realistic opportunity" for development of workforce housing.[356] The statute is intended to provide a less costly and more expeditious way to manage disputes involving local land use law and housing development. The law went into effect on July 1, 2020, and the Board started accepting appeals in January 2021.

g. Statewide Building Code for Accessible Design

In 2019, Governor Sununu signed House Bill 562, which updated the definition of the state building code to include the 2015 editions of the International Building Code, the International Existing Building Code, the International Plumbing Code, the International

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futures.org/SB247Signing; *see also Health and Justice Advocates Respond to NH House Passage of SB 247*, NHLA (Jan. 3, 2018), https://www.nhla.org/blog/Health-and-justice-advocates-respond-to-NH-House-passage-of-SB-247-entry-24.

[350] N.H. R.S.A. § 540:1-a, IV(h); H.B. 1589 (2018).

[351] N.H. R.S.A. § 540:1-a, IV(h)(1)–(3).

[352] N.H. R.S.A. § 674:71–73; S.B. 146 (2016).

[353] N.H. R.S.A. § 674:71–73.

[354] N.H. R.S.A. § 674:71.

[355] N.H. R.S.A. chapter 679; S.B. 306 (2019).

[356] N.H. R.S.A. § 679:5, III.

Mechanical Code, the International Energy Conservation Code, and the International Residential Code.[357]

h. State Commission on Aging

House Bill 621 was passed and signed into law in 2019.[358] It establishes a State Commission on Aging. Before the passage of this bill, the only state entity focused on aging was limited in scope to health and human services. The new Commission includes a permanent director and representatives from seven different state agencies along with regional representation.

i. Protection from Arbitrary Rent Increases

House Bill 684 was passed and signed into law in 2019.[359] It gives tenants in manufactured housing parks the right to petition for mediation of arbitrary or unreasonable rent increases with the costs of the mediator paid for by the park owner and requires park owners to provide notice to tenants of the opportunity for voluntary private mediation of the increase. These changes went into effect on July 1, 2019.

j. Unsuccessful Legislation that Would Have Impacted Protected Class Members

There were several legislative attempts, both positive and negative, that would have impacted protected class members. Relevant failed legislation is included below.

i. Legislation Relative to the Human Rights Commission (HRC) and the State's Law Against Discrimination

Judicial Review of Proceedings and Expanding Jurisdiction. House Bill 1257 was introduced in 2018 and would have required rehearings of decisions by the HRC to be held by the HRC instead of allowing parties to seek judicial review of the order.[360] House Bill 1504 also was introduced in 2018 and would have expanded the jurisdiction of the HRC to hear cases involving civil rights and civil liberty issues.[361] Both bills were deemed inexpedient to legislate.

Complaint Procedures and Choice of Forum. In 2020, Senate Bill 509 sought to modify the choice of forum provisions of the state's Law Against Discrimination by providing that only the complainant can remove a case from the HRC to superior court.[362] The bill was tabled and died in the Senate.

Discrimination Against Persons with Pets. In 2020, House Bill 1391 was introduced to amend the state's Law Against Discrimination to prohibit housing discrimination against someone because that person owns a pet.[363] The bill contained provisions for permitting dwelling

[357] N.H. R.S.A. § 155-A:1; H.B. 562 (2019).
[358] N.H. R.S.A. chapter 19-P; H.B. 621.
[359] N.H. R.S.A. § 205-A:6, I and I-a; H.B. 684 (2019).
[360] H.B. 1257 (2018).
[361] H.B. 1504 (2018).
[362] S.B. 509 (2020).
[363] H.B. 1391 (2020).

owners to require pet deposits and vaccinations and to enforce reasonable rules related to quiet enjoyment of other tenants.[364] The bill was tabled and died in the House.

ii. Anti-Immigrant Legislation

In the 2019 legislative session, New Hampshire considered several anti-immigration or anti-immigrant bills. House Bill 232, intended to create the "Anti-Sanctuary Act," which would have required all state and local government entities "to comply with federal immigration detainer requests" and would have prohibited them from adopting polices that discourage the enforcement of federal immigration law.[365] House Bill 471 would have required drivers' licenses and non-driver IDs to indicate whether the holder is a U.S. citizen.[366] Senate Bill 317 would have prohibited sanctuary jurisdictions in the state.[367] All bills were deemed inexpedient to legislate.

iii. Housing Opportunity Zones

House Bill 1248 would have expanded the R.S.A. § 79-E Community Revitalization Tax Relief incentive by enabling communities to adopt "housing opportunity zones" where new housing development would get tax relief for up to ten years.[368] The bill also adjusted the definitions of low-income and moderate-income persons and added a very-low-income person definition to the Affordable Housing Fund statute.[369] The bill died in the abbreviated 2020 session.

iv. Sober Living Facilities / Recovery Housing

In 2019, House Bill 311 was introduced which would have allowed municipalities to adopt ordinances regulating occupancy and safety of dwelling units operating as sober living facilities.[370] The bill defined "sober living facility" or "sober house" as "a dwelling unit occupied by more than 4 and less then [sic] 16 unrelated persons, all of whom are in recovery from chemical dependency and considered handicapped under 42 U.S.C. 3601, et seq., that provides a non-institutional residential setting in which residents voluntarily are subject to written rules and regulations regarding recovery from chemical dependency, including the prohibition of alcohol and illegal drug use and a required minimum of 10 hours of group therapy per month."[371] The bill was deemed inexpedient to legislate.

In 2020, Senate Bill 633 was introduced which would require DHHS to adopt rules for the voluntary registration and certification of recovery housing in the state.[372] It defined "recovery housing" as "a residence that provides a safe, healthy, family-like substance-free living environment that support individuals in recovery from addiction and are centered on peer support and a connection to services that promote long-term recovery; provided that "recovery

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[364] *Id.*
[365] H.B. 232 (2019).
[366] H.B. 471 (2019).
[367] S.B. 317 (2019).
[368] H.B. 1248 (2020).
[369] *Id.*; *see* N.H. R.S.A. § 674:73.
[370] H.B. 311 (2019).
[371] *Id.*
[372] S.B. 633 (2020).

housing" shall not include a halfway house or any other facility requiring a license pursuant to RSA 151."[373] The bill was laid on the table and died in the Senate.

v. Fair Chance Hiring – Ban the Box

In 2019, the legislature passed Senate Bill 100, but Governor Sununu vetoed the bill.[374] The bill would have prohibited an employer from asking about a prospective employee's criminal history on an employment application, unless such screening is necessitated by state or federal law based on the particular position, or prior to the initial interview with the applicant.[375] The bill would not have prohibited employers from asking about an applicant's criminal record during an interview, but would have banned automatic disqualification of applicants without the opportunity for them to explain their records.[376] Similar legislation was successfully enacted at the federal level in 2019.[377]

vi. Notice of Rent Increases

House Bill 1247 as amended by the House would have required landlords of certain residential properties to provide 60 days written notice of rent increases of greater than 5% and 90 days written notice for increases of greater than 8%. It would not have limited the amount of the rent increase. As amended by the Senate, the bill would have prohibited local welfare offices from requiring eviction notices before providing rental assistance, created an implied duty of good faith and fair dealing for mortgage lenders, amended the definition of tenant or tenancy in R.S.A. § 540 to provide protections for those in rooming and boarding houses who do not have another primary residence, and required landlords to offer tenants a repayment plan for rent accrued during the COVID-19 state of emergency prior to proceeding with eviction for nonpayment of rent.[378] Governor Sununu vetoed the bill in July 2020.[379]

vii. Legislation Resulting from the Governor's Affordable Housing Task Force

In 2019, Governor Sununu created a task force to develop recommendations to address the state's housing shortage (*see* discussion on p. 135). Two bills were introduced as a result of the task force's work. House Bill 1629 sought to enhance training for members of municipal zoning and planning boards and charged the state Office of Strategic Initiatives with developing

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[373] *Id.*
[374] *E.g.*, Ethan DeWitt, *Only a single Sununu veto reversed by House and Senate to become law*, Concord Monitor (Sept. 19, 2019), https://www.concordmonitor.com/New-Hampshire-Senate-takes-up-Gov-Chris-Sununu-veto-override-attempts-28625714.
[375] S.B. 100 (2019).
[376] *E.g.*, Ethan DeWitt, *Bill preventing employers from asking about criminal records passes Senate*, Concord Monitor (March 28, 2019), https://www.concordmonitor.com/New-Hampshire-Senate-Crossover-Day-bill-roundup-24451916.
[377] *E.g.*, Kanya Bennett *et al.*, *A Fair Chance at Opportunity: The U.S. Government Bans the Box*, ACLU (Dec. 20, 2019), https://www.aclu.org/news/smart-justice/a-fair-chance-at-opportunity-the-u-s-government-bans-the-box/.
[378] H.B. 1247 (2020).
[379] *Governor's Veto Message Regarding House Bill 1247* (July 10, 2020), https://www.governor.nh.gov/sites/g/files/ehbemt336/files/2020-07/hb1247-veto-message.pdf.

and making the training materials available.[380] House Bill 1632 provided incentives for the development of workforce housing.[381] Both bills died in the shorter legislative session.

3. Executive Branch Developments

a. Creation of the Civil Rights Unit and Governor's Council on Diversity and Inclusion

In 2017, Governor Sununu announced the creation of the Civil Rights Unit within the Attorney General's office and the establishment of the Governor's Council on Diversity and Inclusion.[382] The Attorney General's office published hate crime reporting protocols for law enforcement in 2019, intended to improve identification and response to hate crimes.[383]

b. Creation of the Commission on Law Enforcement Accountability, Community, and Transparency

In the wake of the death of George Floyd and the recognition that New Hampshire has an obligation and responsibility to analyze and improve relationships between law enforcement and communities of color, Governor Sununu issued an executive order establishing the Commission on Law Enforcement Accountability, Community, and Transparency in June 2020.[384] In response to the August 2020 final report of the commission,[385] Governor Sununu issued another executive order implementing many of the commission's recommendations.[386]

c. Creation of the Council on Housing Stability

On November 18, 2020, Governor Sununu signed Executive Order 2020-22, establishing a Council on Housing Stability (the Council),[387] superseding a 2006 executive order creating the Interagency Council on Homelessness. Executive Order 2020-22 contains the following charge:

1. A Council on Housing Stability shall be established for the purposes of creating and implementing a plan to create housing stability for all citizens of the State of New Hampshire.

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[380] H.B. 1629 (2020).
[381] H.B. 1632 (2020).
[382] *See, e.g.*, Britta Greene, *N.H. Creates Civil Rights Unit to Combat Discrimination*, NHPR (Dec. 14, 2017), https://www.nhpr.org/post/nh-creates-civil-rights-unit-combat-discrimination#stream/0.
[383] *Protocols for Identifying, Investigating, and Reporting Hate Crimes and Civil Rights Violations*, N.H. Dep't of Justice Office of the Att'y Gen. (Dec. 9, 2019), https://www.doj.nh.gov/civil-rights/documents/protocols.pdf.
[384] *See* Exec. Order No. 2020-11, An order establishing the New Hampshire Commission on Law Enforcement Accountability, Community, and Transparency (June 16, 2020), https://www.governor.nh.gov/sites/g/files/ehbemt336/files/documents/2020-11.pdf.
[385] *Report and Recommendations*, New Hampshire Commission on Law Enforcement Accountability, Community, and Transparency (Aug. 31, 2020), https://www.governor.nh.gov/sites/g/files/ehbemt336/files/2020-09/accountability-final-report.pdf.
[386] Exec. Order No. 2020-19, An order regarding implementation of recommendations of the New Hampshire Commission on Law Enforcement Accountability, Community, and Transparency (Oct. 7, 2020), https://www.governor.nh.gov/sites/g/files/ehbemt336/files/documents/2020-19.pdf.
[387] Exec. Order No. 2020-22, An Order Establishing the Council on Housing Stability (Nov. 18, 2020), https://www.governor.nh.gov/sites/g/files/ehbemt336/files/documents/2020-22.pdf.

2. The Council shall develop and monitor a plan which makes recommendations to address and/or undertake the following:
    a. Necessary measures to strengthen New Hampshire's housing market and to create housing stability for all citizens.
    b. Conduct an affordable housing needs assessment in each county to determine the housing deficit.
    c. The barriers to affordable housing and what can be done to remove such barriers.
    d. The necessary system of care to support individuals and families to obtain and maintain stable housing.
    e. Integrate and coordinate a housing stability governance structure across state government and connect to local communities by conducting ongoing needs assessment and strategic planning.
    f. Enhance the interoperability of data systems within and across government agencies to inform and monitor program and service access, equity, and quality.
    g. Have housing options available throughout citizens' lifespans, based on the needs and desire people have at different times of their life.
    h. Develop a comprehensive update to the State's plan on homelessness.

PART V: 2020 ANALYSIS OF FAIR HOUSING IMPEDIMENTS

A. REVIEW OF FAIR HOUSING RESOURCES

1. Federal Resources

a. U.S. Department of Housing and Urban Development (HUD)

HUD is the federal agency charged with administration and enforcement of federal fair housing laws and policies, including the Fair Housing Act, Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, and Titles II and III of the Americans with Disabilities Act. HUD's regional Office of Fair Housing and Equal Opportunity (FHEO) is located in Boston and serves New England states. HUD's website (https://www.hud.gov; https://www.hud.gov/espanol) provides access to an abundance of information on fair housing including brochures, policies and guidance memoranda, press releases, conciliation agreements, and other materials.

Persons who wish to file a complaint may file online in English or Spanish, by phone in any language, or by mail or email using the complaint form that is available in nine languages (Arabic, Cambodian, Chinese, English, Korean, Russian, Somali, Spanish, and Vietnamese). There is no cost for filing a complaint. The complaint must be filed within one year of the last date of the alleged discrimination.[388] Complaints are reviewed within the intake unit and, once assigned for investigation, are assigned to a team of civil rights specialists. One specialist will investigate the claim and the other will attempt to conciliate the case as required by federal statute.[389] Most of the investigation and conciliation efforts are done by telephone, electronic communications, and written correspondence. HUD's investigation of the complaint must be completed within 100 days after filing, unless impracticable.[390]

b. U.S. Department of Justice (DOJ), Civil Rights Division

The Housing and Civil Enforcement Section of the DOJ's Civil Rights Division is responsible for prosecuting civil violations of federal housing discrimination laws. It enforces the Fair Housing Act, the Equal Credit Opportunity Act, Title II of the Civil Rights Act of 1964, the Religious Land Use and Institutionalized Persons Act, and the Servicemembers Civil Relief Act. Its website (https://www.justice.gov/crt/housing-and-civil-enforcement-section; https://www.justice.gov/crt-espanol/hce) contains housing statements and guidance, case summaries and court documents sorted by protected class, and contact information for the Civil Rights Division. It also informs individuals that they may file a complaint with HUD within one year of the alleged discriminatory incident or file a lawsuit in federal or state court within two years of the incident.

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[388] 42 U.S.C. § 3610(a)(1)(A)(i).
[389] *Id.* § 3610(b)(1).
[390] *Id.* § 3610(a)(1)(B)(iv).

c. U.S. District Court, District of New Hampshire

Private parties, including unrepresented persons, may file housing discrimination lawsuits in the federal District Court located in Concord. The court's website (http://www.nhd.uscourts.gov/) provides helpful information for pro se litigants, including an extensive civil litigation guide. It also lists organizations that provide free or low-cost legal assistance and includes information about requesting wavier of court fees for indigent persons. Although the website does not contain guidance on filing housing discrimination cases in particular, the search feature will return links to opinions in cases filed alleging discrimination under the Fair Housing Act.

2. State Resources

a. New Hampshire Commission for Human Rights (HRC)

The HRC is a state government department that is vested under R.S.A. § 354-A with the responsibility to "receive, investigate and pass upon complaints alleging violations of this chapter"[391] which covers discrimination in employment, housing, and public accommodations.[392] It processes relatively few complaints of housing or public accommodations discrimination, especially in comparison to the number of employment discrimination complaints it handles. This discrepancy may be partially attributed to the fact that the HRC has achieved "substantial equivalency" with the U.S. Equal Employment Opportunity Commission (EEOC) and receives funding to handle employment discrimination claims based on both state and federal law. The HRC has not yet received substantial equivalence certification from HUD and, therefore, does not receive funding from HUD to process housing discrimination complaints.

The HRC's website (https://www.nh.gov/hrc/) has helpful information about discrimination issues in general, but it does not highlight housing discrimination. It also includes details about the filing and processing of complaints, the voluntary mediation program, case determinations, and case data. All state-based housing discrimination complaints must be filed initially with the HRC.[393] Complaints may be removed to court with the HRC's permission,[394] which is readily granted. After a complaint is filed and screened through an intake procedure, the case is assigned to an investigator. The investigation must be completed within two years of filing.[395]

b. New Hampshire Office of the Attorney General

The Office of the Attorney General has authority to bring civil enforcement actions under the New Hampshire Law Against Discrimination, R.S.A. chapter 354-A,[396] and the New Hampshire Civil Rights Act, RSA chapter 354-B.[397] In addition, the HRC may refer matters to the Office of the Attorney General for the office to seek injunctive relief in state or federal

[391] N.H. R.S.A. § 354-A:5, VI.
[392] N.H. R.S.A. § 354-A:1.
[393] N.H. R.S.A. § 354-A:21, I(a).
[394] N.H. R.S.A. § 354-A:21-a, I.
[395] N.H. R.S.A. § 354-A:21, IV.
[396] N.H. R.S.A. § 354-A:21, I(a).
[397] N.H. R.S.A. § 354-B:2, I.

courts.[398] The New Hampshire Law Against Discrimination prohibits discrimination in employment,[399] housing,[400] places of public accommodation,[401] and public education[402] based on a person's actual or perceived[403] membership in a protected class. The New Hampshire Civil Rights Act prohibits actual or threatened violence designed to interfere with a person's lawful activities or constitutional rights when motivated by animus towards a protected class.[404]

In December 2017, the Office of the Attorney General established a Civil Rights Unit to investigate complaints of discrimination and civil rights violations, bring enforcement actions on behalf of the Attorney General, serve as a resource to law enforcement in the investigation and prosecution of hate-motivated acts, and serve as an educational resource for the public on matters related to anti-discrimination and civil rights. The Civil Rights Unit was created to exercise the Attorney General's enforcement authority under the New Hampshire Law Against Discrimination and the New Hampshire Civil Rights Act. The Office of the Attorney General created a website (https://www.doj.nh.gov/civil-rights/index.htm) through which members of the public can file complaints with the Civil Rights Unit electronically. Members of the public may also file complaints through the mail or over the phone by contacting the Office of the Attorney General. The Civil Rights Unit also receives complaints from, among other entities, law enforcement agencies, community advocacy organization, and legal assistance organizations.

c. State Courts

Victims of housing discrimination may bring complaints based on state law in state court only after first filing the complaint with the HRC and requesting permission to remove the matter to court. Complaints based on the federal Fair Housing Act may be filed directly in state court. Filing fees and other costs associated with court litigation may be waived for low-income litigants. The New Hampshire Court website (https://www.courts.state.nh.us/) has extensive information for litigants, including a self-help center for those who are unrepresented that includes a link to the HRC website for those wishing to file a discrimination complaint.

d. State Non-Profit Legal Services

i. New Hampshire Legal Assistance (NHLA)

NHLA is a non-profit statewide law firm serving low-income residents of New Hampshire. It has offices in Berlin, Claremont, Concord, Manchester, and Portsmouth. Housing law is a primary practice area for NHLA, and housing discrimination work is a key component. NHLA remains the only entity in New Hampshire that receives HUD funds to enforce the FHA. As a result, NHLA attorneys have developed an expertise in fair housing law. NHLA receives more housing discrimination complaints than either HUD or the HRC. NHLA staff investigate cases and litigate fair housing complaints with the HRC, HUD, and in federal and state court. NHLA operates the only fair housing testing program in the state and engages in outreach

[398] N.H. R.S.A. § 354-A:5, XIV.
[399] N.H. R.S.A. § 354-A:6.
[400] N.H. R.S.A. § 354-A:8.
[401] N.H. R.S.A. § 354-A:16.
[402] N.H. R.S.A. § 354-A:27.
[403] *State v. Costella*, 166 N.H. 705, 713 (2014).
[404] N.H. R.S.A. § 354-B:1.

initiatives to educate housing professionals, protected class groups, social service providers, and others about state and federal housing discrimination laws. NHLA received an additional grant from HUD in 2020 to expand its education and outreach activities.

Complainants seeking legal assistance for housing discrimination issues are screened for income eligibility and may contact NHLA by phone or in person. They also may file an online application for services through NHLA's sister agency, the Legal Advice and Referral Center at https://www.nhlegalaid.org/. Legal services are free. NHLA's website (https://www.nhla.org/) offers information about its services, and NHLA has recently created a website devoted to fair housing (https://fairhousing-nh.org/), which is accessible to persons with disabilities and can be viewed in English, Spanish, French, Portuguese, Arabic, Swahili, and Kinyarwanda. NHLA also publishes fair housing pamphlets in these languages.

ii. Disability Rights Center – New Hampshire (DRC)

The DRC is a statewide non-profit law firm located in Concord that provides free legal services to persons with disabilities, including legal advocacy and representation in housing discrimination cases. DRC maintains a comprehensive website (https://drcnh.org/) with details about the organization and its issue areas. The website contains access to helpful information on various aspects of housing discrimination against people with disabilities.

iii. American Civil Liberties Union of New Hampshire (ACLU-NH)

The ACLU-NH is part of the nationwide network of affiliates "dedicated to preserving the individual rights and liberties guaranteed in the Bill of Rights and the Constitution." It generally engages in impact work including fair housing advocacy and litigation. Its most recent fair housing work, both nationally and in New Hampshire, involved concerns about municipal "nuisance" ordinances that disproportionally affected domestic violence survivors and persons of color. ACLU-NH actively focuses on immigrants' rights, prisoners' rights and criminal justice reform, LGBTQ rights, and several other topics. Its services are free, and its website is located at https://www.aclu-nh.org/.

B. FAIR HOUSING COMPLAINT DATA 2015–2019

This section analyzes housing discrimination complaint data collected by the HRC, HUD, and NHLA for the period of 2015 through 2019. As in the past, the review is of complaint data rather than dispositional data. Dispositional data can be misleading in that it does not necessarily reflect the merits of a case. Many cases are resolved through settlement agreements without a finding of fault. Complainants may drop out of the process for any number of reasons unrelated to the strength of a case. Other cases may be determined to lack sufficient probable cause to make a finding of discrimination. Even cases in which probable cause is found at the investigative stage may result in a court or administrative law adjudication that does not find discrimination.

The report shows the bases of discrimination for complaints filed at the three entities that enforce fair housing law in New Hampshire. The data is reported for each organization by calendar year. There is some duplication of numbers among the three organizations. Complainants may have filed complaints both at HUD and the HRC. NHLA often files

complaints it has investigated with either HUD or the HRC. NHLA manages far more cases than any other entity.

1. New Hampshire Housing Discrimination Complaints by Organization

Total Number of Discrimination Bases for Complaints Filed with Organization by Year			
Year	**HUD**	**HRC**	**NHLA**
2015	12	16	136
2016	22	11	175
2017	31	7	153
2018	30	19	177
2019	43	7	166
Total	**138**	**60**	**807**

2. Housing Discrimination Complaints Filed with NHLA

NHLA Complaints by Discrimination Type						
Year	**2015**	**2016**	**2017**	**2018**	**2019**	**Totals**
Race	5	41	23	13	16	98
Color	1	1	1	3	9	15
National Origin	7	15	9	12	18	61
Familial Status	13	20	11	5	4	53
Disability	103	87	97	129	113	529
Religion	0	0	2	0	0	2
Sex	3	4	10	9	1	27
Sexual Orientation	2	3	0	5	4	14
Marital Status	0	0	0	1	0	1
Age	2	4	0	0	1	7
Gender Identity	0	0	0	0	0	0
Retaliation	0	0	0	0	0	0
Total	**136**	**175**	**153**	**177**	**166**	**807**

3. Housing Discrimination Complaints Filed with HUD

HUD Complaints by Discrimination Type						
Year	**2015**	**2016**	**2017**	**2018**	**2019**	**Totals**
Race	1	1	0	0	5	7
Color	0	0	0	0	3	3
National Origin	0	1	0	2	4	7
Familial Status	1	2	2	1	1	7
Disability	8	14	24	20	22	88
Religion	0	0	1	1	0	2
Sex	0	2	2	1	2	7
Sexual Orientation	N/A	N/A	N/A	N/A	N/A	N/A
Marital Status	N/A	N/A	N/A	N/A	N/A	N/A
Age	N/A	N/A	N/A	N/A	N/A	N/A
Gender Identity	N/A	N/A	N/A	N/A	N/A	N/A
Retaliation	2	2	2	5	6	17
Total	**12**	**22**	**31**	**30**	**43**	**138**

4. Housing Discrimination Complaints Filed with HRC

HRC Complaints by Discrimination Type						
Year	**2015**	**2016**	**2017**	**2018**	**2019**	**Totals**
Race	1	1	0	3	0	5
Color	1	1	0	1	0	3
National Origin	0	0	1	2	0	3
Familial Status	1	0	1	0	3	5
Disability	6	2	2	5	0	15
Religion	0	0	1	0	0	1
Sex	2	0	1	5	1	9
Sexual Orientation	1	1	0	0	0	2
Marital Status	0	0	0	1	0	1
Age	2	2	0	0	0	4
Gender Identity	0	0	0	0	1	1
Retaliation	2	4	1	2	2	11
Total	**16**	**11**	**7**	**19**	**7**	**60**

5. Discussion

The HRC and HUD's Regional FHEO in Boston are the primary governmental agencies that investigate and enforce housing discrimination laws in New Hampshire. HUD also provides funding to state and local governments and non-profit organizations to promote and enforce the FHA. No governmental unit in New Hampshire is currently eligible for HUD funding because the New Hampshire Law Against Discrimination is not substantially equivalent to the FHA. Consequently, the HRC cannot accept complaints based on federal law (as it does with employment-based discrimination claims). The lack of funding and lack of ability to investigate federal and state claims simultaneously may be factors contributing to the very small number of housing discrimination complaints filed with the HRC.

HUD, by contrast, is well-recognized as a resource for filing discrimination complaints. Of the complaints filed with a governmental agency from 2015 through 2019, about 70% were filed with HUD and about 30% were filed with the HRC.

The below chart shows the total number of complaints that include discrimination based on the protected class listed for all complaints filed at the HRC, HUD, and NHLA. Disability complaints easily constitute the majority of cases.

Total Number of Complaints by Discrimination Type for All Organizations, Ranked from Most Complaints Received to Least (2015–2019)

Ranking	Discrimination Type	Number of Complaints	Percentage of Total
1	Disability	632	62.89%
2	Race	110	10.95%
3	National Origin	71	7.06%
4	Familial Status	65	6.47%
5	Sex	43	4.28%
6	Retaliation	28	2.79%
7	Color	21	2.09%
8	Sexual Orientation	16	1.59%
9	Age	11	1.09%
10	Religion	5	0.50%
11	Marital Status	2	0.20%
12	Gender Identity	1	0.10%
Total		**1,005**	**100%**

C. HATE CRIMES AND BIAS INCIDENTS IN NEW HAMPSIRE

Crimes fueled by hate and incidents of bias have a direct impact on the quality of community life within New Hampshire. Obviously, those directly targeted suffer the most and deserve a robust response from law enforcement and other responsible governmental agencies as well as from community institutions and members of the public. Less obvious perhaps is the impact on how our state is perceived and experienced by members of protected class groups. Will they view New Hampshire as welcoming to them and a place where they will have full access to the opportunities our state offers? Do they feel safe in their neighborhoods, schools, and places of employment and recreation?

Evaluating the impact of bias in our state is not an easy task. Bias incidents are thought to be significantly underreported by victims. Even when a report is made to law enforcement or other governmental entity such as an educational institution, the bias aspect of the incident may not be identified or reported.[405] Over the past five years, New Hampshire has taken many steps forward, and a few backward, as it addresses issues of diversity, inclusion, and prejudice.

The FBI has been gathering hate crime statistics since 1992 as part of its annual Uniform Crime Report work collecting crime data from law enforcement entities throughout the United States. It defines a hate crime as "a criminal offense against a person or property motivated in whole or in part by an offender's bias against a race, religion, disability, sexual orientation, ethnicity, gender, or gender identity."[406] The number of hate crimes reported by New Hampshire law enforcement agencies remains low although there was a spike in 2016 that more than doubled previous and subsequent years for the reporting period of 2014–2018. As the below chart indicates, the majority of reported hate crimes are based on race/ethnicity, religion, and sexual orientation in that order. Additional information from the Anti-Defamation League (ADL), also contained in the chart, shows that the majority of crimes based on religious animus are against Muslims or Jews.[407]

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[405] Ronald L. Davis & Patrice O'Neill, *The Hate Crimes Reporting Gap: Low Numbers Keep Tensions High*, IACP Police Chief (May 2016), https://www.policechiefmagazine.org/the-hate-crimes/?ref=0ca264135c970468c26b0e5118245b4d.

[406] *Defining a Hate Crime*, Federal Bureau of Investigation, https://www.fbi.gov/investigate/civil-rights/hate-crimes#Definition.

[407] *ADL Hate Crime Map*, Anti-Defamation League, https://www.adl.org/adl-hate-crime-map.

FBI Uniform Crime Report Data for New Hampshire								
Year	**Race/Ethnicity***	**Religion**	**Sexual Orientation**	**Disability**	**Gender**	**Gender Identity**	**Totals**	**# Jurisdictions Reporting*** **
2018	7	2 (including 1 anti-Muslim crime)**	3	1	0	0	13	11
2017	8	4 (including 2 anti-Jewish crimes)	1	0	0	0	13	13
2016	15	6 (5 anti-Jewish crimes, 1 anti-Muslim crime)	5	0	0	0	28	18
2015	8	3 (2 anti-Jewish crimes, 1 anti-Muslim crime)	4	0	0	0	13	9
2014	9	1	4	0	0	0	14	11

*The FBI combined Race and Ethnicity into one reporting category during this time period.
**Data on anti-Jewish and anti-Muslim hate crimes are from the Anti-Defamation League pulled from Uniform Crime Reporting (UCR) data.
***Jurisdictions include municipalities, counties, and the University of New Hampshire.

Both the ADL and the Southern Poverty Law Center (SPLC) track bias activities that may not amount to crimes. The ADL reports tracking sixty-eight hate incidents in New Hampshire between 2015 and 2019,[408] many involving hate group members distributing propaganda, anti-Semitic graffiti, and other similar incidents. The SPLC documents that there were ten hate groups in New Hampshire in 2018, four more than reported in the 2015 AI. They include anti-Muslim groups, racist skinhead, and neo-Nazi groups.[409]

There were several well-publicized incidents over the past few years that illustrate the challenges our state faces. The 2017 Charlottesville, Virginia "Unite the Right" rally hit closer to home when news surfaced that one of the criminally charged white supremacists was a Keene resident who became known as the "Crying Nazi." The man, who was charged and convicted of

[408] *ADL H.E.A.T. Map*, Anti-Defamation League, https://www.adl.org/education-and-resources/resource-knowledge-base/adl-heat-map.
[409] *Hate Groups in New Hampshire*, Southern Poverty Law Center, https://www.splcenter.org/states/new-hampshire.

pepper-spraying the Virginia counter-protesters, was arrested again in Keene in January 2020 for making threats over the internet.[410]

An incident that occurred in Claremont in August 2017 received national attention and caused a community uproar. A young white teenager was initially suspected of a bias crime after he pushed an 8-year-old bi-racial child with a rope around his neck off a picnic table causing injury to the child. The shocking incident and public outcry precipitated an investigation by the state Attorney General's office.[411] The AG's office eventually determined that although the teen may have used racial slurs against the child in the past, none were used on the day of the incident. The teen was charged with several crimes but was not subject to any legal action based on racial animus.[412]

In April 2018, an innkeeper in Jackson assaulted a Moroccan-American couple during a dispute and made anti-Muslim and ethnic slurs against them. The Attorney General's Office prosecuted the innkeeper, charging that her actions were motivated by ethnic and religious bias. Although she avoided jail time, the innkeeper was fined a substantial amount of money, required to pay restitution to the victims, and was permanently enjoined from having any contact with the victims or engaging in any harassment of protected class members.[413]

In the summer of 2018, a leadership conference on increasing diversity within the state received national coverage. In response to an article in the New York Times, the Union Leader published an editorial critical of the event entitled "New Hampshire Is Too White? 'Diversify or Die' the New Motto?" warning that "[a]n event in Manchester last week aimed at deliberately 'diversifying' lily-white New Hampshire ought to be watched closely."[414] The then-director of communications for the New Hampshire Department of Education weighed in on his Facebook page: "we don't need or want New Hampshire to become any kind of cesspool."[415] Law enforcement got involved when conference attendees began receiving threats, many of those thought to originate from out of state.[416]

Incidents like these have provoked strong responses from government and members of the community. Communities have held rallies, listening sessions, and conferences to process the

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[410] Damien Fisher, *Keene's 'crying Nazi' arrested on federal threatening, extortion charges*, Union Leader (Jan. 23, 2020), https://www.unionleader.com/news/crime/keene-s-crying-nazi-arrested-on-federal-threatening-extortion-charges/article_0f1294bf-4e7b-5dff-a27a-94a31edb10e0.html.

[411] Jordan Cuddemi, *NH Attorney General's Office Forms Civil Rights Unit; AG Finishes Probe of Claremont Incident*, Valley News (Dec. 14, 2017), https://www.vnews.com/Governor-Sununu-and-Attorney-General-Gordon-MacDonald-announcement-in-Concord-NH-14337429.

[412] Jordan Cuddemi, *AG Says Evidence Didn't Support Hate Crime Charge in Claremont Near-Hanging*, Valley News (Aug. 7, 2019), https://www.vnews.com/AG-Releases-Report-Into-Claremont-Near-Hanging-Incident-27556253.

[413] *Innkeeper accused of assaulting couple fined $10,000*, Union Leader (July 27, 2019), https://www.unionleader.com/news/crime/innkeeper-accused-of-assaulting-couple-fined/article_ce6f7708-acc4-58e2-b81d-041553c94e34.html.

[414] Union Leader (July 29, 2018), www.unionleader.com/editorials/nh-is-too-white-diversify-or-die-the new-motto--20180729. Note that the link to the editorial was not active when last checked on Jan. 9, 2021. *See also* Katharine Q. Seelye, *New Hampshire, 94% White, Asks How Do You Diversify a Whole State?*, New York Times (July 27, 2018), https://www.nytimes.com/2018/07/27/us/new-hampshire-white-diversify.html.

[415] Todd Feathers, *NH diversity forum attendees receiving threatening phone calls, email from white supremacists*, Union Leader (Aug. 3, 2018), https://www.unionleader.com/news/social_issues/nh-diversity-forum-attendees-receiving-threatening-phone-calls-email-from-white-supremacists/article_ccdc5e93-5d76-5fb2-bf6b-a7eda1e819c1.html.

[416] *Id.*

meaning of such troubling incidents and to form responses to counteract the harm.[417] Law enforcement agencies have increased training on hate incidents.[418] In December 2017, four months after the Claremont incident, Governor Sununu announced the creation of a Civil Rights Unit within the Attorney General's office and the establishment of the Governor's Council on Diversity and Inclusion.[419] In December 2019, the Attorney General's office published hate crime reporting protocols for law enforcement in order to improve identification and response to hate crimes.[420]

Hate crimes and bias incidents are the worst manifestations of bigotry. Building infrastructure capacity to support strong response to such activity is essential and the steps Governor Sununu and Attorney General MacDonald took over the last few years will make a difference if the efforts are sustained. The overarching goal, however, is to prevent such incidents from occurring. This requires much deeper effort and commitment on every level from neighbors, state and local leaders, members of community institutions, the business community, and more.

D. PROTECTED CLASSES

Federal law prohibits housing discrimination on the basis of race, color, national origin, religion, sex, familial status, and disability.[421] New Hampshire's Law Against Discrimination includes all of the federally protected classes and adds four more—age, marital status, sexual orientation, and gender identity.[422]

The Fair Housing Act (FHA) was created to put an end to discriminatory practices involving any activities related to housing. The FHA was created with the belief that every person has the right to rent a home, purchase a home, or get a mortgage on a home without being afraid of discrimination due to their membership in a certain class.

Discriminatory practices in our society are still prevalent, although many have taken new, less visible forms that are more challenging to root out. Protected class members continue to be disadvantaged across virtually all measures and do not yet enjoy full and equal access to opportunity. This section discusses the eleven protected classes covered by federal and/or New Hampshire housing discrimination laws.

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[417] *See, e.g.*, Shawne K. Wickham, *Presentation to look at 'The State of Hate in New Hampshire'*, Union Leader (Jan. 4, 2020), https://www.unionleader.com/news/social_issues/presentation-to-look-at-the-state-of-hate-in-new/article_bbfe989b-46b0-519f-a685-2aebc06d89dc.html.

[418] *See, e.g.*, Hannah Allam & Marisa Penaloza, *'We Need to Evolve': Police Get Help to Improve Hate Crime Tracking*, National Public Radio (NPR) (May 28, 2019), https://www.npr.org/2019/05/28/726545423/we-need-to-evolve-police-get-help-to-improve-hate-crime-tracking.

[419] Holly Ramer, *New Hampshire attorney general adds civil rights unit*, Union Leader (Dec. 14, 2017), https://www.concordmonitor.com/New-Hampshire-attorney-general-adds-civil-rights-unit-14346836.

[420] Michael Casey, *New Hampshire Releases Hate Crime Reporting Guidelines*, Associated Press (AP News) (Dec. 10, 2019), https://apnews.com/4e29467478ec3aa4f89ef68af811f3b0.

[421] 42 U.S.C. § 3604.

[422] N.H. R.S.A. § 354-A:8.

1. Race

Although civil rights laws prohibiting racial discrimination were initially enacted to protect African Americans, the laws' protections extended to persons of all races who have been harmed by discriminatory practices.

For the reporting period of 2015 through 2019, housing discrimination complaints based on race accounted for 12.1% (n = 98) of NHLA housing discrimination cases, 5.1% (n = 7) of HUD complaints, and 8.3% (n = 5) of HRC complaints.

New Hampshire remains far less racially diverse than many other states in the nation, but the non-White population is growing. A report from the Carsey School shows that from 2000 to 2018, the White population nationally dropped 8.7 percentage points (from 69.1% to 60.4%), whereas in New Hampshire, it declined 5.1 percentage points (from 95.1% to 90.0%).[423] Importantly, two-thirds of the small increase in the state's population over this same period was due to growth in the state's minority population, which more than doubled from 61,000 in 2000 to 136,000 in 2018.[424] Also, the report concludes that the minority population in New Hampshire is likely to continue to grow because 19.4% of the White population compared with 6.7% of the minority population is over age 65 and only 24% of White women compared to 32% of minority women "are of prime child-bearing age (20–30)."[425]

Although these diversification trends are encouraging, people of color in New Hampshire still are not on a level playing field with Whites in terms of access to opportunity, as discussed throughout this report, and disparities in access to opportunity begin early. A recent study found that in school systems in New England, minority students are more likely to encounter more low-income students than White peers.[426] Children of color also are disproportionately disciplined in New Hampshire schools.[427]

2. Color

This distinct protected class category is most often used in conjunction with allegations of racial or national origin discrimination. Several contemporary studies have documented discriminatory treatment of individuals based on the lightness or darkness of their skin both by members of the same racial/ethnic group and by members of different racial/ethnic groups.[428]

For the reporting period of 2015 through 2019, housing discrimination complaints based on color accounted for 1.9% (n = 15) of NHLA housing discrimination cases, 2.2% (n = 3) of HUD complaints, and 5.0% (n = 3) of HRC complaints.

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[423] Johnson, *supra* note 29, at 9.
[424] *Id.*
[425] *Id.* at 10.
[426] *Segregation emerging in NH schools: Separate remains extremely unequal, study warns*, Nashua Telegraph (Oct. 12, 2014), https://www.nashuatelegraph.com/news/local-news/2014/10/12/segregation-emerging-in-nh-schools-separate-remains-extremely-unequal-study-warns/.
[427] *Keeping Kids in School: The Urgent Need for Reform of School Discipline*, Juvenile Reform Project (Jan. 2019), https://www.nhla.org/assets/customContent/FINAL_Keeping_Kids_in_School_-_The_Urgent_Need_to_Reform_School_Discipline_in_NH.pdf.
[428] *See, e.g.*, Joni Hersch, *Skin Color Discrimination and Immigrant Pay*, 58 Emory L.J. 358 (2009); *Shades of Difference: Why Skin Color Matters* (Evelyn Nakano Glenn ed., 2008).

3. National Origin

The U.S. Supreme Court has said that the term national origin refers "to the country where a person was born, or, more broadly, the country from which his or her ancestors came."[429] National origin discrimination includes discrimination based on ethnicity, such as being of Latino or Arab heritage.[430]

A recent report highlights and details the history and patterns of immigration to Manchester, New Hampshire, and notes that immigrants' countries of origin are changing, with a greater percentage of immigrants coming from Latin America, Asia, and Africa, largely due to resettlement of refugees since the 1980s.[431] It also notes the need for community supports for immigrant communities to ensure successful transitions to life in a new place.

During the period of 2015 to 2019, housing discrimination complaints based on national origin accounted for 7.6% (n = 61) of NHLA housing discrimination cases, 5.1% (n = 7) of HUD complaints, and 5.0% (n = 3) of HRC complaints.

4. Religion

Reports of housing discrimination based on religion are miniscule in New Hampshire. During this reporting period, housing discrimination complaints based on religion accounted for 0.2% (n = 2) of NHLA housing discrimination cases, 1.5% (n = 2) of HUD complaints, and 2.0% (n = 1) of HRC complaints. This does not mean that bias based on religion is nonexistent in New Hampshire. Reports of hate incidents and hate crimes are frequently based on the victim's religion (or perceived religion). *See* discussion of hate crimes on pp. 126–29.

5. Sex

2020 marked the 100th anniversary of the passage of the 19th Amendment, which guaranteed and protected women's constitutional right to vote. It reads, "The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex."[432] The passage of the 19th Amendment created the largest expansion of democracy in United States' history.[433] Despite having equal voting rights for the past 100 years, women have been disadvantaged in all aspects of their lives due to their gender. It was in recognition of this fact that sex discrimination was added as a protected class in 1974.

Women make up half of New Hampshire's population but still have not reached economic or social parity with their male counterparts. According to the recent Status of Women in New Hampshire report, 65% of New Hampshire women age 16 and over are in the labor force.[434] Yet women who work full-time, year-round still earn just seventy-nine cents for every

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[429] *Espinoza v. Farah Mfg. Co., Inc.*, 414 U.S. 86, 88 (1973).
[430] Robert G. Schwemm, *Housing Discrimination Law and Litigation*, 11A-3 (2009).
[431] Sally Ward, *Immigration to Manchester, New Hampshire*, Fed. Reserve Bank of Boston (Mar. 2, 2015), https://www.bostonfed.org/publications/communities-and-banking/2015/spring/immigration-to-manchester-new-hampshire.aspx.
[432] U.S. Const. amend. XIX.
[433] It is important to note that in the years after the passage of the 19th Amendment, many Black women remained disenfranchised. *See, e.g.*, Olivia B. Waxman, *It's a Struggle They Will Wage Alone: How Black Women Won the Right to Vote*, Time (Aug. 14, 2020), https://time.com/5876456/black-women-right-to-vote/.
[434] *The Status of Women in New Hampshire*, *supra* note 85.

dollar earned by men and this gender wage gap extends over a woman's lifetime.[435] Women are disproportionately the victims of intimate partner and sexual violence, constitute a greater percentage of adults in poverty, and hold just 29% of seats in the New Hampshire Legislature.[436]

During this reporting period, complaints based on sex discrimination in housing constituted 3.4% (n = 27) of NHLA's fair housing cases, 5.1% (n = 7) of complaints HUD investigated, and 15.0% (n = 9) of the HRC's cases.

6. Disability

About one out of every eight New Hampshire residents reports having a disability, which is roughly the same rate as in the nation.[437] For people with disabilities who are 25 or older in New Hampshire, 49.1% have at least some college education, versus 68.3% of the same population without disabilities.[438] The majority of people with disabilities are not employed.[439]

Disability discrimination comprises the largest number of cases in New Hampshire. Of NHLA's fair housing cases, 65.6% (n = 529) are based on disability, as are 63.8% (n = 88) of HUD's cases and 25.0% (n = 15) of HRC cases.

Persons with disabilities are entitled to accommodations and modifications that are related to their disabilities and which are necessary to allow them to fully use and enjoy their homes. HUD has issued several guidance statements that are very helpful for both housing professionals and persons with disabilities. Most of the complaints in New Hampshire are based on the need for accommodations or modifications. There is no violation of the law until a request is denied. The majority of these cases are resolved before any formal complaint is filed. Direct discrimination is less common but still frequent enough and often targets people with mental health disabilities (*see* Part III, pp. 88–92).

7. Familial Status

In 1988, the FHA was amended to prohibit discrimination in housing based on familial status, which refers to the presence of children under 18 years in the home. Included in the class are families of many configurations including parents expecting the birth of a child, adoptive parents, foster parents, grandparents and other relatives caring for children, and parents awaiting custody of a child and may include residential facilities for children.

Low-income families are most at risk of familial status discrimination. It is often more overt and still sometimes slips into advertisements and conversations with housing providers. The cases often arise where families are denied a housing opportunity explicitly because they have children or "too many" children or are told the unit is no longer available. NHLA's testing program can be particularly effective with these types of cases. Tests may be conducted to further confirm or dispel the presence of discriminatory conduct on the part of the housing provider.

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[435] *Id.* at 11, 14.
[436] *Id.* at 8, 10, 16.
[437] *Facts and Figures – The 2019 Report on Disability in New Hampshire*, *supra* note 70, at 3.
[438] *Id.* at 4.
[439] *Id.* at 5.

Communities often fear a larger tax burden if too many families with children come to live in their towns.[440] Many municipalities invest a disproportionate share of their affordable housing opportunities on senior housing developments. Zoning restrictions often limit the development of multi-family housing. *See* further discussion of municipal preference for housing for older persons on p. 146.

During this reporting period, 6.6% (n = 53) of NHLA's fair housing cases were based on familial status discrimination, as were 5.1% (n = 7) of the HUD complaints and 8.3% (n = 5) of the HRC complaints.

8. Age

New Hampshire law prohibits age and familial status discrimination in housing except in cases where the housing provider has met the federal and state standards required to provide housing for persons 55 and older or 62 and older.[441] In those cases, providers can prohibit families with children. The interplay between state and federal laws renders this area quite complex and easy to misconstrue. Many municipalities have ordinances governing housing for older persons in their communities. In earlier reporting periods, NHLA routinely handled complaints against 55+ communities that were not operating within the scope of the state and federal laws that would allow them to legally bar families with children from their developments. The incidence of these types of cases has decreased dramatically over the past decade.

A person of any age may bring an age discrimination complaint. Occasionally, NHLA has received complaints from younger persons who believe they have been turned down from a housing opportunity because of their young age and stereotypes about young people.

Age discrimination complaints have been rare and accounted for only 0.9% (n = 7) of NHLA's housing discrimination cases during this reporting period. A higher percentage of the HRC's cases were based on age discrimination at 6.7% (n = 4).

9. Marital Status

Complaints of housing discrimination under New Hampshire law based upon marital status are uncommon but do occur occasionally. Marital status discrimination comprised 0.1% (n = 1) of NHLA's complaints and 1.7% (n = 1) of the HRC's cases.

10. Sexual Orientation

New Hampshire added sexual orientation as a protected class in the late 1990s. Although the federal FHA does not explicitly include sexual orientation as a protected class, in 2020, the U.S. Supreme Court interpreted the sex discrimination provisions of Title VII of the Civil Rights Act (banning discrimination in employment) as encompassing discrimination based on sexual orientation or gender identity.[442] This is a significant ruling, likely to have an impact on the scope of future courts' interpretations of the FHA's sex discrimination provisions.

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[440] *E.g.*, Peter Francese, *Age-Restricted Housing in New England*, New Hampshire Municipal Association (Oct. 2008), https://www.nhmunicipal.org/town-city-article/age-restricted-housing-new-england.

[441] 42 U.S.C. § 3607(b); N.H. R.S.A. § 354-A:15.

[442] *Bostock v. Clayton Cty., Georgia*, 140 S. Ct. 1731 (2020). *See* Legal Update, *supra* p. 104, for discussion of the case.

Few cases of sexual orientation discrimination have been reported during the 2015 to 2019 period. Of NHLA's fair housing cases, 1.7% (n = 14) were based on sexual orientation, and for the HRC, it was 3.3% (n = 2).

11. Gender Identity

In 2018, New Hampshire added gender identity as a protected class to its Law Against Discrimination.[443] It was the last state in New England to do so.[444] Gender identity discrimination complaints have been rare in New Hampshire. However, the 2015 U.S. Transgender Survey, which included 225 New Hampshire respondents, reported that 23% of them experienced some form of housing discrimination in that past year because of being transgender, that 28% have experienced homelessness at some point in their lives, and that 10% experienced homelessness in the past year because of being transgender.[445] The fact that complaints have been rare may reflect underutilization of this new protection. Consultation with leaders in the LGBTQ community is recommended to ensure there are no barriers to seeking protection. Of the fair housing complaints received by NHLA during this reporting period, none were based on gender identity, and the HRC only processed one such complaint.

Although the federal FHA does not include gender identity as a protected class, HUD has incorporated prohibitions against discrimination based on gender identity in HUD-funded housing programs. Rights for transgender people have, however, faced significant threats in more recent years from the federal administration. Although HUD issued a final rule in 2016 clarifying that the 2012 Equal Access Rule, which guaranteed its programs were "open to all eligible individuals and families regardless of sexual orientation, gender identity, or marital status,"[446] applies to emergency shelters, HUD issued a proposed rule in 2020 that would allow federally funded shelters whose facilities are segregated by sex to establish a policy by which the shelter considers an individual's biological sex for the purposes of determining admission to and accommodation within the shelter.[447]

E. ADDITIONAL IMPEDIMENTS

1. Land Use Controls

As housing segregation based on income and income inequality continues to increase, overly restrictive land use controls remain a significant barrier to full housing opportunity in New Hampshire. This is so even in light of the obligation of every municipality in the state to provide its "fair share" of affordable housing. The result is that many cities and towns continue to offer limited affordable housing opportunities while concentrations of low-income neighborhoods proliferate in the larger cities and the poorest towns. These segregative conditions

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[443] N.H. R.S.A. § 354-A; H.B. 1319 (2018).
[444] *E.g.*, Okma, *supra* note 338.
[445] *New Hampshire State Report*, 2015 U.S. Transgender Survey (2015), https://www.transequality.org/sites/default/files/docs/usts/USTSNHStateReport%281017%29.pdf.
[446] Equal Access to Housing in HUD Programs Regardless of Sexual Orientation or Gender Identity, *supra* note 213.
[447] Making Admission or Placement Determinations Based on Sex in Facilities Under Community Planning and Development Housing Programs, *supra* note 215.

have a disproportionate effect on housing choice for protected class members, as class membership often comes with profound economic disadvantage.

Governmental leaders, developers, housing and land use professionals, and affordable housing advocates continue to strive for creative ways to increase housing opportunities. Several initiatives came to fruition over the past five years.

The New Hampshire Accessory Dwelling Units Law went into effect in 2017. This statute permits property owners to use part of their existing dwelling to create a separate rental apartment as of right.[448]

In 2019, the Legislature passed R.S.A. § 679 which creates a state housing appeals board. The purpose of the statute is to provide a less costly and more expeditious way to manage disputes involving local land use law and housing development. The law went into effect on July 1, 2020.

In 2019, Governor Sununu, recognizing that New Hampshire's economic health is tied to a vibrant workforce, created an affordable housing task force drawn from a broad spectrum of experts and stakeholders throughout the state. The task force report was released in October 2019 and identified two primary barriers: local regulatory restrictions and lack of investment incentives.[449] The task force proposed to address these obstacles by "streamlining regulatory processes, enabling and incentivizing municipalities to adopt more housing friendly ordinances, and increasing financial incentives for private investment in affordable housing."[450]

As a consequence of the task force's work, two bills were introduced in the 2020 legislative season. H.B. 1629 sought to enhance training for members of municipal zoning and planning boards and charged the state Office of Strategic Initiatives with developing and making the training materials available. H.B. 1632 was designed to thwart the practice of many municipalities of favoring development of housing for older persons by providing incentives not available for developers of other types of housing. The proposed legislation would have required any development incentives to be available for any residential project, not exclusively for housing for older persons. Ultimately, neither bill passed in a legislative season abbreviated by the coronavirus pandemic, but similar legislation is expected to be introduced during the next session.

The legislature created a study commission in 2019 to review "barriers to increased density in land use development in New Hampshire."[451] The Commission released its final report in November 2020.[452] It made several findings including the need to educate municipal boards and members of the public on the value of increasing affordable housing opportunities, the imperative to dispel myths, and the recommendation to use regional planning commissions as the vehicle to work within their communities on these initiatives. The Commission made several

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[448] N.H. R.S.A. § 674:71–73. N.H. R.S.A. § 674:71 defines an accessory dwelling unit as "a residential living unit that is within or attached to a single-family dwelling, and that provides independent living facilities for one or more persons, including provisions for sleeping, eating, cooking, and sanitation on the same parcel of land as the principal dwelling."

[449] *Recommendations and Plan to Address New Hampshire's Housing Shortage Frequently Asked Questions (FAQs)*, Governor's Task Force on Affordable Housing 1 (Oct. 30, 2019), https://www.governor.nh.gov/sites/g/files/ehbemt336/files/documents/recommendations-housing-shortage-faq.pdf.

[450] *Id.*; *see also Recommendations and Plan to Address New Hampshire's Housing Shortage*, Governor's Task Force on Affordable Housing (Oct. 30, 2019), https://www.governor.nh.gov/sites/g/files/ehbemt336/files/documents/recommendations-housing-shortage.pdf.

[451] S.B. 43 (2019).

[452] Final Report, Commission to Study Barriers to Increased Density of Land Development in New Hampshire (Nov. 13, 2020), http://gencourt.state.nh.us/statstudcomm/committees/1482/reports/final%20report.pdf.

recommendations mostly aimed at the introduction of legislation to further affordable housing goals.[453]

2. Housing for Older Persons

Both state and federal law permit provision of housing for older persons that legally excludes families with children.[454] The New Hampshire statute is more restrictive than the federal law for housing to be exempt from familial status discrimination. In many cases, these strictures are ill-understood or adhered to.

The development and provision of housing for older persons across all income levels in and of itself is a worthy endeavor. However, what has developed over the last several decades is a phenomenon that impacts housing opportunities for families with children, particularly those of low and moderate income. The truth is that many communities believe that the development of family housing and the increased presence of school-age children will increase their tax burden.

Municipalities have created barriers for development of family housing and incentives for senior housing projects. They often impose large lot sizes on single family developments increasing purchase costs beyond the means of many. There is pressure to limit multi-unit development and housing for older persons tends to receive more favorable treatment than proposed projects for families. The federally subsidized housing is not exempt from this trend and providers' inventories reflect a preference toward the provision of housing for older persons.[455]

3. Lead Poisoning

Lead poisoning still is a serious risk for many of New Hampshire's children. Although the federal government banned the use of lead-containing paint in 1978, New Hampshire has some of the oldest housing stock in the nation, and, as discussed on p. 54, all but one of the NHATs had a higher—most, significantly higher—percentage of housing units constructed before 1980 than the state as a whole, which indicates that the problem is more severe for families living in areas with high concentrations of poverty and racial or ethnic minority groups. Legislation passed in 2018 which made several significant changes to the state's lead laws.[456] More progress is needed, however, to ensure the health of the state's children. Legislation was introduced in 2020 to help families whose children were lead poisoned due to conditions in their rented homes relocate more quickly. The bill provided a timeline for when families could expect assistance from their landlord, ensured families were aware of the assistance to which they are entitled and what options are available for relocation, and provided tenants with access to judicial process to enforce their rights if their landlord willfully fails to comply with the law.[457]

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[453] *Id.* at 6–9.
[454] *See* N.H. R.S.A. § 354-A:15 and 42 U.S.C. § 3607(b).
[455] Note that federally subsidized housing developers are subject to the same municipal processes as those in the private market. *See also* discussion on pp. 23–25, *supra*.
[456] *See* discussion on p. 112, *supra*.
[457] H.B. 1539 (2020).

The bill passed the House but died in the Senate. There is no safe level of lead in a child's blood, and New Hampshire children are poisoned by lead at a rate 2.5 times the national average.[458]

Federal grants are available through NHHFA to remove lead paint hazards in homes built before 1978. In 2020, the state of New Hampshire was awarded more than $12.3 million in federal funds for this effort, and, of that sum, NHHFA was awarded more than $2.4 million for the Lead Based Paint Hazard Reduction grant program and $700,000 in Healthy Homes funding.[459] The state also has a Lead Paint Remediation Fund, which is available to assist residential property owners and child care facilities in addressing lead paint hazards.[460] Unfortunately, many property owners do not know these funds are available and they often go unused.[461]

4. Mortgage Lending

Although mortgage loan originations increased for all racial and ethnic groups over the last five years, disparities in mortgage lending patterns based on race and ethnicity persist throughout New England including in New Hampshire. During this time period, Asian applicants fared similarly to White applicants (and sometimes even better than White applicants), while both Black and Latino applicants experienced less favorable circumstances.[462]

It is difficult to pin down reasons for the racial and ethnic disparities that exist in current mortgage lending scenarios, especially in a state like New Hampshire where analysis is compromised by the small numbers of individuals in racial and ethnic minority groups in the state. One recent study suggested that part of the reason for these differences is that Black and Latino borrowers tend to borrow at a higher rate from high-risk lenders with concomitant higher rates and costs.[463]

Homebuyer counseling and education programs are one of the most effective vehicles to increase prospective new homebuyers' access to the most favorable lending programs. In New Hampshire there are several entities that provide such programs including NHHFA, Neighborworks® Southern NH, CATCH Neighborhood Housing, and Laconia Area Community

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[458] *Health and Justice Advocates Praise Governor Sununu, House and Senate Leaders, for Support of SB 247*, NHLA (Jan. 2, 2018) (quoting Concord pediatrician Dr. William Storo and Rep. Frank Byron), https://www.nhla.org/blog/Health-and-justice-advocates-praise-Governor-Sununu-House-and-Senate-leaders-for-support-of-SB-247-entry-23.

[459] Paul Feely, *NH to receive $12.3M to help protect families from lead-based paint*, Union Leader (Oct. 26, 2020), https://www.unionleader.com/news/health/nh-to-receive-12-3m-to-help-protect-families-from-lead-based-paint/article_8b029381-2da6-5bb0-987d-0d62f9933ea0.html.

[460] For more information, *see Lead and Healthy Homes*, NHHFA, https://www.nhhfa.org/rental-assistance/landlords-property-owners/lead-and-healthy-homes/.

[461] Roberta Baker, *Financial aid for lead abatement often goes unused*, Laconia Daily Sun (Sept. 2, 2020), https://www.laconiadailysun.com/news/local/financial-aid-for-lead-abatement-often-goes-unused/article_a6ec3e4a-e648-11ea-802c-5bf0e7cda82f.html.

[462] *See supra* p. 67 for additional analysis of race/ethnicity and mortgage lending trends; *see also* Amy Higgins, *2016 Mortgage Lending Trends in New England*, Issue Brief 2018-4, Fed. Reserve Bank of Boston (Oct. 26, 2018), https://www.bostonfed.org/publications/community-development-issue-briefs/2018/2016-mortgage-lending-trends-in-new-england.aspx.

[463] Patrick Bayer *et al.*, *What Drives Racial and Ethnic Differences in High Cost Mortgages? The Role of High Risk Lenders*, Nat'l Bureau of Econ. Research (Feb. 2016), https://www.nber.org/system/files/working_papers/w22004/w22004.pdf.

Land Trust. Continued monitoring of lending trends and practices and outreach to minority and lower-income home buyers should continue.

5. Economic Factors – Housing Affordability

Housing affordability is a major barrier for many in New Hampshire and protected class members are often overrepresented in the low-income populations most at risk. The fair market rent for a two-bedroom apartment in the state is $1,218 which would require an hourly wage of $23.43 to pay for rent and utilities without paying more than 30% of one's income.[464] The state has adopted the federal minimum hourly wage of $7.25 and the average renter's wage in the state is $15.83 thus creating a significant affordability gap.[465] Lack of available housing exacerbates the problem. The 2020 rental vacancy rate in New Hampshire is 1.8%, much lower than the rest of the country (6.6%) or the Northeast region (5.5%).[466]

The fact of the matter is that lower and even moderate-income people very frequently cannot afford safe housing without financial assistance. People with the ability to work struggle and often fail to earn wages that allow them to afford a market-rate rent. Those relying on state TANF or APTD cash assistance or a federal SSI check receive a monthly amount far less than needed to cover household expenses and rent, yet it can take years to get to the top of the waiting list for subsidized housing or a Housing Choice voucher. Even with a voucher in hand, the lack of protection against discrimination based on source of income means that most landlords can turn down a prospective renter just because they have a voucher. Although most Public Housing Authorities that operate a voucher program provide extensions of time for the housing search, a significant number of vouchers are returned for failure to locate a rental unit (*see* note 472 and accompanying text).

These dire conditions contribute to the incidence of homelessness in the state, a condition that is on the rise. The latest data reports an increase in homelessness even before the impact of the coronavirus pandemic.[467] Families with children are among those "most impacted."[468]

6. Lack of Substantial Equivalency and Investment in the Human Rights Commission

HUD provides enforcement funds to states that have housing discrimination laws that are substantially equivalent to the FHA.[469] Thirty-six states and the District of Columbia are currently certified by HUD as having substantially equivalent laws.[470] In substantially equivalent

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[464] *Out of Reach*, NLIHC (2020), https://reports.nlihc.org/sites/default/files/oor/files/reports/state/NH-2020-OOR.pdf.
[465] *Id.*
[466] *2020 New Hampshire Residential Rental Cost Survey Report*, NHHFA (July 2020), http://www.nhhfa.org/wp-content/uploads/2020/07/2020-Rental-Survey-Report.pdf.
[467] *The State of Homelessness in New Hampshire Annual Report 2020*, NH Coalition to End Homelessness 5 (Dec. 17, 2020), https://www.nhceh.org/research-advocacy/state-of-homelessness-in-new-hampshire.
[468] *Id.*
[469] *See* 24 C.F.R. § 115.201: "Substantial equivalency certification is granted if the Department determines that a state or local agency enforces a law that is substantially equivalent to the Fair Housing Act with regard to substantive rights, procedures, remedies, and the availability of judicial review."
[470] *See* Fair Housing Assistance Program Agencies (FHAP) at https://www.hud.gov/program_offices/fair_housing_equal_opp/partners/FHAP/agencies.

states, the responsible state agency can accept and investigate housing discrimination claims based on both federal and state law.

New Hampshire remains the only New England state without substantial equivalency. The New Hampshire Human Rights Commission (HRC) is therefore not eligible for HUD funds that support housing discrimination investigation and enforcement.

Lack of HUD enforcement funds seems to be a key factor in the HRC's low number of housing discrimination complaints (*see* table below). Both Maine and Vermont have similar racial and ethnic demographics to New Hampshire. Although Vermont's population remains well below a million inhabitants, the populations of Maine and New Hampshire are comparable. Both Maine's and Vermont's Human Rights Commissions investigate more housing discrimination cases than the HRC does.

This premise that receipt of federal funding increases enforcement activity is also borne out by a review of employment discrimination data for the three states. Both Maine and New Hampshire receive federal funds from the Equal Employment Opportunity Commission (EEOC). Vermont does not. Analysis of employment discrimination data reveals that Vermont processes far fewer employment discrimination cases than New Hampshire.

	New Hampshire Human Rights Commission	Vermont Human Rights Commission	Maine Human Rights Commission
Substantial Equivalence	No	Yes	Yes
Budget for 2019	$679,497*	$568,236**	$1,414,802***
Number of Staff Members and Commissioners	9 Staff Members and 6 Commissioners	6 Staff Members and 5 Commissioners	13 Staff Members and 5 Commissioners
State Population in 2019	1.36 Million	623,989	1.34 Million
COMPLAINTS RECEIVED FROM 2015 TO 2019			
Housing	40	113	474
Public Accommodations	53	120	506
Employment	1,209	53	2,510

*Includes grant from EEOC of $118,900. *Sources for NH-HRC data*: NH-HRC Total Funds FY2019 ADJ ATH, Governor's Executive Budget Summary, FY2020–2021, https://das.nh.gov/budget/Budget2020-2021/Executive%20Summary%20Final.pdf; Letter from Executive Director Ahni Malachi to Gov. Christopher T. Sununu, *Requested Action* (Mar. 30, 2019), https://sos.nh.gov/media/jqxpwvhe/070-gc-agenda-041719.pdf; State Fiscal Year Data FY2010–FY2018, New Hampshire Human Rights Commission, https://www.nh.gov/hrc/commission-data/documents/state-2010-2018.pdf.
**Includes grant from HUD of $76,114. *Sources for VT-HRC data*: FY2020 Budget Request and FY2015–FY2019 Annual Reports, Vermont Human Rights Commission, https://hrc.vermont.gov/content/annual-reports-and-budgets. Complaint data does not include "informal" cases. *See, e.g.*, Annual Report FY2019, Vermont Human Rights Commission 10, https://hrc.vermont.gov/sites/hrc/files/FY19%20Annual%20Report.pdf.
***Includes grants from HUD and EEOC totaling $550,432. *Source for ME-HRC data*: 2019 Annual Report, Maine Human Rights Commission, https://www.maine.gov/mhrc/sites/maine.gov.mhrc/files/inline-files/MHRC%202019%20ANNUAL%20REPORT_0.pdf.

The process of achieving substantial equivalency is time-consuming and would require amendments to the Law Against Discrimination and the support of the legislature and the Governor's Office. The fact that the New Hampshire Attorney General's Office has created a Civil Rights Unit is also a positive factor in HUD's substantial equivalency analysis. It has been difficult for this small agency and its unpaid commissioners to undertake this difficult process, but achieving substantial equivalency would greatly enhance access to justice for those harmed by housing discrimination. In the meantime, increasing legislative funding for the HRC should be considered. Maine's budget is significantly more than New Hampshire's. Even Vermont, with a population less than half of New Hampshire's, invests proportionately more in its Commission. Those investments are evidenced in the enforcement data and in the reporting of enforcement activities by the three states.[471]

[471] Find additional data on the three states on their websites: New Hampshire HRC at https://www.nh.gov/hrc/; Maine HRC at https://www.maine.gov/mhrc/home; and Vermont HRC at https://hrc.vermont.gov/.

7. Source-of-Income Discrimination

New Hampshire landlords still can lawfully deny housing to a qualified renter because the renter receives public benefits or participates in the Housing Choice Voucher program. However, properties subsidized through the Low-Income Housing Tax Credit (LIHTC) program must accept Section 8 vouchers, as must any property that receives funding from NHHFA. NHHFA's data from 2018 through September 2019 reveals that, on average, voucher holders had only a 61% success rate in "leasing up," or successfully using their voucher to rent a unit, within 150 days of voucher issuance.[472] Those who did not lease up had their vouchers reclaimed.

New Hampshire has yet to join the many states and municipalities that have enacted protections against source-of-income discrimination, and no bill has been introduced to prohibit this form of discrimination in the past five years. The consequences of this lack of protection are more severe for many protected class members who make up a disproportionate number of low-income renters. Without source-of-income protections, housing choice for low-income families is limited and concentrations of poverty more likely. It also enables landlords to use source of income as a proxy for discrimination based on an otherwise qualified renter's protected class status.[473]

8. Domestic Violence Survivor Protections in Housing

Domestic violence remains a leading cause of homelessness among women, often through eviction and access denials for reasons directly related to the violence.[474] Implementing strategies to prevent this phenomenon has been a key policy priority for many years, particularly at the federal level. Although challenges still exist, significant progress has been made with the implementation of recent state and federal housing protections.

The Violence Against Women Act (VAWA) 2013 reauthorization and the subsequent 2016 HUD regulations implementing the VAWA housing protections have made a positive and noticeable impact within the federally subsidized housing industry.[475] The protections extend to all persons regardless of gender and cover victims of domestic violence, dating violence, sexual assault, and stalking. HUD requires that a Notice of Occupancy Rights under the Violence Against Women Act be provided to every applicant who is denied access to a housing program; to every family entering into a tenancy agreement; at recertification; and upon notice of eviction or program termination. The result is that an increasing number of housing provider staff are aware of their obligations with a corresponding increase in the number of applicants, tenants and program participants who are also aware of their housing rights under VAWA.

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[472] Of those vouchers successfully placed, 31.9% of voucher holders were leased up within 30 days, 31.5% in 30–60 days, 15.3% in 60–90 days, 10.1% in 90–120 days, and 11.1% in 120–150 days.

[473] *E.g.*, Antonia K. Fasanelli & Philip Tegeler, *Your Money's No Good Here: Combatting Source of Income Discrimination in Housing*, Human Rights Magazine (Nov. 30, 2019), https://www.americanbar.org/groups/crsj/publications/human_rights_magazine_home/economic-justice/your-money-s-no-good-here--combatting-source-of-income-discrimin/.

[474] *The Intimate Relationship Between Domestic Violence and Homelessness*, *supra* note 91.

[475] Violence Against Women Reauthorization Act of 2013, Pub. L. 113-4, 127 Stat. 54; Violence Against Women Reauthorization Act of 2013: Implementation in HUD Housing Programs, *supra* note 220. Note that VAWA was first enacted in 1995 and Congress has continued to expand protections and coverage in subsequent reauthorizations of the Act.

In 2010, New Hampshire amended its eviction statute to prohibit eviction of survivors of domestic violence, sexual assault, or stalking because of that status. The amended statute also permits bifurcated evictions allowing the landlord to evict only the violent perpetrator from the household. These protections extend to all types of rental housing whether federally subsidized or private.[476] The statute currently requires that the victim obtain a restraining order as a necessary condition to assert its protections.[477] Obtaining a restraining order is not always safe for victims and some may choose not to pursue one. Expansion of the types of documentation permissible to establish that the tenant has been victimized would serve the goal of protecting additional victims of violence from unnecessary eviction. Other examples of reliable documentary evidence to establish sufficient proof might include police reports, bail orders, criminal records, medical records, and protective agency reports.

9. Rigid Admission Criteria for Federally Subsidized Housing Programs

Federally subsidized housing programs have the authority to develop their own admissions policies consistent with federal statutes and regulations. HUD issued a guidance document for PHAs and owners of federally assisted housing stating that arrest records alone cannot be the basis for adverse housing decisions and that due process is required for applicants.[478] In many cases, however, housing providers have discretion to decide whether to admit applicants with certain types of criminal history. Rigid application of credit, criminal history, and poor landlord reference policies can have disproportionate effects on protected class members, including racial and ethnic minority groups, domestic violence survivors,[479] and people with mental health disabilities.[480]

Pervasive racial disparities in the criminal justice system mean people of color are more likely to encounter barriers to safe and affordable housing when faced with rigid policies relating to criminal history. In New Hampshire, Black people are 2.8 times more likely, and Hispanic people 1.5 times more likely, to be arrested than White people.[481] When examining the likelihood of being jailed compared to Whites, the disparities increase even further, to 5.2 times more likely for Blacks and 2.5 times more likely for Latinos.[482]

In 2016, HUD issued guidance, which applies to both private and subsidized housing providers, on how the discriminatory effects and disparate treatment theories may apply in cases where a housing provider refuses to rent to an individual based on criminal history and providing that landlords should conduct an individualized review of an applicant's history.[483] Blanket bans on any person with any conviction record violate the FHA.[484] Housing providers also should

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[476] N.H. R.S.A. §§ 540:2, VII and 540:14, IV.
[477] *Id.*
[478] *Guidance for Public Housing Agencies (PHAs) and Owners of Federally-Assisted Housing on Excluding the Use of Arrest Records in Housing Decisions*, Notice H 2015-10, U.S. Dep't of Hous. & Urban Dev. (Nov. 2, 2015), https://www.hud.gov/sites/documents/15-10HSGN.PDF.
[479] *See* discussion in Domestic Violence Survivor Protections in Housing, *supra* p. 141, and discussion in "Crime-Free" Ordinances, *infra* p. 145.
[480] *See* discussion in Part III, *supra* pp. 88–92.
[481] Corwin, *supra* note 57.
[482] *Id.*
[483] *OGC Guidance on Use of Criminal Records*, *supra* note 184.
[484] *Id.*; *see also* Camila Domonoske, *Denying Housing Over Criminal Record May Be Discrimination, Feds Say*, NHPR (Apr. 4, 2016), https://www.nhpr.org/post/denying-housing-over-criminal-record-may-be-discrimination-feds-say#stream/0.

consider their policies in light of recent research finding that eleven of fifteen criminal offense categories examined had no significant effect on housing outcomes and that the effect of a prior criminal offense on housing outcomes declines over time, with offenses occurring more than five years prior having no significant effect on housing outcomes.[485] Finally, landlords should avoid using tenant screening companies that merely provide "accept or decline" decisions and prevent review of background checks on a case-by-case basis, as these companies' practices can violate the FHA.[486]

10. Language Access Challenges – Disparate Treatment for LEP Individuals in Housing with Federal Subsidies

As changing communities face increased challenges to inclusion, language access is as important as ever. While language access in subsidized housing has progressed overall, several barriers still exist for LEP individuals. These challenges include lack of consistency in the development of LEP plans, limitations on the provision of interpreters, costs of interpretation, inconsistent interpreter quality, limited languages interpreted, and a need for translation of written materials. Enforcement of the mandate to provide language access requires interpreters to be highly qualified to serve LEP individuals. There is a need to develop stronger policies for improving access for LEP individuals. In developing or revising their language access plans, housing authorities should look to best practices identified by leading experts on language access. NHHFA and CDFA require that their subgrantees maintain and provide copies of language access plans. NHHFA's language access plan is available on its website and is used as a model by many housing providers.

11. Lack of Information About Fair Housing Law and Protections

Outreach and training opportunities have increased in the last five years. However, the focus groups conducted for this AI update revealed that there are still many individuals especially in the immigrant communities that are unaware of their rights and protections under the Fair Housing Act.

12. Lack of Quantitative Data on the Prevalence of Discriminatory Housing Practices in the State

The lack of quantitative data on the prevalence of housing discrimination in the state is a recurring impediment. There is no centralized, easily accessible location housing data about the number of complaints of discrimination and the protected class status on which the discriminatory act was based. The five-year updates to the AI remain the best and most cost

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[485] Cael Warren, *Success in Housing: How Much Does Criminal Background Matter?*, Key Findings, Wilder Research (Jan. 2019), https://www.wilder.org/sites/default/files/imports/AEON_HousingSuccess_CriminalBackground_Report_1-19.pdf.

[486] *See Federal court holds tenant-screening services must comply with the Fair Housing Act*, NHLP (Mar. 28, 2019) (detailing landmark decision in *Connecticut Fair Hous. Ctr. v. Corelogic Rental Prop. Sols., LLC*, 369 F. Supp. 3d 362 (D. Conn. 2019)), https://www.nhlp.org/our-initiatives/federal-court-holds-tenant-screening-services-must-comply-with-the-fair-housing-act/.

effective way to assess fair housing data and resources and to identify priority action items. To ensure the public has ready access to all AIs, they should be maintained and accessible online.

13. Persistent Systemic Bias

This last year has shown a growing number of White Americans something people of color are all too aware of as they go about their daily lives: bias based on race and ethnicity is pervasive. It is often invisible to those in the racial majority and it is not limited to individuals and organizations who profess their intentional bigotry to the world. It is built into our social systems even in New Hampshire.

The evidence is present in the numbers. Although they comprise a very small minority in the state, people of color are consistently overrepresented in a variety of adverse circumstances. "Systemic and persistent inequities contribute to a lack of access to opportunity for Granite Staters identifying with racial and ethnic minority groups."[487] People belonging to racial and ethnic minority groups face poverty at a higher rate than their White neighbors.[488] They are disproportionately incarcerated in our prisons and jails,[489] face school discipline at a higher rate, [490] and are more likely to experience homelessness.[491] These inequities are also present in the incidence of coronavirus infection in people of color.[492] The consequences of these inequities are pervasive and lifelong.

The killing of George Floyd prompted many across the nation and including in New Hampshire to engage in soul-searching on the existence of such deep-rooted bias. The momentum must not be lost, and real solutions must be sought. Addressing racial and ethnic bias in New Hampshire must be a priority. New voices must be heard, and new leadership must emerge. It will also entail the confrontation of uncomfortable truths among those in the racial majority, even for those of good will.

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[487] *Inequities Between New Hampshire Racial and Ethnic Groups Impact Opportunities to Thrive*, Issue Brief, NHFPI 3 (June 30, 2020), https://nhfpi.org/assets/2020/09/Issue-Brief-Inequities-Between-New-Hampshire-Racial-and-Ethnic-Groups-Impact-Opportunities-to-Thrive.pdf; *see also* Section II.B, *supra* pp. 29–69.

[488] *Id.*

[489] *E.g.*, Corwin, *supra* note 57; Ashley Nellis, Ph.D., *The Color of Justice: Racial and Ethnic Disparity in State Prisons*, Sentencing Project (June 14. 2016), https://www.sentencingproject.org/publications/color-of-justice-racial-and-ethnic-disparity-in-state-prisons/.

[490] *Keeping Kids in School*, *supra* note 427.

[491] *The State of Homelessness in New Hampshire*, *supra* note 467.

[492] *Initial Report and Recommendations*, Governor's COVID-19 Equity Response Team (July 12, 2020), https://www.governor.nh.gov/sites/g/files/ehbemt336/files/documents/equity-response-team.pdf [hereinafter *Governor's COVID-19 Equity Report*].

F. REPORT ON PROGRESS ON IMPEDIMENTS IDENTIFIED IN THE 2015 AI

The 2015 AI identified ten impediments.[493] This section provides a progress report.

1. Land Use Controls and "Crime Free" Ordinances

a. Land Use Controls

The New Hampshire Accessory Dwelling Units Law went into effect in 2017. This statute permits property owners to use part of their existing dwelling to create a separate rental apartment as of right.[494] In 2019, the Legislature passed R.S.A. § 679 which creates a state housing appeals board. The purpose of the statute is to provide a less costly and more expeditious way to manage disputes involving local land use law and housing development. The law went into effect on July 1, 2020.

NHHFA has engaged consultants to review the efficacy of the Workforce Housing Law. The final report is expected in early 2021. The analysis will include a review of communities that have adopted workforce housing ordinances and an assessment of their quality and utility. It will include case studies and recommendations to provide guidance to other communities.

With $1 million of funds from HUD through the Sustainable Communities Initiative, NHHFA established the Community Planning Grant (CPG) Program to assist municipalities in adopting land use regulations based on principals of smart growth. Since the close-out of the CPG Program in 2014, NHHFA created an online platform for CPG grantees to report of the impacts of the work that was funded.

NHHFA also established the Municipal Technical Assistance Grant (MTAG) Program, modeled on the CPG Program, to provide grants to communities to develop "housing friendly" land use regulations. MTAG is administered by Plan NH, and NHHFA participates in an advisory committee to guide the program's implementation.

b. "Crime Free" Ordinances

Progress has been made on this impediment both within the state and nationally. "Crime-free" municipal ordinances imposed fines and other consequences upon property owners whose tenants trigger "too many" police and/or other municipal responses to a particular property. In order to avoid fines and penalties, property owners move to evict these tenants and raised concerns about the disproportionate impact on protected class members. The ordinances triggered a strong national response resulting in several significant legal actions and the issuance of legal guidance from HUD.[495]

As noted in the 2015 AI, New Hampshire also experienced a rise in municipalities interested in such ordinances. The City of Berlin was required to modify its ordinance and

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[493] *2015 AI*, *supra* note 8, at 69–73.
[494] *See supra* note 448.
[495] *See, e.g.*, *Briggs v. Borough of Norristown*, F.H.-PA-007, 2:13-cv-02191-ER (E.D. Pa. 2014), in which the ACLU sued the municipality for sex discrimination against a domestic violence victim who was being evicted because of a crime-free ordinance and based on a life-threatening attack against her; *see also OGC Guidance on Local Nuisance and Crime-Free Housing Ordinances*, *supra* note 224.

receive fair housing training after HUD initiated a complaint against the City when its ordinance was cited as the reason two property owners (who were also subject to HUD discrimination complaints) denied a housing opportunity to a domestic violence survivor.[496] NHLA Fair Housing Project members worked with the attorneys from the national and New Hampshire affiliate of the ACLU to successfully discourage several other municipalities from enacting crime-free ordinances. It seems that impact of the widely-publicized Berlin case and the local advocacy discouraging enactment of such ordinances was effective and there are no current concerns involving New Hampshire municipalities to report during this time period.

2. Housing for Older Persons

Municipalities continue to favor housing for older persons over development of family housing. Many cities and towns skew the process further by providing bonuses for elderly housing as a means of suppressing the development of family housing. In the private housing market, there is little understanding or oversight of the state and federal law requirements that must be met to legally exclude families with children.[497]

In the subsidized housing market, for both Public Housing Authorities and private providers, housing for older persons makes up a disproportionate amount of the inventory. There are PHAs in the state that only provide housing for the older population and have no family-based housing programs at all.

The proposed amendments to the Workforce Housing law would have removed municipalities' ability to provide incentives exclusively for senior housing projects. The bill did not pass but may be reintroduced during the present legislative season.

In fiscal year 2021, NHHFA will engage consultants to review the impact and prevalence of age-restricted housing in New Hampshire.

3. Mortgage Lending

Disparities continue to surface based on race and ethnicity but the small numbers of borrowers of color make in-depth analysis quite difficult. NHHFA and several other organizations offer home ownership counseling and education. Several of the seminars include fair housing law as part of the curriculum. In September 2020, NHHFA and St. Anselm's College Center for Ethics in Business and Government sponsored a virtual seminar on historic segregation patterns fostered by U.S. government policy. Dr. Richard Rothstein, author of *The Color of Law: A Forgotten History of How Our Government Segregated America*, was the keynote speaker.

4. Economic Factors – Housing Affordability

Access to affordable housing remains a challenge in New Hampshire and throughout the nation. The vacancy rate for all levels of rental housing remains low as does the inventory of homes for sale. NHHFA and CDFA continue to adhere to stated Consolidated Plan strategies in

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[496] *United States Dep't of Hous. & Urban Dev. v. City of Berlin, New Hampshire*, Complaint No. 01-15-0017-8, Conciliation Agreement available at https://archives.hud.gov/news/2015/pr15-022-TownBerlin.pdf.
[497] *See* N.H. R.S.A. § 354-A:15, IV(a) and 24 C.F.R. § 100.300 *et seq.*

their efforts to support affordable housing opportunities in the state. The following actions took place during this reporting period.

The New Hampshire Administrative Procedures Act was amended effective July 29, 2020, to exempt CDFA from the APA's rule-making requirements which allows it to promulgate its rules using its own procedures.[498] CDFA changed its action plan to a Block Grant model and increased funding for housing projects while also prioritizing downtown development. It split housing and public facilities into two categories, with 30% of funds going to housing, and it is now able to provide funding to community-based development organizations. CDFA created the Community Development Investment Program, a state tax credit for community development of all types but limited to municipalities and non-profit entities. It has also conducted listening sessions and surveys of stakeholders throughout the state.

NHHFA continues to conduct analysis of affordable opportunities and publishes reports on its findings. It structures its development plans to incentivize the creation of family housing. It convenes annual statewide conferences on affordable housing development, housing and the economy, and homeownership. It has also supported legislation that would amend the Workforce Housing law with the goal of further advancing the development of affordable housing in more communities. NHHFA and CDFA continue to oversee affirmative marketing plans for grantees. CDFA has enhanced the AFFH language in its contracts.

5. Lack of Substantial Equivalency

Consultation with HUD and subsequent amendments to the Law Against Discrimination are required to achieve substantial equivalency. Although HRC leadership has identified this issue as a priority, no bills have been introduced in the past five years that would bring the Law Against Discrimination in parity with the FHA and it remains an impediment (*see* pp. 138–40 for further discussion).

6. Source-of-Income Discrimination

Source-of-income protections still have not been enacted in New Hampshire. LIHTC properties and properties that receive funding from NHHFA must accept Section 8 vouchers. There have been no relevant bills introduced since H.B. 1409 in 2014, which NHHFA supported. Bills have been introduced at the federal level during this reporting period to add source of income as a protected class under the FHA,[499] but they were not enacted.

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[498] *See* N.H. R.S.A. §§ 162-L:4-a; 162-L:4-b; 162-L:15; 162-L:17; and 541-A:21, I.

[499] *See, e.g.*, Ben Lane, *Prominent Senators Being Bipartisan Push to Expand Fair Housing Act*, HousingWire (Nov. 15, 2018), https://www.housingwire.com/articles/47416-prominent-senators-begin-bipartisan-push-to-expand-fair-housing-act/; *Warren and Colleagues Reintroduce Historic Legislation to Confront America's Housing Crisis*, Press Release, Sen. Elizabeth Warren (Mar. 13, 2019), https://www.warren.senate.gov/newsroom/press-releases/warren-and-colleagues-reintroduce-historic-legislation-to-confront-americas-housing-crisis.

7. Domestic Violence Survivor Protections in Housing

Although challenges still exist, significant progress has been made with the implementation of state and federal housing protections. Enhanced VAWA protections and HUD's subsequent notice requirements have resulted in increased awareness in the subsidized housing arena. More housing provider staff are aware of their obligations and a corresponding increase in the number of applicants, tenants, and program participants who are also aware of their housing rights under VAWA.

In 2010, New Hampshire amended its eviction statute to prohibit eviction of survivors of domestic violence, sexual assault, or stalking because of that status as well as permitting the court to limit eviction to the violent perpetrator only.[500] It is not clear how often these provisions have been utilized over the last decade. The statute currently requires that the victim obtain a restraining order as a necessary condition to assert its protections.[501] It is not always safe for victims to seek restraining orders and some may choose not to pursue one. Expansion of the types of documentation permissible to establish that the tenant has been victimized would serve the goal of protecting additional victims of violence from unnecessary eviction. Examples of reliable documentary evidence to establish sufficient proof might include police reports, bail orders, criminal records, medical records, and protective agency reports.

8. Rigid Admission Criteria for Federally Subsidized Housing Programs

Although this remains an impediment to fair housing, progress has been made over the past five years. HUD issued two relevant guidance documents (discussed on pp. 142–43) for housing providers considering use of an applicant's or tenant's criminal history in making housing decisions. Also, in recognition of their obligations under the FHA, PHAs and federally subsidized housing providers in New Hampshire, on the whole, have been more receptive to reasonable accommodation claims for persons with disabilities who have criminal records or poor landlord references related to their disabilities.

9. Lack of Housing Discrimination Protection for Transgender Persons

This goal was achieved in 2018 when New Hampshire's Law Against Discrimination was amended to include gender identity as a protected class.[502]

10. Lack of Information About Fair Housing Law and Protections

Fair housing outreach and education is a key component of fair housing work and reduction of impediments. NHLA has invested many hours in providing training throughout the state and in the last five years provided training to over 1,800 persons.

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[500] N.H. R.S.A. §§ 540:2, VII and 540:14, IV.
[501] *Id.*
[502] N.H. R.S.A. § 354-A:1 *et seq.*

Year	People Trained by NHLA	NHLA Fair Housing Pamphlets Disseminated
2015	450	909
2016	271	600
2017	412	1426
2018	468	1278
2019	218	255

We feel that fair housing literacy has increased greatly over the years since NHLA received its first HUD enforcement grant. We believe that this is so particularly among subsidized housing providers and larger property owners and among social service and health advocates working directly with protected class populations. NHLA has routinely partnered with NHHFA to provide one or two statewide fair housing conferences every year until the pandemic hit.

We recognize that many in the most vulnerable communities still have challenges gaining information about their fair housing rights and that targeted outreach is needed. To this end, NHLA applied for and received an education and outreach grant that will involve partnerships with community organizations to further literacy in this area. Implementation of the grant began in late 2020.

PART VI: EFFECTS OF THE COVID-19 GLOBAL PANDEMIC ON PROTECTED CLASS GROUPS AND LOW-INCOME PEOPLE IN NEW HAMPSHIRE

> Practitioners in Public Health and community members have long understood the truth – that a public health crisis will not create disparity, it will act upon the disparities and inequities already existing, and seize upon the moment to further widen the gap and amplify the divide.[503]

The first case of COVID-19 was reported to the Centers for Disease Control on January 22, 2020 in the state of Washington.[504] New Hampshire identified its first case just a month later, on March 2, 2020.[505] On March 13, 2020, following the federal government's suit, Governor Sununu declared a state of emergency. As of that date, there were 6 confirmed cases of COVID-19 in the state and 1,663 in the country.[506] By December 31, 2020, New Hampshire had tallied 44,028 cases and the U.S. count was 20.8 million cases. At year's end, 759 New Hampshire residents had died and the U.S. experienced 352,000 fatalities.[507] In less than a year New Hampshire has gone from relatively low COVID-19 transmission rates to an infection rate that prompted the state Department of Health and Human Services (DHHS) to declare that community transmission risk was substantial, the highest level of threat.[508] Nationally, sustained failure of the federal government to implement a swift and effective public health response has resulted in unnecessary loss of life.

By March 18, 2020, comprehensive federal emergency relief legislation (the CARES Act and Families First Coronavirus Response Act) was signed into law. The laws provided relief for businesses, both large and small; state and local governments; hospitals; and individuals. It supplemented unemployment insurance benefits and extended the eligibility duration. Federal regulations were relaxed to allow for more flexibility in the administration of programs and moratoriums were implemented to prevent a flood of evictions.[509] There have been additional

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[503] *Governor's COVID-19 Equity Report*, *supra* note 492, at 4.
[504] Michelle L. Holshue, MPH, *et al.*, *First Case of 2019 Novel Coronavirus in the United States*, Brief Report, New Eng. J. of Med. (Jan. 31, 2020), https://www.nejm.org/doi/full/10.1056/NEJMoa2001191.
[505] *Explore the Data: Tracking COVID-19 in New Hampshire*, NHPR (Jan. 3, 2021), https://www.nhpr.org/post/explore-data-tracking-covid-19-new-hampshire#stream/0.
[506] Exec. Order No. 2020-04, An order declaring a state of emergency due to Novel Coronavirus (COVID-19) (Mar. 13, 2020), https://www.governor.nh.gov/sites/g/files/ehbemt336/files/documents/2020-04.pdf.
[507] *Supra* note 505 for New Hampshire data and Google for U.S. data at https://www.google.com/search?q=number+of+U.S.+corononavirus+cases+on+December+31%2C+2020&rlz=1C1CHBF_enUS775US775&oq=number+of+U.S.+corononavirus+cases+on+December+31%2C+2020&aqs=chrome..69i57.22591j0j7&sourceid=chrome&ie=UTF-8; *see also* N.H. Dep't of Health & Hum. Servs. reports in App. A-40–A-48.
[508] Shawne K. Wickham, *Risk of COVID-19 spread now 'substantial' in NH*, Union Leader (Oct. 31, 2020), https://www.unionleader.com/news/health/coronavirus/risk-of-covid-19-spread-now-substantial-in-nh/article_b3b53c6c-9f0a-506b-815a-0d30e3cc73e9.html.
[509] *See, e.g.*, *Federal Government Responses to the Coronavirus (COVID-19) Pandemic, 2020*, Ballotpedia (Dec. 31, 2020), https://ballotpedia.org/Federal_government_responses_to_the_coronavirus_(COVID-19)_pandemic,_2020.

funds allocated since the initial legislation and a multitude of executive orders issued and federal agency measures implemented to ease the impact of the pandemic on the American people.

In New Hampshire, the state, working with local governments and community agencies, used federal funds to provide assistance to its residents by implementing rental relief programs and easing access to unemployment and public benefits. Governor Sununu issued a range of executive and emergency orders in response to the multitude of challenges facing the state, including orders related to non-essential business closures, remote learning, utilities disconnections, eviction bans, public benefits access, and telehealth services, among others.[510] Municipalities, colleges, and universities made difficult decisions about how to provide education during the pandemic.

The effects of COVID-19 have been profound and pervasive and have affected every aspect of New Hampshire life. At year's end the incidence of the disease and the death continue to rise. The full impact on the state cannot yet be accurately measured. Although the state's residents were fortunate that the state government acted decisively to protect them, the damage was not averted. Businesses large and small have been harmed, some permanently. People lost jobs and some fell into poverty. While many people fortunate enough to remain employed were able to work from home, numerous others engaged in work that brought risks of contagion. Schools have closed, reopened, and closed again, and children's educations have been severely disrupted. Parents have sometimes had to leave their jobs to care for children.

Sadly and predictably, the most vulnerable persons in the state have faced more dire COVID-19-related consequences than others. This consequence is often inextricably tied to persistent poverty. Members of protected class groups also tend to experience across-the-board disadvantages disproportionate to their presence in the population. This fact has held true during this pandemic.

A. PROTECTED CLASS GROUPS

1. Age

Older persons have suffered the most during the pandemic. Across all incomes, they are more at risk of significant consequences, including death, of COVID-19 infection. In New Hampshire, people 60 and over constitute 22.5% of the diagnosed cases and 96.8% of the deaths with the majority of the deaths occurring in people 80 years or older.[511] Older persons most in danger are those living in nursing and assisted living facilities. New Hampshire has the highest percentage rate in the nation for COVID-19 related deaths occurring in long-term care facilities.[512] By the end of 2020, 32 long-term care facilities were in the midst of outbreaks and 49 others had experienced outbreaks.[513] Most long-term care facilities, in taking measures to

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[510] *See* 2020 COVID-19 Emergency Orders, https://www.governor.nh.gov/news-and-media/covid-19-emergency-orders-2020, for all orders issued related to the pandemic.

[511] *Case Summary: New Hampshire Laboratory-Confirmed COVID-19 Cases*, N.H. Dep't of Health & Hum. Servs.: Div. of Pub. Health Servs. (Jan. 4, 2021), https://www.nh.gov/covid19/documents/case-summary.pdf.

[512] *COVID-19 and Nursing Homes: An American Tragedy*, AARP Bulletin, Vol. 61, No. 10, at 14 (Dec. 2020).

[513] Mark Hayward, *New Hampshire ranks No. 1 -- in COVID-19 nursing home deaths*, Union Leader (Dec. 27, 2020), https://www.unionleader.com/news/health/coronavirus/new-hampshire-ranks-no-1----in-covid-19-nursing-home-deaths/article_e0c58f5e-f6c1-5e9e-bdaa-7b2ac059c753.htm. Note that the article defines outbreaks as

control infection, locked down their facilities and banned visitors, robbing their residents of the ability to see their families even for those in their final hours.[514]

2. Gender

While the rate of COVID-19 cases in New Hampshire remains one of the lowest in the country, women are predominantly on the frontlines of the virus shouldering the burden in the workplace and at home as caregivers to children and aging parents. At the same time, women are more likely than men to suffer negative health and economic consequences.[515]

In New Hampshire, women are contracting and dying of COVID-19 at a higher percentage than men and at rates higher than in most of the country. The state was 9th of the 10 states with the highest percentages of female COVID-19 cases and one of only seven states with a higher percentage of female deaths.[516] Given that the state has the second highest proportion of female nursing home residents,[517] and that most New Hampshire fatalities have occurred in long-term care facilities, it is not surprising that women account for a higher percentage of the deaths within those facilities.[518]

The pandemic economy has also had a larger and more negative impact on New Hampshire women. "Despite making up 46.2% of the state's labor force, women accounted for 58.6% of those on unemployment this past April through June."[519] Single mother headed households constitute approximately 20% of New Hampshire family households.[520] The loss of a job or of childcare can put a family into a tailspin. For women who were able to gain or retain jobs, many are working in frontline occupations with higher infection risks.[521] In all, women represent 67.6% of the state's "essential workforce"[522] yet their pay rates are significantly lower to their male coworkers. A recent study indicated that New Hampshire women now make only 74 cents to a New Hampshire man's dollar.[523] The healthcare industry, a most vital resource for fighting and mitigating the effects of the pandemic, evidences these same gender-based wage

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specifically referring to "situations where the virus is being transmitted between multiple clusters of three or more infected people."

[514] For an in-depth analysis, *see COVID-19 and Nursing Homes: An American Tragedy*, *supra* note 512.

[515] *2020 Special Issue: The Impacts of COVID-19 on New Hampshire Women*, New Hampshire Women's Foundation Gender Matters Report (Dec. 2020) (citing a New York Times article: *Coronavirus in the U.S.: Latest Map and Count* (Dec. 4, 2020)), https://nhwomensfoundation.org/research-item/gm2020-special-issue-the-impacts-of-covid-19-on-new-hampshire-women/ [hereinafter *Gender Matters*].

[516] *Id.* Women comprise 53.2% of all cases and 51.6% of all fatalities.

[517] Tom Blonski & Brendan Williams, *Our Turn: Now more than ever, long-term care facilities need support*, Concord Monitor (June 17, 2020), https://www.concordmonitor.com/Long-term-care-34664726.

[518] *Gender Matters*, *supra* note 515.

[519] Michael Cousineau, *Women feel brunt of pandemic job losses*, Union Leader (Sept. 6, 2020), https://www.unionleader.com/news/business/whats_working/women-feel-the-brunt-of-pandemic-job-losses/article_47bae95a-f339-56cc-89e6-f6d523a788b0.html. By September 2020, the latest data available, that number had dropped to 55.9%. *See Gender Matters*, *supra* note 515.

[520] *2019 New Hampshire Kids Count Data Book*, New Futures 13, https://new-futures.org/sites/default/files/blog/attachments/2019%20Kids%20Count%20Data%20Book.pdf.

[521] 3,100 healthcare workers have been diagnosed with COVID-19, representing 6.6% of New Hampshire residents diagnosed. *Case Summary: New Hampshire Laboratory-Confirmed COVID-19 Cases*, *supra* note 511.

[522] *Gender Matters*, *supra* note 515.

[523] Courtenay Stevens, *A Look at the Gender Pay Gap in 2020*, Business.org (Feb. 24, 2020), https://www.business.org/finance/benefits/gender-pay-gap/.

disparities even though women make up 78.6% of its workforce.[524] Disruptions in education and loss of childcare resources have further compromised women's economic well-being in New Hampshire as they continue to shoulder much of the responsibilities for care of their children.

3. Families with Children

Loss of work and income and risk of disease and educational disruptions have caused significant hardship for families with children, especially those of modest means. Almost 30% of New Hampshire families are run by a single parent, a fact that further constricts a family's economic safety net.[525] For those who have the ability to navigate the system, rental assistance programs and eviction moratoriums have often been the only factors preventing immediate homelessness though the prospect still looms once these protections evaporate. Federal and state easing of unemployment insurance and public benefits eligibility criteria have helped many avert crises, as did the enhanced unemployment benefit amounts and the CARES Act grants to eligible families and individuals. Childcare resources, already scarce for people of moderate or lower income, have become scarcer and have compromised some families' abilities to remain in the workforce.[526]

The impact on children's education has been profound and most schools have struggled to create workable models. Remote learning has been compromised by technology issues. Parents of all incomes and educational levels struggle to adjust to the new educational realities.[527] Families with limited English proficiency (LEP) face significant obstacles that may profoundly interfere with their children's ability to navigate remote learning on their own.[528] Children who received free breakfast and lunch at school but who now are engaged in remote learning may be going hungry.[529]

4. Racial and Ethnic Minority Groups

People of color have experienced the pandemic differently than people of European descent. People of Asian heritage or descent have been targets of bias incidents even in New

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[524] *Id.* Wage disparities in New Hampshire's healthcare sector: women earn 71.4¢–79.1¢ of a man's dollar. *Id.*
[525] *2019 New Hampshire Kids Count Data Book*, *supra* note 520.
[526] *See, e.g.*, Jack Rooney, *How NH arrived at a child care crisis*, NH Business Review (Nov. 9, 2020), https://www.nhbr.com/how-nh-arrived-at-a-childcare-crisis/.
[527] *See, e.g.*, Sarah Gibson, *Two Experts On What We've Learned So Far About COVID-19 In Schools*, NHPR (Nov. 25, 2020), https://www.nhpr.org/post/two-experts-what-weve-learned-so-far-about-covid-19-schools#stream/0; Emily Duggan, *Broadband proves to be an issue as schools across New Hampshire switch to remote learning*, NH Business Review (Aug. 10, 2020), https://www.nhbr.com/broadband-proves-to-be-an-issue-as-schools-across-new-hampshire-switch-to-remote-learning/.
[528] Leslie M. Babinski *et al.*, *English Language Learners Need More Support During Remote Learning*, Education Week (June 19, 2020), https://www.edweek.org/technology/opinion-english-language-learners-need-more-support-during-remote-learning/2020/06.
[529] Cory Turner, *'Children Are Going Hungry': Why Schools Are Struggling to Feed Students*, NPR (Sept. 8, 2020), https://www.npr.org/2020/09/08/908442609/children-are-going-hungry-why-schools-are-struggling-to-feed-students; *see also* Tony Schinella, *The Downside of Free Lunch: NH Schools Could Get Reduced Aid*, Patch (Nov. 27, 2020), https://patch.com/new-hampshire/concord-nh/downside-free-lunch-nh-schools-could-get-reduced-aid.

Hampshire.[530] Many have connected this phenomenon to the use of pejorative language by leaders at the national level.[531]

Latinos and persons of African descent or heritage have been infected with COVID-19 at higher rates than their presence in the New Hampshire population. According to public health data, Latinos represent 3.9% of the state's population but 11% of those infected with COVID-19. Those of African heritage represent 1.4% of the population and 2.5% of those infected. People of Asian heritage who make up 3% of the population have experienced infection acquisition at lower rates—2.2%. All three groups hospitalizations are at percentages higher than their representation in the population. (*See* App. A-40–A-48 for COVID-19 case summary data.)

In March 2020, the New Hampshire Public Health Association and the DHHS Office of Health Equity partnered to create the New Hampshire COVID-19 Equity Task Force for the purpose of "address[ing] issues of equity arising from the COVID-19 pandemic and response."[532] In May 2020, Governor Sununu created the COVID-19 Equity Response Team, convened to "develop a recommended strategy and plan to address the disproportionate impacts of the COVID-19 pandemic and to oversee the implementation of the recommended plan."[533] Several of the task force members joined the Response Team and both groups continue to meet and monitor how communities of color are faring during the pandemic.

The Response Team's report, issued in July 2020, identified several factors that they believed contributed to the disparities and all of them were rooted, in the final analysis, in longstanding ingrained, pervasive, and institutionalized bias against racial and ethnic minority groups. The Response Team made numerous recommendations, many of them far-reaching. They ranged from immediate steps such as increasing communications, testing, and health supports within minority communities to the consideration of compassionate release for at risk incarcerated persons to review of all COVID-19-related protocols and policies through the lens of equity.[534]

New Hampshire residents with limited English proficiency and immigrants, both documented and undocumented, faced particular challenges. Although entities receiving federal funds have duties to evaluate their obligations to provide communications in other languages, many still fall short. Lack of effective communications during a pandemic has serious and enhanced consequences for the health and well-being of LEP individuals. As pointed out above, beyond receipt of accurate information on COVID-19, mask mandates, and other restrictions, LEP parents of school-age children often face insurmountable obstacles to navigate COVID-19-based learning programs, placing their children at further educational disadvantage.[535]

Fear within immigrant communities has also played a role. Federal anti-immigrant policies implemented since 2016 have placed many within immigrant communities in fear of

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[530] Erin Donaghue, *2,120 hate incidents against Asian Americans reported during coronavirus pandemic*, CBS News (July 2, 2020), https://www.cbsnews.com/news/anti-asian-american-hate-incidents-up-racism/; Kimberly Houghton, *Despite racism during the pandemic, Chinese-Americans in NH remain positive while collecting money to donate masks*, Union Leader (Apr. 6, 2020), https://www.unionleader.com/news/health/coronavirus/despite-racism-during-pandemic-chinese-americans-in-nh-remain-positive-while-collecting-money-to-donate/article_2186ccba-29f5-508d-8e89-a61df9d4ddf1.html.

[531] *See, e.g.*, John Bowden, *Use of 'China virus' led to spike in anti-Asian bias: study*, The Hill (Sept. 29, 2020), https://thehill.com/homenews/news/518806-use-of-china-virus-led-to-spike-in-anti-asian-bias-study.

[532] New Hampshire COVID-19 Equity Task Force, Press Release (March 2020). For further information about the Task Force, *see* https://www.nhpha.org/index.php?option=com_dailyplanetblog&category=newsletter.

[533] *Governor's COVID-19 Equity Report*, *supra* note 492, at 2.

[534] *Id.* at 23–26.

[535] *See* note 528 and accompanying text.

interactions with state and local officials due to the risk of negative consequence ranging from seizure and deportation to being deemed a "public charge" and denied immigration status or citizenship. Federal COVID-19 relief funds excluded several classes of immigrants and members of "mixed status families from receipt of certain benefits."[536] Subsequent legislation, not enacted until December 2020, included benefits for the roughly 3.5 million people in mixed-status families who were originally excluded.[537]

5. People with Disabilities

People living with disabilities account for approximately 13% of the New Hampshire population.[538] Although this category covers a very broad spectrum of people, many within this group face higher risk of infection and death due to COVID-19. It is estimated that there are 192,000 adults under 65 years in New Hampshire with chronic health conditions.[539] Those who reside in dense living situations such as nursing facilities, group homes, or other congregate living spaces are particularly at risk.

Access to health care services has been compromised during the pandemic for many people. Health care and supportive services providers across the industry struggle to maintain workers. Medical offices and mental health programs have constricted services and have limited or suspended in-person appointments. People who receive in-home supportive services may be in dire circumstances as the availability of home health workers shrink. People who are Deaf, hard-of-hearing, non-verbal, or blind may not be able to negotiate telehealth appointments or other alternatives to in-person meetings.[540] People with mental illness and/or substance use disorders may be more susceptible to symptom exacerbation due to isolation and fear of infection and lack of access to treatment services.[541]

Children with educational disabilities are particularly at risk of losing ground during the pandemic. In those school districts where learning is remote or hybrid, parents are expected to take the place of specialized professionals—a daunting task with many pitfalls. Children may be receiving diminished supports and services although it is likely that the school departments are

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[536] *See, e.g.*, *Frequently Asked Questions: Eligibility for Assistance Based on Immigration Status*, NHLP *et al.* (July 13, 2020), https://nlihc.org/sites/default/files/FAQs_Eligibility-for-Assistance-Based-on-Immigration-Status.pdf.

[537] *See, e.g.*, Juan Gastelum, *National Immigration Law Center (NILC) Statement Regarding $900 Billion COVID Relief Package*, NILC (Dec. 21, 2020), https://www.nilc.org/2020/12/21/nilc-statement-regarding-900-billion-covid-relief-package/; Camilo Montoya-Galvez, *Mixed-status immigrant families to receive stimulus checks under COVID relief package*, ABC News (Dec. 28, 2020), https://www.cbsnews.com/news/stimulus-check-mixed-status-family-immigrant-eligible/.

[538] *New and Expanded Challenges Facing Vulnerable People in New Hampshire*, Issue Brief, NHFPI 8 (Sept. 23, 2020), https://nhfpi.org/resource/new-and-expanded-challenges-facing-vulnerable-populations-in-new-hampshire/.

[539] *Id.* at 7–8.

[540] *Id.*; *see also* Michelle Diament, *COVID-19 Disproportionately Impacting Those with Developmental Disabilities*, Disability Scoop (Sept. 8, 2020), https://www.disabilityscoop.com/2020/09/08/covid-19-disproportionately-impacting-developmental-disabilities/28909/; Michael McKee, MD, MPH, *et al.*, *Overcoming Additional Barriers for Deaf and Hard of Hearing Patients During COVID-19*, JAMA Otolaryngology Head & Neck Surgery (July 16, 2020), https://jamanetwork.com/journals/jamaotolaryngology/fullarticle/2768217; Courtney Harold Van Houtven & Walter D. Dawson, *Medicare and Home Health: Taking Stock in the COVID-19 Era*, Issue Brief, Commonwealth Fund (Oct. 2020), https://www.commonwealthfund.org/sites/default/files/2020-10/VanHoutven_Medicare_home_health_COVID_ib_v2.pdf.

[541] Nirmita Panchal *et al.*, *The Implication of COVID-19 for Mental Health and Substance Use*, Issue Brief, Kaiser Family Foundation (Aug. 20, 2020), https://www.kff.org/coronavirus-covid-19/issue-brief/the-implications-of-covid-19-for-mental-health-and-substance-use/.

still obligated to provide them. Children whose parents cannot work remotely or do not have the ability to stand in for professional educators have been particularly harmed.[542]

The full impact of disparities experienced by members of protected class groups will not be completely realized until more data and information become available. Mitigation of the inequities suffered is dependent on a commitment of money and other resources to not only address the root causes but also to take steps to prevent continuing harm to those affected.

B. EFFECTS OF THE PANDEMIC ON LOW-INCOME PEOPLE: FEEDBACK FROM ADVOCATES

The pandemic's effects are far-reaching, extending well beyond the daunting task of handling the public health aspects of the crisis. State and local governments and non-profit organizations have worked to serve the people of the state under extremely stressful circumstances managing ballooning service requests, administering emergency state and federal funds with complicated rules, dealing with inadequate technology, contending with insufficient staff to carry out the tasks, and all the while dealing with the mitigation of infection risk to their own staff members and members of the public.

We interviewed several advocates from non-profit law firms and social service organizations that serve low-income people about the barriers their clients encounter. It was clear from the conversations that the poorest in the state face significant obstacles that reach far beyond the ever-present risk of infection.

1. Physical Closures and Access to Benefits

At the onset of the pandemic, everything physically closed down, including government offices and community agencies providing vital services. There was no ability to go into an office or a court and speak to an employee. Telephonic or electronic communications can be difficult or impossible for many, and the effects of the digital divide have become more starkly pronounced. Even if one has access to a phone or computer, many agencies have been overwhelmed and have struggled to respond to the heightened needs and to interpret new rules and guidelines accurately. Advocates report long telephonic wait times, sometimes up to one to two hours, to reach a human being at some agencies. For people who often only have "minutes" available on their phone plan, access may be insurmountable.

Widespread closures compromised access to benefits in innumerable ways. In the pre-pandemic world, many used the services of other agencies to submit crucial information and documents to other programs. Caseworkers may scan and email a copy of time-sensitive documents such as an eviction notice or notice of termination of benefits to a legal services attorney. Public housing authority staff may assist applicants in filling out complicated paperwork. Libraries provided access to computers and copy machines. Those resources have not been available.

As described above, many emergency programs were put into place to support people in crisis including access to rental funds, eviction prevention measures, enhanced unemployment

[542] Angela Nelson, *How COVID-19 Has Affected Special Education Students*, TuftsNow (Sept. 29, 2020), https://now.tufts.edu/articles/how-covid-19-has-affected-special-education-students.

benefits, and relaxed eligibility requirements for unemployment and other benefit programs. To obtain these benefits, applicants were generally required to submit paperwork and often under deadlines. Timely submission of documents was complicated for those without access to technology and reliant on mail. In the midst of the pandemic, the American people learned that bureaucratic measures had been taken that slowed down the U.S. Postal Service.[543] For time-sensitive documents, the combination of impediments could amount to a loss or denial of a crucial benefit.

Although some agencies have relaxed deadlines, matters involving court cases generally do not have the same flexibility. One legal advocate described a situation in which a tenant was facing eviction and was required to file a document under a very short deadline. The tenant had no car and no access to a computer to download the form required for court submission. The advocate had to mail the document and worried about delays in its arrival to the tenant who then had to fill out the document and mail it to the court and opposing party and hope that it arrived before the deadline.

2. Navigating the Bureaucracy

Legal advocates remark that it is very difficult for people to gain the help they need on their own, yet the pool of people once available to help them, formally and informally, are also less accessible. Many of the forms and applications required to access COVID-19 benefits are difficult for applicants successfully complete on their own. Advocates have complained that the rental relief programs run by the state's Community Action Programs are "bogged down in bureaucracy" with a burdensome application process that hinders access for many.

Advocates have seen an increase in "missing" documents that has forced clients to pay for additional copying and mailing costs and triggered further delays in obtaining a benefit. Even clients who have submitted documents electronically have found that the documents never "attached" to the agency file. Several people report clients having to submit documents more than once.

3. Access to Justice

The majority of court hearings are being held telephonically. Advocates describe the hearings as challenging for all concerned but particularly so for *pro se* (unrepresented) parties who one advocate described as being at "extreme disadvantage." Risks of misunderstandings abound with people speaking over one another, connectivity problems and background noise, and the limitations presented by "voice only" evidentiary hearings. For LEP or Deaf individuals who need interpreters, telephonic hearings are even more problematic.

4. Domestic Violence

At the beginning of the pandemic, courts and shelters were physically shut down. One advocate said that "the pandemic has been great for abusers." Victims of family violence were

[543] Jacob Bogage, *Postal Service Memos Detail 'Difficult' Changes, Including Slower Mail Delivery*, Washington Post (July 14, 2020), https://www.washingtonpost.com/business/2020/07/14/postal-service-trump-dejoy-delay-mail/.

more at risk, at home with their abusers with no excuses to leave their home and no ability to seek help. Abusers have also used COVID-19 as leverage in custody and visitation disputes. There have been cases of the abusive parent withholding the children from the other parent until the pandemic abates.

The number of referrals for help initially decreased but has now been trending upward and advocates are also seeing an escalation in the severity of the violence. Some domestic violence programs are placing victims in hotels until their shelters can safely reopen. Many of the programs have experienced turnovers in their staff.

It can now take several weeks for victims to get an appointment with an attorney because of the number of attorneys available related to the number of new cases. Some victims have decided to resolve their cases through less favorable and safe agreements just to be able to move on. Court cases are also backlogged. Courts are still allowing some in-person hearings for domestic violence cases.

5. Children's Law

Children with special education needs are falling through the cracks during the pandemic—especially those children whose parents are unable to advocate for them. One advocate spoke about a child who had not received any educational services since March. Poor families generally do not have the resources to effectively manage remote special education services from home. If they are working, they are less likely to have jobs where they can work remotely. The New Hampshire Disability Rights Center recently began a program specifically focused on advocacy for children with special education needs during the pandemic. The attorney assigned to the project will represent individual clients but will also look at systemic pandemic-related issues.

6. Housing

With an overall vacancy rate of 1.8%, there are not many apartments available, and the vacancy rate declines even further for more affordable apartments.[544] This significantly impacts access to affordable housing. Homeless advocates and public housing administrators report that people who have finally received a Section 8 voucher are experiencing increased difficulties finding landlords who will accept their vouchers and that some will be unsuccessful in placing the voucher and will lose it.

The eviction moratoriums have been effective in keeping people housed but advocates worry about a flood of evictions when they finally end. Even during the pandemic, some landlords have tried strategies to remove tenants who owe them rent. Advocates have seen an increase in evictions based upon the alleged need to renovate apartments.

Landlord/tenant disputes have arisen about a number of pandemic-related topics. Many tenants are deathly afraid of disease contraction and have refused to let landlords enter their apartments even when they have legitimate reasons. Landlords, in some cases, have tried to limit visitors in their buildings for fear of disease spread. One advocate has seen more complaints stemming from children's noise as they are confined to their homes and engaging in remote learning.

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[544] *2020 New Hampshire Residential Rental Cost Survey Report*, *supra* note 466.

7. Benefits

New Hampshire Employment Security (NHES) has faced enormous challenges during the pandemic and has been, at times, completely overwhelmed. The sheer volume of claims has been stunning. At the start of the pandemic, New Hampshire went from being a state with one of the lowest unemployment rates in the country to receiving a volume of claims many times greater than at the height of the Great Recession.[545] There have been problems with inadequate and confusing notices and significant delays.

Advocates have not been able to fully evaluate data from New Hampshire DHHS programs including the food stamp program known as SNAP. Enrollment numbers had been declining when trends in other states would have predicted an increase. Clients have also reported problems using the electronic application and account management program, NH Easy, which is the access point for all DHHS benefit programs including TANF and SNAP. Because conditions accompanying federal emergency funds received by the state for administration of the Medicaid program restricted the state's ability to terminate coverage or impose new eligibility restrictions, advocates anticipate that as federal policies end there could be an increase in benefit terminations.

Until recently, the Social Security Administration (SSA) suspended many activities such as redeterminations and processing overpayments to concentrate on processing applications of those in dire need. Advocates expect to see a rise in SSA cases as case processing normalizes.

[545] *See generally* COVID-19 Affected Unemployment Rates, New Hampshire Employment Security, https://www.nhes.nh.gov/covid-19-unemployment-rates.htm.

PART VII: THE QUEST FOR RACIAL JUSTICE IN NEW HAMPSHIRE

Hundreds Gather in Keene to Protest the Death of George Floyd • Nearly 2,000 March Against Racism in Concord • Hundreds Gather for Peaceful Demonstration in Bristol • Several Hundred March in Manchester to Protest the Death of George Floyd • Vigil Held in Dover Over Killing of Man in Police Custody[546]

A. ON THE KILLING OF GEORGE FLOYD

"The killing of George Floyd was shocking. But to be surprised by it is a privilege African Americans do not have."[547]

On May 25, 2020, a White Minneapolis police officer took the life of George Floyd, a Black man, in the course of effecting his arrest. The officer knelt upon Mr. Floyd's neck for more than 8 minutes, preventing him from breathing as a gathering crowd pleaded with the officer to stop. A young woman filmed the excruciating episode on her cell phone capturing images that all the world would see.

The killing of George Floyd sparked an uprising against racial injustice and police brutality that manifested itself in protests in every state and echoed throughout the world.[548] His death triggered, even in the midst of a deadly pandemic, "civic unrest on a scale not seen since the assassination of Martin Luther King, Jr."[549] The protests continued across the country throughout the summer and into the fall and have inspired many actions aimed at addressing injustices embedded in every aspect of American life.[550]

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[546] Headlines from various New Hampshire news sources: Tim Callery, *Hundreds gather in Keene to protest death of George Floyd*, WMUR (June 3, 2020), https://www.wmur.com/article/hundreds-gather-in-keene-to-protest-death-of-george-floyd/32760578#; Tony Schinella, *Nearly 2,000 March Against Racism In Concord: Watch*, Concord Patch (June 6, 2020), https://patch.com/new-hampshire/concord-nh/nearly-2-000-march-against-racism-concord-watch; Kristen Carosa, *Hundreds gather for peaceful demonstration in Bristol*, WMUR (June 3, 2020), https://www.wmur.com/article/hundreds-gather-for-peaceful-demonstration-in-bristol/32760087; Mike Cronin, *Several hundred march in Manchester to protest death of George Floyd*, WMUR (May 30, 2020), https://www.wmur.com/article/thousands-march-in-manchester-to-protest-death-of-george-floyd/32719310; Ray Brewer & Mike Cronin, *Vigil held in Dover over killing of man in police custody*, WMUR (June 1, 2020), https://www.wmur.com/article/vigil-planned-in-dover-over-killing-of-man-in-police-custody/32731715.

[547] Alex Altman, *Why the Killing of George Floyd Sparked an American Uprising*, Time (June 15, 2020), https://time.com/5847967/george-floyd-protests-trump/.

[548] Jessica Wang & Lindsay Huth, *Maps: How Protests Evolved in the Wake of George Floyd's Killing*, Wall Street Journal (June 12, 2020), https://www.wsj.com/articles/maps-how-protests-evolved-in-the-wake-of-george-floyds-killing-11591984846 ("[T]he demonstrations have reached more than 600 places in all 50 states and Washington, D.C., including large cities and small towns—some of which have few African-Americans."); Savannah Smith *et al.*, *Map: George Floyd protests around the world*, NBC News (June 9, 2020), https://www.nbcnews.com/news/world/map-george-floyd-protests-countries-worldwide-n1228391 (Protests have occurred in at least 40 countries, in all continents except Antarctica.).

[549] Altman, *supra* note 547.

[550] *See e.g.*, Susan Lemaire, *How George Floyd's Death Has Impacted American Life*, VOA News (June 26, 2020), https://www.voanews.com/usa/race-america/how-george-floyds-death-has-impacted-american-life.

People in New Hampshire also joined together to protest. Rallies and vigils were held across the state, in numerous communities, large and small.[551] On June 16, 2020, Governor Sununu issued an executive order establishing a Commission on Law Enforcement Accountability, Community, and Transparency which specifically referred to the killing of George Floyd as the impetus for its establishment and requiring the Commission to produce a report.[552] In this state, as across the country, the quest for achieving true equity is not only focused upon law enforcement but on all aspects of life and in all institutions that serve the people of this state.

There have been conversations and coalitions and initiatives have developed to effect real and enduring change. Many people have been leading tirelessly for decades on equity issues and new and younger leaders have joined in the work. Local Black Lives Matter activists played a major role in organizing protests and community conversations.[553] New Hampshire NAACP leaders and others spoke out and exhorted change.[554] Local communities and organizations of all types sponsored vigils and listening sessions.[555] The Commissioners of Keene Housing Authority issued a statement acknowledging the role of racism and discrimination in the housing sector of our country and affirming their commitment to equity (*see* App. A-39 for the resolution).

B. VOICES OF COMMUNITY LEADERS

This section is rooted in one theme: the impact of the killing of George Floyd on the state of New Hampshire. Seven leaders from diverse constituencies within the African and African American communities contributed their thoughts, experiences, and recommendations moving forward. The conversations intentionally did not provide specific questions for participants to answer, but their comments are organized below based on issues that emerged from the discussions. Most sections begin with a compilation of comments from participants that reflects the language they used as closely as possible but is not necessarily verbatim, and then conclude with a summary of other participants' comments. All of the participants are people who have

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[551] Demonstrations occurred, for example, in Bristol, Concord, Conway, Dover, Dublin, Hampton, Hanover, Keene, Laconia, Manchester, Mont Vernon, Nashua, Peterborough, Portsmouth (information from various news sources including WMUR and the Union Leader). *See also* Wikipedia's entry on George Floyd protests in New Hampshire which contains a list of cities and towns with links to news posts: https://en.wikipedia.org/wiki/George_Floyd_protests_in_New_Hampshire.

[552] *See* Exec. Order No. 2020-11, *supra* note 384. The Commission's final report is available at https://www.governor.nh.gov/sites/g/files/ehbemt336/files/2020-09/accountability-final-report.pdf.

[553] Mike Cherry, *Young activists use BLM platform to make change*, WMUR (Nov. 20, 2020), https://www.wmur.com/article/young-activists-use-blm-platform-to-make-change/34740206.

[554] *See e.g.*, Kimberly Haas, *NH NAACP leader: Education key to breaking down barriers between races*, Union Leader (June 2, 2020), https://www.unionleader.com/news/social_issues/nh-naacp-leader-education-key-to-breaking-down-barriers-between-races/article_fcd94771-d0db-5b99-94d0-ecb760b978c8.html; *see also* The Exchange, *Amid National Turmoil Over George Floyd Death, a N.H. Perspective on Police-Minority Relations*, NHPR (May 31, 2020), https://www.nhpr.org/post/amid-national-turmoil-over-george-floyd-death-nh-perspective-police-minority-relations#stream/0.

[555] *Building Inclusion and Equity into the Way NH Listens Works*, Everyday Democracy, https://www.everyday-democracy.org/building-inclusion-and-equity-way-nh-listens-works; *see also* Jeff McMenemy, *Dover City Council passes resolution condemning racism*, Foster's Daily Democrat (June 24, 2020), https://www.fosters.com/story/news/2020/06/25/dover-council-passes-resolution-condemning-racism/113751334/.

contributed much to the state, not only through their work on racial justice issues but also through organizing and advocating on issues of public health, education, housing and homelessness, and immigrant rights.

1. Participant Comments on Impact on the State of New Hampshire

The killing of George Floyd shook up the people of New Hampshire. His death followed a succession of deaths of unarmed Black people, and people demanded a response.

The killing of George Floyd gave him entrance into a "troubled membership" of fatalities of Black people whose deaths were directly linked to their race. The starkness of his death forced people to look in the mirror.

The aftermath of the George Floyd killing seems different. Maybe it was a turning point. Maybe there is more respect for Black people. His homicide happened during the pandemic and more people were home and had more time to absorb the horror of his death. His death sparked a new movement for racial justice. The underpinnings of the movement and the rage came from many contributing sources. There were lots of justice issues. We saw immigrant kids in cages and many people felt that we cannot take this anymore.

2. Participant Comments on Being Black in New Hampshire

There are many distinct cultural and ethnic groups in New Hampshire claiming African heritage: African Americans; recent African immigrants, some who arrived as refugees and others on other visas; Latinos with African heritage; people from the Caribbean islands.

People of color spend a lot of energy and time fighting discrimination. Sometimes it is just too traumatic to pursue a bias claim because one has to keep reliving the experience. Does one keep on fighting or just give up?

There is so much work to be done in New Hampshire.

Being Black in New Hampshire reminds you every day that you are Black. It is easy to feel like you are the only person of color in many daily experiences and it can be very isolating.

In more diverse states, there is a greater weaving together of cultures but in New Hampshire, it is a cultural desert. It is hard to find other people of color and ethnic restaurants and activities.

In White culture, the focus is on the nuclear family. In African culture, it is more communal—families are very large and the ties much broader. It takes more energy and farther travel to connect with others of your community. It makes community-building more difficult.

There are daily micro-aggressions against Black people living in New Hampshire.

It is sad but not shocking that Black people experience life differently in New Hampshire.

It's hard to know where to start when talking about race. There are so many aspects and perspectives from the experiences of youth to people of different races and ethnicities. Racism is multi-faceted and pervasive.

One's experience with race often depends on where one lives in the state so there are state and local perspectives. It can even depend on the hyper-locality of what neighborhood in which one resides. It is also personal—some people simply want to blend in and not be bothered. Others want to work for change.

Poverty exacerbates structural racism.

This is a journey of 400 years and we will keep on moving.

In addition to the above participants' thoughts and experiences, one participant who is Black and an immigrant spoke of feelings of isolation and discomfort, of being seen as different and not belonging. They feel especially uncomfortable in small towns where there is very little diversity. They were happy to move to Manchester where they felt more welcome and more at home. This person has an established circle of friends, most of them are people of color, and they feel safe within that circle. This person said that every day in New Hampshire they have to live as a Black person and an immigrant with an accent with all the attendant consequences.

3. Participant Comments on White "Blindness" to Bias in New Hampshire

Many White people, even those of good will, don't want to see the injustices that people of color suffer. Although many laws have changed that require equal treatment of all, many White people's mindsets have not changed.

People know the ways to continue to discriminate in spite of laws forbidding it.

Implicit bias allows White people to not see structural inequity and injustice. A lack of empathy on the part of some and enablers exacerbate the problem.

4. Participant Comments on Examples of Bias

a. Housing

Lack of housing and homelessness are big deals. A lot of affordable housing is not really affordable or is in neighborhoods that are depressed. Housing is also unaffordable for young people trying to get out on their own.

Equity in housing requires hyper-local scrutiny. Are zoning laws inclusive or exclusive? Are community members invested in their government? Do community development initiatives incorporate equity principles into their priorities? Do lending institution policies still contain the vestiges of redlining? Does the real estate community view some areas as blighted?

One participant described coming to New Hampshire as a refugee and being resettled into substandard housing in a rundown neighborhood. When they complained, the refugee resettlement agency worker retorted that the apartment "was better than where you came from." This participant stated that placing refugees in apartments with neglectful landlords and below par conditions is a fairly standard practice for resettlement agencies in New Hampshire and speaks to a mentality of undervaluing the people they are serving.[556]

[556] *See also* pp. 74–75 in Interviews with Members of New Hampshire's Muslim Communities. Participants who came to New Hampshire as refugees reported the same experience of being placed in substandard housing.

Another participant also described encountering harrowing living conditions when their family first resettled in New Hampshire including the loss of heat in the apartment. A LARC advocate helped them get out of their lease, but when they moved, it was only to another slumlord where the family experienced more heating issues and other substandard conditions.

Another participant also spoke of their family's experience with housing discrimination when looking for an apartment. There were times when they found an apartment that they could afford but would never receive call-backs, and they felt it was because they were Black. They also encountered landlords who would say "we don't accept Section 8" assuming that because the family was Black, they would need the financial assistance of a subsidy.

A participant described the experiences of a Black immigrant seeking to purchase a house with his White fiancée. They were worried that if he was identified as Black and from Manchester, they would not be shown the same array of houses that a White couple would. They used the small-town address of the fiancée's parents to counter their fear of steering.

b. Health and Healthcare

More substance abuse resources are allocated to opioid addiction which is more prevalent within the White community and not on alcoholism which is more prevalent in the Black and Latino communities.

COVID-19 has had a greater impact on communities of color in all areas, especially for those who were already compromised. Parents are often front-line workers and cannot stay home and therefore have a high risk of exposure.

Lots of immigrants and people of color work as nursing assistants and housekeeping workers in healthcare facilities. The directors and supervisors are overwhelmingly White. There is often bias in scheduling and distribution of other work benefits such as overtime, time off, etc., in ways that benefit White workers over workers of color.

Health professionals may engage in disparate treatment intentionally or inadvertently. Generational poverty has health consequences. Many poor people live in neighborhoods with "food deserts."

Structural racism has created a higher incidence of poor health in communities of color. The COVID-19 virus presents greater risk of serious health outcomes and death to those with underlying health problems which explains the link between race/ethnicity and disproportionality of impact of the pandemic.

c. Lack of Leadership Opportunities

There is no diversity of leadership among policy makers and no embracing of diversity. There is a complaint among those in leadership that it is difficult to get members of communities of color to come to meetings and participate. Those in leadership need to understand the realities and reach out in more effective ways. People may not be able to leave jobs early to go to meetings and they may not be responsive to online surveys, but they can be found at houses of worship and other venues and they should have a voice.

Most spaces are reserved for White leaders. More opportunities should come for people of color.

d. Education

Differences in how children of color are disciplined in school is a serious problem. Some school boards do not take into consideration disparities or the needs of the diverse communities they serve.

Black children and other children of color have experienced teachers who are indifferent to their success or who have actually displayed biased attitudes in the classroom. Students of color are often made to feel as if they are not as intelligent as White students.

There are disproportionate negative educational outcomes for children of color during the COVID-19 pandemic.

During the pandemic, children whose parents are working are not getting the support they need. They must try to teach themselves in remote learning situations and their education is severely compromised. The teachers have no infrastructure to provide support. Kids of color and children from immigrant families are not doing well and it will be compounded going forward. Their ability to develop and build skills is hampered and the likelihood of going to college is diminished. These factors will affect the child and their family years down the line economically and in many other ways. It reinforces the bias of low expectations and continues the never-ending cycle of disadvantage.

School can be very isolating especially if you are the only child of color in the classroom or school.

There is no real school-community connection. For example, many high schools have a community service obligation for their students. Because of the lack of connections to the community, it becomes an exercise in "checking off the box" rather than a lesson on service and relationships.

e. Organizing

The participants are all engaged in organizations dedicated to realizing just change. Some are leaders in these initiatives. They include Black Lives Matter, Change for Concord, and the NAACP. Some are involved in efforts to confront the inequities manifested during the pandemic such as the Manchester Community Action Coalition which is a group of advocates formed to address the effects of COVID-19 on people of color in Manchester. Another pandemic-related project is Granite State Organizing Project's Housing Jubilee Project—an initiative created to protect tenants from the fallout once the COVID-19 protections end. They are demanding that the New Hampshire government cancel rent debts. The initiative has local people at the table so real voices can be heard and to ensure that people are getting the protective benefits in a timely way. Some participants are working on strategies to have more diversity in elected bodies.

f. Policing

School resource officers should be removed from schools. They tend to criminalize the behavior of students of color. Schools should increase mental health professionals in schools rather than law enforcement.

Private schools are somehow able to operate without a police presence; public schools should be able to as well.

In general, many police officers view people of color through a lens of suspicion.

There are racial disparities in policing. Police departments often focus enforcement activities in neighborhoods with high concentrations of people of color and this has been increasing.

There are even unintended consequences of efforts to benefit people. An example is PAL (the Police Athletic Leagues). They are created for children to have fun and establish positive relationships with police officers. At the same time, they are situated in rundown facilities and there have been incidents where what should be a place of trust and fun has resulted in law enforcement activities. It also reinforces the trend of a constant police presence in the lives of people of color and in immigrant communities.

New Hampshire is not innocent. If you speak with any young minority adult about a police interaction, you'll hear a story that left a "bad taste in their mouth." We cannot stay quiet. It could happen here—things are not all that good.

One participant stated that they had never met or encountered an officer of color in their city. Another stated that they had never personally encountered an officer of color in any interactions with the police.

A participant observed that Black women are generally not at as much risk of negative interactions with the police as Black men. Black men are more likely to be followed, pulled over, questioned, and subjected to warrant and identity checks than Black women.

One participant referenced a May 20, 2020 motor vehicle stop of a Black man by New Hampshire State Police in which he was forcibly and roughly removed from his car after being told his motor vehicle plates were stolen, a statement which was apparently not true.[557]

The same participant spoke of another incident in which a White police officer approached their mother to query if she belonged in the neighborhood of a non-urban city, asking if she lived there. Another participant also mentioned this type of incident as an example of everyday bias by some police officers against Black people. This participant said that when younger, they were profiled by police who stopped the car they were in for nor reason except the race of the occupants.

A participant noted that Governor Sununu did appoint a member of Black Lives Matter to his Commission on Law Enforcement Accountability.

One participant reported that they are very nervous in interactions with police and they are very aware that they are Black with the attendant risks.

g. Other Examples of Bias

One participant described the experience of effectively being denied food service in a small college town. They and a friend, also Black, were in a chain restaurant and sat for 20

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[557] For a video and a brief recounting of the incident, *see* Carlos Miller, *WATCH: NH Cops Break Man's Window, Drag him out of Car Claiming Car was Stolen*, PINAC News (May 22, 2020), https://newsmaven.io/pinacnews/cops-gone-rogue/watch-nh-cops-break-man-s-window-drag-him-out-of-car-claiming-car-was-stolen-XQyqvKa530as13C0C8twyQ.

minutes without ever being acknowledged or waited on as the waitperson provided service to White people who were seated after them.

5. Other Participant Observations and Recommendations

Access to food is compromised for those who lost their jobs or quit to stay home with children.

New Hampshire must invest in programs, networks, and organizations that serve people of color. White people currently enjoy a higher level of access to programs and benefits.

A tutoring program must be implemented to compensate for lost learning during the pandemic.

Programs must be established that focus on the well-being of children of color.

White bias and privilege permeate New Hampshire infrastructures and the needs and contributions of communities of color are marginalized. Steps must be taken to audit all systems and implement equitable principles. Even well-intentioned programs may incorporate bias and inequity into their structures.

There is a chance for change if change is pursued.

There must be sustained attention to implicit bias, not just an annual training program.

There should be focus on local issues as well as housing, homelessness, mental health, and the incarceration system.

It is already difficult to get to know one's neighbors; more efforts must be made to connect and know each other.

More engagement with our elected officials is crucial.

It is our civic duty to show up for people who need help.

We must create a vision, a "beloved community" as Martin Luther King, Jr. described. To do that we must see "the truth of who we are" as human beings. What does "equal" look like? It can take time to truly envision an equal society.

Reparations must be considered to "repair the breach" of our history.

One participant believes that New Hampshire is experiencing a racial reckoning. This participant had left New Hampshire for a period of time and lived in a more diverse state. Upon their return, they were surprised that some things seemed much worse.

PART VIII: CONCLUSIONS & RECOMMENDATIONS

A. CONCLUSIONS

The reporting period of this AI (2015–2020) coincides with one of the most difficult periods in United States history. After an initial period of relative calm and civil rights advancements at both the state and federal level, our country entered a period of sustained conflict and experienced many setbacks in civil rights protections and policies at the federal level. The reporting period ended with significant political and social unrest in the midst of a global pandemic that has caused social and economic dislocation throughout the United States.

At the state level, we are fortunate that the residents of New Hampshire during the past five years have enjoyed level-headed governance and, for the most part, the implementation of laws and policies that advance and protect their interests. Residents have experienced less turmoil and hardship than those in many other states. The people of this state, however, have not been unscathed by the pandemic and hundreds of lives have been lost. We are now on the brink of distribution of vaccines that all hope will mitigate the lethality of the novel coronavirus.

The social and political unrest in the United States has also impacted New Hampshire. The renewed cry for an end to racial injustice and police brutality was amplified with the killing of George Floyd in Minneapolis, and it resonated throughout the country and touched the people of our state.

Nationally, the willful spread of misinformation by certain political leaders regarding the 2020 Presidential elections aimed at eroding trust in government has agitated and energized a portion of the population. New Hampshire was not immune to the unrest that has ensued.[558] The level of emotion and anger has been so high even in New Hampshire that Governor Sununu cancelled his inauguration ceremony for public safety reasons.[559]

These events—the pandemic, the killing of George Floyd, and political unrest—have reframed the importance of this report and our recommendations. The primary purpose of this report is to identify obstacles to fair housing, with a particular focus on racial and ethnic minority groups and the elimination of segregation. We have identified the impediments that have been addressed, the ones that still remain, and new ones to tackle. New Hampshire's policymakers and leaders must make it a priority to understand and address the pandemic's disparate impacts on protected class groups and to take more action to deal with both the short and long-term consequences. It is similarly crucial to develop pathways to build and restore confidence in the institutions of government both for those who have never enjoyed equal access of government benefits and protections and for those whose faith has been shaken by misinformation related both to the pandemic and to government institutions.

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[558] Annie Ropeik & Dan Barrick, *Trump's N.H. Supporters Stand by President, Push for Overturn of Biden's Victory*, NHPR (Nov. 14, 2020), https://www.nhpr.org/post/trumps-nh-supporters-stand-president-push-overturn-bidens-victory#stream/0.

[559] Kathy McCormack, *Governor cancels inaugural, citing mask protests at his home*, AP News (Dec. 30, 2020), https://apnews.com/article/arrests-concord-coronavirus-pandemic-new-hampshire-74c5be34db1e55a287b4b1da4bf89958.

B. RECOMMENDATIONS

Despite progress, and by nearly every measure, people of color and members of every other protected class still do not fare as well in New Hampshire as others do. Neither do people living in poverty—a factor that is not itself a protected class but intersects with many protected classes. Much more attention, and many resources, must be devoted to these issues to eliminate societal inequities.

Housing and community development actions and policies constitute crucial components of a broader strategy to reduce inequities and they can provide the impetus for broader change. New Hampshire is fortunate that its institutions have embraced those goals and have worked to advance safe, affordable housing and vibrant and diverse communities throughout the state. This is a good place to start.

1. Create a Fair Housing and Equity Panel to Review Progress on Impediments

This is envisioned as a group that would meet twice a year to review progress on addressing impediments and to report emerging issues. New Hampshire is fortunate to have many people engaged in equity work on behalf of many constituencies. Strategically selecting and training members of the panel would be imperative, and considerations should be made for effective recruitment methods and the possibility of compensation.

2. Increase Institutional Cultural Competency and Pass it On

Housing and community development organizations, either collaboratively or otherwise, should invest in raising the cultural competency of staff at all levels, including evaluating how to incorporate these values into relationships with other agencies, contractors, and constituents. These should be efforts beyond implicit bias workshops, likely requiring consultation with experts in this field.

3. Equity Audits

Regulations, policies, and practices should be reviewed for unintended impact on racial and ethnic minority groups and other protected class members. A key area of review should be of communication methods to ensure maximum accessibility. Consultation and/or staff training with professionals with expertise in these areas is recommended.

4. Focus on Incorporating Diversity at all Organizational Levels and Support the Creation of Leadership Opportunities

Many organizations have made advances in increasing the diversity of their staff especially in first-line staff and supervisors. It is important to increase diversity in management and board positions as well. Some organizations, within the state and elsewhere, have created

equity leadership programs.[560] Creation and investment in an equity leadership program in housing policy and community development could benefit not only the participants but also housing authorities, federally funded housing programs, regional planning commissions, and state and local agencies.

5. Create a Five-Year Equity Education and Training Plan

One of the few positive outcomes of the pandemic has been increased utilization of virtual meetings and trainings. This development generally has made learning more affordable and accessible, but, importantly, barriers exist for those who do not have access to smart devices, a stable internet connection, or sufficient minutes or data plans. Working with partners and stakeholders to develop and provide training on various equity issues designed for various constituencies (employees, tenants and program participants, housing providers, developers, housing professionals, etc.) has the potential to benefit an increased number of people and organizations. Creation of a multi-year plan for equity education allows for a more deliberate approach and the development of a bank of resources and materials. Any plan must incorporate strategies to reach constituencies with limited access to technology.

6. Create Strategies to Increase Beneficiary Trust and Confidence in Program Administration

There is strong evidence that Americans have lost trust in and express more cynicism toward governmental and other institutions.[561] Lack of confidence does not take extreme forms in most people, and often people are merely unaware of the vital role a particular institution plays in their lives.[562] Often, communications with beneficiaries are bureaucratic in nature and opportunities for connecting more positively may be missed. Increasingly, people receive news and other information via nontraditional methods. Strategies to reach and engage beneficiaries through various pathways with the goal of increasing their knowledge and confidence in the institution should be explored.

7. Create New Working Groups and Coalitions

In the interests of advancing equity principles and institutional trust and confidence, new initiatives and partners should be considered. There has been a rise in groups working on equity issues from *ad hoc* groups like the Immigrant Rights Network to established organizations like the NAACP chapters and the Governor's Council on Diversity and Inclusion. There may be opportunities for institutional partnerships that initially seem unlikely but that would advance

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[560] For example, Southern New Hampshire Area Health Education Center has developed the Equity Leaders Fellowship program which places fellows in a variety of settings. *See* https://www.snhahec.org/ELF.cfm for details about the program.

[561] *See, e.g.*, Lee Rainie *et al.*, *Trust and Distrust in America*, Pew Research Center (July 22, 2019), https://www.pewresearch.org/politics/2019/07/22/trust-and-distrust-in-america/.

[562] One of the authors of this report, a former housing lawyer frequently serving clients with Housing Choice Vouchers, and her colleagues often encountered clients who had no idea what housing authority administered their program, only knowing that the voucher was from HUD.

work on particular impediments. Expanded involvement with new groups and partners could lead to investment in innovative ways to address inequities and other impediments.

8. Archive All Analysis of Impediments Documents

Five AIs have been developed over the past quarter century and cover thirty years of analysis. The first three AIs are no longer publicly available and there are only a few hard copies of the first report in existence. Each AI contains important information about the state of housing opportunity in New Hampshire, and taken together, they document the progress that has been made and the barriers that still exist. They appear to be the only comprehensive records of housing equity and opportunity in New Hampshire and they should be preserved. It is recommended that copies of these documents be archived in the New Hampshire State Library.

9. Continue Work and Messaging on Land Use Controls and Affordable Housing

A key factor in the reduction of income segregation and the promotion of diverse and healthy communities is the creation of affordable housing opportunities in all municipalities. Significant strides have been made toward these goals over the past several decades with legislative successes that resulted in the enactment of the Workforce Housing law and Accessory Dwelling Units law and the creation of a Housing Appeals Board to name a few. Coupled with housing policies that encourage the development of affordable housing units, New Hampshire is moving in the right direction in spite of enduring resistance by some. Legislative and policy efforts should continue along with tactical public messaging campaigns that outline the benefits that accrue to communities that embrace inclusive housing strategies.

10. Renew Efforts to Prohibit Source-of-Income Discrimination

Lack of laws prohibiting source-of-income discrimination allows private housing providers to deny housing opportunities to otherwise qualified Section 8 voucher holders and applicants receiving public benefits and is a contributing factor to income-segregated communities. Eighteen states and Washington, D.C., have enacted laws that ban source-of-income discrimination.[563] Such laws increase accessibility to housing and further housing policy equity goals. In 2013, housing advocates supported a bill that would have amended the New Hampshire Law Against Discrimination to prohibit source-of-income discrimination. Their efforts were unsuccessful and no further attempts have been made to promote such legislation. It is time to convene stakeholders including lawmakers, advocates, members of the housing industry, housing policy leaders, and others to revisit this topic.

[563] *See Expanding Choice: Practical Strategies for Building a Successful Housing Mobility Program, App. B: State, Local, and Federal Laws Barring Source-of-Income Discrimination*, PRRAC 2 (updated Mar. 2021), https://prrac.org/pdf/AppendixB.pdf.

11. Continue to Collaborate on and Enhance Fair Housing Training and Informational Programs

It is essential that training and informational programs designed for the various constituencies covered by fair housing laws continue. Many protected class members are unaware of their rights under the law and many housing providers and others do not fully understand their obligations that the law requires of them. Plans should be made to resume the statewide fair housing conferences NHHFA sponsored annually with NHLA as the pandemic restrictions abate. Thought should also be given to including more fair housing information on the NHHFA and CDFA websites.

PART IX: APPENDIX

New England Demographics 1990 - 2019						
	New Hampshire	Maine	Vermont	Massachusetts	Connecticut	Rhode Island
1990						
Total Population	1,109,252 (100%)	1,227,928 (100%)	562,758 (100%)	6,016,425 (100%)	3,287,116 (100%)	1,003,464 (100%)
White, Not Latino	1,079,484 (97%)	1,203,357 (98%)	552,184 (98%)	5,280,292 (88%)	2,754,184 (84%)	896,109 (89%)
Black	7,198 (0.6%)	5,138 (0.4%)	1,951 (0.3%)	300,130 (5%)	274,269 (8%)	38,861 (4%)
Asian	9,343 (0.8%)	6,683 (0.5%)	3,215 (0.5%)	143,392 (2%)	50,698 (2%)	18,325 (2%)
Latino	11,333 (1%)	6,829 (0.6%)	3,661 (0.7%)	287,549 (5%)	213,116 (6%)	45,752 (5%)
Native American	2,134 (0.2%)	5,998 (0.5%)	1,696 (0.3%)	12,241 (0.2%)	6,654 (0.2%)	4,071 (0.3%)
2000						
Total Population	1,235,786 (100%)	1,274,923 (100%)	608,827 (100%)	6,349,497 (100%)	3,405,565 (100%)	1,048,319 (100%)
White, Not Latino	1,175,252 (95.1%)	1,230,297 (96.5%)	585,431 (96.2%)	5,198,359 (81.9%)	2,638,845 (77%)	858,433 (81.9%)
Black	9,035 (0.7%)	6,760 (0.5%)	3,063 (0.5%)	343,454 (5.41%)	309,843 (9%)	46,908 (4.5%)
Asian	16,302 (1.3%)	9,493 (0.7%)	5,358 (0.9%)	240,613 (3.79%)	83,679 (2%)	24,232 (2.35%)
Latino	20,489 (1.7%)	9,360 (0.7%)	5,504 (0.9%)	428,729 (6.75%)	320,323 (9%)	90,820 (8.7%)
Native American	2,964 (0.2%)	7,098 (0.6%)	2,420 (0.4%)	15,015 (0.24%)	9,639 (0.3%)	5,121 (0.5%)
2010						
Total Population	1,316,470 (100%)	1,328,361 (100%)	625,741 (100%)	6,547,629 (100%)	3,574,097 (100%)	1,052,567 (100%)
White, Not Latino	1,215,050 (92.3%)	1,294,297 (94%)	590,223 (94.3%)	4,984,800 (76.1%)	2,546,262 (71.2%)	803,685 (76.4%)
Black	15,035 (1.14%)	15,707 (1%)	6,227 (1%)	434,398 (6.63%)	362,296 (10%)	60,189 (5.72%)
Asian	28,791 (2.19%)	13,913 (1%)	8,107 (1.3%)	351,991 (5.38%)	136,993 (4%)	31,011 (2.94%)
Latino	36,704 (2.79%)	16,935 (1%)	9,208 (1.47%)	627,654 (9.59%)	479,087 (13%)	130,665 (12.41%)
Native American	3,150 (0.24%)	8,568 (0.6%)	2,207 (0.35%)	18,850 (0.29%)	11,256 (0.3%)	6,058 (0.58%)
July 1, 2019						
Total Population	1,359,711 (100%)	1,344,212 (100%)	623,989 (100%)	6,892,503 (100%)	3,565,287 (100%)	1,059,361 (100%)
White, Not Latino	1,223,740 (90%)	1,251,461 (93.1%)	577,190 (92.5%)	4,921,247 (71.4%)	2,370,916 (66.5%)	762,740 (72%)
Black	23,115 (1.7%)	21,507 (1.6%)	8,736 (1.4%)	613,433 (8.9%)	427,834 (12%)	88,986 (8.4%)
Asian	40,791 (3%)	16,131 (1.2%)	12,480 (2%)	496,260 (7.2%)	178,264 (5%)	40,256 (3.8%)
Latino	53,029 (3.9%)	22,852 (1.7%)	12,480 (2%)	847,778 (12.3%)	588,272 (16.5%)	168,438 (15.9%)
Native American	4,079 (0.3%)	9,409 (0.7%)	2,496 (0.4%)	34,463 (0.5%)	21,392 (0.6%)	11,653 (1.1%)
Source: U.S. Census Data						

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TITLE VIII COMPLAINT CASES FILED AT HUD BY BASIS AND ISSUE OF DISCRIMINATION 1991-1995

BASIS	*Complaints Filed 1991 - 1995 **	*% of Total*
Race/Color	27	23.9%
Sex	8	7.1%
National Origin	7	6.2%
Disability **	31	27.4%
Familial Status	40	35.4%
Total	113	

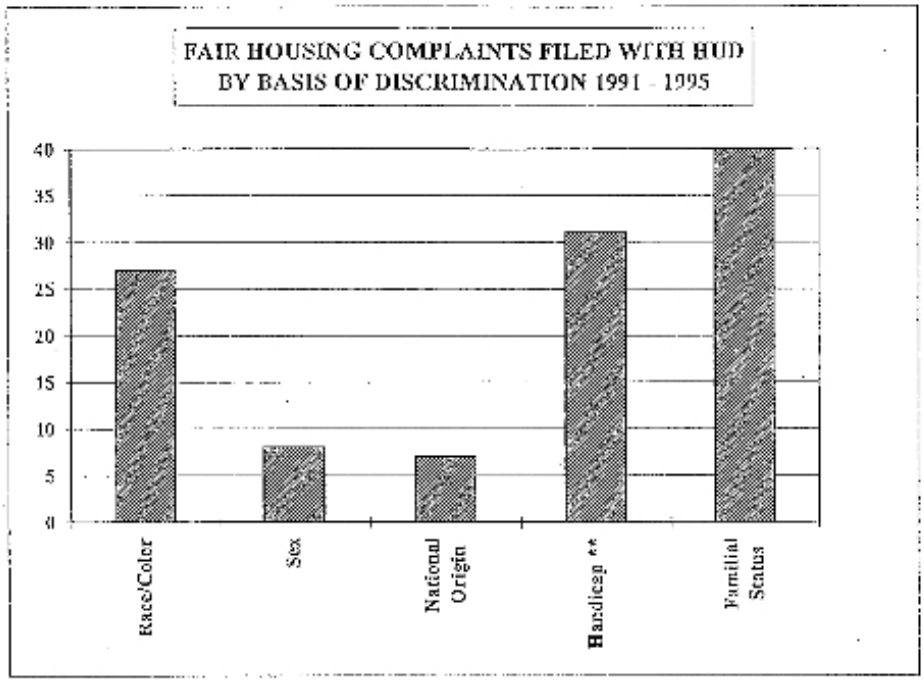
* Complaints with more than one basis are counted under each basis.
** Physical and Mental.

ISSUE	*Complaints Filed 1991 - 1995 **	*% of Total*
Refusal to Sell	5	4.2%
Refusal to Rent	26	22.0%
Discriminatory Advertising	4	3.4%
False Representation	8	6.8%
Discriminatory Financing	2	1.7%
Discriminatory Terms & Conditions	44	37.3%
Otherwise Deny / Make Avail.	1	0.8%
Other Discriminatory Acts	3	2.5%
Acts Under Sec 818	24	20.3%
Zoning & Land Use	1	0.8%
Total	118	

* Complaints with more than one basis are counted under each basis.

Source: HUD Boston Regional Office, Region I

Table 13.



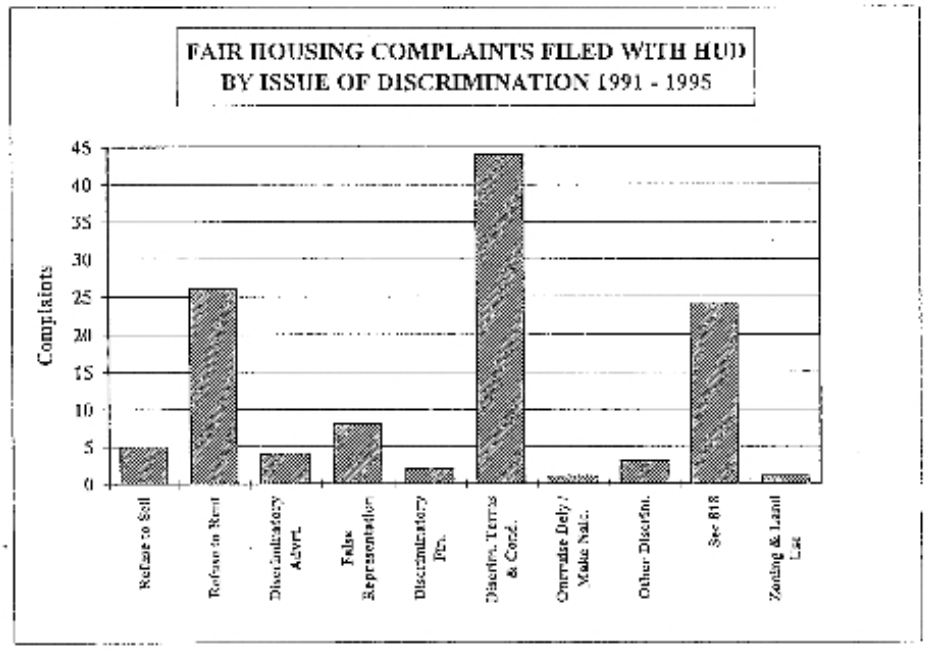


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Table 14.

Fair Housing Case Loads: 1994 & 1995

New Hampshire Commission for Human Rights

Issues	*New Cases Filed* 1994	1995	*Cases Closed* 1994	1995
Sex	0	0	1	0
Age	0	6	3	10
Familial Status	0	1	0	4
Other	0	4	1	5
National Origin	0	0	0	0
Race/Color	0	0	0	0
Marital Status	0	1	2	1
Disability	0	0	0	1
Physical	0	0	0	1
Mental	0	0	0	0
Religion	0	0	0	2
Total	**0**	**6**	**4**	**13**

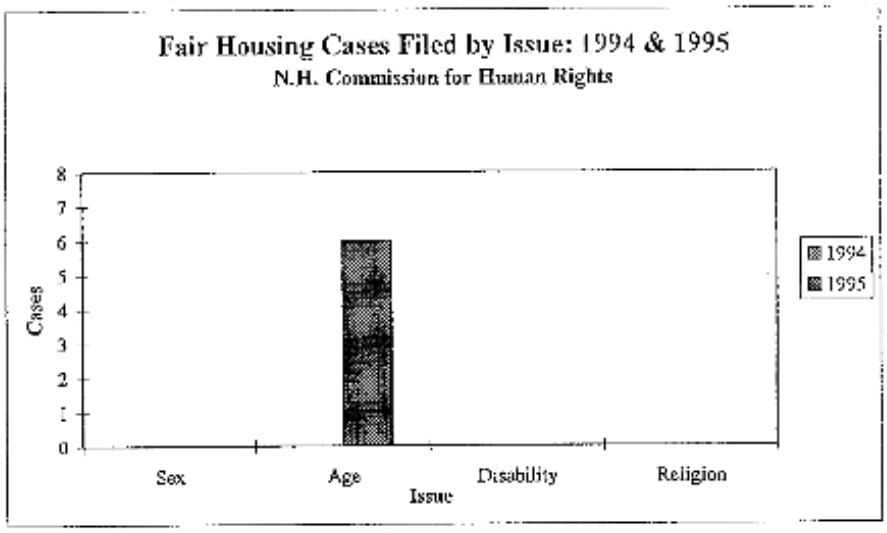
Source: New Hampshire Commission for Human Rights Biennial Report

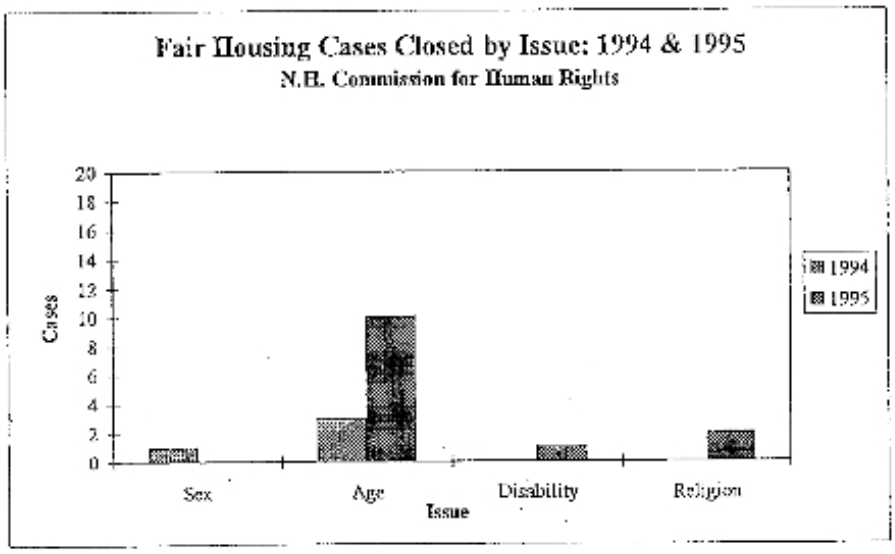
Applied Economic Research, Inc. Laconia, NH

Table 15.

Fair Housing Case Loads: 1994 & 1995

New Hampshire Commission for Human Rights





Source: New Hampshire Commission for Human Rights Biennial Report
Applied Economic Research, Inc. Lacombe, NH

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B. FAIR HOUSING COMPLAINT DATA

The three primary entities that investigate fair housing complaints in New Hampshire are: the HUD Office of FHEO; the HRC; and the FHP. Housing discrimination complaints may also be filed in state or federal court. Statistics were not available for housing discrimination complaints filed with the Federal District Court of New Hampshire or New Hampshire Superior Courts.

Housing discrimination complaint data for the three organizations was analyzed for the years 1996 through 2003. There is some duplication of numbers among the organizations. Complainants may have filed with both HUD and HRC. FHP staff may file complaints it has investigated with either agency.

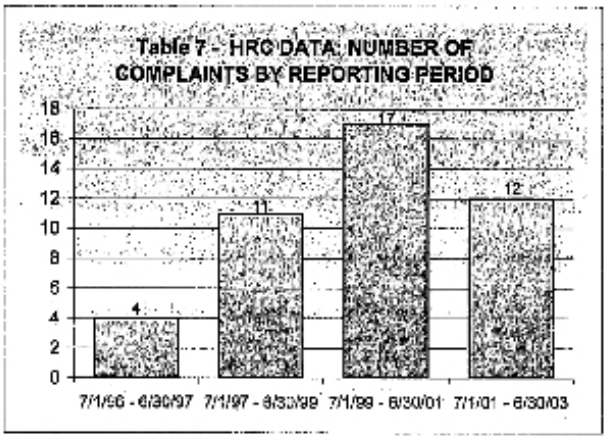
Table 6 - TOTAL NUMBER OF HOUSING DISCRIMINATION COMPLAINTS FILED BY ORGANIZATION

	Average Number of Complaints Filed Per Year	Reporting Period	Total Number of Complaints Filed During Reporting Period
FHP	[illegible]	[illegible]	[illegible]
HUD	[illegible]	[illegible]	[illegible]
HRC	[illegible]	[illegible]	[illegible]

The vast majority of fair housing complaints filed by New Hampshire residents are filed with the FHP. The HRC receives the lowest number of housing discrimination complaints.

Of the three organizations, the FHP is the only non-governmental enforcement program. Virtually all of the fair housing complaints filed with the FHP are by

low-income persons: the FHP is the only program with income eligibility guidelines. FHP legal staff investigate fair housing complaints and provide legal advocacy for complainants. Advocacy ranges from negotiating settlements to filing complaints with HUD, HRC, or in state or federal court.



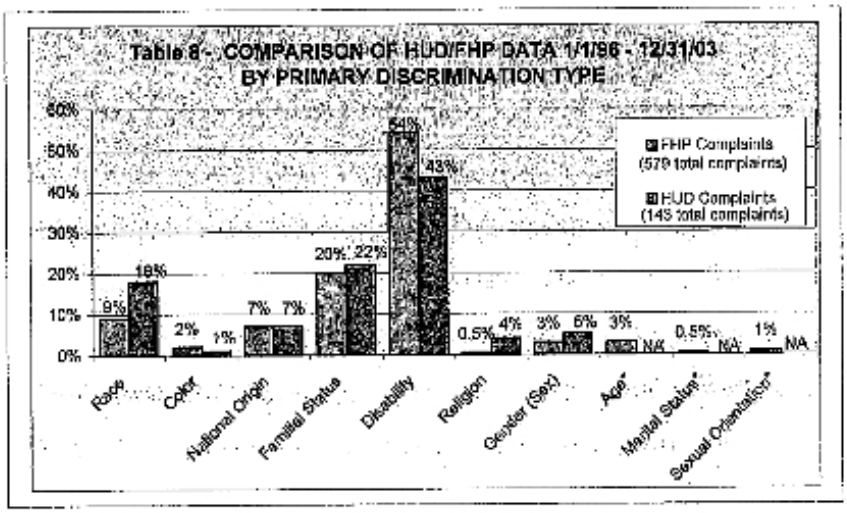
HUD and HRC staff investigate and mediate fair housing complaints. If either party chooses not to mediate, or mediation is unsuccessful, the agency determines whether there is sufficient evidence to issue a formal charge of discrimination.

The HRC Biennial Reports collect complaint data on a two-year fiscal calendar (July 1 – June 30). The Biennial Reports do not consistently include breakdowns of housing discrimination complaints by protected class type, and therefore only the gross number of complaints is indicated.

Because housing discrimination cases may be based on more than one category of discrimination (such as race and color), data for HUD and the FHP is based on the primary category of discrimination. An analysis of data for the entire eight-year

period (1/1/96 – 12/31/03) reveals that the majority of complaints filed with both the FHP and HUD are based upon disability. Familial status discrimination is the second highest complaint basis, with race and national origin being the third and fourth most frequent complaints bases respectively.

HUD only investigates housing discrimination cases based on the federally protected classes. The FHP also investigates the three additional categories protected under New Hampshire law: age, marital status, and sexual orientation. These three categories combined amount to only 4.5% of the number of housing discrimination complaints filed with the FHP (the category of sexual orientation was not added until 1998).



A review of FHP data by calendar year (1996 through 2003) indicates that disability and familial status discrimination consistently represent the most

frequently reported types of discrimination. New Hampshire demographics are most likely part of the reason for these statistics.

Table 9 - FHP DATA BY PRIMARY DISCRIMINATION TYPE

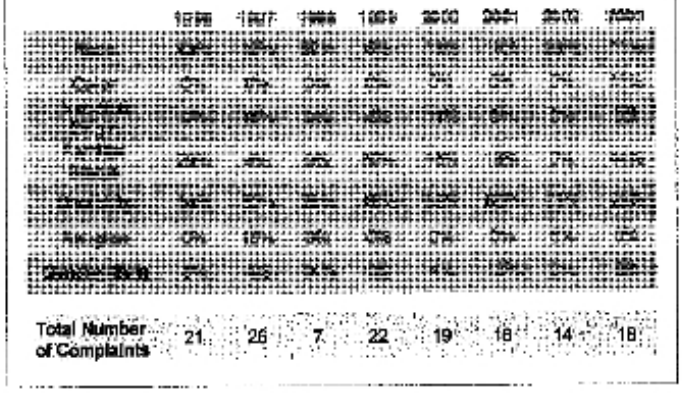
Total Number of Complaints	13	14	113	108	84	104	72	71

* New Hampshire only
** New Hampshire only, not in effect until 1998

Another factor may be that housing providers are less familiar with their legal obligations in providing non-discriminatory housing services to disabled persons and families with minor children.

The low number of complaints filed with the FHP for 1996 and 1997 are due to the fact that the FHP was in the first few years of operation. These were the only two years where the number of HUD complaints exceeded the number of FHP complaints. From 1998 on, FHP complaints have far outnumbered HUD complaints.

Table 10 - HUD DATA BY PRIMARY DISCRIMINATION TYPE



Total Number of Complaints	21	26	7	22	19	18	14	18

An analysis of HUD yearly data for the same period (1996 through 2003) indicates that disability complaints consistently comprise a significant proportion of New Hampshire-based housing discrimination complaints. There are no other discernible trends.

Claremont, Concord, Littleton, Manchester, Nashua, and Portsmouth). Once the intake process is complete, the caller is interviewed by a legal advocate for more detailed information which is then discussed by the housing law team. Legal services provided by NHLA are free. NHLA also operates a website (www.nhla.org) with general information about the organization and services offered. It publishes a pamphlet on fair housing law available in English, Spanish, Bosnian, and French.

b. Disabilities Rights Center

The Disabilities Rights Center ("DRC") is a statewide non-profit law firm providing legal services to persons with disabilities, including legal advocacy and representation in housing discrimination cases. The organization does not currently maintain a separate count of the number of housing discrimination cases it has handled. DRC maintains a comprehensive website in English and Spanish (www.drcnh.org) and helpful information on housing discrimination, including several pamphlets in Spanish and English. It offers it services free of charge. Complainants may access DRC via toll-free telephone or TTY.

B. FAIR HOUSING COMPLAINT DATA

This section analyzes housing discrimination complaint data collected by HRC, HUD, and NHLA for the years 2004 through 2009. We specifically chose to review complaint data, rather than dispositional data for a number of reasons. First, complaint data represents the number of people who felt aggrieved by what they perceived to be discrimination in housing. Dispositional data does not necessarily speak to the merit of any particular case and therefore can be misleading. Many complaints are resolved through settlement arrangements without a finding of fault. Complainants may drop out of the process for many reasons including frustration, personal problems, or other priorities. Other cases may be determined to lack sufficient probable cause to make a finding of discrimination. Even then, results may vary greatly depending on the investigator's level of experience, whether the complainant is represented by counsel, and other factors.

There is some duplication of numbers among the three organizations. Complainants may have filed complaints with both HUD and HRC. NHLA often files complaints they have investigated with HUD or HRC. In addition, complaints may be based on more than one form of discrimination. The data for HUD and NHLA is based on primary category of discrimination. NHLA and HUD reporting periods are by calendar year and HRC data is by fiscal year (October 1 – September 30). In addition, HRC data is inconsistent with HUD and NHLA data in that it combines the categories of race and color and reports familial status discrimination under the age category.

At the end of this section, we also include data on hate crime incidents reported by New Hampshire police departments to the FBI.

TABLE 18

Total Number of Housing Discrimination Complaints Filed by Organization			
Year*	**HUD**	**HRC**	**NHLA**
2004	26	8	161
2005	84	5	88
2006	63	2	29
2007	26	24	27
2008	34	4	41
2009	31	4	125
Total	**264**	**47**	**471**

*(HUD and NHLA data is by calendar year,
HRC numbers based on Oct.1 – Sept. 30 fiscal year)

HRC and HUD's Regional FHEO in Boston are the primary governmental entities that investigate and enforce fair housing laws in New Hampshire. HUD also provides competitive funding to state and local governments and non-profit organizations to promote and enforce fair housing laws. No governmental unit in New Hampshire is currently eligible for HUD funding because the state has not achieved substantial equivalence.[88] Lack of substantial equivalence is a likely factor in the small amount of housing discrimination complaints filed with the HRC. *See* Table 19 below for HRC complaint data.

TABLE 19

HRC DATA BY PRIMARY DISCRIMINATION TYPE							
Year*	**2004**	**2005**	**2006**	**2007**	**2008**	**2009**	**Totals**
Race/Color**	2 (25%)	2 (40%)	0	5 (21%)	0	0	**9 (19%)**
National Origin	0	0	0	2 (8%)	2 (50%)	1 (25%)	**5 (11%)**
Familial Status†	0	0	0	0	0	0	0
Disability	5 (63%)	3 (60%)	0	4 (17%)	1 (25%)	2 (50%)	**15 (32%)**
Religion	0	0	0	0	0	0	0
Gender	0	0	2 (100%)	2 (8%)	0	0	**4 (8%)**
Age	1 (12%)	0	0	5 (21%)	0	1 (25%)	**7 (15%)**
Sexual Orientation	0	0	0	2 (8%)	1 (25%)	0	**3 (6%)**
Marital Status	0	0	0	4 (17%)	0	0	**4 (8%)**
Retaliation/ Other	0	0	0	0	0	0	0
Total Number of Complaints	**8 (100%)**	**5 (100%)**	**2 (100%)**	**24 (100%)**	**4 (100%)**	**4 (100%)**	**47 (100%)**

* HRC Reporting Year is From October 1 – September 30
** HRC combines race and color into one category
† HRC reports familial status discrimination under the category of age

[88] "Substantial equivalence certification takes place when a State or local agency applies for certification and the U.S. Department of Housing and Urban Development (HUD) determines that the agency enforces a law that provides substantive rights, procedures, remedies and judicial review provisions that are substantially equivalent to the federal Fair Housing Act." U.S. Dept. of Hous. and Urban Dev., Substantial Equivalency Certification, *available at* http://www.hud.gov/offices/fheo/partners/FHAP/equivalency.cfm.

HUD, by contrast, seems to be a more well-known resource for those who believe that they have been victimized by discrimination in a housing situation. From 2004 through 2009, a total of 311 complaints were filed with a governmental agency (either HRC or HUD). Of those complaints, 85% (n = 264) were filed with HUD and only 15% with HRC (n = 47). *See* Table 20 below for HUD Complaint data.

TABLE 20

HUD DATA BY PRIMARY DISCRIMINATION TYPE							
Year	**2004**	**2005**	**2006**	**2007**	**2008**	**2009**	**Totals**
Race	4 (15%)	10 (12%)	9 (14%)	3 (11%)	3 (9%)	4 (13%)	**33 (13%)**
Color	0	0	0	0	1 (3%)	0	**1 (<1%)**
National Origin	2 (2%)	4 (5%)	4 (7%)	0	3 (9%)	5 (16%)	**18 (7%)**
Familial Status	3 (12%)	48 (57%)	9 (14%)	7 (27%)	7 (20%)	9 (29%)	**83 (31%)**
Disability	15 (57%)	22 (26%)	36 (57%)	13 (50%)	18 (53%)	13 (42%)	**117 (44%)**
Religion	0	0	0	0	0	0	0
Gender	2 (8%)	0	0	0	1 (3%)	0	**3 (1%)**
Retaliation/ Other	0	0	5/0(8%/0%)	2/1(8%/4%)	0/1(0%/3%)	0	**7/2 (9%)**
Total Number of Complaints	**26(100%)**	**84(100%)**	**63 (100%)**	**26 (100%)**	**34 (100%)**	**31(100%)**	**264 (100%)**

For most of the past fifteen years, NHLA has received HUD Fair Housing Initiatives Program ("FHIP") Private Enforcement Initiative ("PEI") funds. This funding allows NHLA to devote resources to investigation of housing discrimination complaints and enforcement of fair housing laws via representation of complainants in housing discrimination cases. This has been a very successful venture evidenced by the fact that NHLA routinely handles more fair housing complaints than either HRC or HUD.

There are many benefits to this arrangement. Complainants receive free legal advice and representation in well-developed cases thereby increasing the likelihood of successful resolution of the matter. Discrimination complaints are screened and analyzed for merit prior to filing with an administrative agency or court and many complaints are resolved without the need for formal process, reducing the use of overburdened governmental resources. *See* Table 21 below for NHLA complaint data.

TABLE 21

NHLA DATA BY PRIMARY DISCRIMINATION TYPE							
Year	**2004**	**2005**	**2006**	**2007**	**2008**	**2009**	**Totals**
Race	6 (5%)	6 (7%)	0	2 (8%)	3 (7%)	6 (5%)	**23 (5%)**
Color	0	2 (2%)	0	0	0	0	**2 (<1%)**
National Origin	0	5 (6%)	3 (10%)	4 (15%)	6 (15%)	7 (6%)	**25 (5%)**
Familial Status	106 (65%)	17 (19%)	5 (18%)	5 (19%)	4 (10%)	40 (32%)	**177 (38%)**
Disability	42 (26%)	52 (59%)	17 (59%)	14 (52%)	26 (63%)	65 (52%)	**216 (46%)**
Religion	1 (.5%)	0	0	0	0	0	**1 (<1%)**
Gender	3 (2%)	3 (4%)	1 (3%)	0	0	5 (4%)	**12 (3%)**
Sexual Orientation	0	1 (1%)	0	1 (3%)	1 (2%)	1 (.5%)	**4 (1%)**
Marital Status	2 (1%)	0	0	0	0	0	**2 (<1%)**
Age	1 (.5%)	2 (2%)	3 (10%)	1 (3%)	1 (2%)	1 (.5%)	**9 (2%)**
Retaliation/ Other	0	0	0	0	0	0	0
Total Number of Complaints	**163(100%)**	**88 (100%)**	**29 (100%)**	**27 (100%)**	**41 (100%)**	**125(100%)**	**471 (100%)**

A review of the average annual number of complaints indicates that there has been an increase in the annual average for all three organizations with HUD showing the most significant increase (from a reporting period average of 17.8 cases in the 2004 Update to 44 cases on average per year during this reporting period). *Compare* Table 22 to Table 23.

TABLE 22

2004 Update: Annual Avg. # of Housing Discrimination Complaints Filed by Organization

	Average Number of Complaints Filed Per Year	Reporting Period	Total Number of Complaints Filed During Reporting Period
FHP	72.4	1/1/96 – 12/31/03 (8 years)	579
HUD	17.8	1/1/96 – 12/31/03 (8 years)	143
HRC	6.3	7/1/96 – 6/30/03 (7 years)	44

TABLE 23

2009 Update: Average Annual Number of Complaints by Organization			
Agency	**Average Number of Complaints Filed Per Year**	**Reporting Period**	**Total Number of Complaints Filed During the Reporting Period**
NHLA	79	1/1/2004 – 12/31/2009	471
HUD	44	1/1/2004 – 12/31/2009	264
HRC	8	10/1/2003 – 9/30/2009	47

For HUD and NHLA, complaints based on disability and familial status continue to comprise the largest percentages of all complaints filed during this reporting period. Disability complaints totaled 46% of all complaints received by NHLA and 44% of the complaints HUD received. Allegations of familial status discrimination made up 38% of NHLA's totals and 31% of HUD's. Complaints based on race and national origin comprise a higher percentage of HUD's statistics when compared to NHLA complaint data (19% and 11% respectively). However, NHLA actually received more national origin complaints (n = 25) than HUD did (n = 18) during this reporting period. In contrast, HUD took in 33 race-based complaints and NHLA, 23. (*See* Tables 20 and 21.)

NHLA's 2004 data and HUD's 2005 statistics show higher than average numbers in familial status complaint activity. Both number spikes are attributable to an investigation NHLA conducted beginning in 2004 on familial status discrimination in newspaper advertising throughout the state. As a result of its investigation, NHLA filed over forty discrimination complaints with HUD in early 2005 against newspapers and individual landlords.

Disability discrimination accounted for 32% of all complaints filed with the HRC during this reporting period and the combined categories of race and color as the second highest percentage of complaints at 19%. HRC is the only government agency that investigates state-based protections of age, sexual orientation and marital status. Age represented 15% (n = 7) of all complaints filed with HRC but since it includes familial status complaints, it is impossible to know how many complaints were actually based on age alone. Sexual orientation and marital status complaints accounted for 6% (n = 3) and 8% (n = 4) of all complaints. In comparison, from 2004 through 2009, NHLA received 9 complaints based on age, 4 based on sexual orientation and 2 based on marital status (*See* Tables 19 and 21).

Although not directly related to housing discrimination, we also reviewed hate crime information reported to the FBI by New Hampshire law enforcement. For the years 2004 – 2008 a total of 201 incidents were reported; an average of 40 cases per year. The information is organized by the five categories of "bias motivation:" race, religion, sexual orientation, ethnicity, disability. As can be seen in Table 24 below, race-based incidents count for almost half of all reported incidents, followed by sexual orientation and religion. Disability-based incidents count for the least amount of reports.

1. New Hampshire Housing Discrimination Complaints By Organization

Total Number of Housing Discrimination Complaints Filed with Organization by Year			
Year	**HUD**	**HRC**	**NHLA**
2010	33	6	90
2011	25	4	128
2012	37	12	166
2013	19	5	76
2014	13	8	168
Total	**127**	**35**	**628**

For all three organizations, for most years complaints based upon disability far outnumber complaints based on other protected class statuses. This is reflective of national data, as well.[124] For NHLA, familial status discrimination ranks second with race and then national origin following. Nationally, race-based complaints are the second highest number with familial status and national origin third and fourth, respectively.[125] The following charts show the complaint date for each organization for year and by primary discrimination type.

2. Housing Discrimination Complaints Filed with NHLA

NHLA Data By Primary Discrimination Type						
Year	**2010**	**2011**	**2012**	**2013**	**2014**	**Totals**
Race	8	8	41	2	18	**77**
Color	0	0	0	1	0	**1**
National Origin	7	16	8	3	3	**37**
Familial Status	15	13	15	7	29	**79**
Disability	57	85	92	55	115	**404**
Religion	0	0	1	1	1	**3**
Sex	1	4	5	7	1	**18**
Sexual Orientation	1	0	0	0	0	**1**
Marital Status	0	2	2	0	0	**4**
Age	1	0	2	0	1	**4**
Retaliation/Other	0	0	0	0	0	**0**
Total Number of Complaints	**90**	**128**	**166**	**76**	**168**	**628**

[124] *Annual Report on Fair Housing, FY 2012-2013,* U.S. Dep't. of Housing and Urban Dev. (2014), p. 19.
[125] *Id.*

3. Housing Discrimination Complaints Filed with HUD

HUD Data By Primary Discrimination Type						
Year	**2010**	**2011**	**2012**	**2013**	**2014**	**Totals**
Race	5	1	5	1	1	**13**
Color	0	0	0	0	0	**0**
National Origin	2	1	5	0	1	**9**
Familial Status	8	4	17	4	2	**35**
Disability	17	18	7	9	9	**60**
Religion	0	0	0	0	0	**0**
Sex	1	0	0	3	0	**4**
Sexual Orientation	NA	NA	NA	NA	NA	**NA**
Marital Status	NA	NA	NA	NA	NA	**NA**
Age	NA	NA	NA	NA	NA	**NA**
Retaliation/Other	0	1	3	2	0	**6**
Total Number of Complaints	**33**	**25**	**37**	**19**	**13**	**127**

4. Protected Class Bases in Housing Discrimination Complaints Filed with HRC*

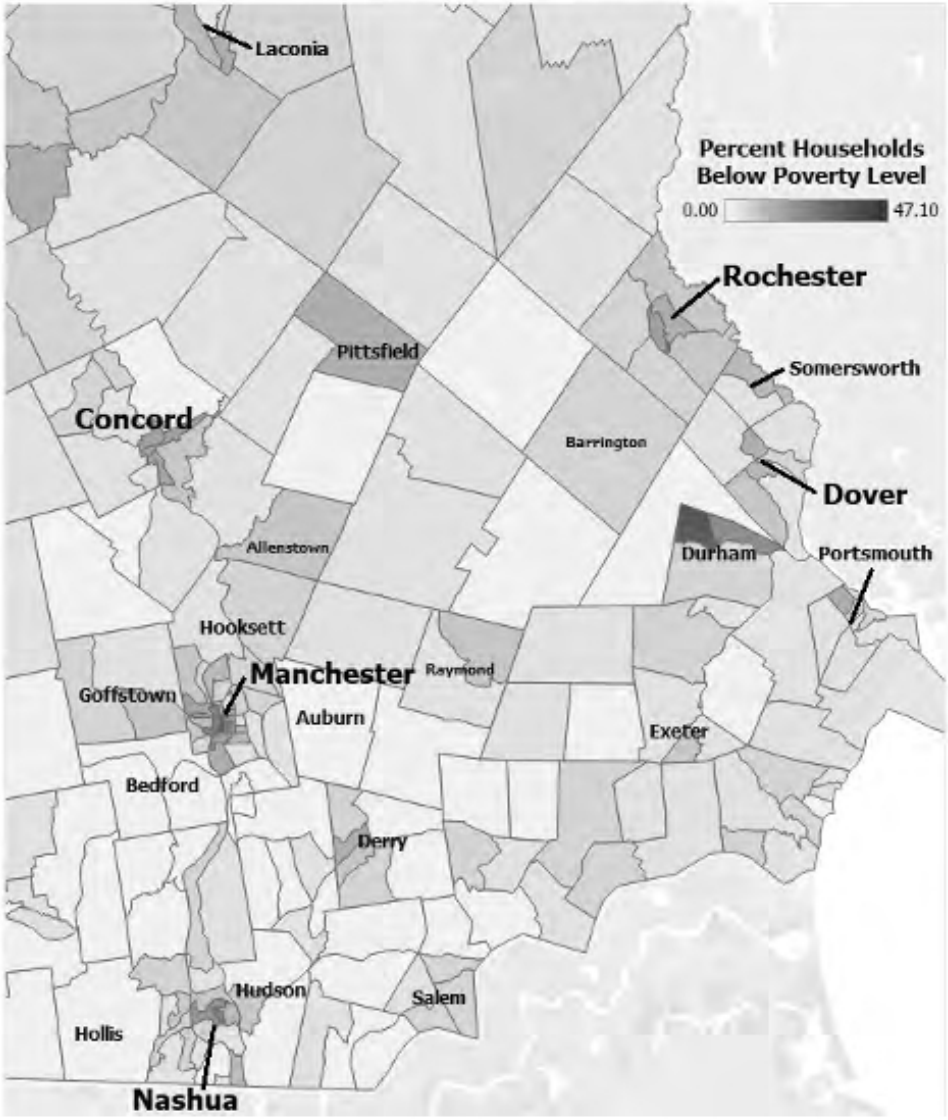
HRC Data By Primary Discrimination Type						
Year	**2010**	**2011**	**2012**	**2013**	**2014**	**Totals**
Race	1	0	0	0	0	**1**
Color	0	0	0	0	1	**1**
National Origin	1	0	1	0	1	**3**
Familial Status	3	0	2	0	0	**5**
Disability	1	2	6	5	5	**19**
Religion	0	0	1	0	0	**1**
Gender	1	0	1	0	0	**2**
Sexual Orientation	0	2	2	0	1	**5**
Marital Status	0	0	0	0	2	**2**
Age	0	0	1	0	1	**2**
Retaliation/Other	0	0	1	1	4	**6**
Total Number of Bases	**7**	**4**	**15**	**6**	**15**	**47**

*Note that HRC data is compiled based on the federal fiscal year: October 1 – September 30. HRC reports all protected class bases filed by a complainant not just the primary basis. This practice results in a number larger than the number of complaints filed and reflected in the earlier chart.

Household Poverty Rate by Census Tract

Southeastern New Hampshire, 2014-2018 Estimates

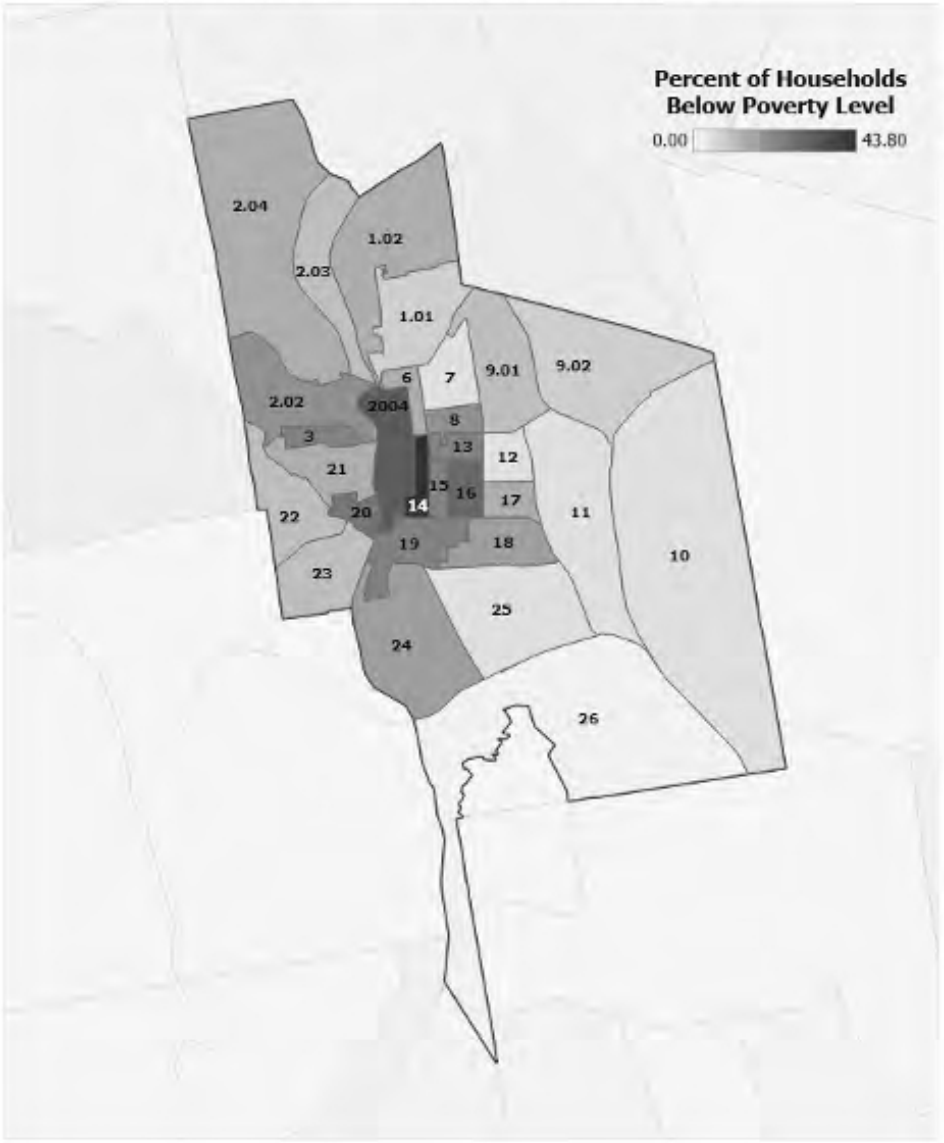
Source: U.S. Census Bureau, American Community Survey, 2014-2018



Household Poverty Rate by Census Tract

Manchester, New Hampshire, 2014-2018 Estimates

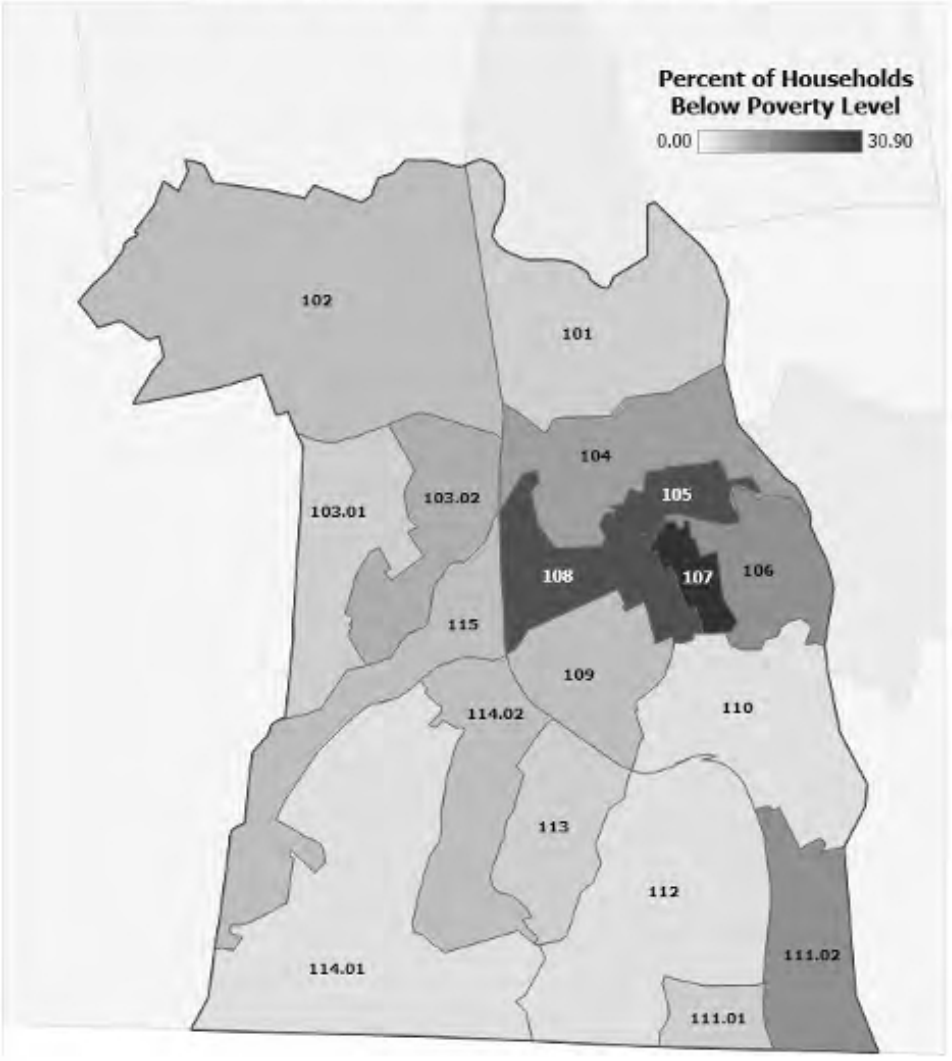
Source: U.S. Census Bureau, American Community Survey, 2014-2018



Household Poverty Rate by Census Tract

Nashua, New Hampshire, 2014-2018 Estimates

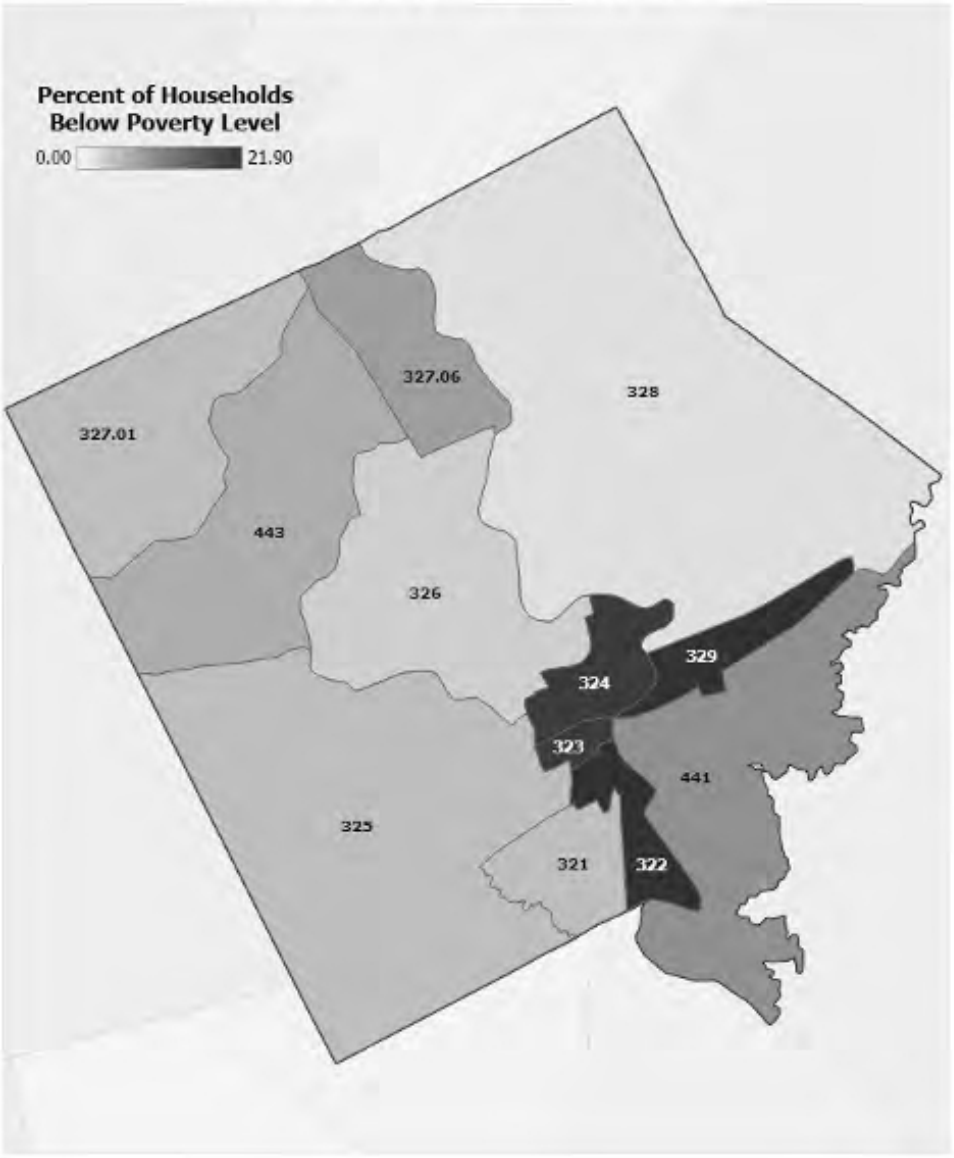
Source: U.S. Census Bureau, American Community Survey, 2014-2018



Household Poverty Rate by Census Tract

Concord, New Hampshire, 2014-2018 Estimates

Source: U.S. Census Bureau, American Community Survey, 2014-2018



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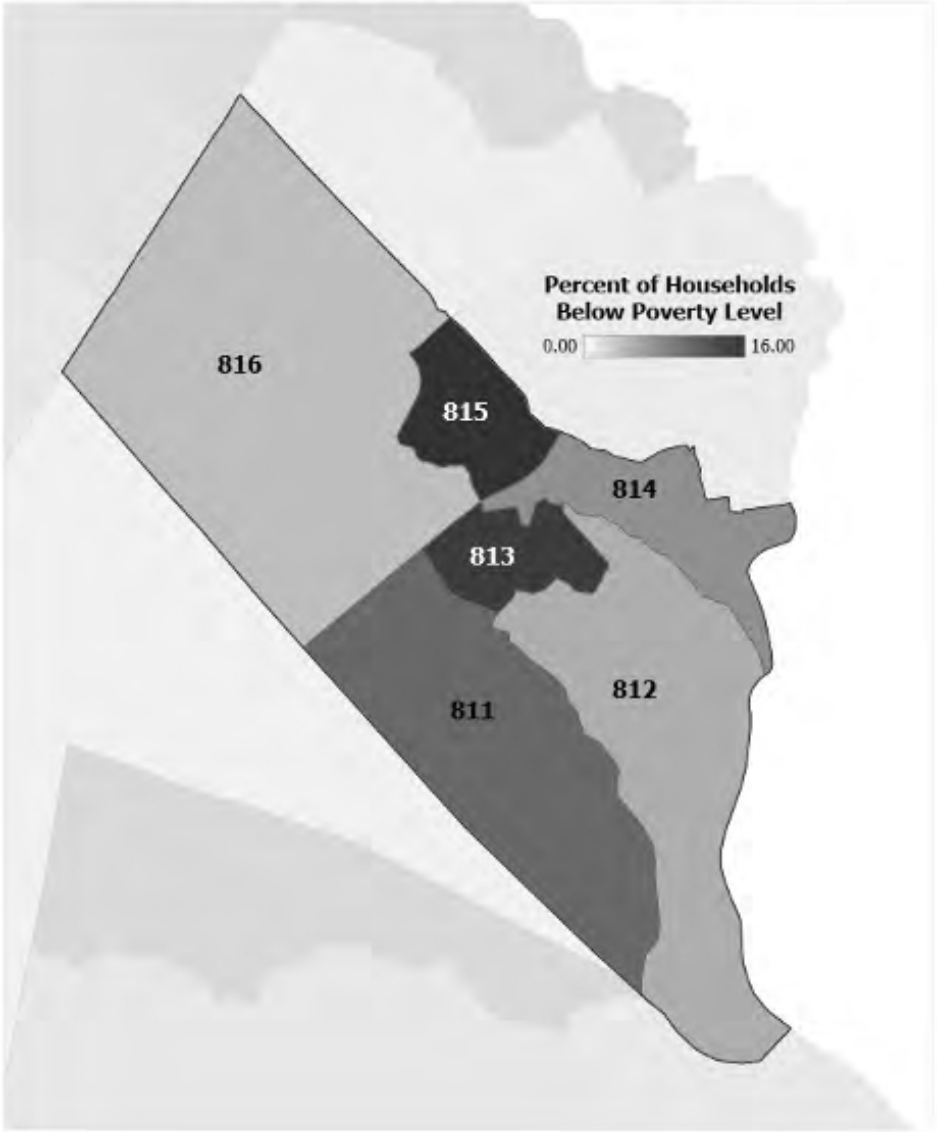
Household Poverty Rate by Census Tract

Dover, New Hampshire, 2014-2018 Estimates

Source: U.S. Census Bureau, American Community Survey, 2014-2018

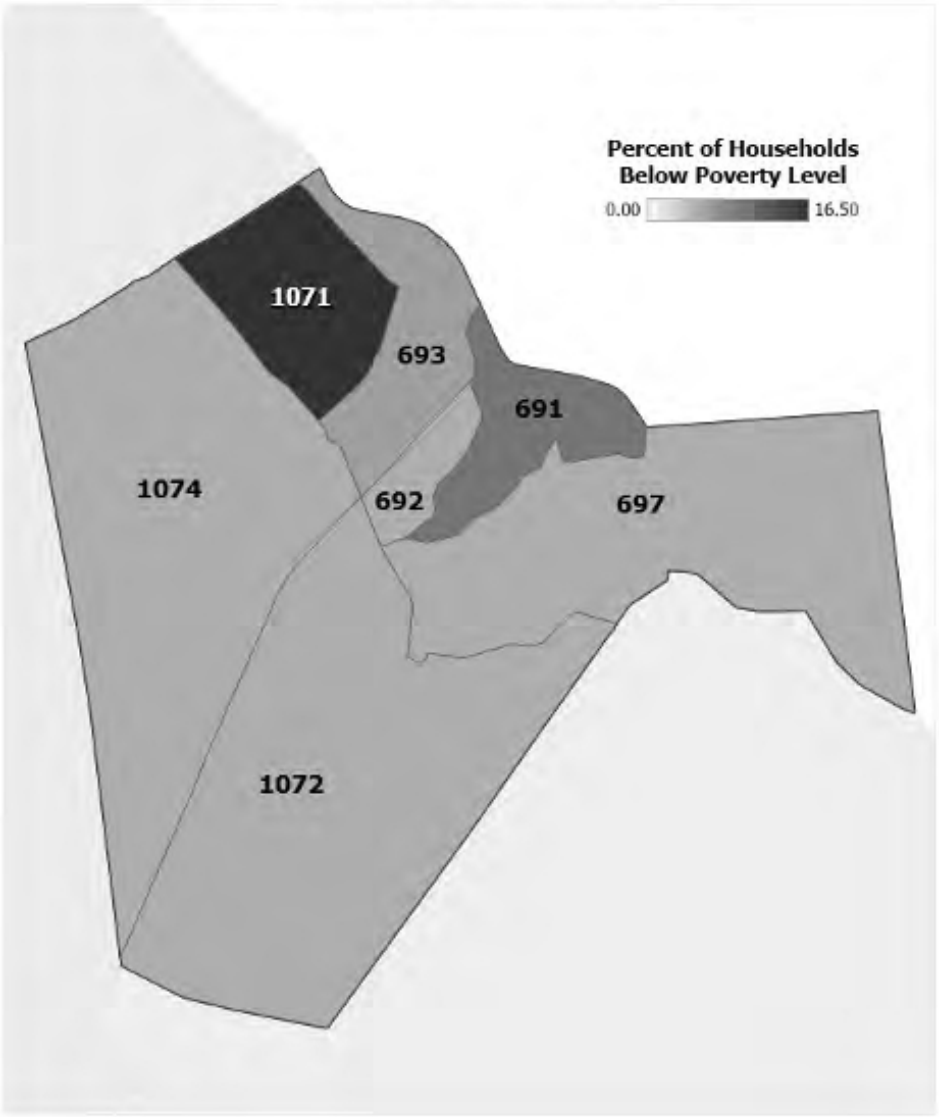


Household Poverty Rate by Census Tract

Portsmouth, New Hampshire, 2014-2018 Estimates

Source: U.S. Census Bureau, American Community Survey, 2014-2018

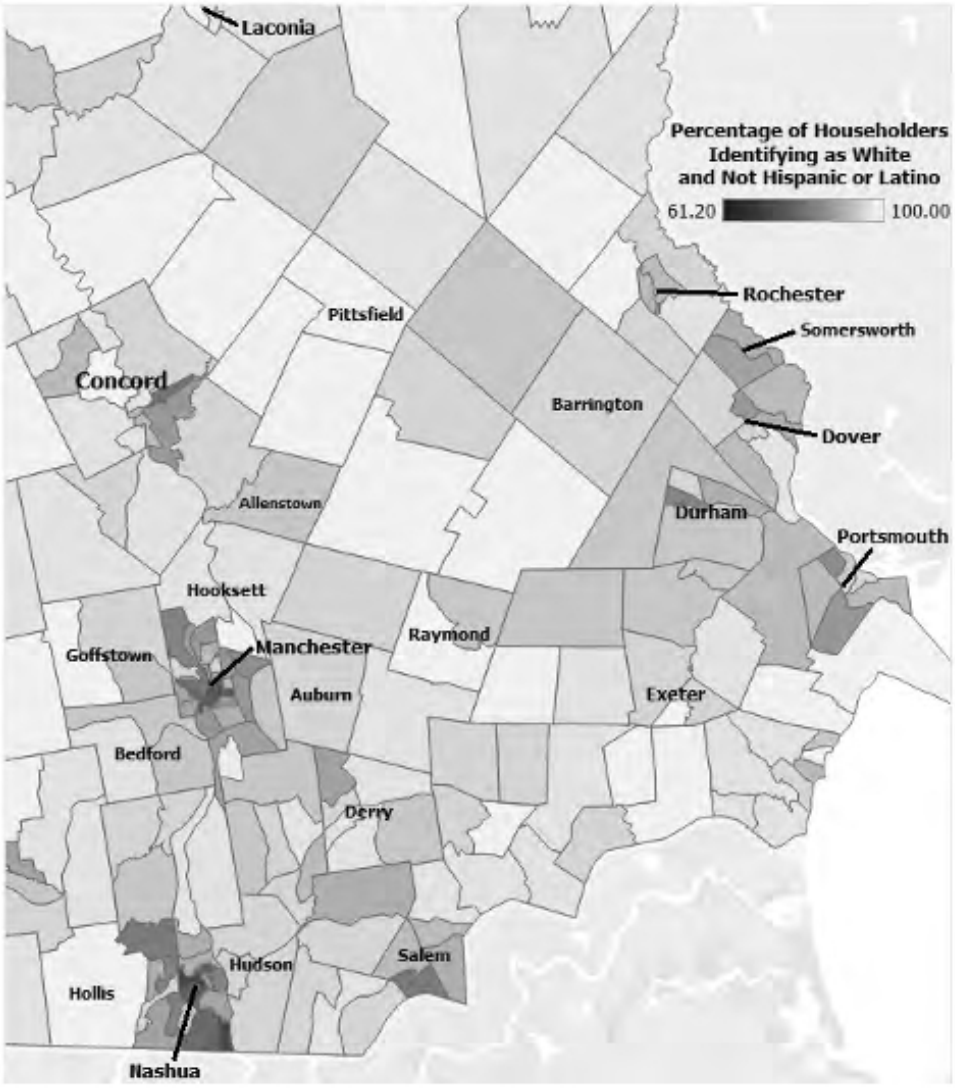
Note: New Castle included in easternmost Portsmouth Census Tract.



Racial and Ethnic Diversity by Census Tract

Southeastern New Hampshire, 2014-2018 Estimates

Source: U.S. Census Bureau, American Community Survey, 2014-2018



Racial and Ethnic Diversity by Census Tract

Manchester, New Hampshire, 2014-2018 Estimates

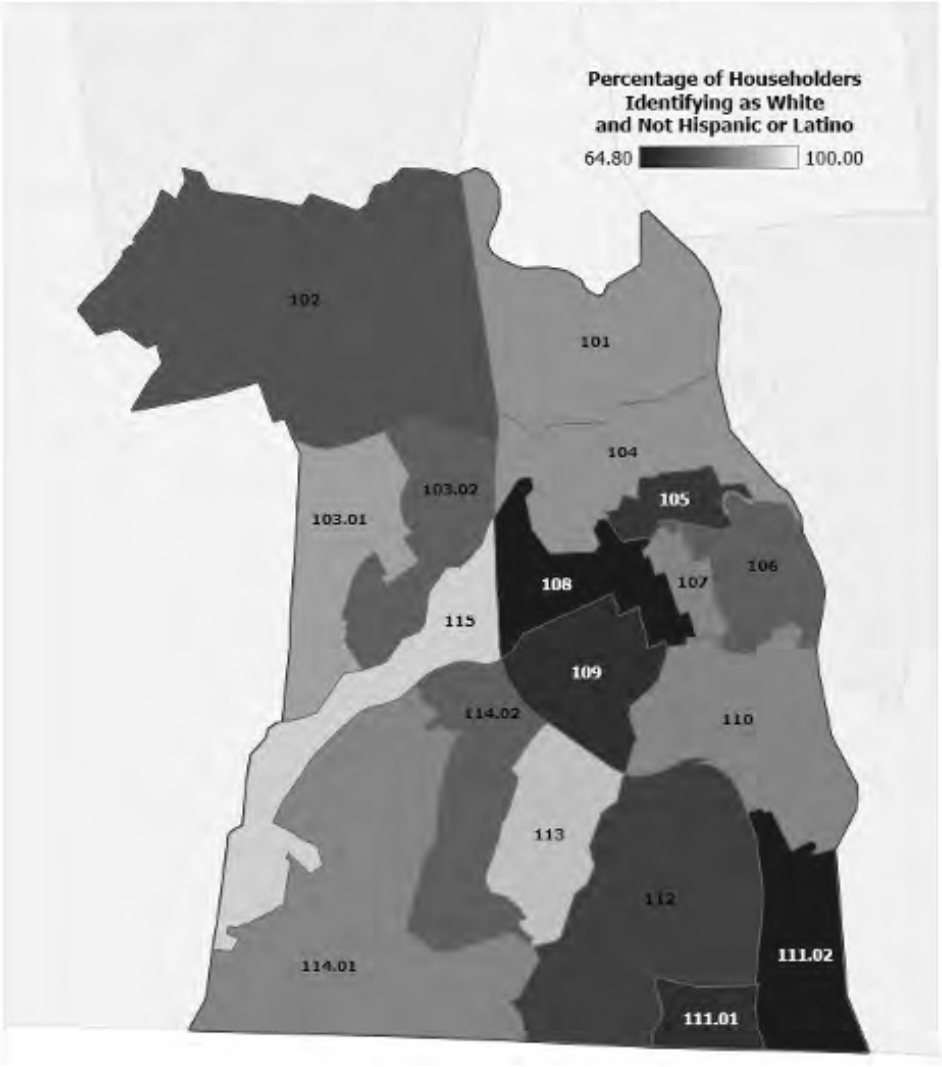
Source: U.S. Census Bureau, American Community Survey, 2014-2018



Racial and Ethnic Diversity by Census Tract

Nashua, New Hampshire, 2014-2018 Estimates

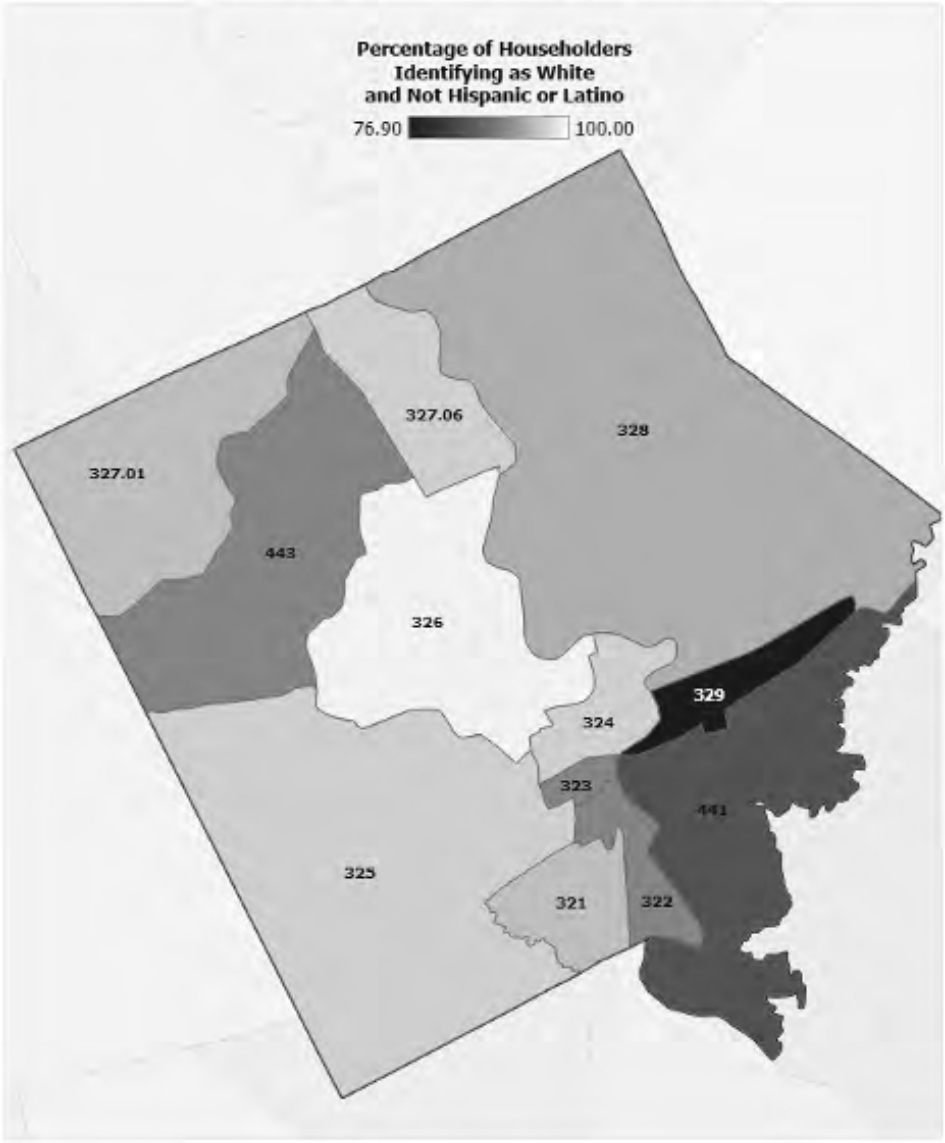
Source: U.S. Census Bureau, American Community Survey, 2014-2018



Racial and Ethnic Diversity by Census Tract

Concord, New Hampshire, 2014-2018 Estimates

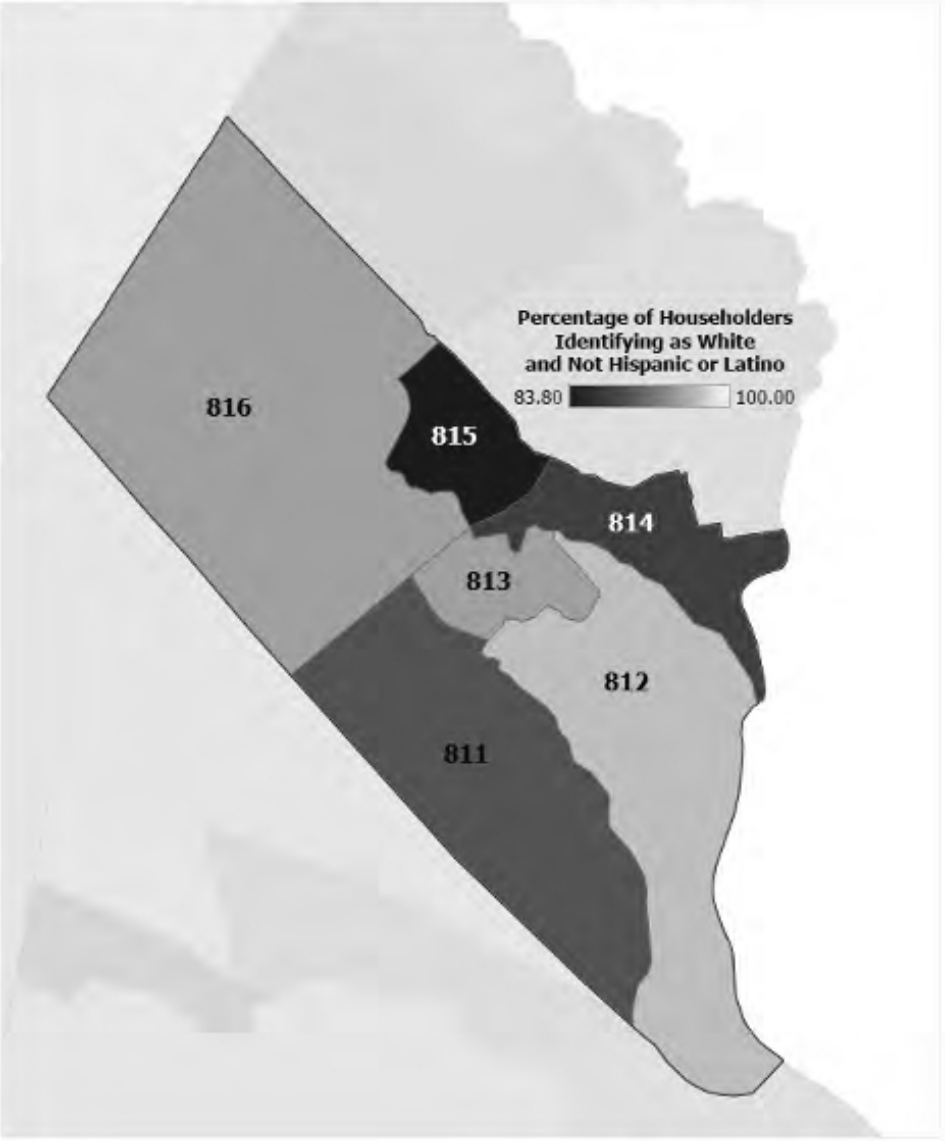
Source: U.S. Census Bureau, American Community Survey, 2014-2018



Racial and Ethnic Diversity by Census Tract

Dover, New Hampshire, 2014-2018 Estimates

Source: U.S. Census Bureau, American Community Survey, 2014-2018

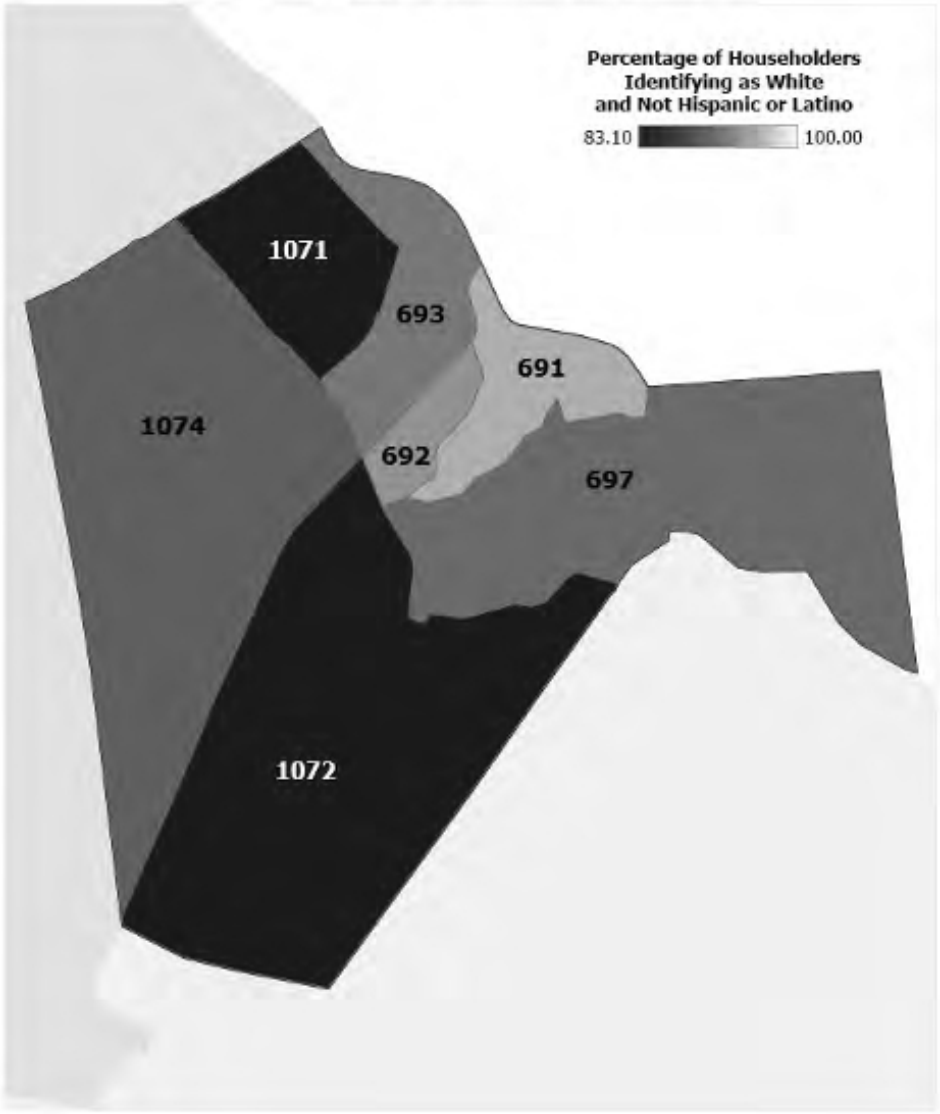


Racial and Ethnic Diversity by Census Tract

Portsmouth, New Hampshire, 2014-2018 Estimates

Source: U.S. Census Bureau, American Community Survey, 2014-2018

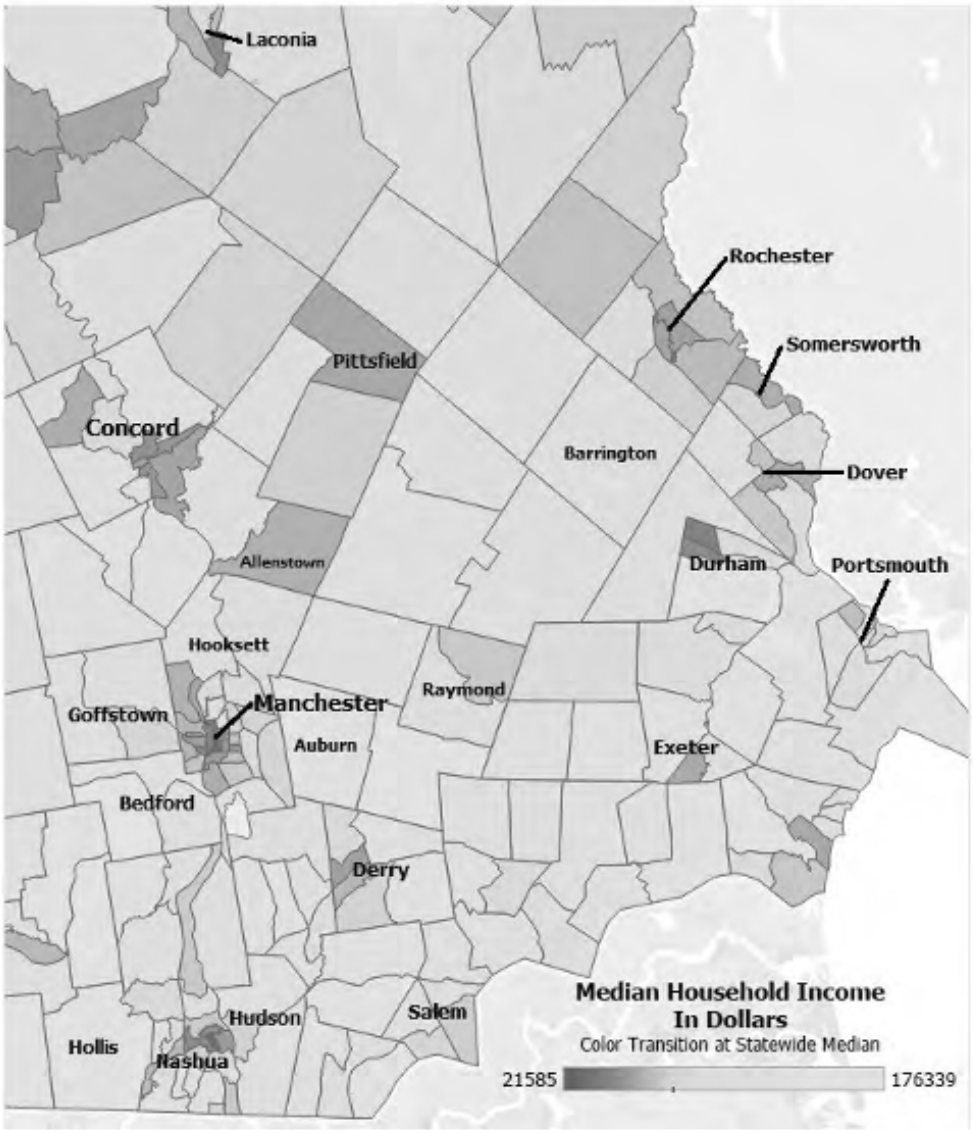
Note: New Castle included in the easternmost Portsmouth Census Tract.



Median Household Income by Census Tract

Southeastern New Hampshire, 2014-2018 Estimates

Source: U.S. Census Bureau, American Community Survey, 2014-2018



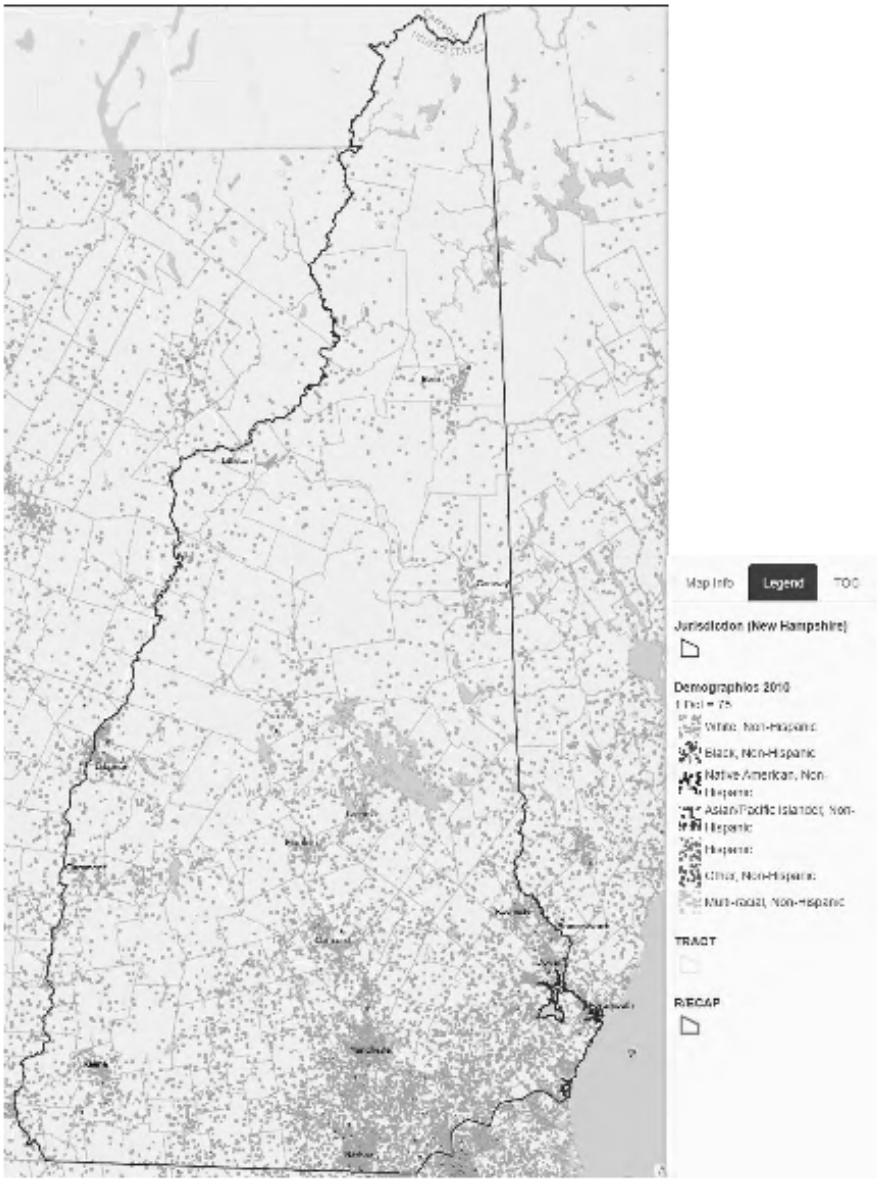
Housing Cost Burden and Race or Ethnicity

AFFH-T Generated Map of Manchester,
Racially or Ethnically Concentrated Area of Poverty, Census Tract 15, Highlighted



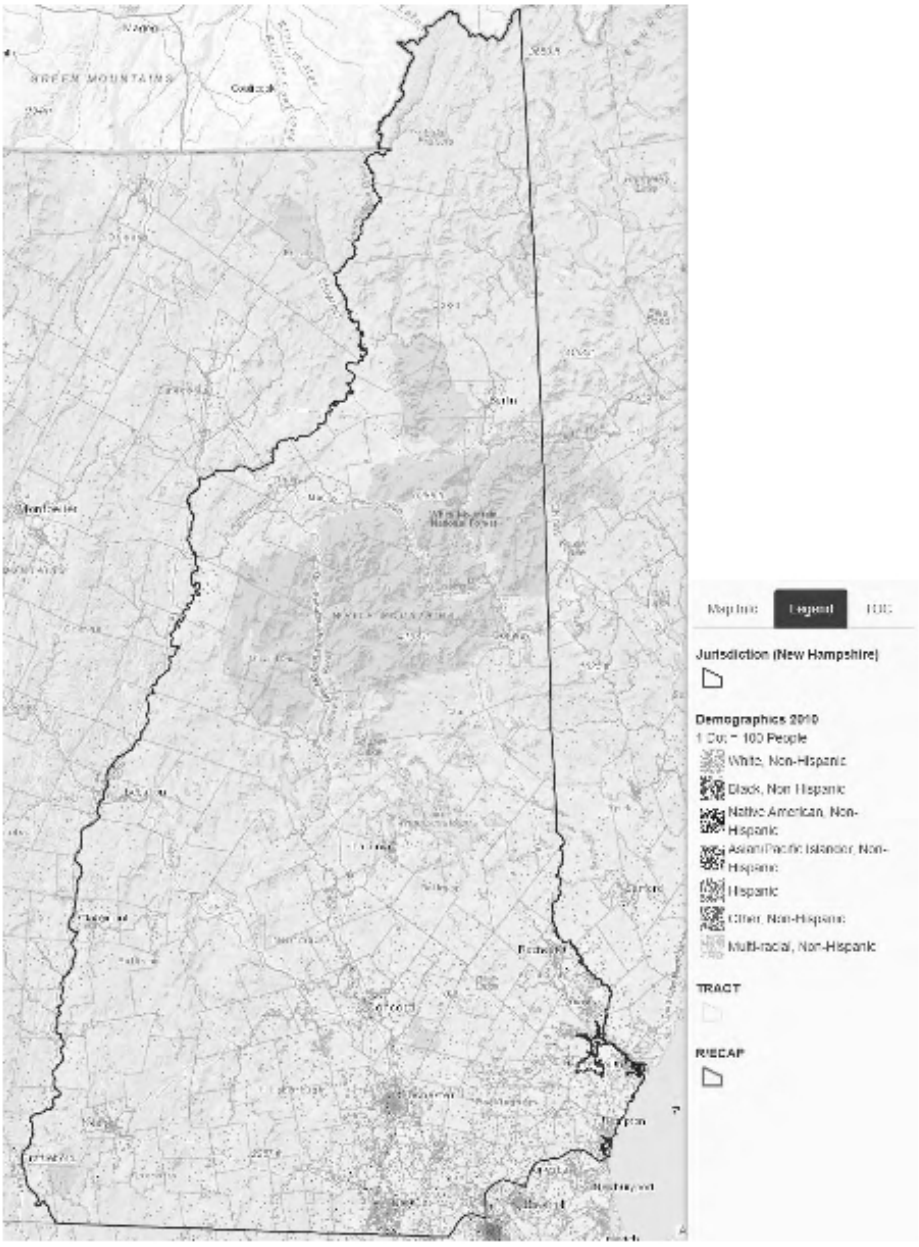
Racial and Ethnic Diversity in New Hampshire

AFFH-T Generated Dot Map of New Hampshire



Racial and Ethnic Diversity in New Hampshire

AFFH-T Generated Dot Map of New Hampshire



Racial and Ethnic Diversity in Southeastern New Hampshire

AFFH-T Generated Dot Map of New Hampshire



New Hampshire Legal Assistance settles housing discrimination claim against Manchester Housing and Redevelopment Authority

For more information:
Sarah Palermo, NHLA communications manager
603-369-6650 or spalermo@nhla.org

MANCHESTER, N.H. – Dec. 10, 2015

The Fair Housing Project of New Hampshire Legal Assistance recently entered into a Conciliation Agreement with Manchester Housing and Redevelopment Authority on behalf of a Deaf resident who complained that his health, safety and well-being were profoundly damaged by discriminatory practices at MHRA. The discrimination included MHRA's failure to provide American Sign Language interpreters or adaptive intercom systems, fire alarms and smoke detectors.

NHLA's client, Matthew*, is a young Deaf man who moved into housing operated by MHRA in May 2014. During his application process, he faced discriminatory practices which continued into his tenancy. Initially, he tried advocating for himself but sought help from NHLA in March 2015.

"Other Deaf people came to me and said the same thing had happened to them," Matthew said. "I decided I wasn't speaking for just myself but for others who live here, too. It was time for somebody to stand up for them, as well."

The agreement was conciliated by the U.S. Department of Housing and Urban Development Office of Fair Housing and Equal Opportunity. This is the second complaint alleging discrimination by MHRA staff against Deaf and hard-of-hearing residents that NHLA has filed in five years, said Fair Housing Project Director Christine Wellington.

"Every tenant is entitled to equal access to programs and services, to equal treatment and to use and enjoy his apartment fully," Wellington said. "Since he moved in, our client was repeatedly treated differently, treated as if he was 'less than' other tenants. I'm so proud of him for standing up for himself and others facing discrimination. I also appreciate MHRA's willingness to come to a fair resolution and address the concerns we raised on his behalf."

NHLA's complaint to HUD alleged that MHRA violated the Fair Housing Act, the Americans with Disabilities Act and section 504 of the Rehabilitation Act. The Fair Housing Project at NHLA is funded in part by HUD.

Prior to moving in, Matthew had asked that the apartment be modified for his needs and safety. The fire safety system, doorbell and intercom system in his apartment all lacked adequate accommodation for a person who cannot hear. Matthew also consistently requested an ASL

interpreter attend his meetings with MHRA staff, but staff only provided interpretation services once, forcing him to attempt to lip read and rely on written notes.

"It would lead to insomnia, to being physically sick with anxiety. My psychological and physical health deteriorated after a while," he said.

Among other things, the agreement calls for financial remuneration and that MHRA establish a formal policy for filing and responding to all requests for reasonable accommodations, and provide training for all management and staff on services for Deaf and hard-of-hearing residents. MHRA is also required to provide certified ASL interpreters.

For Matthew, the agreement "means no more of this negotiating for every little request, no more begging and pleading for our rights," he said. "And it wasn't just for Deaf people. It was for senior citizens, anyone that has a disability that needs accommodations. I know that people were afraid, but somebody had to stand up, and I was willing to do it."

*This client's name has been changed at his request.

About New Hampshire Legal Assistance (NHLA)

New Hampshire Legal Assistance is a state-wide non-profit law firm providing civil legal services to low-income and elderly New Hampshire residents who cannot afford a lawyer Typical clients are victims of domestic violence seeking safety from abuse, veterans and other people with disabilities trying to access their benefits, and people like Matthew who have faced discriminatory housing policies and practices. NHLA maintains offices in Berlin, Claremont, Concord, Manchester and Portsmouth.

The work of the Fair Housing Project at New Hampshire Legal Assistance is made possible by a grant from the Department of Housing and Urban Development's Fair Housing Initiatives Program (FHIP). Fair Housing organizations and other non-profits that receive funding through the Fair Housing Initiatives Program (FHIP) assist people who believe they have been victims of housing discrimination.

About the United States Department of Housing and Urban Development (HUD)

HUD's mission is to create strong, sustainable, inclusive communities and quality affordable homes for all. HUD is working to strengthen the housing market to bolster the economy and protect consumers; meet the need for quality affordable rental homes; utilize housing as a platform for improving quality of life; build inclusive and sustainable communities free from discrimination, and transform the way HUD does business.

The mission of the Office of Fair Housing and Equal Opportunity (FHEO) is to eliminate housing discrimination, promote economic opportunity, and achieve diverse, inclusive communities by leading the nation in the enforcement, administration, development, and public understanding of federal fair housing policies and laws.

FHEO protects people from discrimination on the basis of race, color, religion, sex, national origin, disability, and familial status. Persons who believe they are victims of housing discrimination can file complaints with HUD by calling 800-827-5005 or online at HUD.gov

-30-

November 20. 2017
FOR IMMEDIATE RELEASE
For more information:
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New Hampshire Legal Assistance settlement protects the mobility and independence of residents at Manchester nursing home

New Hampshire Legal Assistance recently entered into a Conciliation Agreement with Hanover Hill Healthcare Center Services on behalf of a wheelchair-bound resident who claimed his independence was taken away from him due to discriminatory practices at Hanover Hill. The discrimination included refusal to provide reasonable accommodations, by denying his request to use a motorized wheelchair.

Joseph White, age 88, a National Guard veteran and life-long resident of Manchester, used a manual wheelchair, but when he lost the ability to maneuver it himself, he had to wait for a busy staff person to push him around. Mr. White and his daughter Judith Ashworth requested he be allowed to use a motorized wheelchair.

At the time he was permitted to use the motorized wheelchair, Mr. White's wife of 62 years was dying in another wing of the facility. His grief, combined with the crowded hallways, led to a few minor collisions. Staff took away the motorized chair.

"I felt great, independent. But when they took away my motorized chair, it cut down my time I could go visit my wife. I had to call someone to push me and wait. It hurt," Mr. White said.

Staff denied his request to resume using the motorized chair, even after an independent expert evaluated him and deemed him capable. Working with Christine Wellington of NHLA's Fair Housing Project, Mr. White and Ms. Ashworth asserted that the denial of the wheelchair was a violation of Mr. White's rights. NHLA filed a complaint on behalf of Mr. White to the Department of Housing and Human Urban Development (HUD) claiming discriminatory terms and conditions in housing and failure to make a reasonable accommodation for his disability. On October 2, 2017, HUD's Office of Fair Housing and Equal Opportunity approved the conciliation agreement settling the complaint.

"I'm not a legal person" Ms. Ashworth said "We needed Chris, someone who believed in us, someone to fight for us. She was our voice when we weren't being heard."

"I am very pleased that we were able to obtain relief for Mr. White to greatly improve the quality of his life and also help others who are in similar situations," Wellington said. "It is important for

residents in nursing homes and their families to know that they still are protected by federal and state fair housing laws."

Mr. White will be allowed to use his motorized wheel chair again after an on-site evaluation indicated that he is capable of safely operating the wheelchair. As part of the conciliation, Hanover Hill officials also agreed to undergo equal access and accommodations training as well as providing reasonable accommodations policies to residents, staff, and the public. Hanover Hill will also help sponsor a conference next spring for skilled nursing facilities; provide information about entitlements to accommodations to current residents and applicants and their families; and pay attorneys fees to NHLA. HUD has also assigned a staff member to oversee compliance with the Conciliation Agreement.

"The Fair Housing Act makes it clear that individuals with disabilities have a right to the reasonable accommodations they need to fully enjoy their home," said Anna María Farías, HUD Assistant Secretary for Fair Housing and Equal Opportunity. "HUD will continue to work with our fair housing partners, like New Hampshire Legal Assistance, to ensure that owners and organizations that provide housing meet their obligations under the law."

The agreement presents an opportunity to develop the change Mr. White and Ms. Ashworth truly want: an environment in which current and future residents can maintain their independence and live their remaining years with dignity.

For more information about the spring training please contact NHLA.

About New Hampshire Legal Assistance (NHLA)
New Hampshire Legal Assistance is a state-wide non-profit law firm providing civil legal services to low-income and elderly New Hampshire residents who cannot afford a lawyer Typical clients are victims of domestic violence seeking safety from abuse, veterans and other people with disabilities trying to access their benefits, and people like Mr. White who have faced discriminatory policies and practices. NHLA maintains offices in Berlin, Claremont, Concord, Manchester and Portsmouth.

This work was supported by the Department of Housing and Urban Development under FHIP Grant No. FPEI161013. Any opinion, findings and conclusions or recommendations expressed in this material are those of the author(s) and do not reflect the views of the Department of Housing and Urban Development".

-END-

https://keenehousing.org/keene-housing-board-of-commissioners-statement-on-racism-and-discrimination/



KEENE HOUSING BOARD OF COMMISSIONERS STATEMENT ON RACISM & DISCRIMINATION

The following Resolution was adopted by the Keene Housing Board of Commissioners on June 18th:

The Keene Housing Board of Commissioners recognizes that the recent protests around the country have brought heightened awareness of the pains of racism and thrown a light on the systemic injustice that is a constant companion of black people and people of color. In a show of unprecedented solidarity, millions of people are taking to the streets across America--from Keene, New Hampshire to Minneapolis, Minnesota--in a call for systematic and nationwide action.

All of us have a role to play, and given the regrettable history of housing discrimination and segregation in our country, those of us in the housing sector have a special responsibility to work with our partners and peers to ensure any person, regardless of the color of their skin, has equal access to safe and affordable housing as well as equal opportunity to live in any neighborhood of their choosing. Recognizing that this national call for action further strengthens our mission, Keene Housing hereby affirms its commitment to addressing any and all manifestations of racial discrimination, bringing awareness to and condemning racial discrimination in all aspects of our society, but especially in housing, and advocating for an end to policies and practices that allow racial discrimination and segregationist policies to persist in our nation and in our world.

NH Department of Health and Human Services
129 Pleasant Street - State Office Park South
Concord, NH 03301

PRESS RELEASE
FOR IMMEDIATE RELEASE
December 31, 2020

CONTACT
State Joint Information Center
603-223-6169
jic@dos.nh.gov

NH DHHS COVID-19 Update – December 31, 2020

Concord, NH – The New Hampshire Department of Health and Human Services (DHHS) has issued the following update on the new coronavirus, COVID-19.

On Thursday, December 31, 2020, DHHS announced 848 new positive test results for COVID-19, for a daily PCR test positivity rate of 5.7%. Today's results include 479 people who tested positive by PCR test and 369 who tested positive by antigen test. There are now 5,919 current COVID-19 cases diagnosed in New Hampshire. Of the results reported today:

- **12/25:** 69 new cases today, for an updated total of **357** cases
- **12/26:** 39 new cases today, for an updated total of **534** cases
- **12/27:** 48 new cases today, for an updated total of **586** cases
- **12/28:** 1 new case today, for an updated total of **559** cases
- **12/29:** 486 new cases today, for an updated total of **813** cases
- **12/30: 205** new cases

Test results for previous days are still being processed and the total number of new positives for those days are not yet complete. Updated case counts for prior days will be reflected on the COVID-19 interactive dashboard.

Several cases are still under investigation. Additional information from ongoing investigations will be incorporated into future COVID-19 updates. Of those with complete information, there are one hundred and eighteen individuals under the age of 18 and the rest are adults with 53% being female and 47% being male. The new cases reside in Hillsborough County other than Manchester and Nashua (193), Rockingham (162), Merrimack (110), Strafford (101), Belknap (33), Coos (23), Carroll (22), Cheshire (10), Sullivan (10), and Grafton (9) counties, and in the cities of Nashua (68) and Manchester (60). The county of residence is being determined for forty-seven new cases.

Community-based transmission continues to occur in the State and has been identified in all counties. Of those with complete risk information, most of the cases are either associated with an outbreak setting or have had close contact with a person with a confirmed COVID-19 diagnosis.

DHHS has also announced eighteen additional deaths related to COVID-19. We offer our sympathies to the family and friends.

- 1 male resident of Belknap County, 60 years of age and older
- 1 male resident of Carroll County, 60 years of age and older
- 1 female resident of Cheshire County, 60 years of age and older
- 4 female residents of Hillsborough County, 60 years of age and older
- 1 female resident of Hillsborough County, younger than 60 years of age

- 4 male residents of Hillsborough County, 60 years of age and older
- 2 female residents of Merrimack County, 60 years of age and older
- 1 male resident of Merrimack County, younger than 60 years of age
- 1 female resident of Strafford County, 60 years of age and older
- 1 male resident of Strafford County, 60 years of age and older
- 1 male resident of Sullivan County, 60 years of age and older

There are currently 317 individuals hospitalized with COVID-19. In New Hampshire since the start of the pandemic, there have been a total of 44,028 cases of COVID-19 diagnosed with 902 (2%) of those having been hospitalized.

Current Situation in New Hampshire

New Hampshire 2019 Novel Coronavirus (COVID-19) Summary Report (updated December 31, 2020, 9:00 AM)

NH Persons with COVID-19	44,028
Recovered	37,350 (85%)
Deaths Attributed to COVID-19	759 (2%)
Total Current COVID-19 Cases	5,919
Persons Who Have Been Hospitalized for COVID-19	902 (2%)
Current Hospitalizations	317
Total Persons Tested at Selected Laboratories, Polymerase Chain Reaction (PCR)[2]	512,286
Total Persons Tested at Selected Laboratories, Antibody Laboratory Tests[2]	34,671
Persons with Specimens Submitted to NH PHL	63,237
Persons with Test Pending at NH PHL[3]	843

[1]Includes specimens positive at any laboratory and those confirmed by CDC confirmatory testing.
[2]Includes specimens tested at the NH Public Health Laboratories (PHL), LabCorp, Quest, Dartmouth-Hitchcock Medical Center, and those sent to CDC prior to NH PHL testing capacity.
[3]Includes specimens received and awaiting testing at NH PHL. Does not include tests pending at commercial laboratories.

COVID-19 Vaccine Allocation Update

Among the 64,755 doses of vaccine allocated to New Hampshire, 47,645 doses have been distributed to vaccination sites across the state and 21,126 doses have been administered to date. New Hampshire expects to receive 17,175 additional doses next week, which will be allocated to the long-term care pharmacy partnership program, hospitals, Regional Public Health Networks, and the state-managed fixed sites.

Vaccine Doses Allocated, Distributed, and Administered by Vaccination Site through Wednesday December 30, 2020

Vaccination Sites	Doses Available for Site to Order[1]	Doses Ordered and Delivered[2]	Doses Administered to Patients
Hospitals	23,120	18,935	13,366
Long-term care pharmacy partnership program*	24,375	14,625	5,065
State-managed fixed sites	14,360	14,260	2,253
Regional public health network mobile sites	1,420	500	153
Other	1,500	300	289
Total	64,775	48,620	21,126

[1] Doses available for site to order are the number of doses that have been made available to the site to order.
[2] Doses distributed are the number of doses that the site has ordered and received at their location. Orders are based on clinic schedules and average uptake of vaccine by participants.
* The LTCF PPP is a federal program that sends pharmacies into LTCF to vaccinate residents and staff. In order for LTCF to access this program in New Hampshire, NH DHHS was required by the CDC to allocate a fixed number of doses to guarantee that pharmacies would have enough vaccine to complete vaccination administration within a four-week time frame. This program remains on schedule as originally anticipated and will be continually monitored to ensure completeness.

Phase 1a Allocation Summary through Wednesday, December 30, 2020

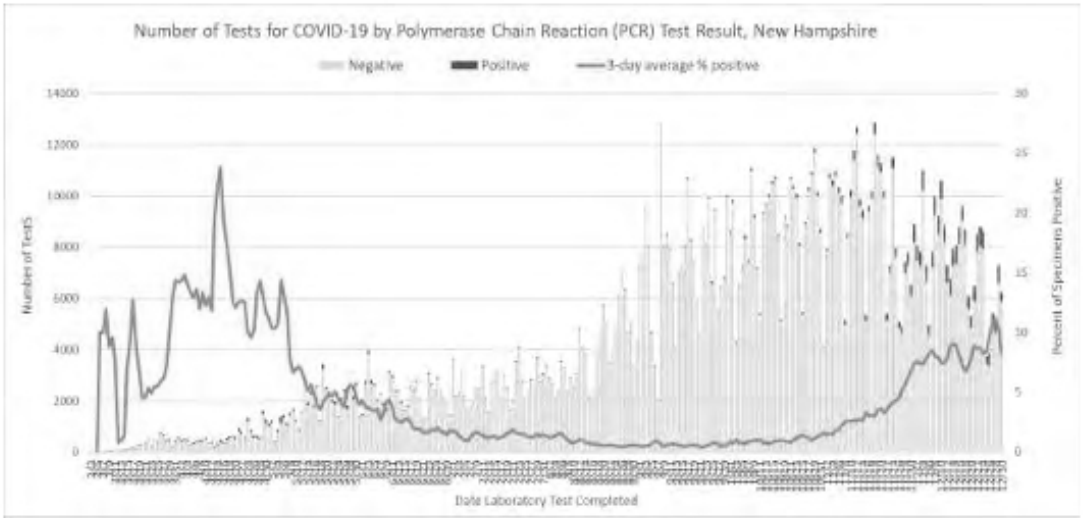
Phase 1a Groups	Doses allocated to date	Estimated persons in group	% of needed amount allocated
Hospital health workers – High risk	19,270	20,694	93%
Hospital health workers – Moderate risk	0	5,417	0%
Ambulatory care health workers – High risk**	13,520	34,201	40%
Ambulatory care health workers – Moderate risk	0	3,963	0%
Long-term care facilities in PPP	24,375	33,150	74%
Long-term care facilities not in PPP	980	980	100%
First responders	5,010	12,890	39%
Public health workers***	520	520	100%
State reserve for outbreaks or emergency needs	1,100	1,100	100%
Total	64,775	112,915	57%

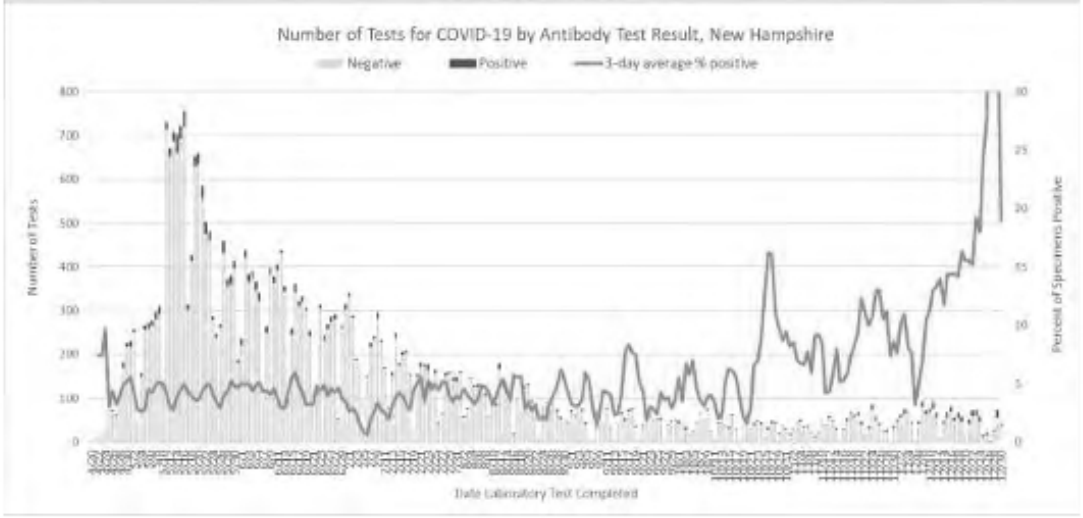
** Includes outpatient healthcare providers, dentists, home health care, K-12 school nurses, funeral services, retail pharmacists, corrections medical personnel, and homeless quarantine/isolation shelter personnel, etc.
*** Includes public health response personnel with contact with cases, contacts, or conduct testing or vaccine administration.

Number of Tests Conducted by Date of Report to NH DHHS

Polymerase Chain Reaction (PCR) Tests								
Testing Laboratory	**12/24**	**12/25**	**12/26**	**12/27**	**12/28**	**12/29**	**12/30**	**Daily Average**
NH Public Health Laboratories	1,585	0	708	529	413	575	746	651
LabCorp	1,652	370	607	2,341	996	1,551	543	1,151
Quest Diagnostics	1,425	1,412	776	1,011	431	576	488	874
Mako Medical	529	695	65	69	0	262	1,169	398
Dartmouth-Hitchcock Medical Center	823	586	115	322	295	859	4	429
Other NH Hospital Laboratory	428	194	432	352	440	621	467	419
Other Laboratory*	2,175	483	1,129	820	1,340	1,805	2,016	1,395
University of New Hampshire**	11	0	1	0	1,206	1,070	805	442
Total	8,628	3,740	3,833	5,444	5,121	7,319	6,238	5,760
Antibody Laboratory Tests								
Testing Laboratory	**12/24**	**12/25**	**12/26**	**12/27**	**12/28**	**12/29**	**12/30**	**Daily Average**
LabCorp	18	10	1	3	0	27	1	9
Quest Diagnostics	28	2	0	0	11	25	37	15
Dartmouth-Hitchcock Medical Center	3	0	5	0	6	12	0	4
Other Laboratory*	6	0	15	0	12	2	6	6
Total	55	12	21	3	29	66	44	33

* Includes out-of-state public health laboratories, out-of-state hospital laboratories, and other commercial laboratories not already listed in the table.
Note: Patients who had both antibody and polymerase chain reaction (PCR) tests are accounted for in both tables.
** Includes tests conducted at the UNH laboartory and their contracted lab Veritas.





NH DHHS Daily Update on COVID-19 Archive

For more information, please visit the DHHS COVID-19 webpage at https://www.nh.gov/covid19.

###

NEW HAMPSHIRE LABORATORY-CONFIRMED COVID-19 CASES

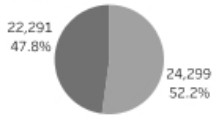
Health Outcomes	Infections		Hospitalizations		Intensive Care Unit		Recovered and Off Isolation	Deaths
	Current	Cumulative	Current	Cumulative	Current	Cumulative		
Persons	6,200	47,328	319	916	n/a	303	40,347	781

Persons with COVID-19	Infections		Hospitalizations		Deaths	
	Persons	% of Total	Persons	% of Total	Persons	% of Total
Healthcare Workers*	3,100	6.6%	67	7.3%	9	1.2%
Long-Term Care Settings**	4,701	9.9%	240	26.2%	615	78.7%
Sex						
Female	24,299	51.3%	393	42.9%	389	49.8%
Male	22,291	47.1%	523	57.1%	392	50.2%
Unknown	738	1.6%	0	0.0%	0	0.0%
Grand Total	**47,328**		**916**		**781**	
Age Group (in Years)						
0 - 9	2,021	4.3%	6	0.7%	0	0.0%
10 - 19	4,668	9.9%	5	0.5%	0	0.0%
20 - 29	8,864	18.7%	21	2.3%	1	0.1%
30 - 39	7,076	15.0%	43	4.7%	1	0.1%
40 - 49	6,420	13.6%	78	8.5%	8	1.0%
50 - 59	7,604	16.1%	121	13.2%	14	1.8%
60 - 69	5,145	10.9%	214	23.4%	62	7.9%
70 - 79	2,786	5.9%	204	22.3%	178	22.8%
80 +	2,680	5.7%	224	24.5%	516	66.1%
Unknown	64	0.1%	0	0.0%	1	0.1%
Grand Total	**47,328**		**916**		**781**	
Test Type						
Antigen Positive	12,392	26.2%	45	4.9%	82	10.5%
PCR Positive	34,936	73.8%	871	95.1%	699	89.5%
Grand Total	**47,328**		**916**		**781**	

Race / Ethnicity	% of NH Population ****	Infections		Hospitalizations		Deaths	
		Persons	% of Total	Persons	% of Total	Persons	% of Total
White**	90.0%	22,634	79.0%	681	79.7%	624	94.3%
Hispanic or Latino*	3.9%	3,152	11.0%	87	10.2%	19	2.9%
Black or African American**	1.4%	725	2.5%	37	4.3%	10	1.5%
Other***	1.8%	1,489	5.2%	15	1.8%	3	0.5%
Asian**	3.0%	633	2.2%	34	4.0%	6	0.9%
Grand Total		**28,633**		**854**		**662**	

Race/Ethnicity is known for 60.5% of COVID-19 infections, 93.2% of hospitalizations, and 84.8% of deaths

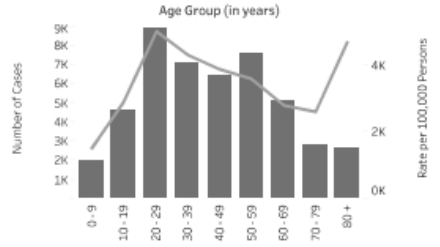
COVID-19 CASES BY SEX (n= 46590)



Unknown 738

Sex Female Male

COVID-19 CASES BY AGE GROUP (n= 47264)



Unknown 64

Cumulative Infections Rate per 100,000 Persons

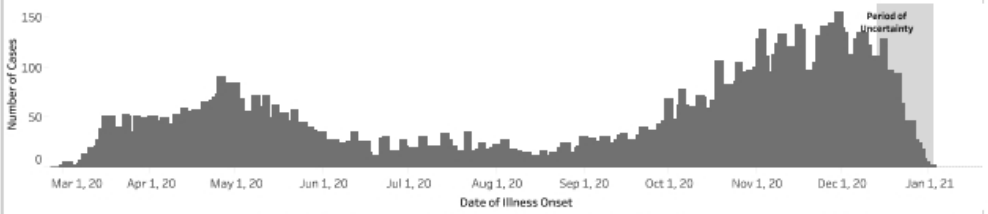
Data as of: 1/4/2021

NEW HAMPSHIRE LABORATORY-CONFIRMED COVID-19 CASES - RISK FACTORS AND EPIDEMIC CURVE

EPIDEMIC CURVE: ONSET OF ILLNESS AMONG PERSONS WITH CONFIRMED COVID-19

(n= 14963)

The epidemic curve is a visual presentation of the progression of COVID-19 in NH that shows the number of people with confirmed illness on the specific date each person first started to experience symptoms. Because there is a delay between when symptoms develop and a confirmed case is reported to DHHS, the data on a given date will change over time.



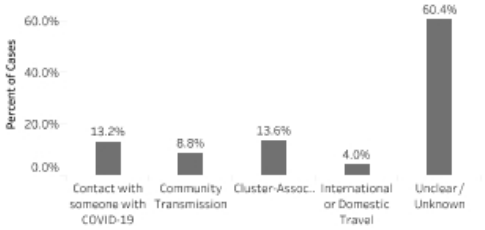
Onset Date Unclear / Unknown: 32,365

Note : Not all confirmed cases are included in this figure due to the person having an unclear onset date or no onset date because they did not experience any symptoms.

Risk Factors of Persons with COVID-19	Infections		Hospitalizations		Deaths	
	Persons	% of Total	Persons	% of Total	Persons	% of Total
Contact with someone with COVID-19	6,270	13.2%	171	18.7%	25	3.2%
Community Transmission	4,152	8.8%	279	30.5%	45	5.8%
Cluster-Associated*	6,459	13.6%	289	31.6%	613	78.5%
International or Domestic Travel	1,884	4.0%	112	12.2%	21	2.7%
Unclear / Unknown	28,563	60.4%	65	7.1%	77	9.9%
Grand Total	47,328		916		781	

RISK FACTORS FOR CONFIRMED COVID-19 CASES

(n= 47328)



Data as of: 1/4/2021

A-46

COVID-19 IN NEW HAMPSHIRE
CUMULATIVE POSITIVE TEST RESULTS
03/01/2020 - 1/4/2021
(n= 47328)

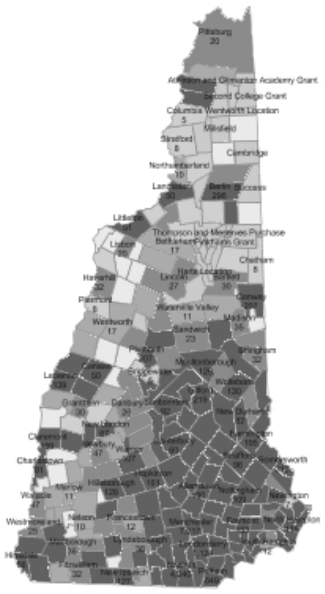
NH DIVISION OF Public Health Services

Cases under investigation, town unknown 962

Positive Results
Not Shown* | 50+
1 - 4**
5 - 9
10 - 19
20 - 49

Geographic Distribution* of COVID-19		Infections		Hospitalizations		Deaths	
		Persons	% of T..	Persons	% of T..	Persons	% of To..
Belknap	Total	2,069	4.4%	27	2.9%	52	6.7%
Carroll	Total	955	2.0%	18	2.0%	4	0.5%
Cheshire	Total	1,392	2.9%	14	1.5%	7	0.9%
Coos	Total	723	1.5%	5	0.5%	15	1.9%
Grafton	Total	1,228	2.6%	12	1.3%	9	1.2%
Hillsborough	Manchester	7,017	14.8%	239	26.1%	170	21.8%
	Nashua	4,240	9.0%	112	12.2%	56	7.2%
	Outside Manchester and Nashua	7,697	16.3%	166	18.1%	219	28.0%
	Total	18,954	40.0%	517	56.4%	445	57.0%
Merrimack	Total	5,121	10.8%	74	8.1%	68	8.7%
Rockingham	Total	11,581	24.5%	212	23.1%	142	18.2%
Strafford	Total	3,834	8.1%	31	3.4%	32	4.1%
Sullivan	Total	509	1.1%	6	0.7%	6	0.8%
Unknown	Total	962	2.0%	0	0.0%	1	0.1%
Grand Total		47,328	100.0%	916	100.0%	781	100.0%

Data as of: 1/4/2021 © OpenStreetMap



COVID-19 IN NEW HAMPSHIRE
CURRENT POSITIVE CASES
AS OF 1/4/2021
(n= 6200)

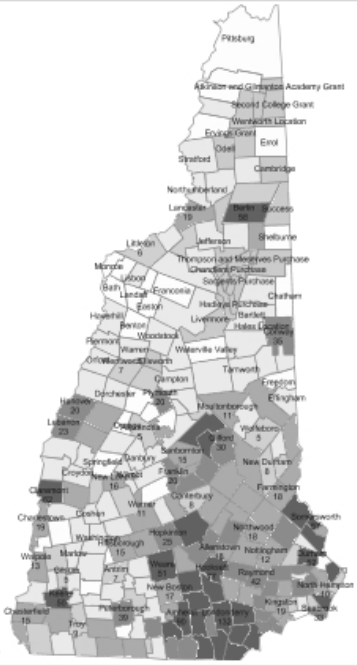
NH DIVISION OF Public Health Services

Cases under investigation, town unknown 284

Current Positives
- Not Shown*
- 0
- 1 - 4**
- 5 - 9
- 10 - 19
- 20 - 49
- 50+

Geographic Distribution* of Current Cases		Infections	
		Persons	% of Total
Belknap	Total	277	4.5%
Carroll	Total	106	1.7%
Cheshire	Total	197	3.2%
Coos	Total	131	2.1%
Grafton	Total	162	2.6%
Hillsborough	Manchester	674	10.9%
	Nashua	524	8.5%
	Outside Manchester and Nashua	1,160	18.7%
	Total	2,358	38.0%
Merrimack	Total	693	11.2%
Rockingham	Total	1,265	20.4%
Strafford	Total	610	9.8%
Sullivan	Total	117	1.9%
Unknown	Total	284	4.6%
Grand Total		6,200	100.0%

Data as of: 1/4/2021



© OpenStreetMap


NEW HAMPSHIRE
HOUSING
NHHFA.org
CDFA
NHCDFA.org

PR-28 Report

New Hampshire Community Development Finance Authority

Community Development Block Grant Program

Performance Evaluation Report for 2010

Appendix I

Section 1 – Part I – Reporting
PR28 Parameter Adjustment Narratives

Financial Summary Adjustments:
The IDIS Financial Summary reports (PR28) have been adjusted as follows on the financial summaries:

Program Income: Additional returned funds of $101,752.93 were received in and recorded in 2014.

Obligated to Recipients:
An adjustment to Obligated to Recipients was made to grant year 2010 to reflect grants that were obligated and announced, but not yet entered into IDIS. Adjustments to Obligated to Recipients for all other grant years were necessary to reconcile IDIS to state data as of 3/30/2017.

Amounts set aside for State Administration and Technical Assistance were adjusted to reconcile IDIS to state data as of 3/30/2017.

Compliance with Public Service Cap:
Total disbursed for public service for 2010 was zero.

Expenditures:
All adjustments to amounts drawn for; State Administration, Technical Assistance and All Other Activities were necessary to reconcile IDIS to state data at 3/30/2017.

New Hampshire Community Development Finance Authority

Community Development Block Grant Program

Performance Evaluation Report for 2011

Appendix I

Section 1 – Part I – Reporting
PR28 Parameter Adjustment Narratives

Financial Summary Adjustments:
The IDIS Financial Summary reports (PR28) have been adjusted as follows on the financial summaries:

Program Income: No program income was received.

Obligated to Recipients:
An adjustment to Obligated to Recipients was made to grant year 2011 to reflect grants that were obligated and announced, but not yet entered into IDIS. Adjustments to Obligated to Recipients for all other grant years were necessary to reconcile IDIS to state data as of 3/30/2017.

Amounts set aside for State Administration and Technical Assistance were adjusted to reconcile IDIS to state data as of 3/30/2017.

Compliance with Public Service Cap:
Total disbursed for public service for 2011 was zero.

Expenditures:
All adjustments to amounts drawn for; State Administration, Technical Assistance and All Other Activities were necessary to reconcile IDIS to state data at 3/30/2017.

New Hampshire Community Development Finance Authority

Community Development Block Grant Program

Performance Evaluation Report for 2012

Appendix I

Section 1 – Part I – Reporting
PR28 Parameter Adjustment Narratives

Financial Summary Adjustments:
The IDIS Financial Summary reports (PR28) have been adjusted as follows on the financial summaries:

Program Income: No program income was received.

Obligated to Recipients:
An adjustment to Obligated to Recipients was made to grant year 2012 to reflect grants that were obligated and announced, but not yet entered into IDIS. Adjustments to Obligated to Recipients for all other grant years were necessary to reconcile IDIS to state data as of 3/30/2017.

Amounts set aside for State Administration and Technical Assistance were adjusted to reconcile IDIS to state data as of 3/30/2017.

Compliance with Public Service Cap:
Total disbursed for public service for 2011 was $187,737.07.

Expenditures:
All adjustments to amounts drawn for; State Administration, Technical Assistance and All Other Activities were necessary to reconcile IDIS to state data at 3/30/2017.

New Hampshire Community Development Finance Authority

Community Development Block Grant Program

Performance Evaluation Report for 2013

Appendix I

Section 1 – Part II – Fiscal Year Narrative – PR28 Parameter Adjustment Narratives

Financial Summary Adjustments:
The IDIS Financial Summary reports (PR28) have been adjusted as indicated on the Financial Summaries.

Program Income: Returned funds from failed projects was received in 2013 and posted to the grant year from which it originated as follows:

Grant Year	Amount
2005	$ 75,178.07
2007	396,108.42
2008	45,450.00
2009	38,000.00
2010	101,752.93

All returned funds were redistributed with the draw (or draws) in IDIS that occurred immediately after receipt of the funds.

Obligated to Recipients:
An adjustment to Obligated to Recipients was made to grant year 2013 to reflect grants that were obligated and announced, but not yet entered into IDIS. Adjustments to Obligated to Recipients for all other grant years were necessary to reconcile IDIS to state data as of 12/31/2013.

Amounts set aside for State Administration and Technical Assistance were adjusted to reconcile IDIS to state data as of 12/31/2013, and to the 2013 PRO3 report generated by IDIS.

Expenditures:
All adjustments to amounts drawn for; State Administration, Technical Assistance and All Other Activities were made to reconcile IDIS to state data as of 12/31/2013, and to the 2013 PRO3 report generated by IDIS.

New Hampshire Community Development Finance Authority

Community Development Block Grant Program

Performance Evaluation Report for 2014

Appendix I

Section 1 – Part II – Fiscal Year Narrative – PR28 Parameter Adjustment Narratives

Financial Summary Adjustments:
The IDIS Financial Summary reports (PR28) have been adjusted as follows on the Financial Summaries:

Program Income: Returned funds from failed projects in the amount of $171,002.72 were received in 2014.

All returned funds were redistributed with the draw (or draws) in IDIS that occurred immediately after receipt of the funds.

Obligated to Recipients:
An adjustment to Obligated to Recipients was made to grant year 2014 to reflect grants that were obligated and announced, but not yet entered into IDIS. Adjustments to Obligated to Recipients for all other grant years were necessary to reconcile IDIS to state data as of 12/31/2014.

Amounts set aside for State Administration and Technical Assistance were adjusted to reconcile IDIS to state data as of 12/31/2014, and to the 2014 PRO2 report generated by IDIS.

Expenditures:
All adjustments to amounts drawn for; State Administration, Technical Assistance and All Other Activities were necessary to reconcile IDIS to state data as of 12/31/2014, and to the 2014 PRO2 report generated by IDIS.

New Hampshire Community Development Finance Authority

Community Development Block Grant Program

Performance Evaluation Report for 2015

Appendix I

Section 1 – Part I – Reporting
PR 28 Parameters Adjustments

Financial Summary Adjustments:
The IDIS Financial Summary reports (PR28) have been adjusted as follows on the financial summaries:

Program Income: Additional returned funds of $53,036.19 were received in and recorded in 2015.

Obligated to Recipients:
An adjustment to Obligated to Recipients was made to grant year 2015 to reflect grants that were obligated and announced, but not yet entered into IDIS. Adjustments to Obligated to Recipients for all other grant years were necessary to reconcile IDIS to state data as of 12/31/2015.

Amounts set aside for State Administration and Technical Assistance were adjusted to reconcile IDIS to state data as of 12/31/2015.

Compliance with Public Service Cap:
Total disbursed for public service for 2012 was adjusted for $138,000 to reflect a change in matrix code for activity #2601.

Expenditures:
All adjustments to amounts drawn for; State Administration, Technical Assistance and All Other Activities were necessary to reconcile IDIS to state data at 12/31/2015.

New Hampshire Community Development Finance Authority

Community Development Block Grant Program

Performance Evaluation Report for 2016

Appendix I

Section 1 – Part I – Reporting
PR 28 Parameters Adjustments

Financial Summary Adjustments:
The IDIS Financial Summary reports (PR28) have been adjusted as follows on the financial summaries:

Program Income: Program income of $110,598.68 were received and recorded in 2016.

Obligated to Recipients:
No adjustments made.

Compliance with Public Service Cap:
Total disbursed for public service for 2016 was zero.

Expenditures:
All adjustments to amounts drawn for State Administration, Technical Assistance and All Other Activities were necessary to reconcile IDIS to state data at 3/30/2017.

New Hampshire Community Development Finance Authority

Community Development Block Grant Program

Performance Evaluation Report for 2017

Appendix I

Section 1 – Part I – Reporting
PR 28 Parameters Adjustments

Financial Summary Adjustments:
The IDIS Financial Summary reports (PR28) have been adjusted as follows on the financial summaries:

Program Income: Additional returned funds of $342,236.25 were received in and recorded in 2017.

Obligated to Recipients:
No adjustments made.

Compliance with Public Service Cap:
Total disbursed for Public Service was zero.

Expenditures:
All adjustments to amounts drawn for; State Administration, Technical Assistance and All Other Activities were necessary to reconcile IDIS to state data at 3/30/2018.

New Hampshire Community Development Finance Authority

Community Development Block Grant Program

Performance Evaluation Report for 2018

Appendix I

Section 1 – Part I – Reporting
PR 28 Parameters Adjustments

Financial Summary Adjustments:
The IDIS Financial Summary reports (PR28) have been adjusted as follows on the financial summaries:

Program Income: Additional returned funds of $130,394.95 were received in and recorded in 2018.

Obligated to Recipients:
No adjustments made.

Compliance with Public Service Cap:
Total disbursed for Public Service was zero.

Expenditures:
All adjustments to amounts drawn for; State Administration, Technical Assistance and All Other Activities were necessary to reconcile IDIS to state data at 3/06/2019.

New Hampshire Community Development Finance Authority

Community Development Block Grant Program

Performance Evaluation Report for 2019

Appendix I

Section 1 – Part I – Reporting
PR 28 Parameters Adjustments

Financial Summary Adjustments:
The IDIS Financial Summary reports (PR28) have been adjusted as follows on the financial summaries:

Program Income: Additional returned funds of $112,000.00 were received in and recorded in 2019.

Obligated to Recipients:
No adjustments made.

Compliance with Public Service Cap:
Total disbursed for Public Service was zero.

Expenditures:
All adjustments to amounts drawn for State Administration, Technical Assistance and All Other Activities were necessary to reconcile IDIS to state data at 3/13/2020.

New Hampshire Community Development Finance Authority

Community Development Block Grant Program

Performance Evaluation Report for 2020

Appendix I

Section 1 – Part I – Reporting
PR 28 Parameters Adjustments

Financial Summary Adjustments:
The IDIS Financial Summary reports (PR28) have been adjusted as follows on the financial summaries:

Program Income: Additional returned funds of $142,390.00 were received in and recorded in 2020.

Obligated to Recipients:
No adjustments made.

Compliance with Public Service Cap:
Total disbursed for Public Service was zero.

Expenditures:
All adjustments to amounts drawn for State Administration, Technical Assistance and All Other Activities were necessary to reconcile IDIS to state data at 9/08/2021.

State of New Hampshire
Performance and Evaluation Report
For Grant Year 2010
As of 09/08/2021

Grant Number B10DC330001

Part I: Financial Status

A. Sources of State CDBG Funds

1)	State Allocation	$10,011,018.00
2)	Program Income	
3)	Program income receipted in IDIS	$101,752.93
3 a)	Program income receipted from Section 108 Projects (for SI type)	$0.00
4)	Adjustment to compute total program income	$0.00
5)	Total program income (sum of lines 3 and 4)	$101,752.93
6)	Section 108 Loan Funds	$0.00
7)	Total State CDBG Resources (sum of lines 1,5 and 6)	$10,112,770.93

B. State CDBG Resources by Use

8)	State Allocation	
9)	Obligated to recipients	$9,209,612.93
10)	Adjustment to compute total obligated to recipients	$523,158.00
11)	Total obligated to recipients (sum of lines 9 and 10)	$9,732,770.93
12)	Set aside for State Administration	$0.00
13)	Adjustment to compute total set aside for State Administration	$300,220.00
14)	Total set aside for State Administration (sum of lines 12 and 13)	$300,220.00
15)	Set aside for Technical Assistance	
16)	Adjustment to compute total set aside for Technical Assistance	$100,110.00
17)	Total set aside for Technical Assistance (sum of lines 15 and 16)	
18)	State funds set aside for State Administration match	$200,221.00

State of New Hampshire
Performance and Evaluation Report
For Grant Year 2010
As of 09/08/2021

Grant Number B10DC330001

19)	Program Income	
20)	Returned to the state and redistributed	
20 a)	Section 108 program income expended for the Section 108 repayment	
21)	Adjustment to compute total redistributed	$0.00
22)	Total redistributed (sum of lines 20 and 21)	$0.00
23)	Returned to the state and not yet redistributed	$101,752.93
23 a)	Section 108 program income not yet disbursed	$0.00
24)	Adjustment to compute total not yet redistributed	$0.00
25)	Total not yet redistributed (sum of lines 23 and 24)	$101,752.93
26)	Retained by recipients	$0.00
27)	Adjustment to compute total retained	$0.00
28)	Total retained (sum of lines 26 and 27)	$0.00

C. Expenditures of State CDBG Resources

29)	Drawn for State Administration	$0.00
30)	Adjustment to amount drawn for State Administration	$300,220.00
31)	Total drawn for State Administration	$300,220.00
32)	Drawn for Technical Assistance	$0.00
33)	Adjustment to amount drawn for Technical Assistance	$100,110.00
34)	Total drawn for Technical Assistance	$100,110.00
35)	Drawn for Section 108 Repayments	$0.00
36)	Adjustment to amount drawn for Section 108 Repayments	$0.00
37)	Total drawn for Section 108 Repayments	$0.00
38)	Drawn for all other activities	$9,209,612.93
39)	Adjustment to amount drawn for all other activities	$122,828.00
40)	Total drawn for all other activities	$9,332,440.93

State of New Hampshire
Performance and Evaluation Report
For Grant Year 2010
As of 09/08/2021

Grant Number B10DC330001

D.	Compliance with Public Service (PS) Cap	
41)	Disbursed in IDIS for PS	$0.00
42)	Adjustment to compute total disbursed for PS	$0.00
43)	Total disbursed for PS (sum of lines 41 and 42)	$0.00
44)	Amount subject to PS cap	
45)	State Allocation (line 1)	$10,011,018.00
46)	Program Income Received (line 5)	$101,752.93
47)	Adjustment to compute total subject to PS cap	$0.00
48)	Total subject to PS cap (sum of lines 45-47)	$10,112,770.93
49)	Percent of funds disbursed to date for PS (line 43 / line 48)	0.00%
E.	Compliance with Planning and Administration (P/A) Cap	
50)	Disbursed in IDIS for P/A from all fund types - Combined	$928,540.00
51)	Adjustment to compute total disbursed for P/A	$0.00
52)	Total disbursed for P/A (sum of lines 50 and 51)	$928,540.00
53)	Amount subject to Combined Expenditure P/A cap	
54)	State Allocation (line 1)	$10,011,018.00
55)	Program Income Received (line 5)	$101,752.93
56)	Adjustment to compute total subject to P/A cap	$0.00
57)	Total subject to P/A cap (sum of lines 54-56)	$10,112,770.93
58)	Percent of funds disbursed to date for P/A (line 52 / line 57) Combined Cap	9.18%
59)	Disbursed in IDIS for P/A from Annual Grant Only	$928,540.00
60)	Amount subject the Annual Grant P/A cap	
61)	State Allocation	$10,011,018.00
62)	Percent of funds disbursed to date for P/A (line 59 / line 61) Annual Grant Cap	9.28%

State of New Hampshire
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Part II: Compliance with Overall Low and Moderate Income Benefit

63) Period specified for benefit: grant years 2010 – 0

64) Final PER for compliance with the overall benefit test: [No]

	Grant Year	2010	Total
65)	Benefit LMI persons and households (1)	8,291,072.93	8,291,072.93
66)	Benefit LMI, 108 activities	0.00	0.00
67)	Benefit LMI, other adjustments	0.00	0.00
68)	Total, Benefit LMI (sum of lines 65-67)	8,291,072.93	8,291,072.93
69)	Prevent/Eliminate Slum/Blight	0.00	0.00
70)	Prevent Slum/Blight, 108 activities	0.00	0.00
71)	Total, Prevent Slum/Blight (sum of lines 69 and 70)	0.00	0.00
72)	Meet Urgent Community Development Needs	0.00	0.00
73)	Meet Urgent Needs, 108 activities	0.00	0.00
74)	Total, Meet Urgent Needs (sum of lines 72 and 73)	0.00	0.00
75)	Acquisition, New Construction, Rehab/Special Areas noncountable	22,110.00	22,110.00
76)	Total disbursements subject to overall LMI benefit (sum of lines 68, 71, 74, and 75)	8,313,182.93	8,313,182.93
77)	Low and moderate income benefit (line 68 / line 76)	1.00	1.00
78)	Other Disbursements	1.00	1.00
79)	State Administration	0.00	0.00
80)	Technical Assistance	0.00	0.00
81)	Local Administration	918,540.00	918,540.00
82)	Section 108 repayments	0.00	0.00

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Part I: Financial Status

A. Sources of State CDBG Funds

1)	State Allocation	$8,393,689.00
2)	Program Income	
3)	Program income receipted in IDIS	$0.00
3 a)	Program income receipted from Section 108 Projects (for SI type)	$0.00
4)	Adjustment to compute total program income	$0.00
5)	Total program income (sum of lines 3 and 4)	$0.00
6)	Section 108 Loan Funds	$0.00
7)	Total State CDBG Resources (sum of lines 1,5 and 6)	$8,393,689.00

B. State CDBG Resources by Use

8)	State Allocation	
9)	Obligated to recipients	$5,971,695.24
10)	Adjustment to compute total obligated to recipients	$2,421,993.73
11)	Total obligated to recipients (sum of lines 9 and 10)	$8,393,688.97
12)	Set aside for State Administration	$0.00
13)	Adjustment to compute total set aside for State Administration	$267,874.00
14)	Total set aside for State Administration (sum of lines 12 and 13)	$267,874.00
15)	Set aside for Technical Assistance	
16)	Adjustment to compute total set aside for Technical Assistance	$83,937.00
17)	Total set aside for Technical Assistance (sum of lines 15 and 16)	
18)	State funds set aside for State Administration match	$167,874.00

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19)	Program Income	
20)	Returned to the state and redistributed	
20 a)	Section 108 program income expended for the Section 108 repayment	
21)	Adjustment to compute total redistributed	$0.00
22)	Total redistributed (sum of lines 20 and 21)	$0.00
23)	Returned to the state and not yet redistributed	$0.00
23 a)	Section 108 program income not yet disbursed	$0.00
24)	Adjustment to compute total not yet redistributed	$0.00
25)	Total not yet redistributed (sum of lines 23 and 24)	$0.00
26)	Retained by recipients	$0.00
27)	Adjustment to compute total retained	$0.00
28)	Total retained (sum of lines 26 and 27)	$0.00

C. Expenditures of State CDBG Resources

29)	Drawn for State Administration	$0.00
30)	Adjustment to amount drawn for State Administration	$267,874.00
31)	Total drawn for State Administration	$267,874.00
32)	Drawn for Technical Assistance	$0.00
33)	Adjustment to amount drawn for Technical Assistance	$83,937.00
34)	Total drawn for Technical Assistance	$83,937.00
35)	Drawn for Section 108 Repayments	$0.00
36)	Adjustment to amount drawn for Section 108 Repayments	$0.00
37)	Total drawn for Section 108 Repayments	$0.00
38)	Drawn for all other activities	$5,971,695.24
39)	Adjustment to amount drawn for all other activities	$2,070,182.76
40)	Total drawn for all other activities	$8,041,878.00

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D.	Compliance with Public Service (PS) Cap	
41)	Disbursed in IDIS for PS	$0.00
42)	Adjustment to compute total disbursed for PS	$0.00
43)	Total disbursed for PS (sum of lines 41 and 42)	$0.00
44)	Amount subject to PS cap	
45)	State Allocation (line 1)	$8,393,689.00
46)	Program Income Received (line 5)	$0.00
47)	Adjustment to compute total subject to PS cap	$0.00
48)	Total subject to PS cap (sum of lines 45-47)	$8,393,689.00
49)	Percent of funds disbursed to date for PS (line 43 / line 48)	0.00%
E.	Compliance with Planning and Administration (P/A) Cap	
50)	Disbursed in IDIS for P/A from all fund types - Combined	$722,147.00
51)	Adjustment to compute total disbursed for P/A	$0.00
52)	Total disbursed for P/A (sum of lines 50 and 51)	$722,147.00
53)	Amount subject to Combined Expenditure P/A cap	
54)	State Allocation (line 1)	$8,393,689.00
55)	Program Income Received (line 5)	$0.00
56)	Adjustment to compute total subject to P/A cap	$0.00
57)	Total subject to P/A cap (sum of lines 54-56)	$8,393,689.00
58)	Percent of funds disbursed to date for P/A (line 52 / line 57) Combined Cap	8.60%
59)	Disbursed in IDIS for P/A from Annual Grant Only	$722,147.00
60)	Amount subject the Annual Grant P/A cap	
61)	State Allocation	$8,393,689.00
62)	Percent of funds disbursed to date for P/A (line 59 / line 61) Annual Grant Cap	8.60%

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Part II: Compliance with Overall Low and Moderate Income Benefit

63) Period specified for benefit: grant years 2011 – _____

64) Final PER for compliance with the overall benefit test: [No]

	Grant Year	2011	Total
65)	Benefit LMI persons and households (1)	5,249,548.24	5,249,548.24
66)	Benefit LMI, 108 activities	0.00	0.00
67)	Benefit LMI, other adjustments	0.00	0.00
68)	Total, Benefit LMI (sum of lines 65-67)	5,249,548.24	5,249,548.24
69)	Prevent/Eliminate Slum/Blight	0.00	0.00
70)	Prevent Slum/Blight, 108 activities	0.00	0.00
71)	Total, Prevent Slum/Blight (sum of lines 69 and 70)	0.00	0.00
72)	Meet Urgent Community Development Needs	0.00	0.00
73)	Meet Urgent Needs, 108 activities	0.00	0.00
74)	Total, Meet Urgent Needs (sum of lines 72 and 73)	0.00	0.00
75)	Acquisition, New Construction, Rehab/Special Areas noncountable	0.00	0.00
76)	Total disbursements subject to overall LMI benefit (sum of lines 68, 71, 74, and 75)	5,249,548.24	5,249,548.24
77)	Low and moderate income benefit (line 68 / line 76)	1.00	1.00
78)	Other Disbursements	1.00	1.00
79)	State Administration	0.00	0.00
80)	Technical Assistance	0.00	0.00
81)	Local Administration	722,147.00	722,147.00
82)	Section 108 repayments	0.00	0.00

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Part I: Financial Status

A. Sources of State CDBG Funds

1)	State Allocation	$7,740,815.00
2)	Program Income	
3)	Program income receipted in IDIS	$0.00
3 a)	Program income receipted from Section 108 Projects (for SI type)	$0.00
4)	Adjustment to compute total program income	$0.00
5)	Total program income (sum of lines 3 and 4)	$0.00
6)	Section 108 Loan Funds	$0.00
7)	Total State CDBG Resources (sum of lines 1,5 and 6)	$7,740,815.00

B. State CDBG Resources by Use

8)	State Allocation	
9)	Obligated to recipients	$8,935,467.90
10)	Adjustment to compute total obligated to recipients	-$1,124,652.90
11)	Total obligated to recipients (sum of lines 9 and 10)	$7,810,815.00
12)	Set aside for State Administration	$0.00
13)	Adjustment to compute total set aside for State Administration	$255,949.00
14)	Total set aside for State Administration (sum of lines 12 and 13)	$255,949.00
15)	Set aside for Technical Assistance	
16)	Adjustment to compute total set aside for Technical Assistance	$76,275.00
17)	Total set aside for Technical Assistance (sum of lines 15 and 16)	
18)	State funds set aside for State Administration match	$155,949.00

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19)	Program Income		
20)	Returned to the state and redistributed		
20 a)	Section 108 program income expended for the Section 108 repayment		
21)	Adjustment to compute total redistributed		$0.00
22)	Total redistributed (sum of lines 20 and 21)		$0.00
23)	Returned to the state and not yet redistributed		$0.00
23 a)	Section 108 program income not yet disbursed		$0.00
24)	Adjustment to compute total not yet redistributed		$0.00
25)	Total not yet redistributed (sum of lines 23 and 24)		$0.00
26)	Retained by recipients		$0.00
27)	Adjustment to compute total retained		$0.00
28)	Total retained (sum of lines 26 and 27)		$0.00
C.	Expenditures of State CDBG Resources		
29)	Drawn for State Administration		$0.00
30)	Adjustment to amount drawn for State Administration		$255,949.00
31)	Total drawn for State Administration		$255,949.00
32)	Drawn for Technical Assistance		$0.00
33)	Adjustment to amount drawn for Technical Assistance		$76,225.00
34)	Total drawn for Technical Assistance	-$50.00	$76,225.00
35)	Drawn for Section 108 Repayments		$0.00
36)	Adjustment to amount drawn for Section 108 Repayments		$0.00
37)	Total drawn for Section 108 Repayments		$0.00
38)	Drawn for all other activities		$8,935,467.90
39)	Adjustment to amount drawn for all other activities		-$1,526,826.90
40)	Total drawn for all other activities		$7,408,641.00

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D.	Compliance with Public Service (PS) Cap	
41)	Disbursed in IDIS for PS	$49,737.07
42)	Adjustment to compute total disbursed for PS	$138,000.00
43)	Total disbursed for PS (sum of lines 41 and 42)	$187,737.07
44)	Amount subject to PS cap	
45)	State Allocation (line 1)	$7,740,815.00
46)	Program Income Received (line 5)	$0.00
47)	Adjustment to compute total subject to PS cap	$0.00
48)	Total subject to PS cap (sum of lines 45-47)	$7,740,815.00
49)	Percent of funds disbursed to date for PS (line 43 / line 48)	2.43%
E.	Compliance with Planning and Administration (P/A) Cap	
50)	Disbursed in IDIS for P/A from all fund types - Combined	$805,797.00
51)	Adjustment to compute total disbursed for P/A	$0.00
52)	Total disbursed for P/A (sum of lines 50 and 51)	$805,797.00
53)	Amount subject to Combined Expenditure P/A cap	
54)	State Allocation (line 1)	$7,740,815.00
55)	Program Income Received (line 5)	$0.00
56)	Adjustment to compute total subject to P/A cap	$0.00
57)	Total subject to P/A cap (sum of lines 54-56)	$7,740,815.00
58)	Percent of funds disbursed to date for P/A (line 52 / line 57) Combined Cap	10.41%
59)	Disbursed in IDIS for P/A from Annual Grant Only	$805,797.00
60)	Amount subject the Annual Grant P/A cap	
61)	State Allocation	$7,740,815.00
62)	Percent of funds disbursed to date for P/A (line 59 / line 61) Annual Grant Cap	10.41%

Part II: Compliance with Overall Low and Moderate Income Benefit

63) Period specified for benefit: grant years 2012 – 0

64) Final PER for compliance with the overall benefit test: [No]

	Grant Year	2012	Total
65)	Benefit LMI persons and households (1)	7,950,704.90	7,950,704.90
66)	Benefit LMI, 108 activities	0.00	0.00
67)	Benefit LMI, other adjustments	0.00	0.00
68)	Total, Benefit LMI (sum of lines 65-67)	7,950,704.90	7,950,704.90
69)	Prevent/Eliminate Slum/Blight	0.00	0.00
70)	Prevent Slum/Blight, 108 activities	0.00	0.00
71)	Total, Prevent Slum/Blight (sum of lines 69 and 70)	0.00	0.00
72)	Meet Urgent Community Development Needs	178,966.00	178,966.00
73)	Meet Urgent Needs, 108 activities	0.00	0.00
74)	Total, Meet Urgent Needs (sum of lines 72 and 73)	178,966.00	178,966.00
75)	Acquisition, New Construction, Rehab/Special Areas noncountable	0.00	0.00
76)	Total disbursements subject to overall LMI benefit (sum of lines 68, 71, 74, and 75)	8,129,670.90	8,129,670.90
77)	Low and moderate income benefit (line 68 / line 76)	0.98	0.98
78)	Other Disbursements	1.00	1.00
79)	State Administration	0.00	0.00
80)	Technical Assistance	0.00	0.00
81)	Local Administration	805,797.00	805,797.00
82)	Section 108 repayments	0.00	0.00

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Part I: Financial Status

A. Sources of State CDBG Funds

1)	State Allocation	$8,194,036.00
2)	Program Income	
3)	Program income receipted in IDIS	$0.00
3 a)	Program income receipted from Section 108 Projects (for SI type)	$0.00
4)	Adjustment to compute total program income	$0.00
5)	Total program income (sum of lines 3 and 4)	$0.00
6)	Section 108 Loan Funds	$0.00
7)	Total State CDBG Resources (sum of lines 1,5 and 6)	$8,194,036.00

B. State CDBG Resources by Use

8)	State Allocation	
9)	Obligated to recipients	$5,787,536.52
10)	Adjustment to compute total obligated to recipients	$2,302,718.87
11)	Total obligated to recipients (sum of lines 9 and 10)	$8,090,255.39
12)	Set aside for State Administration	$0.00
13)	Adjustment to compute total set aside for State Administration	$284,888.00
14)	Total set aside for State Administration (sum of lines 12 and 13)	$284,888.00
15)	Set aside for Technical Assistance	$60,932.98
16)	Adjustment to compute total set aside for Technical Assistance	$0.00
17)	Total set aside for Technical Assistance (sum of lines 15 and 16)	$60,932.98
18)	State funds set aside for State Administration match	$184,888.00

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19)	Program Income	
20)	Returned to the state and redistributed	$445,598.07
20 a)	Section 108 program income expended for the Section 108 repayment	
21)	Adjustment to compute total redistributed	-$445,598.07
22)	Total redistributed (sum of lines 20 and 21)	$0.00
23)	Returned to the state and not yet redistributed	-$445,598.07
23 a)	Section 108 program income not yet disbursed	$0.00
24)	Adjustment to compute total not yet redistributed	$445,598.07
25)	Total not yet redistributed (sum of lines 23 and 24)	$0.00
26)	Retained by recipients	$0.00
27)	Adjustment to compute total retained	$0.00
28)	Total retained (sum of lines 26 and 27)	$0.00

C. Expenditures of State CDBG Resources

29)	Drawn for State Administration	$0.00
30)	Adjustment to amount drawn for State Administration	$284,888.00
31)	Total drawn for State Administration	$284,888.00
32)	Drawn for Technical Assistance	$60,932.98
33)	Adjustment to amount drawn for Technical Assistance	$0.00
34)	Total drawn for Technical Assistance	$60,932.98
35)	Drawn for Section 108 Repayments	$0.00
36)	Adjustment to amount drawn for Section 108 Repayments	$0.00
37)	Total drawn for Section 108 Repayments	$0.00
38)	Drawn for all other activities	$6,172,201.61
39)	Adjustment to amount drawn for all other activities	-$685,615.22
40)	Total drawn for all other activities	$5,486,586.39

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D.	Compliance with Public Service (PS) Cap	
41)	Disbursed in IDIS for PS	$0.00
42)	Adjustment to compute total disbursed for PS	$0.00
43)	Total disbursed for PS (sum of lines 41 and 42)	$0.00
44)	Amount subject to PS cap	
45)	State Allocation (line 1)	$8,194,036.00
46)	Program Income Received (line 5)	$0.00
47)	Adjustment to compute total subject to PS cap	$0.00
48)	Total subject to PS cap (sum of lines 45-47)	$8,194,036.00
49)	Percent of funds disbursed to date for PS (line 43 / line 48)	0.00%
E.	Compliance with Planning and Administration (P/A) Cap	
50)	Disbursed in IDIS for P/A from all fund types - Combined	$668,013.41
51)	Adjustment to compute total disbursed for P/A	$0.00
52)	Total disbursed for P/A (sum of lines 50 and 51)	$668,013.41
53)	Amount subject to Combined Expenditure P/A cap	
54)	State Allocation (line 1)	$8,194,036.00
55)	Program Income Received (line 5)	$0.00
56)	Adjustment to compute total subject to P/A cap	$0.00
57)	Total subject to P/A cap (sum of lines 54-56)	$8,194,036.00
58)	Percent of funds disbursed to date for P/A (line 52 / line 57) Combined Cap	8.15%
59)	Disbursed in IDIS for P/A from Annual Grant Only	$656,018.41
60)	Amount subject the Annual Grant P/A cap	
61)	State Allocation	$8,194,036.00
62)	Percent of funds disbursed to date for P/A (line 59 / line 61) Annual Grant Cap	8.01%

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Part II: Compliance with Overall Low and Moderate Income Benefit

63) Period specified for benefit: grant years 2013 – _____

64) Final PER for compliance with the overall benefit test: [No]

	Grant Year	2013	Total
65)	Benefit LMI persons and households (1)	5,504,188.20	5,504,188.20
66)	Benefit LMI, 108 activities	0.00	0.00
67)	Benefit LMI, other adjustments	0.00	0.00
68)	Total, Benefit LMI (sum of lines 65-67)	5,504,188.20	5,504,188.20
69)	Prevent/Eliminate Slum/Blight	0.00	0.00
70)	Prevent Slum/Blight, 108 activities	0.00	0.00
71)	Total, Prevent Slum/Blight (sum of lines 69 and 70)	0.00	0.00
72)	Meet Urgent Community Development Needs	0.00	0.00
73)	Meet Urgent Needs, 108 activities	0.00	0.00
74)	Total, Meet Urgent Needs (sum of lines 72 and 73)	0.00	0.00
75)	Acquisition, New Construction, Rehab/Special Areas noncountable	0.00	0.00
76)	Total disbursements subject to overall LMI benefit (sum of lines 68, 71, 74, and 75)	5,504,188.20	5,504,188.20
77)	Low and moderate income benefit (line 68 / line 76)	1.00	1.00
78)	Other Disbursements	1.00	1.00
79)	State Administration	0.00	0.00
80)	Technical Assistance	60,932.98	60,932.98
81)	Local Administration	668,013.41	668,013.41
82)	Section 108 repayments	0.00	0.00

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Part I: Financial Status

A. Sources of State CDBG Funds

1)	State Allocation	$8,073,617.00
2)	Program Income	
3)	Program income receipted in IDIS	$171,002.72
3 a)	Program income receipted from Section 108 Projects (for SI type)	$0.00
4)	Adjustment to compute total program income	$0.00
5)	Total program income (sum of lines 3 and 4)	$171,002.72
6)	Section 108 Loan Funds	$0.00
7)	Total State CDBG Resources (sum of lines 1,5 and 6)	$8,244,619.72

B. State CDBG Resources by Use

8)	State Allocation	
9)	Obligated to recipients	$12,826,512.19
10)	Adjustment to compute total obligated to recipients	-$4,376,359.33
11)	Total obligated to recipients (sum of lines 9 and 10)	$8,450,152.86
12)	Set aside for State Administration	$277,738.47
13)	Adjustment to compute total set aside for State Administration	$0.00
14)	Total set aside for State Administration (sum of lines 12 and 13)	$277,738.47
15)	Set aside for Technical Assistance	$64,469.53
16)	Adjustment to compute total set aside for Technical Assistance	$0.00
17)	Total set aside for Technical Assistance (sum of lines 15 and 16)	$64,469.53
18)	State funds set aside for State Administration match	$177,738.47

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19)	Program Income	
20)	Returned to the state and redistributed	$101,752.93
20 a)	Section 108 program income expended for the Section 108 repayment	
21)	Adjustment to compute total redistributed	$171,002.72
22)	Total redistributed (sum of lines 20 and 21)	$272,755.65
23)	Returned to the state and not yet redistributed	$82,252.04
23 a)	Section 108 program income not yet disbursed	$0.00
24)	Adjustment to compute total not yet redistributed	-$82,252.04
25)	Total not yet redistributed (sum of lines 23 and 24)	$0.00
26)	Retained by recipients	$0.00
27)	Adjustment to compute total retained	$0.00
28)	Total retained (sum of lines 26 and 27)	$0.00
C.	Expenditures of State CDBG Resources	
29)	Drawn for State Administration	$277,738.47
30)	Adjustment to amount drawn for State Administration	$0.00
31)	Total drawn for State Administration	$277,738.47
32)	Drawn for Technical Assistance	$64,469.53
33)	Adjustment to amount drawn for Technical Assistance	$0.00
34)	Total drawn for Technical Assistance	$64,469.53
35)	Drawn for Section 108 Repayments	$0.00
36)	Adjustment to amount drawn for Section 108 Repayments	$0.00
37)	Total drawn for Section 108 Repayments	$0.00
38)	Drawn for all other activities	$12,744,048.59
39)	Adjustment to amount drawn for all other activities	-$2,464,702.98
40)	Total drawn for all other activities	$10,279,345.61

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D.	Compliance with Public Service (PS) Cap	
41)	Disbursed in IDIS for PS	$216,749.93
42)	Adjustment to compute total disbursed for PS	$0.00
43)	Total disbursed for PS (sum of lines 41 and 42)	$216,749.93
44)	Amount subject to PS cap	
45)	State Allocation (line 1)	$8,073,617.00
46)	Program Income Received (line 5)	$171,002.72
47)	Adjustment to compute total subject to PS cap	$0.00
48)	Total subject to PS cap (sum of lines 45-47)	$8,244,619.72
49)	Percent of funds disbursed to date for PS (line 43 / line 48)	2.63%
E.	Compliance with Planning and Administration (P/A) Cap	
50)	Disbursed in IDIS for P/A from all fund types - Combined	$1,195,682.79
51)	Adjustment to compute total disbursed for P/A	-$234,708.32
52)	Total disbursed for P/A (sum of lines 50 and 51)	$960,974.47
53)	Amount subject to Combined Expenditure P/A cap	
54)	State Allocation (line 1)	$8,073,617.00
55)	Program Income Received (line 5)	$171,002.72
56)	Adjustment to compute total subject to P/A cap	$0.00
57)	Total subject to P/A cap (sum of lines 54-56)	$8,244,619.72
58)	Percent of funds disbursed to date for P/A (line 52 / line 57) Combined Cap	11.66%
59)	Disbursed in IDIS for P/A from Annual Grant Only	$1,182,192.79
60)	Amount subject the Annual Grant P/A cap	
61)	State Allocation	$8,073,617.00
62)	Percent of funds disbursed to date for P/A (line 59 / line 61) Annual Grant Cap	14.64%

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Grant Number B14DC330001

Part II: Compliance with Overall Low and Moderate Income Benefit

63) Period specified for benefit: grant years 2014 – _____

64) Final PER for compliance with the overall benefit test: [No]

	Grant Year	2014	Total
65)	Benefit LMI persons and households (1)	11,826,104.27	11,826,104.27
66)	Benefit LMI, 108 activities	0.00	0.00
67)	Benefit LMI, other adjustments	0.00	0.00
68)	Total, Benefit LMI (sum of lines 65-67)	11,826,104.27	11,826,104.27
69)	Prevent/Eliminate Slum/Blight	0.00	0.00
70)	Prevent Slum/Blight, 108 activities	0.00	0.00
71)	Total, Prevent Slum/Blight (sum of lines 69 and 70)	0.00	0.00
72)	Meet Urgent Community Development Needs	0.00	0.00
73)	Meet Urgent Needs, 108 activities	0.00	0.00
74)	Total, Meet Urgent Needs (sum of lines 72 and 73)	0.00	0.00
75)	Acquisition, New Construction, Rehab/Special Areas noncountable	0.00	0.00
76)	Total disbursements subject to overall LMI benefit (sum of lines 68, 71, 74, and 75)	11,826,104.27	11,826,104.27
77)	Low and moderate income benefit (line 68 / line 76)	1.00	1.00
78)	Other Disbursements	1.00	1.00
79)	State Administration	277,738.47	277,738.47
80)	Technical Assistance	64,469.53	64,469.53
81)	Local Administration	917,944.32	917,944.32
82)	Section 108 repayments	0.00	0.00

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Grant Number B15DC330001

Part I: Financial Status

A. Sources of State CDBG Funds

1)	State Allocation	$7,979,261.00
2)	Program Income	
3)	Program income receipted in IDIS	$53,036.19
3 a)	Program income receipted from Section 108 Projects (for SI type)	$0.00
4)	Adjustment to compute total program income	$0.00
5)	Total program income (sum of lines 3 and 4)	$53,036.19
6)	Section 108 Loan Funds	$0.00
7)	Total State CDBG Resources (sum of lines 1,5 and 6)	$8,032,297.19

B. State CDBG Resources by Use

8)	State Allocation	
9)	Obligated to recipients	$7,499,261.00
10)	Adjustment to compute total obligated to recipients	$0.00
11)	Total obligated to recipients (sum of lines 9 and 10)	$7,499,261.00
12)	Set aside for State Administration	$324,767.16
13)	Adjustment to compute total set aside for State Administration	$0.00
14)	Total set aside for State Administration (sum of lines 12 and 13)	$324,767.16
15)	Set aside for Technical Assistance	$14,610.84
16)	Adjustment to compute total set aside for Technical Assistance	$0.00
17)	Total set aside for Technical Assistance (sum of lines 15 and 16)	$14,610.84
18)	State funds set aside for State Administration match	$170,604.00

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19)	Program Income	
20)	Returned to the state and redistributed	$224,038.91
20 a)	Section 108 program income expended for the Section 108 repayment	
21)	Adjustment to compute total redistributed	$0.00
22)	Total redistributed (sum of lines 20 and 21)	$224,038.91
23)	Returned to the state and not yet redistributed	-$158,000.47
23 a)	Section 108 program income not yet disbursed	$0.00
24)	Adjustment to compute total not yet redistributed	$0.00
25)	Total not yet redistributed (sum of lines 23 and 24)	-$158,000.47
26)	Retained by recipients	$0.00
27)	Adjustment to compute total retained	$0.00
28)	Total retained (sum of lines 26 and 27)	$0.00
C.	Expenditures of State CDBG Resources	
29)	Drawn for State Administration	$324,767.16
30)	Adjustment to amount drawn for State Administration	$0.00
31)	Total drawn for State Administration	$324,767.16
32)	Drawn for Technical Assistance	$14,610.84
33)	Adjustment to amount drawn for Technical Assistance	$0.00
34)	Total drawn for Technical Assistance	$14,610.84
35)	Drawn for Section 108 Repayments	$0.00
36)	Adjustment to amount drawn for Section 108 Repayments	$0.00
37)	Total drawn for Section 108 Repayments	$0.00
38)	Drawn for all other activities	$7,225,921.44
39)	Adjustment to amount drawn for all other activities	$0.00
40)	Total drawn for all other activities	$7,225,921.44

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D.	Compliance with Public Service (PS) Cap	
41)	Disbursed in IDIS for PS	$0.00
42)	Adjustment to compute total disbursed for PS	$0.00
43)	Total disbursed for PS (sum of lines 41 and 42)	$0.00
44)	Amount subject to PS cap	
45)	State Allocation (line 1)	$7,979,261.00
46)	Program Income Received (line 5)	$53,036.19
47)	Adjustment to compute total subject to PS cap	$0.00
48)	Total subject to PS cap (sum of lines 45-47)	$8,032,297.19
49)	Percent of funds disbursed to date for PS (line 43 / line 48)	0.00%
E.	Compliance with Planning and Administration (P/A) Cap	
50)	Disbursed in IDIS for P/A from all fund types - Combined	$775,826.60
51)	Adjustment to compute total disbursed for P/A	-$41,067.00
52)	Total disbursed for P/A (sum of lines 50 and 51)	$734,759.60
53)	Amount subject to Combined Expenditure P/A cap	
54)	State Allocation (line 1)	$7,979,261.00
55)	Program Income Received (line 5)	$53,036.19
56)	Adjustment to compute total subject to P/A cap	$0.00
57)	Total subject to P/A cap (sum of lines 54-56)	$8,032,297.19
58)	Percent of funds disbursed to date for P/A (line 52 / line 57) Combined Cap	9.15%
59)	Disbursed in IDIS for P/A from Annual Grant Only	$772,826.60
60)	Amount subject the Annual Grant P/A cap	
61)	State Allocation	$7,979,261.00
62)	Percent of funds disbursed to date for P/A (line 59 / line 61) Annual Grant Cap	9.69%

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Part II: Compliance with Overall Low and Moderate Income Benefit

63) Period specified for benefit: grant years 2015 – 0

64) Final PER for compliance with the overall benefit test: [No]

	Grant Year	2015	Total
65)	Benefit LMI persons and households (1)	6,774,862.00	6,774,862.00
66)	Benefit LMI, 108 activities	0.00	0.00
67)	Benefit LMI, other adjustments	0.00	0.00
68)	Total, Benefit LMI (sum of lines 65-67)	6,774,862.00	6,774,862.00
69)	Prevent/Eliminate Slum/Blight	0.00	0.00
70)	Prevent Slum/Blight, 108 activities	0.00	0.00
71)	Total, Prevent Slum/Blight (sum of lines 69 and 70)	0.00	0.00
72)	Meet Urgent Community Development Needs	0.00	0.00
73)	Meet Urgent Needs, 108 activities	0.00	0.00
74)	Total, Meet Urgent Needs (sum of lines 72 and 73)	0.00	0.00
75)	Acquisition, New Construction, Rehab/Special Areas noncountable	0.00	0.00
76)	Total disbursements subject to overall LMI benefit (sum of lines 68, 71, 74, and 75)	6,774,862.00	6,774,862.00
77)	Low and moderate income benefit (line 68 / line 76)	1.00	1.00
78)	Other Disbursements	1.00	1.00
79)	State Administration	324,767.16	324,767.16
80)	Technical Assistance	14,610.84	14,610.84
81)	Local Administration	451,059.44	451,059.44
82)	Section 108 repayments	0.00	0.00

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Grant Number B16DC330001

Part I: Financial Status

A. Sources of State CDBG Funds

1)	State Allocation	$8,099,926.00
2)	Program Income	
3)	Program income receipted in IDIS	$110,598.68
3 a)	Program income receipted from Section 108 Projects (for SI type)	$0.00
4)	Adjustment to compute total program income	$0.00
5)	Total program income (sum of lines 3 and 4)	$110,598.68
6)	Section 108 Loan Funds	$0.00
7)	Total State CDBG Resources (sum of lines 1,5 and 6)	$8,210,524.68

B. State CDBG Resources by Use

8)	State Allocation	
9)	Obligated to recipients	$8,099,926.00
10)	Adjustment to compute total obligated to recipients	$0.00
11)	Total obligated to recipients (sum of lines 9 and 10)	$8,099,926.00
12)	Set aside for State Administration	$25,608.46
13)	Adjustment to compute total set aside for State Administration	$255,868.71
14)	Total set aside for State Administration (sum of lines 12 and 13)	$281,477.17
15)	Set aside for Technical Assistance	$61,520.83
16)	Adjustment to compute total set aside for Technical Assistance	$0.00
17)	Total set aside for Technical Assistance (sum of lines 15 and 16)	$61,520.83
18)	State funds set aside for State Administration match	$240,690.00

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19)	Program Income	
20)	Returned to the state and redistributed	
20 a)	Section 108 program income expended for the Section 108 repayment	
21)	Adjustment to compute total redistributed	$0.00
22)	Total redistributed (sum of lines 20 and 21)	$0.00
23)	Returned to the state and not yet redistributed	$113,598.68
23 a)	Section 108 program income not yet disbursed	$0.00
24)	Adjustment to compute total not yet redistributed	$0.00
25)	Total not yet redistributed (sum of lines 23 and 24)	$113,598.68
26)	Retained by recipients	$0.00
27)	Adjustment to compute total retained	$0.00
28)	Total retained (sum of lines 26 and 27)	$0.00

C. Expenditures of State CDBG Resources

29)	Drawn for State Administration	$25,608.46
30)	Adjustment to amount drawn for State Administration	$255,868.71
31)	Total drawn for State Administration	$281,477.17
32)	Drawn for Technical Assistance	$61,520.83
33)	Adjustment to amount drawn for Technical Assistance	$0.00
34)	Total drawn for Technical Assistance	$61,520.83
35)	Drawn for Section 108 Repayments	$0.00
36)	Adjustment to amount drawn for Section 108 Repayments	$0.00
37)	Total drawn for Section 108 Repayments	$0.00
38)	Drawn for all other activities	$8,104,900.22
39)	Adjustment to amount drawn for all other activities	$0.00
40)	Total drawn for all other activities	$8,104,900.22

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D.	Compliance with Public Service (PS) Cap	
41)	Disbursed in IDIS for PS	$22,763.00
42)	Adjustment to compute total disbursed for PS	$0.00
43)	Total disbursed for PS (sum of lines 41 and 42)	$22,763.00
44)	Amount subject to PS cap	
45)	State Allocation (line 1)	$8,099,926.00
46)	Program Income Received (line 5)	$110,598.68
47)	Adjustment to compute total subject to PS cap	$0.00
48)	Total subject to PS cap (sum of lines 45-47)	$8,210,524.68
49)	Percent of funds disbursed to date for PS (line 43 / line 48)	0.28%
E.	Compliance with Planning and Administration (P/A) Cap	
50)	Disbursed in IDIS for P/A from all fund types - Combined	$544,106.65
51)	Adjustment to compute total disbursed for P/A	$255,868.71
52)	Total disbursed for P/A (sum of lines 50 and 51)	$799,975.36
53)	Amount subject to Combined Expenditure P/A cap	
54)	State Allocation (line 1)	$8,099,926.00
55)	Program Income Received (line 5)	$110,598.68
56)	Adjustment to compute total subject to P/A cap	$0.00
57)	Total subject to P/A cap (sum of lines 54-56)	$8,210,524.68
58)	Percent of funds disbursed to date for P/A (line 52 / line 57) Combined Cap	9.74%
59)	Disbursed in IDIS for P/A from Annual Grant Only	$525,780.80
60)	Amount subject the Annual Grant P/A cap	
61)	State Allocation	$8,099,926.00
62)	Percent of funds disbursed to date for P/A (line 59 / line 61) Annual Grant Cap	6.49%

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Part II: Compliance with Overall Low and Moderate Income Benefit

63) Period specified for benefit: grant years 2016 – _____

64) Final PER for compliance with the overall benefit test: [No]

	Grant Year	2016	Total
65)	Benefit LMI persons and households (1)	7,586,402.03	7,586,402.03
66)	Benefit LMI, 108 activities	0.00	0.00
67)	Benefit LMI, other adjustments	0.00	0.00
68)	Total, Benefit LMI (sum of lines 65-67)	7,586,402.03	7,586,402.03
69)	Prevent/Eliminate Slum/Blight	0.00	0.00
70)	Prevent Slum/Blight, 108 activities	0.00	0.00
71)	Total, Prevent Slum/Blight (sum of lines 69 and 70)	0.00	0.00
72)	Meet Urgent Community Development Needs	0.00	0.00
73)	Meet Urgent Needs, 108 activities	0.00	0.00
74)	Total, Meet Urgent Needs (sum of lines 72 and 73)	0.00	0.00
75)	Acquisition, New Construction, Rehab/Special Areas noncountable	0.00	0.00
76)	Total disbursements subject to overall LMI benefit (sum of lines 68, 71, 74, and 75)	7,586,402.03	7,586,402.03
77)	Low and moderate income benefit (line 68 / line 76)	1.00	1.00
78)	Other Disbursements	1.00	1.00
79)	State Administration	25,608.46	25,608.46
80)	Technical Assistance	61,520.83	61,520.83
81)	Local Administration	518,498.19	518,498.19
82)	Section 108 repayments	0.00	0.00

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Part I: Financial Status

A. Sources of State CDBG Funds

1)	State Allocation	$8,022,548.00
2)	Program Income	
3)	Program income receipted in IDIS	$342,236.25
3 a)	Program income receipted from Section 108 Projects (for SI type)	$0.00
4)	Adjustment to compute total program income	$0.00
5)	Total program income (sum of lines 3 and 4)	$342,236.25
6)	Section 108 Loan Funds	$0.00
7)	Total State CDBG Resources (sum of lines 1,5 and 6)	$8,364,784.25

B. State CDBG Resources by Use

8)	State Allocation	
9)	Obligated to recipients	$8,022,548.00
10)	Adjustment to compute total obligated to recipients	$0.00
11)	Total obligated to recipients (sum of lines 9 and 10)	$8,022,548.00
12)	Set aside for State Administration	$540,844.58
13)	Adjustment to compute total set aside for State Administration	-$255,868.71
14)	Total set aside for State Administration (sum of lines 12 and 13)	$284,975.87
15)	Set aside for Technical Assistance	$55,700.57
16)	Adjustment to compute total set aside for Technical Assistance	$0.00
17)	Total set aside for Technical Assistance (sum of lines 15 and 16)	$55,700.57
18)	State funds set aside for State Administration match	$240,677.00

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19)	Program Income	
20)	Returned to the state and redistributed	$438,013.33
20 a)	Section 108 program income expended for the Section 108 repayment	
21)	Adjustment to compute total redistributed	$14,821.60
22)	Total redistributed (sum of lines 20 and 21)	$452,834.93
23)	Returned to the state and not yet redistributed	-$64,568.68
23 a)	Section 108 program income not yet disbursed	$0.00
24)	Adjustment to compute total not yet redistributed	$64,568.68
25)	Total not yet redistributed (sum of lines 23 and 24)	$0.00
26)	Retained by recipients	$14,821.60
27)	Adjustment to compute total retained	-$14,821.60
28)	Total retained (sum of lines 26 and 27)	$0.00
C.	Expenditures of State CDBG Resources	
29)	Drawn for State Administration	$540,844.58
30)	Adjustment to amount drawn for State Administration	-$255,868.71
31)	Total drawn for State Administration	$284,975.87
32)	Drawn for Technical Assistance	$55,700.57
33)	Adjustment to amount drawn for Technical Assistance	$0.00
34)	Total drawn for Technical Assistance	$55,700.57
35)	Drawn for Section 108 Repayments	$0.00
36)	Adjustment to amount drawn for Section 108 Repayments	$0.00
37)	Total drawn for Section 108 Repayments	$0.00
38)	Drawn for all other activities	$7,669,943.27
39)	Adjustment to amount drawn for all other activities	$0.00
40)	Total drawn for all other activities	$7,669,943.27

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D.	Compliance with Public Service (PS) Cap	
41)	Disbursed in IDIS for PS	$0.00
42)	Adjustment to compute total disbursed for PS	$0.00
43)	Total disbursed for PS (sum of lines 41 and 42)	$0.00
44)	Amount subject to PS cap	
45)	State Allocation (line 1)	$8,022,548.00
46)	Program Income Received (line 5)	$342,236.25
47)	Adjustment to compute total subject to PS cap	$0.00
48)	Total subject to PS cap (sum of lines 45-47)	$8,364,784.25
49)	Percent of funds disbursed to date for PS (line 43 / line 48)	0.00%
E.	Compliance with Planning and Administration (P/A) Cap	
50)	Disbursed in IDIS for P/A from all fund types - Combined	$907,856.37
51)	Adjustment to compute total disbursed for P/A	-$255,868.71
52)	Total disbursed for P/A (sum of lines 50 and 51)	$651,987.66
53)	Amount subject to Combined Expenditure P/A cap	
54)	State Allocation (line 1)	$8,022,548.00
55)	Program Income Received (line 5)	$342,236.25
56)	Adjustment to compute total subject to P/A cap	$0.00
57)	Total subject to P/A cap (sum of lines 54-56)	$8,364,784.25
58)	Percent of funds disbursed to date for P/A (line 52 / line 57) Combined Cap	7.79%
59)	Disbursed in IDIS for P/A from Annual Grant Only	$651,987.66
60)	Amount subject the Annual Grant P/A cap	
61)	State Allocation	$8,022,548.00
62)	Percent of funds disbursed to date for P/A (line 59 / line 61) Annual Grant Cap	8.13%

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Part II: Compliance with Overall Low and Moderate Income Benefit

63) Period specified for benefit: grant years 2017 – _____

64) Final PER for compliance with the overall benefit test: [No]

	Grant Year	2017	Total
65)	Benefit LMI persons and households (1)	7,302,931.48	7,302,931.48
66)	Benefit LMI, 108 activities	0.00	0.00
67)	Benefit LMI, other adjustments	0.00	0.00
68)	Total, Benefit LMI (sum of lines 65-67)	7,302,931.48	7,302,931.48
69)	Prevent/Eliminate Slum/Blight	0.00	0.00
70)	Prevent Slum/Blight, 108 activities	0.00	0.00
71)	Total, Prevent Slum/Blight (sum of lines 69 and 70)	0.00	0.00
72)	Meet Urgent Community Development Needs	0.00	0.00
73)	Meet Urgent Needs, 108 activities	0.00	0.00
74)	Total, Meet Urgent Needs (sum of lines 72 and 73)	0.00	0.00
75)	Acquisition, New Construction, Rehab/Special Areas noncountable	0.00	0.00
76)	Total disbursements subject to overall LMI benefit (sum of lines 68, 71, 74, and 75)	7,302,931.48	7,302,931.48
77)	Low and moderate income benefit (line 68 / line 76)	1.00	1.00
78)	Other Disbursements	1.00	1.00
79)	State Administration	540,844.58	540,844.58
80)	Technical Assistance	55,700.57	55,700.57
81)	Local Administration	367,011.79	367,011.79
82)	Section 108 repayments	0.00	0.00

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Part I: Financial Status

A. Sources of State CDBG Funds

1)	State Allocation	$8,849,833.00
2)	Program Income	
3)	Program income receipted in IDIS	$130,394.95
3 a)	Program income receipted from Section 108 Projects (for SI type)	$0.00
4)	Adjustment to compute total program income	$0.00
5)	Total program income (sum of lines 3 and 4)	$130,394.95
6)	Section 108 Loan Funds	$0.00
7)	Total State CDBG Resources (sum of lines 1,5 and 6)	$8,980,227.95

B. State CDBG Resources by Use

8)	State Allocation	
9)	Obligated to recipients	$8,848,188.00
10)	Adjustment to compute total obligated to recipients	$0.00
11)	Total obligated to recipients (sum of lines 9 and 10)	$8,848,188.00
12)	Set aside for State Administration	$291,996.99
13)	Adjustment to compute total set aside for State Administration	$0.00
14)	Total set aside for State Administration (sum of lines 12 and 13)	$291,996.99
15)	Set aside for Technical Assistance	$73,498.00
16)	Adjustment to compute total set aside for Technical Assistance	$0.00
17)	Total set aside for Technical Assistance (sum of lines 15 and 16)	$73,498.00
18)	State funds set aside for State Administration match	$191,996.99

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19)	Program Income	
20)	Returned to the state and redistributed	$0.00
20 a)	Section 108 program income expended for the Section 108 repayment	
21)	Adjustment to compute total redistributed	$0.00
22)	Total redistributed (sum of lines 20 and 21)	$0.00
23)	Returned to the state and not yet redistributed	$94,130.44
23 a)	Section 108 program income not yet disbursed	$0.00
24)	Adjustment to compute total not yet redistributed	$0.00
25)	Total not yet redistributed (sum of lines 23 and 24)	$94,130.44
26)	Retained by recipients	$130,394.95
27)	Adjustment to compute total retained	$0.00
28)	Total retained (sum of lines 26 and 27)	$130,394.95

C. Expenditures of State CDBG Resources

29)	Drawn for State Administration	$291,996.99
30)	Adjustment to amount drawn for State Administration	$0.00
31)	Total drawn for State Administration	$291,996.99
32)	Drawn for Technical Assistance	$73,498.00
33)	Adjustment to amount drawn for Technical Assistance	$0.00
34)	Total drawn for Technical Assistance	$73,498.00
35)	Drawn for Section 108 Repayments	$0.00
36)	Adjustment to amount drawn for Section 108 Repayments	$0.00
37)	Total drawn for Section 108 Repayments	$0.00
38)	Drawn for all other activities	$6,789,189.15
39)	Adjustment to amount drawn for all other activities	$0.00
40)	Total drawn for all other activities	$6,789,189.15

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D.	Compliance with Public Service (PS) Cap	
41)	Disbursed in IDIS for PS	$0.00
42)	Adjustment to compute total disbursed for PS	$0.00
43)	Total disbursed for PS (sum of lines 41 and 42)	$0.00
44)	Amount subject to PS cap	
45)	State Allocation (line 1)	$8,849,833.00
46)	Program Income Received (line 5)	$130,394.95
47)	Adjustment to compute total subject to PS cap	$0.00
48)	Total subject to PS cap (sum of lines 45-47)	$8,980,227.95
49)	Percent of funds disbursed to date for PS (line 43 / line 48)	0.00%
E.	Compliance with Planning and Administration (P/A) Cap	
50)	Disbursed in IDIS for P/A from all fund types - Combined	$843,158.05
51)	Adjustment to compute total disbursed for P/A	$0.00
52)	Total disbursed for P/A (sum of lines 50 and 51)	$843,158.05
53)	Amount subject to Combined Expenditure P/A cap	
54)	State Allocation (line 1)	$8,849,833.00
55)	Program Income Received (line 5)	$130,394.95
56)	Adjustment to compute total subject to P/A cap	$0.00
57)	Total subject to P/A cap (sum of lines 54-56)	$8,980,227.95
58)	Percent of funds disbursed to date for P/A (line 52 / line 57) Combined Cap	9.39%
59)	Disbursed in IDIS for P/A from Annual Grant Only	$831,055.84
60)	Amount subject the Annual Grant P/A cap	
61)	State Allocation	$8,849,833.00
62)	Percent of funds disbursed to date for P/A (line 59 / line 61) Annual Grant Cap	9.39%

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Grant Number B18DC330001

Part II: Compliance with Overall Low and Moderate Income Benefit

63) Period specified for benefit: grant years 2018 – _____

64) Final PER for compliance with the overall benefit test: [No]

	Grant Year	2018	Total
65)	Benefit LMI persons and households (1)	6,238,028.09	6,238,028.09
66)	Benefit LMI, 108 activities	0.00	0.00
67)	Benefit LMI, other adjustments	0.00	0.00
68)	Total, Benefit LMI (sum of lines 65-67)	6,238,028.09	6,238,028.09
69)	Prevent/Eliminate Slum/Blight	0.00	0.00
70)	Prevent Slum/Blight, 108 activities	0.00	0.00
71)	Total, Prevent Slum/Blight (sum of lines 69 and 70)	0.00	0.00
72)	Meet Urgent Community Development Needs	0.00	0.00
73)	Meet Urgent Needs, 108 activities	0.00	0.00
74)	Total, Meet Urgent Needs (sum of lines 72 and 73)	0.00	0.00
75)	Acquisition, New Construction, Rehab/Special Areas noncountable	0.00	0.00
76)	Total disbursements subject to overall LMI benefit (sum of lines 68, 71, 74, and 75)	6,238,028.09	6,238,028.09
77)	Low and moderate income benefit (line 68 / line 76)	1.00	1.00
78)	Other Disbursements	1.00	1.00
79)	State Administration	291,996.99	291,996.99
80)	Technical Assistance	73,498.00	73,498.00
81)	Local Administration	551,161.06	551,161.06
82)	Section 108 repayments	0.00	0.00

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Grant Number B19DC330001

Part I: Financial Status

A. Sources of State CDBG Funds

1)	State Allocation	$8,864,744.00
2)	Program Income	
3)	Program income receipted in IDIS	$112,000.00
3 a)	Program income receipted from Section 108 Projects (for SI type)	$0.00
4)	Adjustment to compute total program income	$0.00
5)	Total program income (sum of lines 3 and 4)	$112,000.00
6)	Section 108 Loan Funds	$0.00
7)	Total State CDBG Resources (sum of lines 1,5 and 6)	$8,976,744.00

B. State CDBG Resources by Use

8)	State Allocation	
9)	Obligated to recipients	$4,922,098.72
10)	Adjustment to compute total obligated to recipients	$0.00
11)	Total obligated to recipients (sum of lines 9 and 10)	$4,922,098.72
12)	Set aside for State Administration	$277,295.00
13)	Adjustment to compute total set aside for State Administration	$0.00
14)	Total set aside for State Administration (sum of lines 12 and 13)	$277,295.00
15)	Set aside for Technical Assistance	$88,647.00
16)	Adjustment to compute total set aside for Technical Assistance	$0.00
17)	Total set aside for Technical Assistance (sum of lines 15 and 16)	$88,647.00
18)	State funds set aside for State Administration match	$191,155.46

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19)	Program Income	
20)	Returned to the state and redistributed	
20 a)	Section 108 program income expended for the Section 108 repayment	
21)	Adjustment to compute total redistributed	$0.00
22)	Total redistributed (sum of lines 20 and 21)	$0.00
23)	Returned to the state and not yet redistributed	$0.00
23 a)	Section 108 program income not yet disbursed	$0.00
24)	Adjustment to compute total not yet redistributed	$0.00
25)	Total not yet redistributed (sum of lines 23 and 24)	$0.00
26)	Retained by recipients	$112,000.00
27)	Adjustment to compute total retained	$0.00
28)	Total retained (sum of lines 26 and 27)	$112,000.00

C. Expenditures of State CDBG Resources

29)	Drawn for State Administration	$277,295.00
30)	Adjustment to amount drawn for State Administration	$0.00
31)	Total drawn for State Administration	$277,295.00
32)	Drawn for Technical Assistance	$88,647.00
33)	Adjustment to amount drawn for Technical Assistance	$0.00
34)	Total drawn for Technical Assistance	$88,647.00
35)	Drawn for Section 108 Repayments	$0.00
36)	Adjustment to amount drawn for Section 108 Repayments	$0.00
37)	Total drawn for Section 108 Repayments	$0.00
38)	Drawn for all other activities	$2,527,303.80
39)	Adjustment to amount drawn for all other activities	$0.00
40)	Total drawn for all other activities	$2,527,303.80

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D.	Compliance with Public Service (PS) Cap	
41)	Disbursed in IDIS for PS	$0.00
42)	Adjustment to compute total disbursed for PS	$0.00
43)	Total disbursed for PS (sum of lines 41 and 42)	$0.00
44)	Amount subject to PS cap	
45)	State Allocation (line 1)	$8,864,744.00
46)	Program Income Received (line 5)	$112,000.00
47)	Adjustment to compute total subject to PS cap	$0.00
48)	Total subject to PS cap (sum of lines 45-47)	$8,976,744.00
49)	Percent of funds disbursed to date for PS (line 43 / line 48)	0.00%
E.	Compliance with Planning and Administration (P/A) Cap	
50)	Disbursed in IDIS for P/A from all fund types - Combined	$512,897.08
51)	Adjustment to compute total disbursed for P/A	$0.00
52)	Total disbursed for P/A (sum of lines 50 and 51)	$512,897.08
53)	Amount subject to Combined Expenditure P/A cap	
54)	State Allocation (line 1)	$8,864,744.00
55)	Program Income Received (line 5)	$112,000.00
56)	Adjustment to compute total subject to P/A cap	$0.00
57)	Total subject to P/A cap (sum of lines 54-56)	$8,976,744.00
58)	Percent of funds disbursed to date for P/A (line 52 / line 57) Combined Cap	5.71%
59)	Disbursed in IDIS for P/A from Annual Grant Only	$483,742.08
60)	Amount subject the Annual Grant P/A cap	
61)	State Allocation	$8,864,744.00
62)	Percent of funds disbursed to date for P/A (line 59 / line 61) Annual Grant Cap	5.46%

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Grant Number B19DC330001

Part II: Compliance with Overall Low and Moderate Income Benefit

63) Period specified for benefit: grant years 2019 – 0

64) Final PER for compliance with the overall benefit test: [No]

	Grant Year	2019	Total
65)	Benefit LMI persons and households (1)	2,231,701.72	2,231,701.72
66)	Benefit LMI, 108 activities	0.00	0.00
67)	Benefit LMI, other adjustments	0.00	0.00
68)	Total, Benefit LMI (sum of lines 65-67)	2,231,701.72	2,231,701.72
69)	Prevent/Eliminate Slum/Blight	0.00	0.00
70)	Prevent Slum/Blight, 108 activities	0.00	0.00
71)	Total, Prevent Slum/Blight (sum of lines 69 and 70)	0.00	0.00
72)	Meet Urgent Community Development Needs	0.00	0.00
73)	Meet Urgent Needs, 108 activities	0.00	0.00
74)	Total, Meet Urgent Needs (sum of lines 72 and 73)	0.00	0.00
75)	Acquisition, New Construction, Rehab/Special Areas noncountable	0.00	0.00
76)	Total disbursements subject to overall LMI benefit (sum of lines 68, 71, 74, and 75)	2,231,701.72	2,231,701.72
77)	Low and moderate income benefit (line 68 / line 76)	1.00	1.00
78)	Other Disbursements	1.00	1.00
79)	State Administration	277,295.00	277,295.00
80)	Technical Assistance	88,647.00	88,647.00
81)	Local Administration	235,602.08	235,602.08
82)	Section 108 repayments	0.00	0.00

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Grant Number B20DC330001

Part I: Financial Status

A. Sources of State CDBG Funds

1)	State Allocation	$9,219,385.00
2)	Program Income	
3)	Program income receipted in IDIS	$142,390.00
3 a)	Program income receipted from Section 108 Projects (for SI type)	$0.00
4)	Adjustment to compute total program income	$0.00
5)	Total program income (sum of lines 3 and 4)	$142,390.00
6)	Section 108 Loan Funds	$0.00
7)	Total State CDBG Resources (sum of lines 1,5 and 6)	$9,361,775.00

B. State CDBG Resources by Use

8)	State Allocation	
9)	Obligated to recipients	$376,582.00
10)	Adjustment to compute total obligated to recipients	$0.00
11)	Total obligated to recipients (sum of lines 9 and 10)	$376,582.00
12)	Set aside for State Administration	$322,217.13
13)	Adjustment to compute total set aside for State Administration	$0.00
14)	Total set aside for State Administration (sum of lines 12 and 13)	$322,217.13
15)	Set aside for Technical Assistance	$54,364.87
16)	Adjustment to compute total set aside for Technical Assistance	$0.00
17)	Total set aside for Technical Assistance (sum of lines 15 and 16)	$54,364.87
18)	State funds set aside for State Administration match	$474,373.65

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19)	Program Income	
20)	Returned to the state and redistributed	
20 a)	Section 108 program income expended for the Section 108 repayment	
21)	Adjustment to compute total redistributed	$0.00
22)	Total redistributed (sum of lines 20 and 21)	$0.00
23)	Returned to the state and not yet redistributed	$0.00
23 a)	Section 108 program income not yet disbursed	$0.00
24)	Adjustment to compute total not yet redistributed	$0.00
25)	Total not yet redistributed (sum of lines 23 and 24)	$0.00
26)	Retained by recipients	$142,390.00
27)	Adjustment to compute total retained	$0.00
28)	Total retained (sum of lines 26 and 27)	$142,390.00

C. Expenditures of State CDBG Resources

29)	Drawn for State Administration	$322,217.13
30)	Adjustment to amount drawn for State Administration	$0.00
31)	Total drawn for State Administration	$322,217.13
32)	Drawn for Technical Assistance	$54,364.87
33)	Adjustment to amount drawn for Technical Assistance	$0.00
34)	Total drawn for Technical Assistance	$54,364.87
35)	Drawn for Section 108 Repayments	$0.00
36)	Adjustment to amount drawn for Section 108 Repayments	$0.00
37)	Total drawn for Section 108 Repayments	$0.00
38)	Drawn for all other activities	$142,390.00
39)	Adjustment to amount drawn for all other activities	$0.00
40)	Total drawn for all other activities	$142,390.00

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D.	Compliance with Public Service (PS) Cap	
41)	Disbursed in IDIS for PS	$0.00
42)	Adjustment to compute total disbursed for PS	$0.00
43)	Total disbursed for PS (sum of lines 41 and 42)	$0.00
44)	Amount subject to PS cap	
45)	State Allocation (line 1)	$9,219,385.00
46)	Program Income Received (line 5)	$142,390.00
47)	Adjustment to compute total subject to PS cap	$0.00
48)	Total subject to PS cap (sum of lines 45-47)	$9,361,775.00
49)	Percent of funds disbursed to date for PS (line 43 / line 48)	0.00%
E.	Compliance with Planning and Administration (P/A) Cap	
50)	Disbursed in IDIS for P/A from all fund types - Combined	$340,217.13
51)	Adjustment to compute total disbursed for P/A	$0.00
52)	Total disbursed for P/A (sum of lines 50 and 51)	$340,217.13
53)	Amount subject to Combined Expenditure P/A cap	
54)	State Allocation (line 1)	$9,219,385.00
55)	Program Income Received (line 5)	$142,390.00
56)	Adjustment to compute total subject to P/A cap	$0.00
57)	Total subject to P/A cap (sum of lines 54-56)	$9,361,775.00
58)	Percent of funds disbursed to date for P/A (line 52 / line 57) Combined Cap	3.63%
59)	Disbursed in IDIS for P/A from Annual Grant Only	$322,217.13
60)	Amount subject the Annual Grant P/A cap	
61)	State Allocation	$9,219,385.00
62)	Percent of funds disbursed to date for P/A (line 59 / line 61) Annual Grant Cap	3.49%

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Grant Number B20DC330001

Part II: Compliance with Overall Low and Moderate Income Benefit

63) Period specified for benefit: grant years 2020 – _____

64) Final PER for compliance with the overall benefit test: [No]

	Grant Year	2020	Total
65)	Benefit LMI persons and households (1)	124,390.00	124,390.00
66)	Benefit LMI, 108 activities	0.00	0.00
67)	Benefit LMI, other adjustments	0.00	0.00
68)	Total, Benefit LMI (sum of lines 65-67)	124,390.00	124,390.00
69)	Prevent/Eliminate Slum/Blight	0.00	0.00
70)	Prevent Slum/Blight, 108 activities	0.00	0.00
71)	Total, Prevent Slum/Blight (sum of lines 69 and 70)	0.00	0.00
72)	Meet Urgent Community Development Needs	0.00	0.00
73)	Meet Urgent Needs, 108 activities	0.00	0.00
74)	Total, Meet Urgent Needs (sum of lines 72 and 73)	0.00	0.00
75)	Acquisition, New Construction, Rehab/Special Areas noncountable	0.00	0.00
76)	Total disbursements subject to overall LMI benefit (sum of lines 68, 71, 74, and 75)	124,390.00	124,390.00
77)	Low and moderate income benefit (line 68 / line 76)	1.00	1.00
78)	Other Disbursements	1.00	1.00
79)	State Administration	322,217.13	322,217.13
80)	Technical Assistance	54,364.87	54,364.87
81)	Local Administration	18,000.00	18,000.00
82)	Section 108 repayments	0.00	0.00

ESG and ESGCV SAGE CAPERs

Sage HMIS REPORTING REPOSITORY

HUD ESG CAPER 2020

Grant: **ESG: New Hampshire Nonentitlement - NH - Report** Type: **CAPER**

Report Date Range

1/1/2020 to 12/31/2020

Contact Information

First Name	Mandy
Middle Name	
Last Name	Reagan
Suffix	
Title	
Street Address 1	129 Pleasant Street
Street Address 2	
City	Concord
State	New Hampshire
ZIP Code	03301
E-mail Address	mandy.reagan@dhhs.nh.gov
Phone Number	(603)271-7790
Extension	
Fax Number	(603)-271

Project types carried out during the program year

Components	Projects	Total Persons Reported	Total Households Reported
Emergency Shelter	0	0	0
Day Shelter	0	0	0
Transitional Housing	0	0	0
Total Emergency Shelter Component	0	0	0
Total Street Outreach	0	0	0
Total PH - Rapid Re-Housing	12	243	111
Total Homelessness Prevention	12	127	57

Grant Information

ESG Information from IDIS

As of 2/26/2021

Fiscal Year	Grant Number	Current Authorized Amount	Total Drawn	Balance	Obligation Date	Expenditure Deadline
2020	E20DC330001	$930,879.00	$276,944.46	$653,934.54	8/3/2020	8/3/2022
2019	E19DC330001	$901,293.00	$761,322.52	$139,970.48	8/27/2019	8/27/2021
2018	E18DC330001	$870,215.00	$843,876.00	$26,339.00	8/29/2018	8/29/2020
2017	E17DC330001	$866,844.00	$819,619.38	$47,224.62	10/19/2017	10/19/2019
2016	E16DC330001	$863,130.00	$769,352.83	$93,777.17	9/29/2016	9/29/2018
2015	E15DC330001	$861,398.97	$861,398.97	$0	7/17/2015	7/17/2017
2014	E14DC330001	$795,089.00	$795,089.00	$0	7/3/2014	7/3/2016
2013	E13DC330001	$673,812.98	$673,812.98	$0	8/1/2013	8/1/2015
2012						
2011						
Total		$6,762,661.95	$5,801,416.14	$961,245.81		

Emergency Shelter Rehab/Conversion	
Did you create additional shelter beds/units through an ESG-funded rehab project	
Did you create additional shelter beds/units through an ESG-funded conversion project	
Data Participation Information	
HMIS	
Are 100% of the project(s) funded through ESG, which are allowed to use HMIS, entering data into HMIS?	Yes
Have all of the projects entered data into Sage via a CSV - CAPER Report upload?	Yes
Comparable Database	
Are 100% of the project(s) funded through ESG, which are allowed to use a comparable database, entering data into the comparable database?	Yes
Have all of the projects entered data into Sage via a CSV - CAPER Report upload?	Yes

Additional Information

HMIS

Comparable Database

Are 100% of the project(s) funded through ESG, which are allowed to use HMIS, entering data into HMIS?	Yes
Have all of the projects entered data into Sage via a CSV - CAPER Report upload?	Yes
Are 100% of the project(s) funded through ESG, which are allowed to use a comparable database, entering data into the comparable database?	Yes
Have all of the projects entered data into Sage via a CSV - CAPER Report upload?	Yes

Q04a: Project Identifiers in HMIS

Organization Name	Organization ID	Project Name	Project ID	HMIS Project Type	Method for Tracking ES	Affiliated with a residential project	Project IDs of affiliations	CoC Number	Geocode	Victim Service Provider	HMIS Software Name	Report Start Date	Report End Date	CSV Exception?	Uploaded via emailed hyperlink?
The Way Home	91	TWH: NH ESG Prevention	4008	12				NH-501	330930	0	ServicePoint	2020-01-01	2020-12-31	No	Yes
The Way Home	91	TWH: NH ESG RRH (State)	4007	13				NH-501	339011	0	ServicePoint	2020-01-01	2020-12-31	No	Yes
Easter Seals: ESG Prevention Manchester	3962	Easter Seals: ESG Prevention Manchester	3962	12				NH-501	339011	0	ServicePoint	2020-01-01	2020-12-31	No	Yes
Easter Seals: Parent	3961	Easter Seals: ESG Prevention Nashua	4127	12				NH-502	339011	0	ServicePoint	2020-01-01	2020-12-31	No	Yes
Easter Seals: Parent	3961	Easter Seals: ESG Prevention BoS	4126	12				NH-500	339011	0	ServicePoint	2020-01-01	2020-12-31	No	Yes
Easter Seals: Parent	3961	Easter Seals: ESG RRH Nashua	4129	13				NH-502	330930	0	ServicePoint	2020-01-01	2020-12-31	No	Yes
Easter Seals: Parent	3961	Easter Seals: ESG RRH Manchester	3963	13				NH-501	330930	0	ServicePoint	2020-01-01	2020-12-31	No	Yes
Easter Seals: Parent	3961	Easter Seals: ESG RRH BoS	4128	13				NH-500	330930	0	ServicePoint	2020-01-01	2020-12-31	No	Yes
Southwestern Community Services, Inc. (SCS)	70	SCS: ESG RRH Cheshire County	3958	13				NH-500	339005	0	ServicePoint	2020-01-01	2020-12-31	No	Yes
Southwestern Community Services, Inc. (SCS)	70	SCS: ESG RRH Sullivan County	3957	13				NH-500	339019	0	ServicePoint	2020-01-01	2020-12-31	No	Yes
Southwestern Community Services, Inc. (SCS)	70	SCS: ESG Prevention Sullivan County	3960	12				NH-500	339019	0	ServicePoint	2020-01-01	2020-12-31	No	Yes
Southwestern Community Services, Inc. (SCS)	70	SCS: ESG Prevention Cheshire County	3959	12				NH-500	339005	0	ServicePoint	2020-01-01	2020-12-31	No	Yes
The Front Door Agency (Parent and TH)	106	The Front Door: ESG RRH	3956	13				NH-502	339011	0	ServicePoint	2020-01-01	2020-12-31	No	Yes
The Front Door Agency (Parent and TH)	106	The Front Door: ESG Prevention	3955	12				NH-502	331026	0	ServicePoint	2020-01-01	2020-12-31	No	Yes
Community Action Program of Strafford County	3869	CAPSC: ESG Prevention	3913	12				NH-500	330378	0	ServicePoint	2020-01-01	2020-12-31	No	Yes
Community Action Program of Strafford County	3869	CAPSC: ESG RRH	3914	13				NH-500	330378	0	ServicePoint	2020-01-01	2020-12-31	No	Yes
Southern New Hampshire Services, Inc. (SNHS) - Hillsborough	3865	SNHS: ESG RRH BoS	4132	13				NH-500	330930	0	ServicePoint	2020-01-01	2020-12-31	No	Yes
Southern New Hampshire Services, Inc. (SNHS) - Hillsborough	3865	SNHS: ESG RRH Manchester	3968	13				NH-501	330930	0	ServicePoint	2020-01-01	2020-12-31	No	Yes
Southern New Hampshire Services, Inc. (SNHS) - Hillsborough	3865	SNHS: ESG Prevention BoS	4130	12				NH-500	339011	0	ServicePoint	2020-01-01	2020-12-31	No	Yes
Southern New Hampshire Services, Inc. (SNHS) - Hillsborough	3865	SNHS: ESG Prevention Manchester	3967	12				NH-501	339011	0	ServicePoint	2020-01-01	2020-12-31	No	Yes
Tri-County Community Action Program	18	TCCAP: ESG Prevention	3964	12				NH-500	339009	0	ServicePoint	2020-01-01	2020-12-31	No	Yes

Organization Name	Organization ID	Project Name	Project ID	HMIS Project Type	Method for Tracking ES	Affiliated with a residential project	Project IDs of affiliations	CoC Number	Geocode	Victim Service Provider	HMIS Software Name	Report Start Date	Report End Date	CSV Exception?	Uploaded via emailed hyperlink?
Tri-County Community Action Program	18	TCCAP: ESG RRH	3965	13				NH-500	339009	0	ServicePoint	2020-01-01	2020-12-31	No	Yes
Belknap Merrimack CAP	118	BMCAP: ESG RRH (State)	4001	13				NH-500	339013	0	ServicePoint	2020-01-01	2020-12-31	No	Yes
Belknap Merrimack CAP	118	BMCAP: ESG Prevention (State)	4002	12				NH-500	339013	0	ServicePoint	2020-01-01	2020-12-31	No	Yes

Q05a: Report Validations Table

Total Number of Persons Served	370
Number of Adults (Age 18 or Over)	216
Number of Children (Under Age 18)	148
Number of Persons with Unknown Age	6
Number of Leavers	159
Number of Adult Leavers	84
Number of Adult and Head of Household Leavers	84
Number of Stayers	211
Number of Adult Stayers	132
Number of Veterans	24
Number of Chronically Homeless Persons	39
Number of Youth Under Age 25	9
Number of Parenting Youth Under Age 25 with Children	5
Number of Adult Heads of Household	168
Number of Child and Unknown-Age Heads of Household	0
Heads of Households and Adult Stayers in the Project 365 Days or More	67

Q06a: Data Quality: Personally Identifying Information (PII)

Data Element	Client Doesn't Know/Refused	Information Missing	Data Issues	Total	% of Error Rate
Name	0	0	0	0	0.00 %
Social Security Number	16	16	13	45	12.16 %
Date of Birth	6	0	0	6	1.62 %
Race	3	0	0	3	0.81 %
Ethnicity	0	0	0	0	0.00 %
Gender	0	0	0	0	0.00 %
Overall Score				54	14.59 %

Q06b: Data Quality: Universal Data Elements

	Error Count	% of Error Rate
Veteran Status	0	0.00 %
Project Start Date	0	0.00 %
Relationship to Head of Household	3	0.81 %
Client Location	0	0.00 %
Disabling Condition	1	0.27 %

Q06c: Data Quality: Income and Housing Data Quality

	Error Count	% of Error Rate
Destination	11	6.92 %
Income and Sources at Start	0	0.00 %
Income and Sources at Annual Assessment	10	14.93 %
Income and Sources at Exit	0	0.00 %

Q06d: Data Quality: Chronic Homelessness

	Count of Total Records	Missing Time in Institution	Missing Time in Housing	Approximate Date Started DK/R/missing	Number of Times DK/R/missing	Number of Months DK/R/missing	% of Records Unable to Calculate
ES, SH, Street Outreach	0	0	0	0	0	0	--
TH	0	0	0	0	0	0	--
PH (All)	146	0	0	1	2	2	1.34 %
Total	146	0	0	0	0	0	1.34 %

Q06e: Data Quality: Timeliness

	Number of Project Start Records	Number of Project Exit Records
0 days	36	29
1-3 Days	18	17
4-6 Days	13	13
7-10 Days	11	1
11+ Days	56	99

Q06f: Data Quality: Inactive Records: Street Outreach & Emergency Shelter

	# of Records	# of Inactive Records	% of Inactive Records
Contact (Adults and Heads of Household in Street Outreach or ES - NBN)	0	0	--
Bed Night (All Clients in ES - NBN)	0	0	--

Q07a: Number of Persons Served

	Total	Without Children	With Children and Adults	With Only Children	Unknown Household Type
Adults	216	120	95	0	1
Children	148	0	148	0	0
Client Doesn't Know/ Client Refused	6	0	0	0	6
Data Not Collected	0	0	0	0	0
Total	370	120	243	0	7
For PSH & RRH – the total persons served who moved into housing	215	72	143	0	0

Q08a: Households Served

	Total	Without Children	With Children and Adults	With Only Children	Unknown Household Type
Total Households	168	95	72	0	1
For PSH & RRH – the total households served who moved into housing	98	57	41	0	0

Q08b: Point-in-Time Count of Households on the Last Wednesday

	Total	Without Children	With Children and Adults	With Only Children	Unknown Household Type
January	89	46	42	0	1
April	75	40	34	0	1
July	79	45	33	0	1
October	89	51	37	0	1

Q09a: Number of Persons Contacted

	All Persons Contacted	First contact – NOT staying on the Streets, ES, or SH	First contact – WAS staying on Streets, ES, or SH	First contact – Worker unable to determine
Once	0	0	0	0
2-5 Times	0	0	0	0
6-9 Times	0	0	0	0
10+ Times	0	0	0	0
Total Persons Contacted	0	0	0	0

Q09b: Number of Persons Engaged

	All Persons Contacted	First contact – NOT staying on the Streets, ES, or SH	First contact – WAS staying on Streets, ES, or SH	First contact – Worker unable to determine
Once	0	0	0	0
2-5 Contacts	0	0	0	0
6-9 Contacts	0	0	0	0
10+ Contacts	0	0	0	0
Total Persons Engaged	0	0	0	0
Rate of Engagement	0.00	0.00	0.00	0.00

Q10a: Gender of Adults

	Total	Without Children	With Children and Adults	Unknown Household Type
Male	96	62	33	1
Female	119	57	62	0
No Single Gender	0	0	0	0
Questioning	--	--	--	--
Transgender	1	1	0	0
Client Doesn't Know/Client Refused	0	0	0	0
Data Not Collected	0	0	0	0
Total	216	120	95	1
Trans Female (MTF or Male to Female) ☾	0	0	0	0
Trans Male (FTM or Female to Male) ☾	1	1	0	0

ℹ Effective 10/1/2021, this table contains a consolidated Transgender row which includes the sum of data from the previously separate Transgender rows, tagged with ☾.

Q10b: Gender of Children

	Total	With Children and Adults	With Only Children	Unknown Household Type
Male	82	82	0	0
Female	66	66	0	0
No Single Gender	0	0	0	0
Questioning	--	--	--	--
Transgender	0	0	0	0
Client Doesn't Know/Client Refused	0	0	0	0
Data Not Collected	0	0	0	0
Total	148	148	0	0
Trans Female (MTF or Male to Female)	0	0	0	0
Trans Male (FTM or Female to Male)	0	0	0	0

ⓘ Effective 10/1/2021, this table contains a consolidated Transgender row which includes the sum of data from the previously separate Transgender rows, tagged with ☾.

Q10c: Gender of Persons Missing Age Information

	Total	Without Children	With Children and Adults	With Only Children	Unknown Household Type
Male	2	0	0	0	2
Female	4	0	0	0	4
No Single Gender	0	0	0	0	0
Questioning	--	--	--	--	--
Transgender	0	0	0	0	0
Client Doesn't Know/Client Refused	0	0	0	0	0
Data Not Collected	0	0	0	0	0
Total	6	0	0	0	6
Trans Female (MTF or Male to Female) ☾	0	0	0	0	0
Trans Male (FTM or Female to Male) ☾	0	0	0	0	0

ⓘ Effective 10/1/2021, this table contains a consolidated Transgender row which includes the sum of data from the previously separate Transgender rows, tagged with ☾.

Q10d: Gender by Age Ranges

	Total	Under Age 18	Age 18-24	Age 25-61	Age 62 and over	Client Doesn't Know/ Client Refused	Data Not Collected
Male	180	82	5	87	4	2	0
Female	189	66	12	100	7	4	0
No Single Gender	0	0	0	0	0	0	0
Questioning	--	--		--	--	--	--
Transgender	1	0	0	1	0	0	--
Client Doesn't Know/Client Refused	0	0	0	0	0	0	0
Data Not Collected	0	0	0	0	0	0	0
Total	370	148	17	188	11	6	0
Trans Female (MTF or Male to Female) ☾	0	0	0	0	0	0	0
Trans Male (FTM or Female to Male) ☾	1	0	0	1	0	0	0

ⓘ Effective 10/1/2021, this table contains a consolidated Transgender row which includes the sum of data from the previously separate Transgender rows, tagged with ☾.

Q11: Age

	Total	Without Children	With Children and Adults	With Only Children	Unknown Household Type
Under 5	49	0	49	0	0
5 - 12	73	0	73	0	0
13 - 17	26	0	26	0	0
18 - 24	17	7	10	0	0
25 - 34	67	24	43	0	0
35 - 44	58	27	30	0	1
45 - 54	30	23	7	0	0
55 - 61	33	29	4	0	0
62+	11	10	1	0	0
Client Doesn't Know/Client Refused	6	0	0	0	6
Data Not Collected	0	0	0	0	0
Total	370	120	243	0	7

Q12a: Race

	Total	Without Children	With Children and Adults	With Only Children	Unknown Household Type
White	327	108	219	0	0
Black, African American, or African	30	9	14	0	7
Asian or Asian American	0	0	0	0	0
American Indian, Alaska Native, or Indigenous	2	2	0	0	0
Native Hawaiian or Pacific Islander	1	0	1	0	0
Multiple Races	7	1	6	0	0
Client Doesn't Know/Client Refused	3	0	3	0	0
Data Not Collected	0	0	0	0	0
Total	370	120	243	0	7

Q12b: Ethnicity

	Total	Without Children	With Children and Adults	With Only Children	Unknown Household Type
Non-Hispanic/Non-Latin(a)(o)(x)	321	117	197	0	7
Hispanic/Latin(a)(o)(x)	49	3	46	0	0
Client Doesn't Know/Client Refused	0	0	0	0	0
Data Not Collected	0	0	0	0	0
Total	370	120	243	0	7

Q13a1: Physical and Mental Health Conditions at Start

	Total Persons	Without Children	Adults in HH with Children & Adults	Children in HH with Children & Adults	With Children and Adults ☾	With Only Children	Unknown Household Type
Mental Health Disorder	97	49	33	15	--	0	0
Alcohol Use Disorder	8	7	1	0	--	0	0
Drug Use Disorder	29	19	10	0	--	0	0
Both Alcohol Use and Drug Use Disorders	8	5	3	0	--	0	0
Chronic Health Condition	66	43	17	6	--	0	0
HIV/AIDS	1	1	0	0	--	0	0
Developmental Disability	30	7	6	17	--	0	0
Physical Disability	60	41	18	1	--	0	0

☾ The "With Children and Adults" column is retired as of 10/1/2019 and replaced with the columns "Adults in HH with Children & Adults" and "Children in HH with Children & Adults".

Q13b1: Physical and Mental Health Conditions at Exit

	Total Persons	Without Children	Adults in HH with Children & Adults	Children in HH with Children & Adults	With Children and Adults ☾	With Only Children	Unknown Household Type
Mental Health Disorder	27	11	13	3	--	0	0
Alcohol Use Disorder	2	2	0	0	--	0	0
Drug Use Disorder	6	4	2	0	--	0	0
Both Alcohol Use and Drug Use Disorders	3	2	1	0	--	0	0
Chronic Health Condition	21	12	9	0	--	0	0
HIV/AIDS	0	0	0	0	--	0	0
Developmental Disability	13	2	5	6	--	0	0
Physical Disability	21	14	7	0	--	0	0

☾ The "With Children and Adults" column is retired as of 10/1/2019 and replaced with the columns "Adults in HH with Children & Adults" and "Children in HH with Children & Adults".

Q13c1: Physical and Mental Health Conditions for Stayers

	Total Persons	Without Children	Adults in HH with Children & Adults	Children in HH with Children & Adults	With Children and Adults ☾	With Only Children	Unknown Household Type
Mental Health Disorder	71	39	20	12	--	0	0
Alcohol Use Disorder	6	5	1	0	--	0	0
Drug Use Disorder	23	15	8	0	--	0	0
Both Alcohol Use and Drug Use Disorders	5	3	2	0	--	0	0
Chronic Health Condition	45	31	8	6	--	0	0
HIV/AIDS	1	1	0	0	--	0	0
Developmental Disability	16	5	1	10	--	0	0
Physical Disability	39	27	11	1	--	0	0

☾ The "With Children and Adults" column is retired as of 10/1/2019 and replaced with the columns "Adults in HH with Children & Adults" and "Children in HH with Children & Adults".

Q14a: Domestic Violence History

	Total	Without Children	With Children and Adults	With Only Children	Unknown Household Type
Yes	39	17	22	0	0
No	176	103	72	0	1
Client Doesn't Know/Client Refused	0	0	0	0	0
Data Not Collected	1	0	1	0	0
Total	216	120	95	0	1

Q14b: Persons Fleeing Domestic Violence

	Total	Without Children	With Children and Adults	With Only Children	Unknown Household Type
Yes	10	6	4	0	0
No	28	11	17	0	0
Client Doesn't Know/Client Refused	0	0	0	0	0
Data Not Collected	1	0	1	0	0
Total	39	17	22	0	0

Q15: Living Situation

	Total	Without Children	With Children and Adults	With Only Children	Unknown Household Type
Homeless Situations					
Emergency shelter, including hotel or motel paid for with emergency shelter voucher	70	37	33	0	0
Transitional housing for homeless persons (including homeless youth)	0	0	0	0	0
Place not meant for habitation	53	35	18	0	0
Safe Haven	0	0	0	0	0
Host Home (non-crisis)	0	0	0	0	0
Interim Housing ☾	0	0	0	0	0
Subtotal	123	72	51	0	0
Institutional Settings					
Psychiatric hospital or other psychiatric facility	0	0	0	0	0
Substance abuse treatment facility or detox center	0	0	0	0	0
Hospital or other residential non-psychiatric medical facility	0	0	0	0	0
Jail, prison or juvenile detention facility	0	0	0	0	0
Foster care home or foster care group home	0	0	0	0	0
Long-term care facility or nursing home	0	0	0	0	0
Residential project or halfway house with no homeless criteria	0	0	0	0	0
Subtotal	0	0	0	0	0
Other Locations					
Permanent housing (other than RRH) for formerly homeless persons	1	1	0	0	0
Owned by client, no ongoing housing subsidy	0	0	0	0	0
Owned by client, with ongoing housing subsidy	1	0	1	0	0
Rental by client, with RRH or equivalent subsidy	2	1	1	0	0
Rental by client, with HCV voucher (tenant or project based)	0	0	0	0	0
Rental by client in a public housing unit	0	0	0	0	0
Rental by client, no ongoing housing subsidy	59	34	24	0	1
Rental by client, with VASH subsidy	1	1	0	0	0
Rental by client with GPD TIP subsidy	0	0	0	0	0
Rental by client, with other housing subsidy	15	3	12	0	0
Hotel or motel paid for without emergency shelter voucher	3	2	1	0	0
Staying or living in a friend's room, apartment or house	8	5	3	0	0
Staying or living in a family member's room, apartment or house	3	1	2	0	0
Client Doesn't Know/Client Refused	0	0	0	0	0
Data Not Collected	0	0	0	0	0
Subtotal	93	48	44	0	1
Total	216	120	95	0	1

☾ Interim housing is retired as of 10/1/2019.

Q16: Cash Income - Ranges

	Income at Start	Income at Latest Annual Assessment for Stayers	Income at Exit for Leavers
No income	64	13	16
$1 - $150	3	1	0
$151 - $250	4	2	1
$251 - $500	7	2	1
$501 - $1000	38	10	13
$1,001 - $1,500	38	12	20
$1,501 - $2,000	35	10	13
$2,001+	25	8	20
Client Doesn't Know/Client Refused	0	0	0
Data Not Collected	2	0	0
Number of Adult Stayers Not Yet Required to Have an Annual Assessment	0	66	0
Number of Adult Stayers Without Required Annual Assessment	0	8	0
Total Adults	216	132	84

Q17: Cash Income - Sources

	Income at Start	Income at Latest Annual Assessment for Stayers	Income at Exit for Leavers
Earned Income	73	24	36
Unemployment Insurance	4	4	2
SSI	30	10	12
SSDI	28	4	11
VA Service-Connected Disability Compensation	9	0	6
VA Non-Service Connected Disability Pension	0	0	0
Private Disability Insurance	1	0	0
Worker's Compensation	1	0	2
TANF or Equivalent	19	5	12
General Assistance	0	0	1
Retirement (Social Security)	3	0	1
Pension from Former Job	0	0	0
Child Support	11	4	4
Alimony (Spousal Support)	0	0	0
Other Source	8	3	2
Adults with Income Information at Start and Annual Assessment/Exit	0	58	1

Q19b: Disabling Conditions and Income for Adults at Exit

	AO: Adult with Disabling Condition	AO: Adult without Disabling Condition	AO: Total Adults	AO: % with Disabling Condition by Source	AC: Adult with Disabling Condition	AC: Adult without Disabling Condition	AC: Total Adults	AC: % with Disabling Condition by Source	UK: Adult with Disabling Condition	UK: Adult without Disabling Condition	UK: Total Adults	UK: % with Dissbling Condition by Source
Earned Income	6	6	12	50.00 %	8	16	24	33.29 %	0	0	0	--
Supplemental Security Income (SSI)	4	1	5	80.00 %	6	1	7	85.71 %	0	0	0	--
Social Security Disability Insurance (SSDI)	8	0	8	100.00 %	2	0	2	100.00 %	0	0	0	--
VA Service-Connected Disability Compensation	2	0	2	100.00 %	4	0	4	100.00 %	0	0	0	--
Private Disability Insurance	0	0	0	--	0	0	0	--	0	0	0	--
Worker's Compensation	1	1	2	50.00 %	0	0	0	--	0	0	0	--
Temporary Assistance for Needy Families (TANF)	1	0	1	100.00 %	4	7	11	36.36 %	0	0	0	--
Retirement Income from Social Security	0	1	1	0.00 %	0	0	0	--	0	0	0	--
Pension or retirement income from a former job	0	0	0	--	0	0	0	--	0	0	0	--
Child Support	0	0	0	--	0	4	4	0.00 %	0	0	0	--
Other source	1	2	3	33.33 %	1	0	1	100.00 %	0	0	0	--
No Sources	5	1	6	83.33 %	3	6	9	33.33 %	0	0	0	--
Unduplicated Total Adults	24	10	34	--	20	28	48	--	0	0	0	--

Q20a: Type of Non-Cash Benefit Sources

	Benefit at Start	Benefit at Latest Annual Assessment for Stayers	Benefit at Exit for Leavers
Supplemental Nutritional Assistance Program	93	24	39
WIC	8	2	2
TANF Child Care Services	2	1	0
TANF Transportation Services	0	0	0
Other TANF-Funded Services	0	1	0
Other Source	4	2	5

Q21: Health Insurance

	At Start	At Annual Assessment for Stayers	At Exit for Leavers
Medicaid	223	59	96
Medicare	22	5	6
State Children's Health Insurance Program	26	13	12
VA Medical Services	10	1	8
Employer Provided Health Insurance	19	13	7
Health Insurance Through COBRA	1	1	0
Private Pay Health Insurance	1	1	0
State Health Insurance for Adults	10	1	4
Indian Health Services Program	1	1	0
Other	2	1	0
No Health Insurance	73	24	31
Client Doesn't Know/Client Refused	1	0	1
Data Not Collected	2	9	0
Number of Stayers Not Yet Required to Have an Annual Assessment	0	94	0
1 Source of Health Insurance	282	80	123
More than 1 Source of Health Insurance	12	4	5

Q22a2: Length of Participation – ESG Projects

	Total	Leavers	Stayers
0 to 7 days	0	0	0
8 to 14 days	0	0	0
15 to 21 days	4	4	0
22 to 30 days	3	1	2
31 to 60 days	19	11	8
61 to 90 days	14	7	7
91 to 180 days	80	52	28
181 to 365 days	123	74	49
366 to 730 days (1-2 Yrs)	117	10	107
731 to 1,095 days (2-3 Yrs)	10	0	10
1,096 to 1,460 days (3-4 Yrs)	0	0	0
1,461 to 1,825 days (4-5 Yrs)	0	0	0
More than 1,825 days (> 5 Yrs)	0	0	0
Data Not Collected	0	0	0
Total	370	159	211

Q22c: Length of Time between Project Start Date and Housing Move-in Date

	Total	Without Children	With Children and Adults	With Only Children	Unknown Household Type
7 days or less	45	17	28	0	0
8 to 14 days	1	1	0	0	0
15 to 21 days	2	0	2	0	0
22 to 30 days	4	2	2	0	0
31 to 60 days	16	6	10	0	0
61 to 180 days	12	6	6	0	0
181 to 365 days	6	1	5	0	0
366 to 730 days (1-2 Yrs)	1	1	0	0	0
Total (persons moved into housing)	87	34	53	0	0
Average length of time to housing	46.98	42.53	49.85	--	--
Persons who were exited without move-in	18	4	14	0	0
Total persons	105	38	67	0	0

Q22d: Length of Participation by Household Type

	Total	Without Children	With Children and Adults	With Only Children	Unknown Household Type
7 days or less	0	0	0	0	0
8 to 14 days	0	0	0	0	0
15 to 21 days	4	0	4	0	0
22 to 30 days	3	3	0	0	0
31 to 60 days	19	11	8	0	0
61 to 90 days	14	3	11	0	0
91 to 180 days	80	26	54	0	0
181 to 365 days	123	33	90	0	0
366 to 730 days (1-2 Yrs)	117	41	69	0	7
731 to 1,095 days (2-3 Yrs)	10	3	7	0	0
1,096 to 1,460 days (3-4 Yrs)	0	0	0	0	0
1,461 to 1,825 days (4-5 Yrs)	0	0	0	0	0
More than 1,825 days (> 5 Yrs)	0	0	0	0	0
Data Not Collected	0	0	0	0	0
Total	370	120	243	0	7

Q22e: Length of Time Prior to Housing - based on 3.917 Date Homelessness Started

	Total	Without Children	With Children and Adults	With Only Children	Unknown Household Type
7 days or less	5	1	4	0	0
8 to 14 days	0	0	0	0	0
15 to 21 days	4	0	4	0	0
22 to 30 days	3	3	0	0	0
31 to 60 days	11	4	7	0	0
61 to 180 days	79	27	52	0	0
181 to 365 days	34	11	23	0	0
366 to 730 days (1-2 Yrs)	29	11	18	0	0
731 days or more	13	10	3	0	0
Total (persons moved into housing)	178	67	111	0	0
Not yet moved into housing	28	8	20	0	0
Data not collected	37	5	32	0	0
Total persons	243	80	163	0	0

Q23c: Exit Destination – All persons

	Total	Without Children	With Children and Adults	With Only Children	Unknown Household Type
Permanent Destinations					
Moved from one HOPWA funded project to HOPWA PH	0	0	0	0	0
Owned by client, no ongoing housing subsidy	0	0	0	0	0
Owned by client, with ongoing housing subsidy	0	0	0	0	0
Rental by client, no ongoing housing subsidy	106	24	82	0	0
Rental by client, with VASH housing subsidy	0	0	0	0	0
Rental by client, with GPD TIP housing subsidy	0	0	0	0	0
Rental by client, with other ongoing housing subsidy	13	2	11	0	0
Permanent housing (other than RRH) for formerly homeless persons	1	1	0	0	0
Staying or living with family, permanent tenure	1	1	0	0	0
Staying or living with friends, permanent tenure	1	1	0	0	0
Rental by client, with RRH or equivalent subsidy	0	0	0	0	0
Rental by client, with HCV voucher (tenant or project based)	3	0	3	0	0
Rental by client in a public housing unit	2	2	0	0	0
Subtotal	127	31	96	0	0
Temporary Destinations					
Emergency shelter, including hotel or motel paid for with emergency shelter voucher	0	0	0	0	0
Moved from one HOPWA funded project to HOPWA TH	0	0	0	0	0
Transitional housing for homeless persons (including homeless youth)	4	0	4	0	0
Staying or living with family, temporary tenure (e.g. room, apartment or house)	6	2	4	0	0
Staying or living with friends, temporary tenure (e.g. room, apartment or house)	3	2	1	0	0
Place not meant for habitation (e.g., a vehicle, an abandoned building, bus/train/subway station/airport or anywhere outside)	3	0	3	0	0
Safe Haven	0	0	0	0	0
Hotel or motel paid for without emergency shelter voucher	4	0	4	0	0
Host Home (non-crisis)	0	0	0	0	0
Subtotal	20	4	16	0	0
Institutional Settings					
Foster care home or group foster care home	0	0	0	0	0
Psychiatric hospital or other psychiatric facility	0	0	0	0	0
Substance abuse treatment facility or detox center	1	1	0	0	0
Hospital or other residential non-psychiatric medical facility	0	0	0	0	0
Jail, prison, or juvenile detention facility	0	0	0	0	0
Long-term care facility or nursing home	0	0	0	0	0
Subtotal	1	1	0	0	0
Other Destinations					
Residential project or halfway house with no homeless criteria	0	0	0	0	0
Deceased	0	0	0	0	0
Other	0	0	0	0	0
Client Doesn't Know/Client Refused	0	0	0	0	0
Data Not Collected (no exit interview completed)	11	0	11	0	0
Subtotal	11	0	11	0	0
Total	159	36	123	0	0
Total persons exiting to positive housing destinations	83	22	61	0	0
Total persons whose destinations excluded them from the calculation	0	0	0	0	0
Percentage	52.20 %	61.11 %	49.59 %	–	–

Q24: Homelessness Prevention Housing Assessment at Exit

	Total	Without Children	With Children and Adults	With Only Children	Unknown Household Type
Able to maintain the housing they had at project start--Without a subsidy	25	7	18	0	0
Able to maintain the housing they had at project start--With the subsidy they had at project start	0	0	0	0	0
Able to maintain the housing they had at project start--With an on-going subsidy acquired since project start	0	0	0	0	0
Able to maintain the housing they had at project start--Only with financial assistance other than a subsidy	9	1	8	0	0
Moved to new housing unit--With on-going subsidy	0	0	0	0	0
Moved to new housing unit--Without an on-going subsidy	1	1	0	0	0
Moved in with family/friends on a temporary basis	3	0	3	0	0
Moved in with family/friends on a permanent basis	4	0	4	0	0
Moved to a transitional or temporary housing facility or program	0	0	0	0	0
Client became homeless – moving to a shelter or other place unfit for human habitation	0	0	0	0	0
Client went to jail/prison	0	0	0	0	0
Client died	0	0	0	0	0
Client doesn't know/Client refused	0	0	0	0	0
Data not collected (no exit interview completed)	13	1	12	0	0
Total	55	10	45	0	0

Q25a: Number of Veterans

	Total	Without Children	With Children and Adults	Unknown Household Type
Chronically Homeless Veteran	3	2	1	0
Non-Chronically Homeless Veteran	21	15	6	0
Not a Veteran	192	103	88	1
Client Doesn't Know/Client Refused	0	0	0	0
Data Not Collected	0	0	0	0
Total	216	120	95	1

Q26b: Number of Chronically Homeless Persons by Household

	Total	Without Children	With Children and Adults	With Only Children	Unknown Household Type
Chronically Homeless	39	30	9	0	0
Not Chronically Homeless	328	89	232	0	7
Client Doesn't Know/Client Refused	0	0	0	0	0
Data Not Collected	3	1	2	0	0
Total	370	120	243	0	7

HUD ESG-CV

Grant: **ESG: New Hampshire Nonentitlement - NH - Report** Type: **ESG-CV**

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Report first submitted to HUD on

7/29/2021

Reporting Requirements Identified

Have you executed your ESG-CV Grant Agreement?	**Yes**
Have you made any expenditures?	**Yes**
Identify the expenditures made to date	**Hazard Pay, Volunteer Incentives, Transportation (community-wide transport for testing or vaccination), Temporary Emergency Shelter, Emergency Shelter, Street Outreach, Rapid Re-Housing, Homelessness Prevention**

HMIS/VSP Contacts Identified

Organization	HMIS/VSP ID	VSP?	Contact Name	Contact Email	Contact Phone
Institute for Community Alliances	ICA	No	Meghan Morrow Raftery	meghan.morrow@icalliances.org	8024897869
New Hampshire Coalition Against Domestic and Sexual Violence	NHCADSV	Yes	Kathleen McDonald	Kathleen@nhcadsv.org	603769-0511

Project and Bundle List

Component Type	Subrecipient	Sub-subrecipint	Project Name	Carried Forward?	Start Date	End Date	HMIS ID	HMIS Full Name	VSP?	Bundle - Quarterly	Bundle Sent?	Bundle - Cumulative	Bundle Sent?
Emergency Shelter (CV)	Bridge House: Emergency Shelter		Bridge House Emergency Shelter	Y	10/1/2020		ICA	Institute for Community Alliances	No	ICA-ES-CV-1	Yes	ICA-ES-CV-2	Yes
Emergency Shelter (CV)	Cross Roads House		Cross Roads House: Transitional Shelter Program (ES) [ESG CV]	Y	10/1/2020		ICA	Institute for Community Alliances	No	ICA-ES-CV-1	Yes	ICA-ES-CV-2	Yes
Emergency Shelter (CV)	Cross Roads House		Cross Roads House: Emergency Shelter	Y	10/1/2020		ICA	Institute for Community Alliances	No	ICA-ES-CV-1	Yes	ICA-ES-CV-2	Yes
Emergency Shelter (CV)	Families in Transition		FIT: Manchester Emergency Housing (CITY) (3817)	N	4/1/2021		ICA	Institute for Community Alliances	No	ICA-ES-CV-1	Yes	ICA-ES-CV-4	Yes
Emergency Shelter (CV)	Families in Transition		NHFNH: Shelter (ES) State ESG - CV	N	4/1/2021		ICA	Institute for Community Alliances	No	ICA-ES-CV-1	Yes	ICA-ES-CV-4	Yes
Emergency Shelter (CV)	Families in Transition		FIT: Manchester Emergency Housing (SGIA ESG) (3820)	N	4/1/2021		ICA	Institute for Community Alliances	No	ICA-ES-CV-1	Yes	ICA-ES-CV-4	Yes
Emergency Shelter (CV)	Friends Emergency		Friends Emergency Housing Program Emergency Shelter	Y	10/1/2020		ICA	Institute for Community Alliances	No	ICA-ES-CV-1	Yes	ICA-ES-CV-2	Yes
Emergency Shelter (CV)	Helping Hands		Helping Hands - Emergency Shelter	Y	10/1/2020		ICA	Institute for Community Alliances	No	ICA-ES-CV-1	Yes	ICA-ES-CV-2	Yes
Emergency Shelter (CV)	Hundred Nights: Emergency Shelter		Hundred Nights: Emergency Shelter (State ESG CV)	Y	1/1/2021		ICA	Institute for Community Alliances	No	ICA-ES-CV-1	Yes	ICA-ES-CV-3	Yes
Emergency Shelter (CV)	Marguerite's Place. Inc.		Marguerite's Place. Inc.	Y	10/1/2020		ICA	Institute for Community Alliances	No	ICA-ES-CV-1	Yes	ICA-ES-CV-2	Yes
Emergency Shelter (CV)	My Friends Place: Emergency Shelter		My Friends Place: Emergency Shelter (State ESG CV)	Y	1/1/2021		ICA	Institute for Community Alliances	No	ICA-ES-CV-1	Yes	ICA-ES-CV-3	Yes
Emergency Shelter (CV)	Nashua Soup Kitchen and Shelter		Nashua Soup Kitchen and Shelter	Y	10/1/2020		ICA	Institute for Community Alliances	No	ICA-ES-CV-1	Yes	ICA-ES-CV-2	Yes
Emergency Shelter (CV)	New Generation, Inc		New Generation, Inc: Emergency Shelter	Y	10/1/2020		ICA	Institute for Community Alliances	No	ICA-ES-CV-1	Yes	ICA-ES-CV-2	Yes
Emergency Shelter (CV)	Seacoast Family Promise		Seacoast Family Promise: Emergency Shelter	Y	10/1/2020		ICA	Institute for Community Alliances	No	ICA-ES-CV-1	Yes	ICA-ES-CV-2	Yes
Emergency Shelter (CV)	Southwestern Community Services: Keene ES (Cheshire County)		SCS-Cheshire County Emergency Shelter	Y	10/1/2020		ICA	Institute for Community Alliances	No	ICA-ES-CV-1	Yes	ICA-ES-CV-2	Yes
Emergency Shelter (CV)	Southwestern Community Services:Claremont ES (Sullivan County)		SCS-Sullivan County Emergency Shelter	Y	10/1/2020		ICA	Institute for Community Alliances	No	ICA-ES-CV-1	Yes	ICA-ES-CV-2	Yes

Component Type	Subrecipient	Sub-subrecipint	Project Name	Carried Forward?	Start Date	End Date	HMIS ID	HMIS Full Name	VSP?	Bundle - Quarterly	Bundle Sent?	Bundle - Cumulative	Bundle Sent?
Emergency Shelter (CV)	The Front Door Agency		Front Door Agency-Emergency Shelter	Y	10/1/2020		ICA	Institute for Community Alliances	No	ICA-ES-CV-1	Yes	ICA-ES-CV-2	Yes
Emergency Shelter (CV)	The Salvation Army: Carey House ES		Carey House Emergency Shelter	Y	10/1/2020		ICA	Institute for Community Alliances	No	ICA-ES-CV-1	Yes	ICA-ES-CV-2	Yes
Emergency Shelter (CV)	The Salvation Army: McKenna House ES		McKenna House Emergency Shelter	Y	10/1/2020		ICA	Institute for Community Alliances	No	ICA-ES-CV-1	Yes	ICA-ES-CV-2	Yes
Emergency Shelter (CV)	The Way Home		TWH: Emergency Shelter State ESG-CV	Y	1/1/2021		ICA	Institute for Community Alliances	No	ICA-ES-CV-1	Yes	ICA-ES-CV-3	Yes
Emergency Shelter (CV)	Tri-County Community Action Program		TCCAP: Tyler Blain House Emergency Shelter Program (ESG CV)	Y	1/1/2021		ICA	Institute for Community Alliances	No	ICA-ES-CV-1	Yes	ICA-ES-CV-3	Yes
Homelessness Prevention	Community Action Program Belknap-Merrimack Counties, Inc.		BMCAP: ESG Prevention (State)	Y	1/1/2021		ICA	Institute for Community Alliances	No	ICA-HP-1	Yes	ICA-HP-3	Yes
Homelessness Prevention	Easter Seals		Easter Seals: Prevention State ESG-CV Nashua	Y	1/1/2021		ICA	Institute for Community Alliances	No	ICA-HP-1	Yes	ICA-HP-3	Yes
Homelessness Prevention	Easter Seals		Easter Seals: Prevention State ESG-CV BoS	Y	1/1/2021		ICA	Institute for Community Alliances	No	ICA-HP-1	Yes	ICA-HP-3	Yes
Homelessness Prevention	Easter Seals		Easter Seals: Prevention State ESG-CV Manchester	Y	1/1/2021		ICA	Institute for Community Alliances	No	ICA-HP-1	Yes	ICA-HP-3	Yes
Homelessness Prevention	Southern New Hampshire Services, Inc.		SNHS: Prevention State ESG-CV Manchester	Y	1/1/2021		ICA	Institute for Community Alliances	No	ICA-HP-1	Yes	ICA-HP-3	Yes
Homelessness Prevention	Southern New Hampshire Services, Inc.		SNHS: Prevention State ESG-CV BoS	N	4/1/2021		ICA	Institute for Community Alliances	No	ICA-HP-1	Yes	ICA-HP-4	Yes
Homelessness Prevention	Southern New Hampshire Services, Inc.		SNHS: Prevention State ESG-CV Nashua (4200)	N	4/1/2021		ICA	Institute for Community Alliances	No	ICA-HP-1	Yes	ICA-HP-4	Yes
Homelessness Prevention	Southwestern Community Services, Inc.		SCS: Prevention State ESG-CV	Y	1/1/2021		ICA	Institute for Community Alliances	No	ICA-HP-1	Yes	ICA-HP-3	Yes
Homelessness Prevention	The Front Door Agency		The Front Door PREV	Y	10/1/2020		ICA	Institute for Community Alliances	No	ICA-HP-1	Yes	ICA-HP-2	Yes
Homelessness Prevention	The Way Home		TWH: Prevention State ESG-CV	Y	1/1/2021		ICA	Institute for Community Alliances	No	ICA-HP-1	Yes	ICA-HP-3	Yes
PH - Rapid Re-Housing	Community Action Program Belknap-Merrimack Counties, Inc.		BMCAP RRH	Y	10/1/2020		ICA	Institute for Community Alliances	No	ICA-RRH-1	Yes	ICA-RRH-2	Yes
PH - Rapid Re-Housing	Cross Roads House		Cross Roads House: RRH State ESG-CV	Y	1/1/2021		ICA	Institute for Community Alliances	No	ICA-RRH-1	Yes	ICA-RRH-3	Yes
PH - Rapid Re-Housing	Easter Seals		Easter Seals: RRH State ESG-CV Manchester	Y	1/1/2021		ICA	Institute for Community Alliances	No	ICA-RRH-1	Yes	ICA-RRH-3	Yes

Component Type	Subrecipient	Sub-subrecipint	Project Name	Carried Forward?	Start Date	End Date	HMIS ID	HMIS Full Name	VSP?	Bundle - Quarterly	Bundle Sent?	Bundle - Cumulative	Bundle Sent?
PH - Rapid Re-Housing	Easter Seals		Easter Seals: RRH State ESG-CV Nashua	Y	1/1/2021		ICA	Institute for Community Alliances	No	ICA-RRH-1	Yes	ICA-RRH-3	Yes
PH - Rapid Re-Housing	Easter Seals		Easter Seals: RRH State ESG-CV BoS	Y	1/1/2021		ICA	Institute for Community Alliances	No	ICA-RRH-1	Yes	ICA-RRH-3	Yes
PH - Rapid Re-Housing	Southern New Hampshire Services, Inc.		SNHS: RRH State ESG-CV BoS	N	4/1/2021		ICA	Institute for Community Alliances	No	ICA-RRH-1	Yes	ICA-RRH-4	Yes
PH - Rapid Re-Housing	Southern New Hampshire Services, Inc.		SNHS: RRH State ESG-CV Manchester	N	4/1/2021		ICA	Institute for Community Alliances	No	ICA-RRH-1	Yes	ICA-RRH-4	Yes
PH - Rapid Re-Housing	Southwestern Community Services, Inc.		SCS RRH	Y	10/1/2020		ICA	Institute for Community Alliances	No	ICA-RRH-1	Yes	ICA-RRH-2	Yes
PH - Rapid Re-Housing	The Front Door Agency		The Front Door RRH	Y	10/1/2020		ICA	Institute for Community Alliances	No	ICA-RRH-1	Yes	ICA-RRH-2	Yes
PH - Rapid Re-Housing	The Way Home		The Way Home RRH	Y	1/1/2021		ICA	Institute for Community Alliances	No	ICA-RRH-1	Yes	ICA-RRH-3	Yes
Street Outreach	Community Action Program Belknap-Merrimack Counties, Inc.		BMCAP: Street Outreach State ESG-CV	Y	1/1/2021		ICA	Institute for Community Alliances	No	ICA-SO-1	Yes	ICA-SO-3	Yes
Street Outreach	Community Action Program of Strafford County		ESG-CV Street Outreach	Y	10/1/2020		ICA	Institute for Community Alliances	No	ICA-SO-1	Yes	ICA-SO-2	Yes
Street Outreach	Easter Seals		Easter Seals: Street Outreach State ESG-CV BoS	Y	1/1/2021		ICA	Institute for Community Alliances	No	ICA-SO-1	Yes	ICA-SO-3	Yes
Street Outreach	Easter Seals		Easter Seals: Street Outreach State ESG-CV Manchester	Y	1/1/2021		ICA	Institute for Community Alliances	No	ICA-SO-1	Yes	ICA-SO-3	Yes
Street Outreach	Easter Seals		Easter Seals: Street Outreach State ESG-CV Nashua	Y	1/1/2021		ICA	Institute for Community Alliances	No	ICA-SO-1	Yes	ICA-SO-3	Yes
Street Outreach	Mental Health Center of Greater Manchester		ESG-CV Street Outreach	Y	10/1/2020		ICA	Institute for Community Alliances	No	ICA-SO-1	Yes	ICA-SO-2	Yes
Street Outreach	Nashua Soup Kitchen and Shelter		ESG-CV Street Outreach	Y	10/1/2020		ICA	Institute for Community Alliances	No	ICA-SO-1	Yes	ICA-SO-2	Yes
Street Outreach	Southwestern Community Services, Inc.		ESG-CV Street Outreach	Y	10/1/2020		ICA	Institute for Community Alliances	No	ICA-SO-1	Yes	ICA-SO-2	Yes
Street Outreach	Tri-County Community Action Program		ESG-CV Street Outreach	Y	10/1/2020		ICA	Institute for Community Alliances	No	ICA-SO-1	Yes	ICA-SO-2	Yes
Street Outreach	Waypoint		ESG-CV Street Outreach	Y	10/1/2020		ICA	Institute for Community Alliances	No	ICA-SO-1	Yes	ICA-SO-2	Yes
Temporary Emergency Shelter	Community Action Program of Strafford County		CAPSC: Temporary Emergency Shelter	Y	10/1/2020		ICA	Institute for Community Alliances	No	ICA-TES-1	Yes	ICA-TES-2	Yes
Temporary Emergency Shelter	Cross Roads House		Cross Roads House: COVID-19 Motel ES	Y	10/1/2020		ICA	Institute for Community Alliances	No	ICA-TES-1	Yes	ICA-TES-2	Yes

Component Type	Subrecipient	Sub-subrecipint	Project Name	Carried Forward?	Start Date	End Date	HMIS ID	HMIS Full Name	VSP?	Bundle - Quarterly	Bundle Sent?	Bundle - Cumulative	Bundle Sent?
Temporary Emergency Shelter	Southwestern Community Services, Inc.		SCS: Temporary ES Monadnock St.	Y	10/1/2020		ICA	Institute for Community Alliances	No	ICA-TES-1	Yes	ICA-TES-2	Yes
Temporary Emergency Shelter	Southwestern Community Services, Inc.		SCS: Temporary ES Spruce Ave State	Y	10/1/2020		ICA	Institute for Community Alliances	No	ICA-TES-1	Yes	ICA-TES-2	Yes
Temporary Emergency Shelter	Southwestern Community Services, Inc.		SCS: Temporary ES Taylor St. State	Y	10/1/2020		ICA	Institute for Community Alliances	No	ICA-TES-1	Yes	ICA-TES-2	Yes

CUMULATIVE Projects carried out during the program year (according to files that have been uploaded)

Components	Projects	Total Persons Reported	Total Households Reported
Emergency Shelter	26	2192	1757
Day Shelter	0	0	0
Transitional Housing	0	0	0
Total Emergency Shelter Component	26	2192	1757
Total Street Outreach	10	638	580
Total PH - Rapid Re-Housing	10	61	28
Total Homelessness Prevention	10	63	31

QUARTERLY Projects carried out during the program year (according to files that have been uploaded)

Components	Projects	Total Persons Reported	Total Households Reported
Emergency Shelter	26	1321	1067
Day Shelter	0	0	0
Transitional Housing	0	0	0
Total Emergency Shelter Component	26	1321	1067
Total Street Outreach	10	505	451
Total PH - Rapid Re-Housing	10	56	26
Total Homelessness Prevention	10	55	28

Narrative for Projects Missing on Previous Submission

- no data -

Information on Allowable Activities

Temporary Emergency Shelters – essential services	Yes
Briefly describe what you provided through this service, including how you used these services to prevent, prepare for, and respond to the COVID-19 response and recovery and why you believe it was necessary for your crisis response effort.	As people experiencing homelessness are at risk for infection during community spread of coronavirus and lack of housing contributes to poor physical and mental health outcomes, essential services were provided in the Temporary Emergency Shelters to program participants with critical skills to promote independent living, sobriety, employment, self-sufficiency, and housing stability. Essential services are part of a larger COC wide re-housing strategy to quickly link individuals experiencing homelessness to pathways to permanent housing and provide them the skills and resources needed to maintain that housing.
Temporary Emergency Shelters – operating costs	Yes
Briefly describe what you provided through this service, including how you used these services to prevent, prepare for, and respond to the COVID-19 response and recovery and why you believe it was necessary for your crisis response effort.	Includes the costs of maintenance (including minor or routine repairs), shelter rent, security, fuel, equipment, insurance, utilities, food, furnishings, supplies necessary for the operation of the temporary emergency shelter. Examples of COVID specific operations costs: cleaning supplies such as bleach, disinfectant wipes, scrubbers, and mops. Protective equipment such as face masks and shields, disposable gloves, and sneeze guards for staff and program participants. Bed linens, towels, hand sanitizer, soap, and tissue packets. Individually boxed meals and bottled water. Furnishings such as cots and room dividers, washers, dryers.
Temporary Emergency Shelters – leasing existing real property or temporary structures	No
Temporary Emergency Shelters – acquisition of real property	No
Temporary Emergency Shelters – renovation of real property	No
Training	No
Hazard Pay	Yes
Briefly describe what you provided through this service, including how you used these services to prevent, prepare for, and respond to the COVID-19 response and recovery and why you believe it was necessary for your crisis response effort.	Funds were used for hazard pay for subrecipient-staff working directly to prevent, prepare for, and respond to coronavirus among persons who are homeless or at risk of homelessness. These funds ensured comprehensive coverage of ESG-CV components as subrecipients worked to quickly identify, connect to critical resources and put households on pathways to permanent housing in effort to reduce the spread of COVID-19.
Handwashing Stations, Portable Bathrooms, Laundry Service	No
Landlord Incentives	No
Volunteer Incentives	Yes
Briefly describe what you provided through this service, including how you used these services to prevent, prepare for, and respond to the COVID-19 response and recovery and why you believe it was necessary for your crisis response effort.	Funds were used for cost of providing reasonable incentives to volunteers who have been, and are currently helping to provide necessary street outreach, emergency shelter, essential services, and housing relocation and stabilization services during the coronavirus outbreak. This increased the number of people available to provide the needed services and connections to housing to individuals and families experiencing homelessness to prevent the spread of coronavirus.
Transportation (community-wide transport for testing or vaccination)	Yes
Briefly describe what you provided through this service, including how you used these services to prevent, prepare for, and respond to the COVID-19 response and recovery and why you believe it was necessary for your crisis response effort.	Transportation to/ from vaccine clinics was provided to persons experiencing homelessness in effort to prevent, prepare for and respond to the COVID-19 response and recovery. These expenses were necessary to increase equity of access to these clinics for individuals who otherwise would not have access to transportation or supports to obtain the COVID-19 vaccine.
Vaccine Incentives	No
Coordinated Entry COVID Enhancements	No
I have completed all the fields on this form relevant to this submission	Yes

Financial Information

Category	This Quarter	Total Previous Submissions	Total Current + Previous
Expenditures for Homelessness Prevention			
Rental Housing	35663.03	95,942.00	131,605.03
Relocation and Stabilization Services - Financial Assistance	6455.58	4,429.74	10,885.32
Relocation and Stabilization Services - Services	24195.66	40,552.03	64,747.69
Hazard Pay *(unique activity)*	4,929.53	1,607.89	6,537.42
Landlord Incentives *(unique activity)*		0.00	0.00
Volunteer Incentives *(unique activity)*		0.00	0.00
Training *(unique activity)*		0.00	0.00
Subtotal Homelessness Prevention	71,243.80	142,531.66	213,775.46
Expenditures for Rapid Rehousing			
Rental Housing	51943.32	35,779.11	87,722.43
Relocation and Stabilization Services - Financial Assistance	2186.76	6,600.00	8,786.76
Relocation and Stabilization Services - Services	14272.97	20,065.21	34,338.18
Hazard Pay *(unique activity)*	533.88	331.84	865.72
Landlord Incentives *(unique activity)*		0.00	0.00
Volunteer Incentives *(unique activity)*		0.00	0.00
Training *(unique activity)*		0.00	0.00
Subtotal Rapid Rehousing	68,936.93	62,776.16	131,713.09
Expenditures for Emergency Shelter (Normal)			
Essential Services	396279.32	247,492.11	643,771.43
Operations	211522.72	280,679.74	492,202.46
Renovation	3055.37	127,389.23	130,444.60
Major Rehab		0.00	0.00
Conversion		0.00	0.00
Hazard Pay *(unique activity)*	42700.89	171,835.30	214,536.19
Volunteer Incentives *(unique activity)*	84	630.00	714.00
Training *(unique activity)*		0.00	0.00
Subtotal Emergency Shelter	653,642.30	828,026.38	1,481,668.68
Expenditures for Temporary Emergency Shelter			
Essential Services	2930.37	1,320.88	4,251.25
Operations	2522.43	2,007.45	4,529.88
Leasing existing real property or temporary structures		0.00	0.00
Acquisition		0.00	0.00
Renovation		0.00	0.00
Hazard Pay *(unique activity)*		0.00	0.00
Volunteer Incentives *(unique activity)*		0.00	0.00
Training *(unique activity)*		0.00	0.00
Other Shelter Costs		0.00	0.00
Subtotal Temporary Emergency Shelter	5,452.80	3,328.33	8,781.13
Expenditures for Street Outreach			
Essential Services	263068.36	304,514.62	567,582.98
Hazard Pay *(unique activity)*	8296.55	3,744.62	12,041.17
Handwashing Stations, Portable Bathrooms, Laundry Services *(unique activity)*		0.00	0.00
Volunteer Incentives *(unique activity)*		0.00	0.00
Training *(unique activity)*		0.00	0.00
Subtotal Street Outreach	271,364.91	308,259.24	579,624.15
Other ESG-CV Expenditures			
Cell Phones - for persons in CoC/YHDP funded projects *(unique activity)*			
Coordinated Entry COVID Enhancements *(unique activity)*			
Training *(unique activity)*		0.00	0.00
Vaccine Incentives *(unique activity)*			
HMIS		0.00	0.00
Administration		0.00	0.00
Subtotal Other Expenditures	0.00	0.00	0.00

Total ESG-CV Expenditures	1,070,640.74	1,344,921.77	2,415,562.51

Contact Information

Prefix	
First Name	**Mandy**
Middle Name	
Last Name	**Reagan**
Suffix	
Organization	**603-271-7790**
Department	**Bureau of Housing Supports**
Title	**ESG Administrator**
Street Address 1	**129 Pleasant Street**
Street Address 2	
City	**Concord**
State / Territory	**New Hampshire**
ZIP Code	**03301**
E-mail Address	**mandy.reagan@dhhs.nh.gov**
Confirm E-mail Address	**mandy.reagan@dhhs.nh.gov**
Phone Number	**(603)271-7790**
Extension	
Fax Number	

Additional Comments

- no data -

CDBG CR-40 Attachment-Monitoring

CDFA
COMMUNITY DEVELOPMENT FINANCE AUTHORITY

CDFA Process

Related to:	Community Development Block Grant (CDBG) - All Programs
Subject:	CDBG Monitoring and Closeout Process – Internal
Date:	October 18, 2021

The CDFA team works in a coordinated way to review, monitor and close out CDBG projects. The following process will help guide the closeout process.

Steps to close out a CDBG Project:

1. Status Reports (Project Manager)
   - Monthly and after the submission of semi-annual Status Reports (January 15th, July 15th), the Project Manager should check on the status of assigned projects in GMS.
   - Review and approve, or request edits to, submitted Status Reports. Each Status Report should align with the proposed goals and outcomes identified for the project.
   - If the project is not proceeding according to the implementation schedule, Project Manager should engage as appropriate with the Grantee, Grant Administrator and/or Subrecipient.
2. Monitoring Summary Report (Compliance Manager)
   - When the project is 75%-100% complete (based on claims, status reports, mid-grant hearing dates, etc.), the Compliance Manager (or assigned) will monitor the project and provide a completed Monitoring Checklist and a Monitoring Summary Report to the Project Manager.
   - Print the Monitoring Checklist from the Monitoring component in GMS. Hand-enter monitoring findings on the checklist with appropriate dates.
   - If there are any potential "finding" issues, notify the Project Manager and convene a CDBG team meeting to discuss and determine an appropriate response.
   - When the monitoring process is complete, scan the completed Monitoring Checklist and save in Z:/AWARDS/GRANTEE/PROJECT/Monitoring, and in the Monitoring component of GMS (in the "Monitoring Checklist" box of the "Monitoring Letter" section).
   - Prepare a Monitoring Summary Report, based on the completed Monitoring Checklist. Save the Monitoring Summary Report in Z:/AWARDS/ GRANTEE/PROJECT/Monitoring, and in the Monitoring component of GMS (in the "Other Monitoring Documents" section).

Owner: CDBG Director Page 1 of 3 Updated: 10/18/2021

- If there are no findings or concerns, notify the Project Manager that the first stage of the monitoring process is complete. Include links to the completed Monitoring Checklist and Monitoring Summary Report.

3. Monitoring Letter (Project manager)
   - Review the Monitoring Checklist and Monitoring Summary Report (prepared by the Compliance Manager).
   - Review all project records (status reports, funding memo, etc.) to ensure full compliance with the project objectives (LMI beneficiaries, etc.).
   - Conduct a virtual or on-site monitoring visit with the Grantee (not with the Grant Administrator) to review National Objective and Project Administration sections of the Monitoring Checklist. Use site-visit checklist questions in the Monitoring Checklist.
   - When the project is fully implemented (this may occur before or after submission of the Final Status Report, depending on the nature of the project), draft a monitoring letter and attach the Monitoring Summary Report. In GMS, save the monitoring letter to the Monitoring Letter component. Complete Sections A and B under Monitoring Summary.
   - Using GMS Correspondence, send the monitoring letter and Monitoring Summary Report (as an attachment) to the Grantee and copy the Grant Administrator, using the following language (adjusted as appropriate based on the monitoring findings):

     ```
     Hello,

     The CDBG monitoring letter for this project is attached. The project
     was found to be _____ in all areas and no further action or
     response is required. If you have any questions, please do not hesitate
     to contact me at _____contact information.

     Thank you,
     [Your Name], Project Manager
     ```

4. Liquate Unused Funds (Project Manager)
   - Check claims and Final Status Report for any unexpended funds. If there are unexpended funds, complete the liquidated funds process and send a completed Liquidation Form to Finance. Save the completed form in Z:/AWARDS/GRANTEE/PROJECT/Monitoring, and attach to the Activity Budget component in GMS.

5. Close out the project (Project Manager)
   - Review the GMS file for the Grantee-executed Closeout Certification and completed Closeout Agreement. If these documents are not present in the Status Report or Correspondence components, request them from the Grant Administrator.
   - Upon receipt of closeout documents, request the Executive Director's signature on these documents.
   - Save executed Closeout Agreement in Z:/AWARDS/GRANTEE/PROJECT/Executed Documents, and in the Executed Agreements component of GMS. Send the final, executed agreements via GMS Correspondence to the Grantee and copy the Grant Administer, using the following language:

```
Hello,

Attached is your fully executed closeout agreement.  Your project is
now closed.

To access attachments in GMS, click on the Closed Grants link at the
top right of the list.  Once you open the closed grant, click on the
component and it pulls up a pdf version.

If you have any questions, please let me know.

Sincerely,
[Your Name], Project Manager
```

- In the General Information component of GMS, change "Grant Status" to 'Closed. In the "Grant Status Designation" box, select "(CDBG) Closed – Project complete" from the drop-down menu. In the "Project Closed Date" box, enter the date that the Closeout Agreement was signed by Executive Director. Be sure to hit the "Save Form Information" button at the top of the form.

Close out CDBG project in IDIS (Contract Manager):
These steps are completed after the Project manager completes the closeout process in accordance to the above steps.

1. Review Status Reports
   - Is the final status report approved (if yes, proceed? If no, Project Manager should continue to manage the project).
   - The status report should align with the project accomplishment goals.
2. Close in IDIS
   - Review GMS file by going into project, be sure all accomplishments are entered in IDIS, & click CDBG completion check.
   - If at top it says all is complete, go ahead and "complete" and enter date of signed completion contract (should match the project closed date in GMS General section) and hit save.
   - Print Summary Sheet showing Activity Status "completed" and Completion Date "_____".
   - Pull IDIS setup sheet from active to tab in back for closed projects (attach Summary Sheet) *.
   - Once closed in IDIS, go to General Information in GMS. At the bottom of the page:
     - Enter Yes/No
     - Enter date closed in IDIS

Segregate original contract

ADD THIS FORM TO CAPER ACCOMPLISHMENT FILE FOR CURRENT YEAR!

CDFA
COMMUNITY DEVELOPMENT FINANCE AUTHORITY

Grant

List of all current grants

18-007-CDPF2 - Laconia: LACLT dba LRCD/Court Street Neighborhood Ctr - 2018

Status:	**Underway**
Program Area:	CDBG - Housing and Public Facilities
Funding Opportunity:	12433-CDBG Housing and Public Facilities 2018: 1st Application Round
Organization:	City of Laconia
Program Officer:	Mollie Kaylor
Available to Project:	**$150,000.00**

The attachments below are for CDFA use only. Please do not attach any documents to this component.

Click here to download a copy of the Subrecipient Monitoring Checklist

Monitoring Letter

Save Form

Once you have completed your monitoring letter, please attach it here. *** FOR CDFA USE ONLY. PLEASE DO NOT ATTACH DOCUMENTS HERE ***

Final Monitoring Letter: Select file

Additional Monitoring Document: Select file

Once you have completed your monitoring checklist, please attach it here.

Monitoring Checklist: Select file

Town/City/County Response (if applicable): Select file

Please attach evidence of CDFA clearance.

CDFA Clearance (if



Monitoring Summary

Save Form

Enter date of monitoring. Change the date if monitoring rescheduled.

Monitoring Date:

List names of grantee staff present at the monitoring.

Grantee Staff Present at Monitoring Visit:

Grant Administrator:

Notes:

Select a compliance status and date for each of the following areas.

A. National Objective Compliance:

Date of Compliance

B. Program Administration:

Date of Compliance

C. Financial Management:

Date of Compliance

D. Environmental Review:

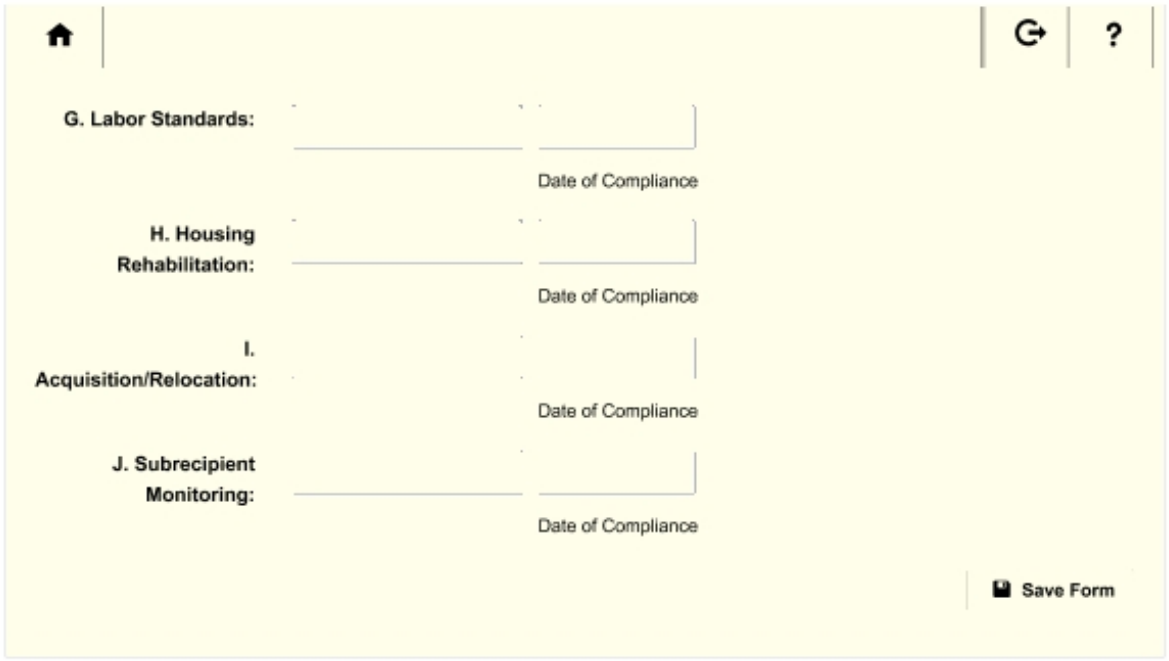
Date of Compliance

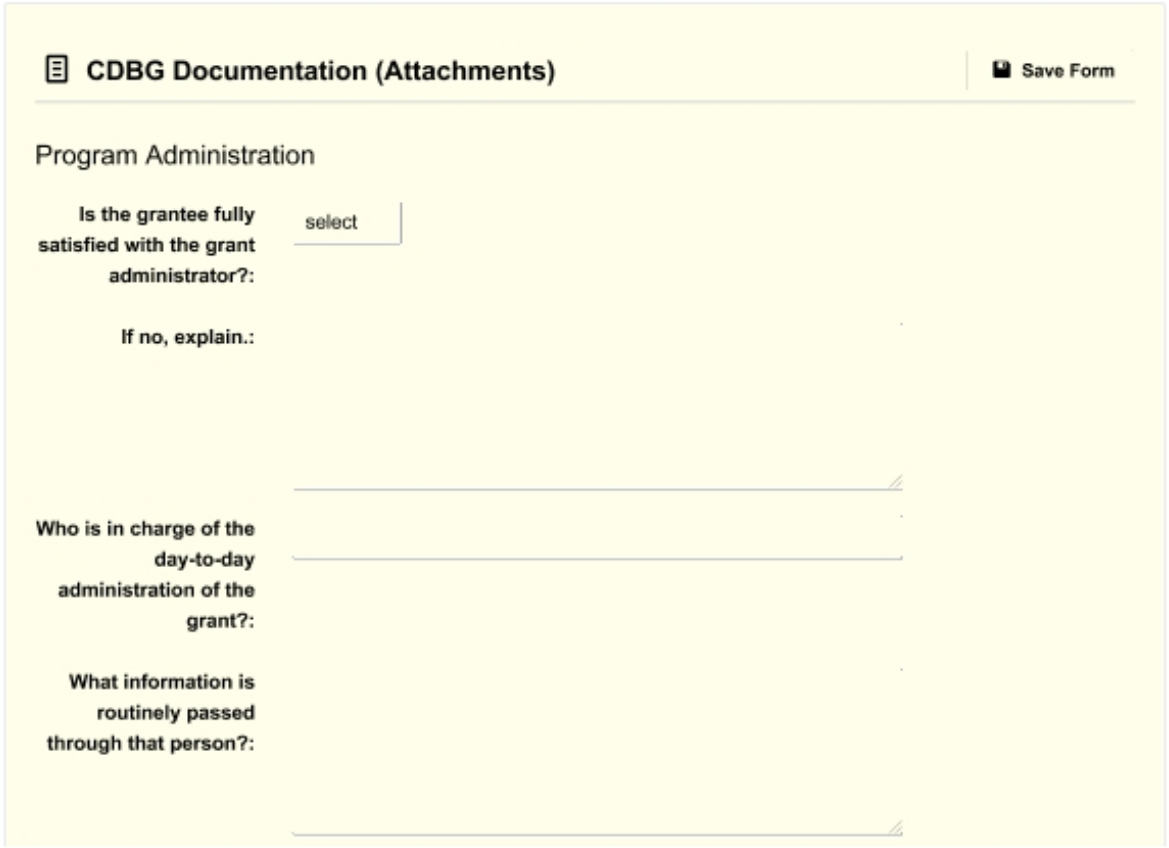
E. Civil Rights:

Date of Compliance

F. Procurement:

Date of Compliance


G. Labor Standards:
Date of Compliance
H. Housing Rehabilitation:
Date of Compliance
I. Acquisition/Relocation:
Date of Compliance
J. Subrecipient Monitoring:
Date of Compliance
Save Form


CDBG Documentation (Attachments)
Save Form
Program Administration
Is the grantee fully satisfied with the grant administrator?:
select
If no, explain.:
Who is in charge of the day-to-day administration of the grant?:
What information is routinely passed through that person?:

Does that person have appropriate authority to effect change or force actions to occur?:	select
If not, who does?:	
Is that person familiar with the basic requirements established by HUD, the State, and the grantee for use of funds?:	Yes / No
Are appropriate time records being kept?:	select
Explain:	
Is there apparent evidence of conflict of interest?:	Yes / No
If yes, explain.:	
Do the community officials review the payment requests for reasonableness of costs and consistency?:	Yes / No
Has the community subcontracted any of the administration work to be done under this project?:	Yes / No
Is there a written contract or agreement with each	Yes / No

administrative agent?:

Contract Date:

Does the administration subcontract (professional service agreement) clearly establish:

An operating budget?:	Yes	No
A scope of services?:	Yes	No
The intended beneficiaries?:	Yes	No
The method of payment?:	Yes	No
A performance schedule?:	Yes	No
How program income will be administered?:	select	
A provision for termination for non-performance?:	Yes	No
The applicable federal statutory provisions?:	Yes	No
Performance evaluation criteria?:	Yes	No
The types of information to be kept and frequency of reports to be submitted?:	Yes	No
The location of information and its accessibility?:	Yes	No
Does the performance of grant administrator seem reasonable and consistent with the terms of the contract?:	Yes	No

Citizen Participation

Have there been any citizen complaints about the project?: Yes | No

If so, was every reasonable effort made to provide written responses to citizen complaints within a 15-day period?: select

Documentation of public hearings for:

Date of Mid-Grant/progress :

Date of Amendment:

Procurement Standards

Does the grantee have a written code of conduct governing employees officers, or agents engaged in the award and administration of contracts supported by grant funds?: Yes | No

Subrecipient Monitoring

A subrecipient is an agency or organization working for the grantee, having administrative or other responsibilities for the Community Development Block Grant. The municipality, as a recipient of federal funds, is ultimately responsible for the Subrecipient's performance and compliance with federal and state regulations and requirements. As a consequence, the municipality must monitor the activities of the subrecipient.

Name of Subrecipient(s):

Is there a written contract or agreement of understanding with each operating agency?: select

If so, date of Contract:

Does the grantee have agreements in effect for all subrecipients?: select

If no, explain.:

Does the grantee have a system (regular procedure) for amending Agreements? : select

If no, explain:

Does the agreement include these elements required in 24 CFR 570.503 (b)?

Statement of Work?: select

Records and reports?: select

Program income?: select

Uniform administrative requirements?: select

Other program requirements?: select

Suspension and termination?: select

Reversion of Assets?: select

The federal statutory provisions which apply:

Davis-Bacon: select

Equal Opportunity: select

Copeland : select

Annual Audit Requirement (A-133): select

Other (Name):

Other (Name):

Other (Name):

Does the scope of work contain a description of the types and amount of work or products in sufficient detail to permit effective monitoring by the grantee?: select

If no, explain.:

Does the Agreement specify a deadline for each major service or product identified in the Statement of Work?: select

If no, explain.:

Does the Agreement specify projected costs in sufficient detail to provide a basis for comparing budgeted costs with actual costs of work?: select

If no, explain.:

Is any special documentation (required by the Agreement) maintained by the subrecipient for particular activities (i.e. "appropriate" determinations)?:	select
If no, explain.:	
If program income is retained by the subrecipient, what provisions are made to ensure that it is used in accordance with CDBG rules?:	

Civil Rights (24 CFR 570.506(g), 570.601, 570.602, and 570.607)

Local Employment Practices

Does grantee advertise as an Equal Opportunity Employer?:	**Yes**	**No**
Has the grantee submitted an EEO-4 form or equivalent?:	**Yes**	**No**

Was employment data sufficiently detailed to allow assessment of the composition of staff by:

Sex?:	**Yes**	**No**
Race?:	**Yes**	**No**
Disability Status?:	**Yes**	**No**
National Origin?:	**Yes**	**No**
Familial Status?:	**Yes**	**No**

Were position and salary data sufficiently detailed to assess practices in regard to hiring, training, promotion and compensation?:	select
Did any of the grantee employment data indicate possible deficiencies in providing employment opportunities to any group?:	select
If yes, explain.:	

Are there any complaints of discrimination that have been filed against the grantee by employees or applicants:

Of discrimination in employment?:	**Yes**	**No**
Equal employment opportunity:	**Yes**	**No**
Fair housing :	**Yes**	**No**
If yes to any of the above three questions, please explain.:		

Other 504 Requirements

Has the grantee satisfied the following steps in regards to Section 504 titled "Nondiscrimination in Federal Programs":

Prepared a Self-Evaluation Plan of policies and practices regarding the accessibility of programs and activities?:	**Yes**	**No**

Modified policies and practices if the Self-Evaluation Plan determines they impact negatively upon the disabled?:	Yes	No
In the event that programs cannot be made accessible through administrative changes, structural changes will be necessary. ? Transition Plan outlining those changes will be developed?:	Yes	No
Does the grantee accommodate the hearing impaired?:	Yes	No
If not, what auxiliary aids are available?:		
Is the grantee's office (where CD administration takes place) accessible?:	Yes	No
If not, what arrangements have been made to ensure "program" accessibility?:		
Are public hearings and meetings held in accessible facilities?:	Yes	No
Does the grantee have 15 or more employees?:	Yes	No

If yes, is there a designated person to coordinate 504 compliance?: Yes No

If yes, has a grievance procedure been adopted?: Yes No

Fair Housing

Are fair housing posters and brochures displayed in public buildings?: Yes No

If no, what activities are taking place to further promote fair housing?:

Save Form

Enviromental Review Documents

Save Form

Yes No

General Program Administration

Have any costs been incurred prior to the Removal of Environmental Review Conditions letter from CDFA? : Yes No

If yes, explain.:

Enviromental Review Record

Is there an Environmental Review Record?:	Yes	No
Is it available for public perusal?:	Yes	No
Does the Environmental Review Record document the environmental review process?:	Yes	No

If no, explain.:

Type of Environmental Review? Environmental Exemption?; Categorical Exclusion?; Environmental Assessment?; Environmental Impact Statement?:

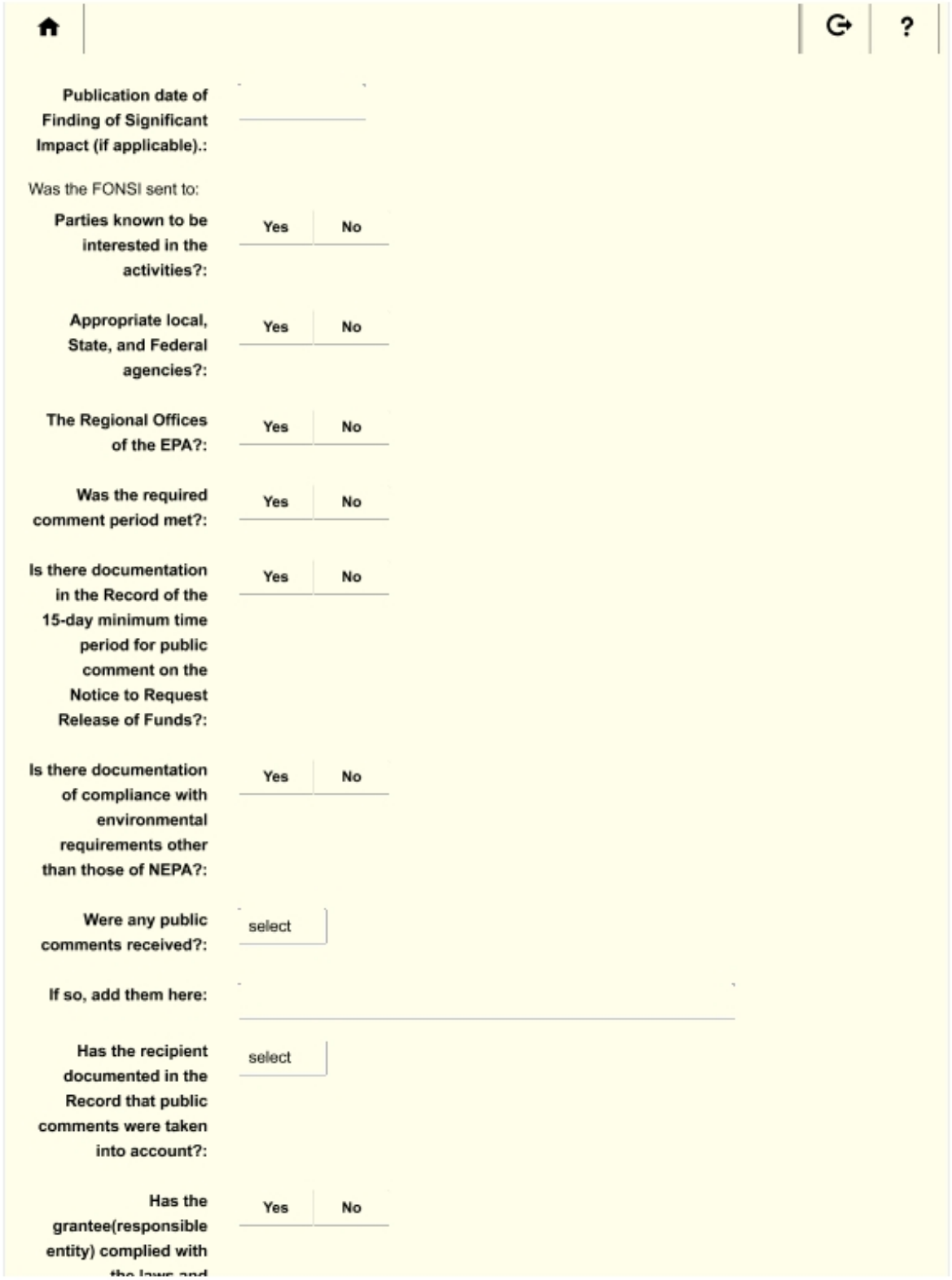
Public Notice and Public Comments

Publication Dates

Publication date of Combined Notice.:

Publication date of Notice of Intent to Request Release of Funds.:

Publication date of Finding of No Significant Impact (FONSI).:



Publication date of Finding of Significant Impact (if applicable).:

Was the FONSI sent to:

Parties known to be interested in the activities?: Yes No

Appropriate local, State, and Federal agencies?: Yes No

The Regional Offices of the EPA?: Yes No

Was the required comment period met?: Yes No

Is there documentation in the Record of the 15-day minimum time period for public comment on the Notice to Request Release of Funds?: Yes No

Is there documentation of compliance with environmental requirements other than those of NEPA?: Yes No

Were any public comments received?: select

If so, add them here:

Has the recipient documented in the Record that public comments were taken into account?: select

Has the grantee(responsible entity) complied with the laws and

the laws and authorities at 24 CFR Part 58.5?:

If no, explain:

Environmental Assessment

Were the recipient's activities coordinated with those of any other Federal or State agency responsible for implementing applicable laws?: select

Was the Environmental Assessment process described?: select

Change in Assessment (if applicable)

Were there substantial changes in the circumstances surrounding or the magnitude or extent of the project?: select

If yes, were they assessed?: select

Was an alternative approach to the original Environmental Assessment selected for the revised assessment?: select

Did the Environmental Assessment conclude that an Environmental Impact Statement was required?: Yes No

Comments:

Environmental Impact Statement (if applicable)

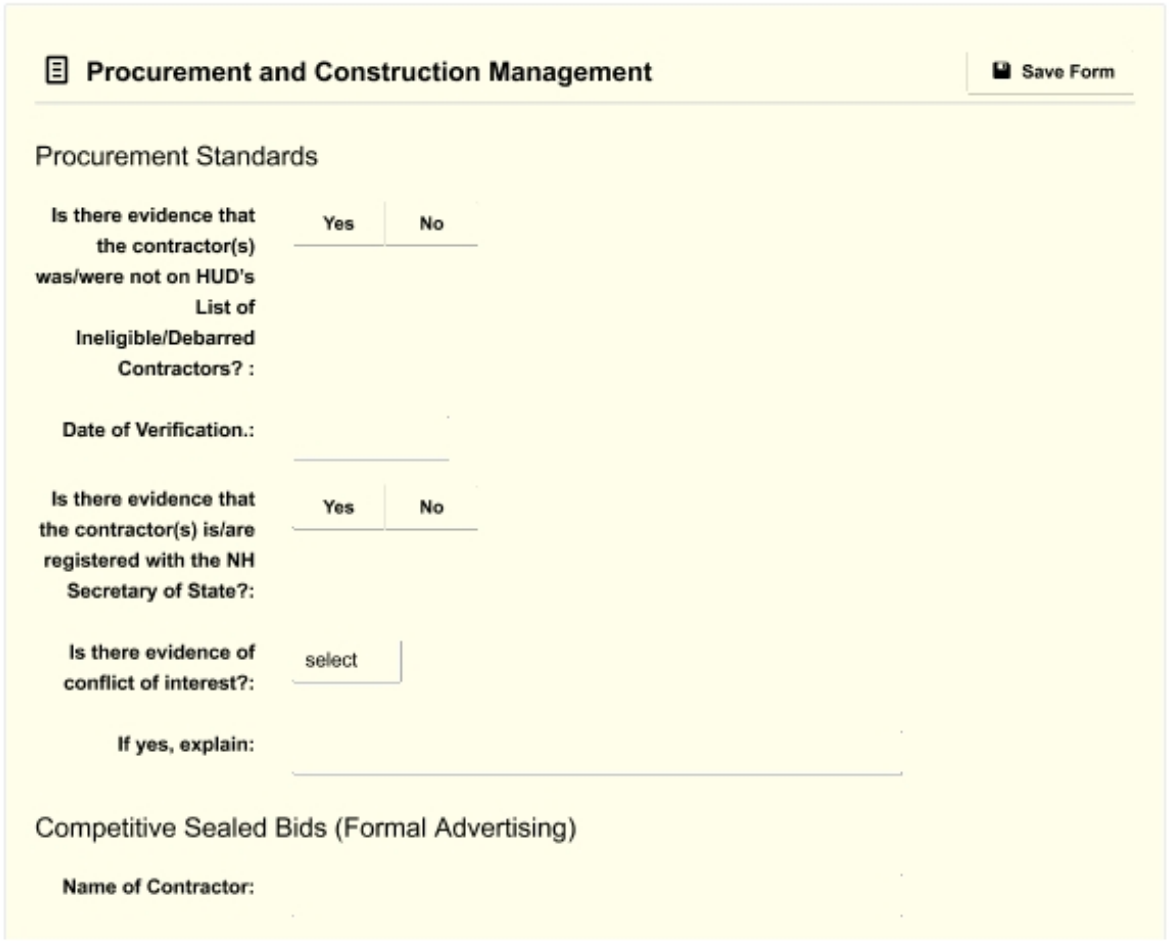
Was the Notice of Intent to Prepare an Environmental Impact Statement published?:	select
If yes, name of publication.:	
Date of publication.:	
Was scoping meeting held no less than 15 days after publication of the Notice of Intent to Prepare an Environmental Impact Statement?:	select
Was a lead agency designated?:	Yes / No
Was a public hearing held?:	Yes / No
Date of public hearing.:	
Was a draft Environmental Impact Statement Prepared?:	Yes / No
Was the draft filed according to NEPA criteria with copies sent to EPA?:	Yes / No
Was a final Environmental Impact Statement filed and distributed?:	Yes / No
Was a supplemental Environmental Statement filed (if required)?:	select

Was the record of the decision filed in the Environmental Review Record summarizing any mitigating measures called for in the Environmental Impact Statement?:	select
Was the Environmental Impact Statement coordinated with environmental actions undertaken under related laws and authorities?:	select
Were prior statements and statements filed by other agencies used instead of an Environmental Impact Statement?:	select
Did the project comply with NEPA and all other applicable laws and provisions?:	Yes / No
Comments:	

Request for Release of Funds

Was the Request for Release of Funds and accompanying certification completed on the required forms?:	Yes / No
Were the forms dated and signed by the Certifying Officer?:	Yes / No


?
Was notice of removal of environmental grant conditions received in writing from CDFA?:
Yes
No
Date Request for Release of Funds Received by CDFA.:
Date Release of Funds Letter issued.:
Save Form


Procurement and Construction Management
Save Form
Procurement Standards
Is there evidence that the contractor(s) was/were not on HUD's List of Ineligible/Debarred Contractors? :
Yes
No
Date of Verification.:
Is there evidence that the contractor(s) is/are registered with the NH Secretary of State?:
Yes
No
Is there evidence of conflict of interest?:
select
If yes, explain:
Competitive Sealed Bids (Formal Advertising)
Name of Contractor:

Contract Amount: $0

Did the bid package contain correct provisions related to:

Insurance?:	Yes	No
Bonding?:	Yes	No
Retainage?:	Yes	No
Equal Opportunity?:	Yes	No
Labor?:	Yes	No
Rejection of bids?:	Yes	No
How many invitations to bid were sent out?:		
Was a distribution list on file?:	Yes	No
Did the invitation to bid clearly describe the items or services to be purchased, and without reference to specific brand requirements unless the brand was used as an example of functional or qualify requirements?:	Yes	No
Were bids advertised in a newspaper of general circulation?:	Yes	No
Newspaper:		
Date:		
Was a public meeting held to open bids?:	Yes	No
If yes, indicate date:		
Did the grantee receive at least two (2) bids?:	Yes	No

at least two (2) bids?:

Was the contract awarded to the lowest responsible bidder?: Yes No

Date of award:

If no, describe basis for selection.:

Were all requirements met by the selected bidder prior to contract execution including:

Bid Bond: Yes No

Performance Bond: Yes No

Payment Bond: Yes No

Insurance: Yes No

Does the procurement process lend itself to a firm, fixed price contract, and can the selection of a successful bidder be made principally on the basis of price?: Yes No

Competitive Negotiation

Name of Contractor:

Contract Amount: $0

Is this procurement method used only when conditions are not appropriate for the use of fixed bidding?: Yes No

Did the grantee prepare a Request for Proposals/

Qualifications (RFP/RFQ)?:

Did the RFP/RFQ identify all significant evaluation factors, including price where required and its relative importance?:	Yes	No
Did the RFP/RFQ state clearly and accurately the technical requirements for the goods or services to be procured?:	Yes	No
Did the grantee publicize the RFP/RFQ and honor reasonable requests by parties to compete to the maximum extent possible?:	Yes	No
Did the RFP/RFQ identify all significant evaluation factors, including price or costs where required, and their relative importance?:	Yes	No
Was the RFP/RFQ advertised?:	Yes	No
Newspaper:		
Date:		
Were proposals solicited from an adequate number of qualified sources, consistent with the nature and requirements of the procurement?:	Yes	No

Was the RFP/RFQ award made to the responsible respondent whose proposal will be most advantageous to the grantee after price and other factors are considered?:	Yes	No

Does the grantee:

Conduct technical evaluations of submitted proposals?:	Yes	No
Determine responsible respondent from such evaluations?:	Yes	No
As necessary, conduct negotiations for final contract award?:	Yes	No
If proposals involving architectural/engineering professional services are evaluated with respect to factors other than price, can the grantee document the basis for negotiation of fair and reasonable compensation?:	Yes	No
For procurement of architectural/engineering professional services, does the grantee maintain a list of qualified respondents to its RFPs?:	Yes	No

Does the file contain supporting documentation that indicates the contract was awarded in accordance with established selection criteria?: Yes | No

Procurement- Small Purchashes (less than $100,000)

Name of Contractor/Purchase:

Amount: $0

Was it determined that the purchase was necessary to carry out the approved CDBG program?: select

At a minimum, were price quotations solicited from at least three vendors?: select

How many?:

How many quotations were actually received?:

Was a purchase order/contract issued to the most advantageous vendor in terms of price and other factors considered?: Yes | No

List other factors:

Were bonding and insurance requirements met, if applicable?:	select
Do the grantee's procurement guidelines prescribe a dollar limit for small purchases?:	select

Procurement- Non-Competitive Negotiation (Sole Source)

Name of Contractor:	
Contract Amount:	$0
Was the item desired available from only one source?:	Yes / No
Describe basis for this determination.:	
Was competition determined to be inadequate after a number of sources had been solicited?:	Yes / No
Can the grantee show that another method of procurement was infeasible because the item or service is only available from a single source, or, after solicitation of a number of sources, competition was determined to be inadequate?:	Yes / No

Were the goods or services needed to meet a public emergency or exigency of such urgency not to permit use of competitive negotiation?:	Yes / No
Was there documentation of the public emergency?:	Yes / No
Were bonding and insurance requirements of construction contracts met, if applicable?:	Yes / No

General Provisions and Procedures (pertaining to primary grant activity only; not including grant administration)

Is contract pricing always based on actual cost and not a percentage of construction cost nor cost plus percentage?:	Yes / No

Are procurement procedures in place that ensure that:

Purchase orders are signed by an authorized program official?:	select
Items delivered and paid for are consistent with the items contained in the corresponding purchase order?:	select

Timely payment of vendors occurs once the requested orders have been delivered, inspected, and accepted and payment of the vendor has been approved? :	select

If contracts have been awarded for construction or facility improvements under the grant program, does the grantee:

Follow its own requirements relating to bid guarantees, performance bonds and payment bonds for construction contracts or subcontracts valued at or below $100,000?:	**Yes**	**No**
Meet the minimum Federal requirements for bid guarantees, performance bonds and payment bonds (see OMB A-87) for construction contracts or subcontracts valued above $100,000?:	**Yes**	**No**

Have recipients followed procurement standards which ensure that:

Unnecessary or duplicate purchases are avoided?:	**Yes**	**No**
Favorable prices for goods and services are obtained without sacrificing needed quality?:	**Yes**	**No**
Purchases are made on the basis of maximum open and free competition?:	**Yes**	**No**

Equal employment opportunity and procurement performance programs have been instituted?:	Yes	No
Adequate insurance has been secured to protect the interest of the recipient and the State and Federal Governments?:	Yes	No

Efforts to Use Small, Minority- & Women-Owned Businesses

Is the grantee taking affirmative steps to select small, certified minority-owned and women-owned businesses in grant-funded contracts?:	Yes	No

If yes, such as:

Placing qualified small and minority-owned businesses on solicitation lists in the commuting area?:	Yes	No
Assuring that such businesses are solicited whenever they are potential sources?:	Yes	No
Dividing total job or supply requirements into smaller tasks or quantities where feasible, as well as establishing delivery schedules to permit the maximum small, minority-owned business participation?:	Yes	No

Establishing delivery schedules, where permitted, which encourage MBE/WBE participation?:	Yes	No
Using services and assistance of the Small Business Administration (SBA)?:	Yes	No
Requiring prime contractors to take affirmative steps to select small, minority-owned businesses in grant funded subcontracts?:	Yes	No
If the grantee is not taking the steps identified in the question above, list below the action the grantee is taking or must take to meet 24 CFR 85.36(e) and that affirmative steps will be taken to assure opportunities for participation of small, women- and minority-owned businesses.:		
Has the grantee made satisfactory efforts to utilize minority- and women-owned businesses in grant-funded contracts?:	Yes	No

If the grantee is not taking steps identified in the above questions, list the actions the grantee is taking to meet part Cdfa 306.02(d) of the State Administrative Rules, which requires that affirmative steps be taken to assure utilization of small minority-owned and women-owned businesses.:

Based on your knowledge of the project, have the proper procurement methods been used?: Yes No

If not obvious, is there a rationale in the file for the method used?: Yes No

Explain:

For any issues identified during the review, provide clarification as necessary and specify corrective actions the grantee must take to resolve the issues. Describe the nature of any technical assistance provided during the review. Also, describe any necessary follow-up actions that should be provided by CDFA

provided by CDFA staff:

Labor Standards- Contract Identification

24 CFR 570.603, HUD Handbook 13441.1 Rev 1, Davis-Bacon and related acts, Copeland Act, Contract Work Hours and Safety Standards

Description of Work:

Location of Project:

Project Number:

Bid Opening Date:

Name of Contractor:

Contract Award Date:

Preconstruction Conference Date:

Construction Start Date:

Contact Amount: $0

Force Account Used (if applicable): $0

Contract Documents

Were labor standards included as a provision in contracts/subcontracts?: Yes | No

Has CDFA approved all contracts in writing?: Yes | No

Were the appropriate wage decision and modification used on the project?: Yes No

Wage decision number:

Effective date:

Contractor Compliance

Does the grantee require contractors to maintain data on employees by sex, race and age distribution?: Yes No

Describe any complaints of discrimination in employment that have been filed against the contractors or subcontractors.:

Are wage rates and Notice to Employees displayed?: Yes No

If yes, state location:

Are field inspections of construction activities made on a regular basis?: Yes No

How often are inspections made?:

Based on this review, it is evident that the grantee is in compliance with labor standards required by the CDBG contract.: Yes No



Activity Budget

Save Form

National Objectives- Activity Area

Does the project address the National Objective to principally benefit low and moderate income persons?:	Yes	No
Is the project being conducted within the proposed project area?:	Yes	No
Is this project addressing slums or blight?:	Yes	No
Does this project address an urgent need?:	Yes	No
Does the problem identified represent a serious and immediate threat to health and welfare?:	Yes	No
Did the project solve the emergency?:	select	
Does the project include a direct Homeownership Assistance program that fits in to the National Objective?:	Yes	No

If yes, describe the program design, including the eligibility requirements, type and level of assistance, etc.:

Is the grant in compliance with the Housing and Community Development Act as amended?: Yes No

Is the recipient in compliance with its program design?: Yes No

Save Form

Claims

Save Form

Financial Management- Systems for Internal Control

Process for paying invoices

Is the work inspected (or are all appropriate documents in place) prior to paying the bill?: Yes No

Who inspects the work?:

Is a percentage of the payment retained until all the work has been completed?: Yes No

If yes, how much?:

Has interest been earned on retainage?: Yes | No

Comments:

From a sample of Payment Requests

Dated:

Numbered:

Dated:

Numbered:

Dated:

Numbered:

Do the Payment Requests Correctly Reflect the Municipal Account's:

Un-requested Funds?: select

Total Expenditures?: select

Program Income?: select

Cash on-hand?: select

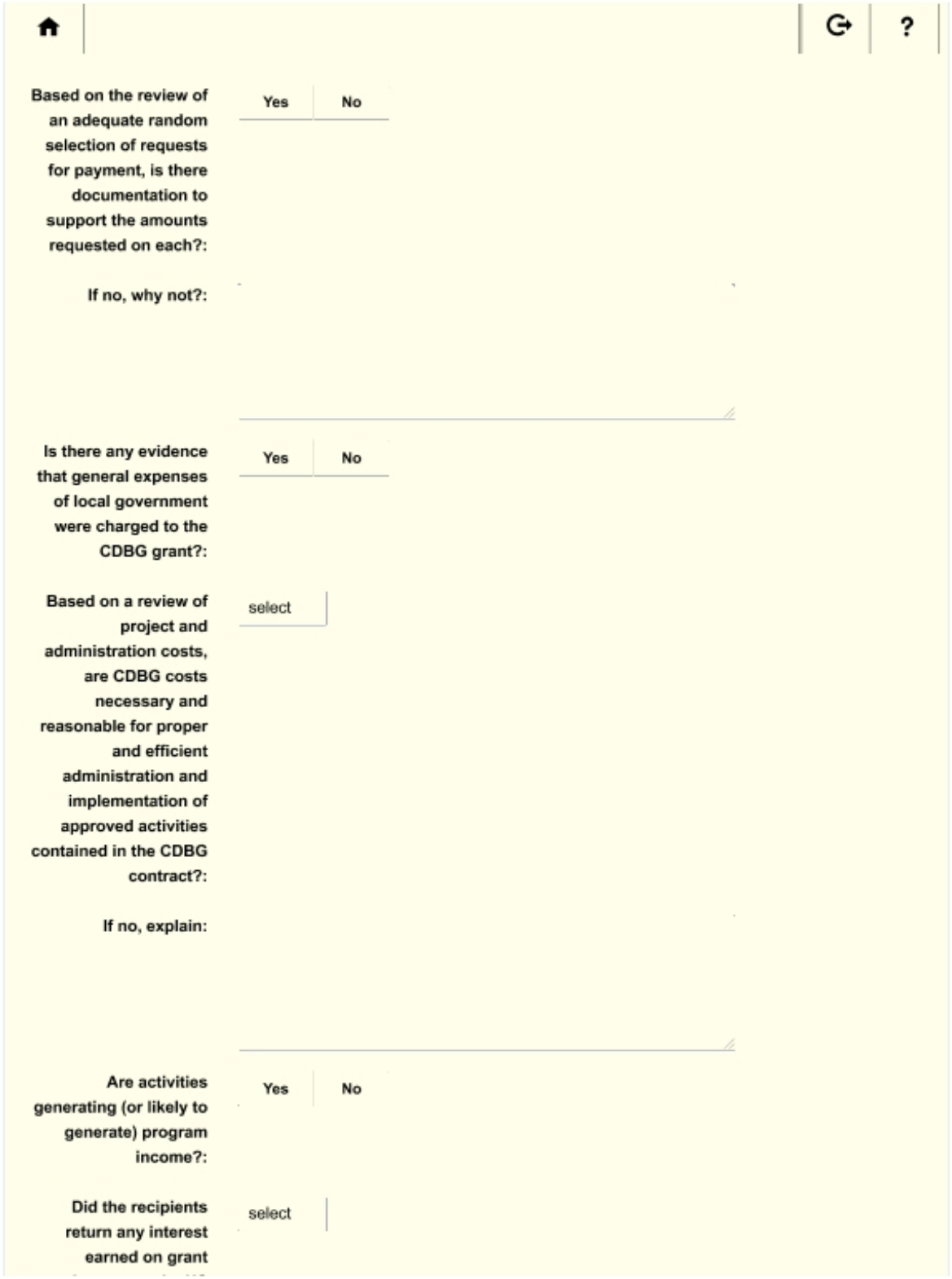
Could a random sample of recorded CDBG-related cash disbursements be traced from original accounting entries to:

Canceled checks?: Yes | No

Appropriate bills or invoices?: Yes | No

Appropriate purchase orders or other contracts for goods or services?: Yes | No

Approved activities identified in the CDBG contract?: Yes | No


Based on the review of an adequate random selection of requests for payment, is there documentation to support the amounts requested on each?:
Yes
No
If no, why not?:
Is there any evidence that general expenses of local government were charged to the CDBG grant?:
Yes
No
Based on a review of project and administration costs, are CDBG costs necessary and reasonable for proper and efficient administration and implementation of approved activities contained in the CDBG contract?:
select
If no, explain:
Are activities generating (or likely to generate) program income?:
Yes
No
Did the recipients return any interest earned on grant
select

advances to the US Treasury?:	
Were all expenditures of Program Income used to fund eligible community development activities?:	select
Was program income from rehabilitation escrow accounts properly utilized prior to request for grant funds?:	select
Is there a financial statement showing the status of Program Income?:	select

Based on this review, is it evident that:

There is a financial management system that provides for accurate, current and complete disclosure of the financial results of the CDBG program?:	Yes	No
There is effective control over and accountability for all CDBG funds?:	Yes	No
Requirements to use program income first and to return interest earned on CDBG cash deposits have been complied with?:	select	
Special provisions and conditions of the CDBG Release of Funds and contract with regard to expenditure or obligation of CDBG funds have been met?:	select	

Were CDBG funds used to purchase nonexpendable personal property? Useful life of more than one year and acquisition cost of $5,000 or more. If no, proceed to next monitoring section.:	select
Does physical inventory confirm property on hand?:	select
Were property and supplies purchased with CDBG funds used solely for CDBG activities or appropriately prorated if used on other activities?:	select
If the grantee has disposed of any non-expendable personal and real property purchased with program funds, has it complied with the disposition procedures contained in 24 CFR 85.32(e)(2) (useful life of more than one year)?:	select
Is there evidence that real property (over $25,000) and non expendable property (over $5,000) was disposed of without notification or appropriate reimbursement to CDFA according to 24 CFR 85.36?:	select


If yes, describe.:
Has any real property been purchased with CDBG funds? If yes, be sure to complete Acquisition/Relocation Checklist.:
Yes
No
Do the records and a physical assessment of recipient property and CDBG activities indicate that the recipient has adequate control over property purchased with CDBG monies?:
select
Subrecipient Agreement (24 CFR 570.503)
Is the BACKUP documentation ON CLAIMS sufficient to ensure that:
The payments are made only for eligible expenses? :
Yes
No
Expenses are reasonable in relation to actual performance?:
Yes
No
If no, explain.:
Save Form

Status Reports

Save Form ?

National Objectives- Activity Area

Does the grantee maintain sufficient documentation of the beneficiaries' eligibility, including LMI status?:	**Yes**	**No**
If yes, what documentation of activities is maintained by the grantee?:		
If no, what is necessary to complete documentation?:		
Have any amendments been made which would affect the National Objective determinations?:	**Yes**	**No**
If yes, describe changes in level of impact on the National Objective.:		

For each activity, describe how the National Objective is being met: If LMI,

Activity Number (CDBG matrix code):	
Proposed National Objective (National Objective Code) :	

When noting the current LMI percent, the "Percent of Grant" should be calculated based on the HUD interpretation of the statutory requirement.

Current Percent of Grant:

The "Percent of Beneficiaries" should be the actual percent of LMI which have received benefit as of this monitoring.

Current Percent of Beneficiaries:

Method of Determination:

Based on the evidence available, does it appear that the grantee's project is being implemented in accordance with the national objective identified?: Yes | No

For any issues identified during the review, provide clarification as necessary and specify corrective actions the grantee must take to resolve the issues. Describe the nature of any technical assistance provided during the review. Also, describe any necessary follow-up actions that should be provided by CDFA staff.

Comments:

Program Administration- Reporting Procedures

Has the grantee submitted all reports required by CDFA?: Yes | No

Were progress reports submitted on time, complete and

accurately?:

Program Administration- Timeliness

Does it appear that the project will be completed on time? :	Yes	No
If no, please explain.:		
What percentage of the project is completed (estimate)?:		

Civil Rights- Beneficiaries

Are demographic data on the number and characteristics of beneficiaries/participants of CDBG projects and activities maintained for the following:

Low-income?:	Yes	No
White (non Hispanic)?:	Yes	No
Black (non Hispanic)?:	Yes	No
American Indian or Alaskan Native?:	Yes	No
Hispanic?:	Yes	No
Asian or Pacific Islander?:	Yes	No
Female head of household?:	Yes	No
Disabled?:	Yes	No
Were geographic areas, as defined in the application, adhered to?:	Yes	No

Beneficiaries- Minority Benefit

Does the grantee have records in the file which report the count of individuals who received direct services or assistance by these categories:

Racial/ethnic group?:	Yes	No
Sex?:	Yes	No
Disabled?:	Yes	No
Female head of household?:	Yes	No
How was this information collected?:		
Is there any evidence of illegal discrimination against persons with regard to provision of benefits of the grant program?:	Yes	No
Is there any evidence that area-wide benefits were denied to members of protected classes, or that areas not selected to receive benefits and having equivalent needs to areas benefited may have been overlooked because of race or ethnic characteristics? :	select	

Save Form

Financial Management

Save Form

Program Administration- General Administration

Does the grantee assess the progress of each project and activity, including those operated by third party contractors or other grantee agencies, against approved measurable objectives, budget and schedule on a periodic basis?:	Yes / No

Financial Management- Systems for Internal Control

Who is responsible for the following activities related to paying invoices?

Approving invoices?:	
Department:	
Title:	
Signing invoices?:	
Department:	
Title:	
Authorizing CDBG Checks?:	
Department:	
Title:	
Writing checks?:	
Department:	
Title:	
Posting the expenditures to the record?:	

Department:

Title:

Reconciling the checkbook and bank statement?:

Department:

Title:

Balancing the cash receipt journal against the monthly bank statement for each account in use?:

Department:

Title:

List names and titles of finance staff.:

Is there evidence that employees who handle CDBG funds are properly bonded?: Yes | No

Did the grantee attach the list of bonded employees in the financial responsibilities form?: select

Do CDBG expenditures require approval through the municipal manifest/warrant system?: Yes | No

If no, does the grant have a separate manifest? Please explain.:

How many signatures are required to make the manifest legal?:

Were internal controls adequate to safeguard CDBG Assets?: Yes No

Comments:

Were CDBG transactions supported by source documents?: Yes No

Are there any obvious instances of accounting procedures which do not follow the GAAP or OMB Part 87 (CDBG eligible costs)?: Yes No

Financial Management- Accurate, Current and Complete Disclosure of CDBG Financial Results

Based on the receipt of CDBG funds issued in response to payment requests sampled, how many days does it take to disburse CDBG funds?

Claim #:

Date funds disbursed by CDFA:

Date of deposit by Grantee:

Date Funds Disbursed by Grantee:

Total Days:

Based on information collected in the previous question, were CDBG funds disbursed as close as administratively feasible to the time they were received?: Yes No

Describe any special procedures the grantee uses to minimize the time elapsing between the receipt of CDBG funds from CDFA and the disbursement of these funds.:

Are CDBG payments from CDFA deposited in an interest bearing account?: Yes No

If yes, have provisions been made for returning interest earned on the deposit of CDBG funds to CDFA?: select

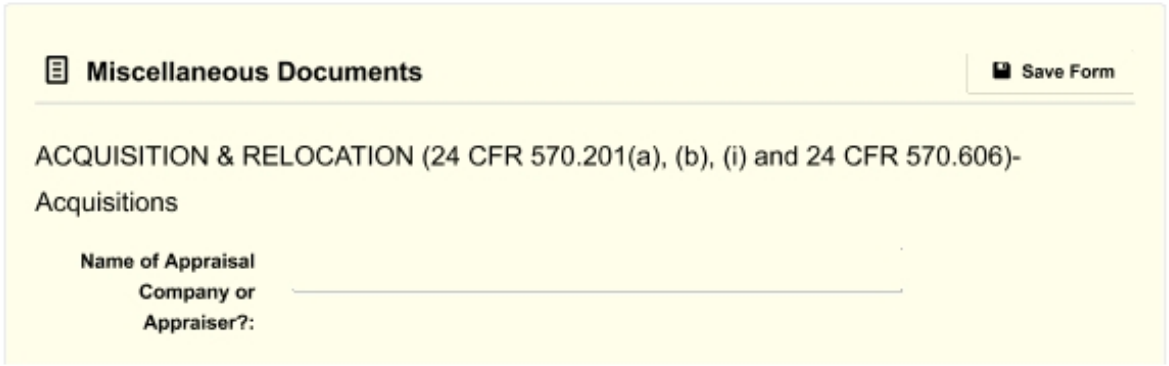
Financial Management- Allowable and Eligible Costs

Were CDBG costs incurred prior to the date of the Release of Funds? : Yes No

If yes, were the costs eligible?: Yes No

Did costs exceed 10% of the contract?: Yes No


Are grant funds being used to reimburse municipal employees who are already on the payroll?:
Yes
No
If so, are they keeping time sheets documenting time charged to CDBG?:
Yes
No
Identify staff who are paid in full or in part by CDBG funds:
Name:
Position :
% CDBG Funded:
Save Form


Miscellaneous Documents
Save Form
ACQUISITION & RELOCATION (24 CFR 570.201(a), (b), (i) and 24 CFR 570.606)-
Acquisitions
Name of Appraisal Company or Appraiser?:

Date of Appraisal:

Appraised Fair Market Value: $0

Was a review of the appraisal done?: Yes No

Did the review appraiser agree with the original appraisal?: select

If no, was there satisfactory resolution of the disagreement?: select

Who performed the review appraisal?:

Was an appropriately designed appraisal conducted and adequate documentation maintained in the file?: Yes No

Was the owner invited to accompany the appraiser?: Yes No

Voluntary Acquisitions

Were several alternative sites considered, demonstrating that no one particular site had to be acquired?: select

Did the grantee document that the site was not part of a designated project area where property within this area was to be acquired within specific time limits?: select

Was the owner informed, in writing, that the grantee would not acquire the property in the event amicable agreement could not be reached?:	select
Was the owner informed of what the grantee felt to be the fair market value of the site?:	select
Was the owner paid promptly?:	select
Do the files contain a copy of the purchase agreement and recorded deed?:	select

Private Acquisitions

Is there sufficient information to demonstrate that the private party does not have authority to acquire the property by eminent domain?:	select
Was the owner informed that the private party is unable to acquire the property by eminent domain in the event negotiations fail?:	select
Was the owner informed of what the private party felt to be the fair market value of the property?:	select
Was the owner paid	select

promptly?:

Do the files contain a copy of the purchase agreement and recorded deed?: select

All Other Types of Acquisitions

Was the owner informed of his/her rights under the Uniform Act?: select

Was preliminary acquisition notice sent to the owner?: select

Was a written purchase offer sent to the owner?: select

Was the initial offer, at a minimum, the amount of the approved appraisal?: select

Did it include a summary statement of the basis for the offer of just compensation, to include:

Amount of just compensation?: select

Description and location ID of the real property?: select

ID of the buildings, structures and improvements considered to be part of the real property?: select

Is there adequate documentation of any sale negotiation?: select

Was the owner paid promptly?: select

Do the files contain a select

copy of the purchase agreement and recorded deed?:	
Do the files contain a statement of settlement costs?:	select

Eminent Domain (Court Action)

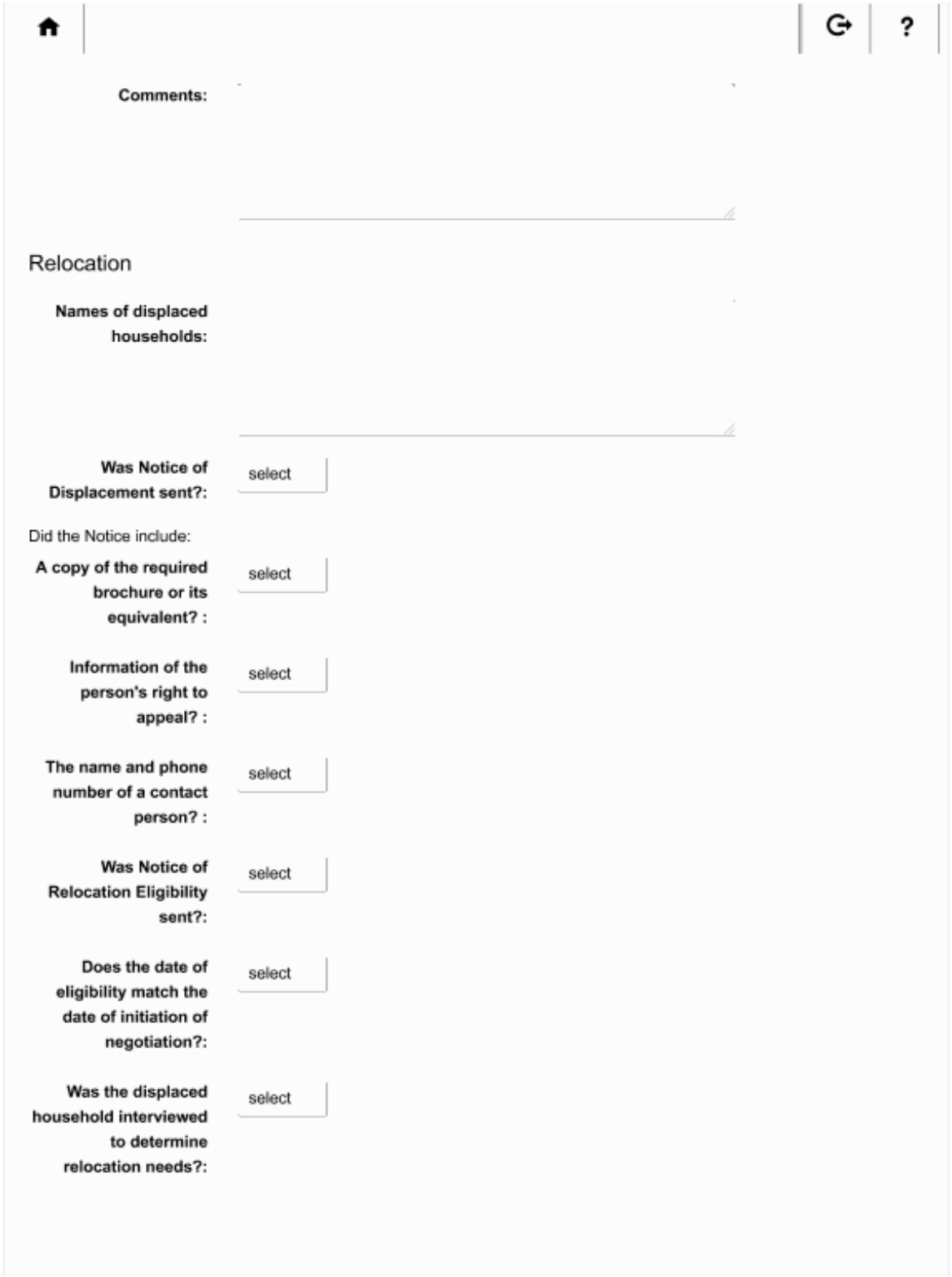
Do the files contain:

A legislative body's authorizing resolution?:	select
Copy of the petition to the court?:	select
Evidence that fair value was deposited with the court?:	select
Copy of the court judgment?:	select
Was an appeal filed or a request for payment made for incidental or litigation expenses?:	select
If yes, is there a record of the decision made and the reasons for the decision?:	select

Summary & Conclusions

Based on the evidence available, does it appear that the acquisition process was conducted in conformity with the Uniform Act and in a manner that minimized hardships to the property owner?:	select

For any issues identified during the review, provide clarification as necessary and specify corrective actions the grantee must take to resolve the issues. Describe the nature of any technical assistance provided during the review. Also describe any necessary follow-up actions that should be provided by CDFA staff.


Comments:
Relocation
Names of displaced households:
Was Notice of Displacement sent?:
select
Did the Notice include:
A copy of the required brochure or its equivalent? :
select
Information of the person's right to appeal? :
select
The name and phone number of a contact person? :
select
Was Notice of Relocation Eligibility sent?:
select
Does the date of eligibility match the date of initiation of negotiation?:
select
Was the displaced household interviewed to determine relocation needs?:
select

Was the household informed in writing of the price or rent used for establishing the upper limit of the replacement housing?:	select
Was a LI household given the opportunity to choose between benefits under the Uniform Act and the CDBG relocation regulations?:	select
Was a minority household given an opportunity to relocate to an area of non-minority concentration?:	select
Was an elderly/handicapped household offered transport to inspect housing to which they were referred?:	select
Was the 90 day Notice sent?:	select
Were three or more referrals made for replacement housing or business relocation?:	select

Were referrals for replacement housing:

Decent, safe and sanitary?:	select
Comparable dwelling?:	select
Was replacement housing inspected?:	select

Do files contain an appropriately completed claim form for payment (e.g., payments calculated correctly)?:	select
Is the claim supported by adequate documentation (e.g., bills or certified prices)?:	select
Is the payment for allowable relocation costs?:	select
Was displaced household paid promptly?:	select
In lieu of payment, were government-housing vouchers provided promptly?:	select
If claims were denied, is there adequate documentation to support the denial?:	select
Have there been any appeals?:	select
If yes, has it been dealt with appropriately?:	select
Is there evidence of any discrimination against displaced households?:	select
If yes, has appropriate corrective action been taken?:	select

Summary & Conclusions

Based on the evidence available, does it appear that the relocation process was conducted in conformity with the Uniform Act, and in a manner that minimized hardships to displaced households?: select

For any issues identified during the review, provide clarification as necessary and specify corrective actions the grantee must take to resolve the issues. Describe the nature of any technical assistance provided during the review. Also describe any necessary follow-up actions that should be provided by CDFA staff.

Comments:

Save Form

Monitoring Questions Not Found in GMS

Save Form

Program Administration- Timeliness

What does a site inspection reveal?:

Is the project area consistent with the target area as described in the application?: Yes | No

Are the physical conditions of the target area as described in the

application?:

Does it appear that actual progress in the target area supports project progress?: Yes No

Is the percentage of completion consistent with inspection of target area?: Yes No

Labor Standards- Payrolls

Does the payroll information provide completed data that confirms:

Weekly review of payroll?: Yes No

Payrolls are numbered sequentially?: Yes No

Payrolls signed by employer or authorized representative?: Yes No

Apprentice/trainee registration records?: select

Record of additional classifications (HUD 4230A)?: select

Is payroll review correspondence in file?: select

Each worker paid full weekly wages without direct or indirect rebates?: Yes No

Where appropriate, overtime compensation had been paid?: select

Employer Interviews

Were employee interviews completed?: Yes | No

How many?:

How often?:

Were a representative number of trades covered?: Yes | No

Were interviews compared against payrolls?: Yes | No

Is there a need to utilize the wage interview letter?: Yes | No

Violations

Was wage restitution necessary?: Yes | No

If yes, was HUD notified?: select

If wage restitution was due, list the following:

Contractor's name:

Gross amount of violation: $0

Number of employees affected:

Was proof of payment on file?: Yes | No

If no, explain:

Summary & Conclusions

Based on this review, is it evident that the grantee is in compliance with labor standards required by the CDBG contract.: Yes | No

Housing Rehabilitation (24 CFR 570.202)- Progress and Capacity

Rehabilitation dollars expended to date: $0

Unprocessed backlog (number of cases/pending applications):

What is the average processing time for grants and loans?:

Does the grantee appear to be able to fully spend its current rehabilitation budget?: select

If no, explain.:

Housing Rehab-Program Policies, Standards and Operating Procedures

Are written operating procedures for the program established?: select

Is the administration system of checks and balances adequate to prevent potential select

fraud?:

Does the grantee appear to be in compliance with its approved program design?: select

What structural standards and/or codes apply to rehabilitation process?

Uniform Building Code: select

Housing Quality Standards: select

City Code: select

What is the apparent average case processing time:

From application date to loan approval?:

From application date to final construction approval?:

Does the length of time to process a case seem reasonable?: select

How does the grantee ensure that information about the program is provided to potential beneficiaries?:

What type of program is used?

Streamlined?: select

50/50 match?: select

100% grant?: select

Other match ratio? If yes, specify:

Who selects the contractor?:

How? :

Who prepares work write-up specifications, cost estimates and the contract?:

If grantee requires contractor bids, have the program's bidding procedures been followed?: select

If there are change orders to the rehabilitation work, are contract compliance inspection reports dated, signed, and in the file?: select

If the grantees inspects the progress of the rehabilitation work, are contract compliance inspection reports dated, signed, and in the file?: select

Does the grantee have an effective staff training program which makes use of available and appropriate training opportunities?:	select

Have the following forms been developed:

Application?:	select
Applicant financial submission verification?:	select
Inspection/work write-up/cost estimate format(s)?:	select
Contract format?:	select
Inspection format?:	select
Final certification format?:	select
Progress report/payment request format?:	select
Case file log of contacts/events/actions?:	select
Case file log of inspections/payments?:	select
Does the program have and follow written criteria for eligible property improvements?:	select
Are there an adequate number of contractors who perform rehabilitation work?:	select

Is there evidence of third party contracts (outside of grantee contract with owner)?: select

Has the grantee involved private sector lending institution administration services for the program?: select

Does the community use an escrow account for drawing down CDBG funds upon the signing of a construction contract?: select

Does the grantee use effective methods for:

Reviewing and approving change orders?: select

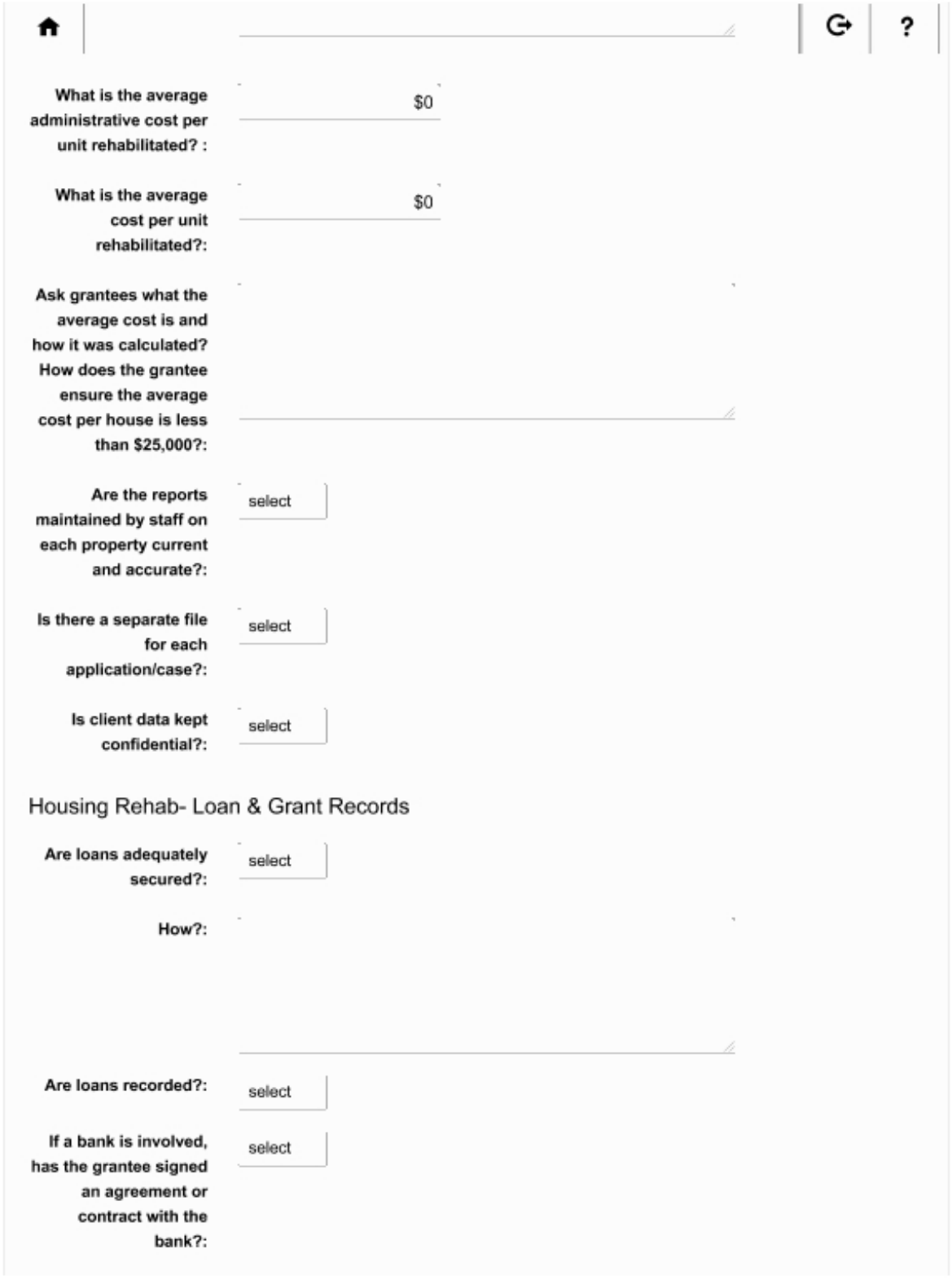
Resolving contract disputes?: select

Describe the process.:

Housing Rehab-Review Overall Program Management

Are there areas where the grantee's policies and procedures either are not adequate or not fully developed and formalized?: select

Describe any deficiencies.:


What is the average administrative cost per unit rehabilitated? :
$0
What is the average cost per unit rehabilitated?:
$0
Ask grantees what the average cost is and how it was calculated? How does the grantee ensure the average cost per house is less than $25,000?:
Are the reports maintained by staff on each property current and accurate?:
select
Is there a separate file for each application/case?:
select
Is client data kept confidential?:
select
Housing Rehab- Loan & Grant Records
Are loans adequately secured?:
select
How?:
Are loans recorded?:
select
If a bank is involved, has the grantee signed an agreement or contract with the bank?:
select

Does it clearly specify the services to be provided by the bank, the fees charged, and the liabilities for failure to perform?: select

Where a loan has been approved, has the borrower signed a note or other obligation evidencing the debt?: select

Summary & Conclusions

Based on the evidence available, does it appear that the grantee's project is being implemented in accordance with allowable cost requirements?: select

Housing Rehab- Individual Housing Cases

Please list name of applicant and location of rehab for five (5) of you rehab projects.:

Part A: Application File Review

All "NO" responses should be explained at the end of the exhibit. Note: Monitoring of the housing rehabilitation program case files is based on local policies and procedures.

Is the application complete?: select

Does the applicant appear eligible?: select

Is there sufficient information concerning the select

applicant's income?:

Is there sufficient information to show that the applicant meets the program's eligibility criteria?:	select
Is there an indication in the file of how sufficient income concerning the applicants income was confirmed or verified (such as a notation that the applicant's tax return was reviewed)?:	select
Is evidence of the applicant's employment/existing debts included in the file?:	select
Is evidence of the applicant's credit worthiness, such as a credit report, included in the file?:	select
Was an environmental review conducted for each project?:	select
Is there a construction contract or equivalent document in the file?:	select
Does the contract either (1) list all of the work to be performed or (2) refer to another document in the file (such as work write-up or list of improvements) which lists all the work to be performed?:	select

Are the items of work consistent with program criteria for eligible improvements?:	select
Does the contract indicate the cost of work to be performed?:	select
Does the cost of the work to be performed appear reasonable?:	select
Does the contract indicate the contractor (or other person) who will be responsible for performing each item of the work?:	select
Does the contract comply with Lead-Based Paint Poisoning Prevention regulations (24 CFR Part 570.608)?:	select
Is there documentation that the owner (or occupant, if not the same) has been advised of lead-based paint hazards, their dangers to children, and the danger to workers engaged in de-leading efforts?:	select
Is there a record of the data and amount of the disbursements of CDBG funds by the program?:	select

If Davis-Bacon applies, does the file indicate compliance with all applicable labor standards?:	select
If the program policies require contractor bids, have the program's bidding procedures been followed?:	select
If the low bid was not selected, is there documentation of why?:	select
If not, explain.:	
If there are any change orders to the rehabilitation work and if so are they documented in the file?:	select
If the program provided a loan to the applicant, is there a copy of a note or loan agreement signed by the applicant?:	select
Does the file include a properly executed :	select
Were all necessary records properly logged and/or recorded after loan settlement?:	select

Before making final payment, did the grantee obtain a contractor release of liens and a copy of each warranty due the applicant for the work?: select

Housing Rehab- Processing

How much time elapsed from initial application to loan settlement?:

How much time elapsed from loan settlement to final inspection?:

If either of the above time periods is unreasonably long, explain why.:

Housing Rehab-Individual Housing Cases Part B: Property Inspection

All "NO" responses should be explained at the end of the exhibit. Note: Monitoring of the housing rehabilitation program case files is based on local policies and procedures.

Is an adequate work write-up in the application file?: select

Do all work items represent eligible uses of program funds?: select

Do all work items meet applicable local property rehabilitation standards?: select

Are cost-effective energy conservation standards incorporated in the work write-ups?:	select
Does the on-site property inspection confirm that the rehabilitation work was done according to the rehabilitation contract?:	select
Does the on-site property inspection confirm that the rehabilitation work has been performed in a good, professional, and timely manner?:	select
Does the on-site property inspection confirm that the cost of the rehabilitation work (as shown in the rehabilitation contract or equivalent document) was reasonable?:	select
Is the applicant satisfied with the work performed? The applicant should be offered the opportunity to be interviewed with only CDFA personnel present.:	select
If not, explain any major problems that may necessitate changes in the grantee's program.:	

Summary & Conclusions

Based on this review, does it appear evident that the housing rehabilitation program is being conducted in compliance with applicable laws and requirements and in accordance with local goals, objectives, policies and procedures?: select

Based on this review, does it appear that the grantee or the grantee's program manager has continued capacity to carry out the project within established time frames and budget?: select

Comments:

Housing Rehab- Lead-Based Paint Poisoning Prevention

Were all housing units and other structures rehabilitated inspected for lead-based paint?: select

How is inspection documented?:

Was information distributed to occupants and workers involved in the rehabilitation project concerning the hazards of lead-based paint?: select

Were lead-based paint requirements included in bid solicitations and contract documents for rehabilitation work?: select

Summary & Conclusions

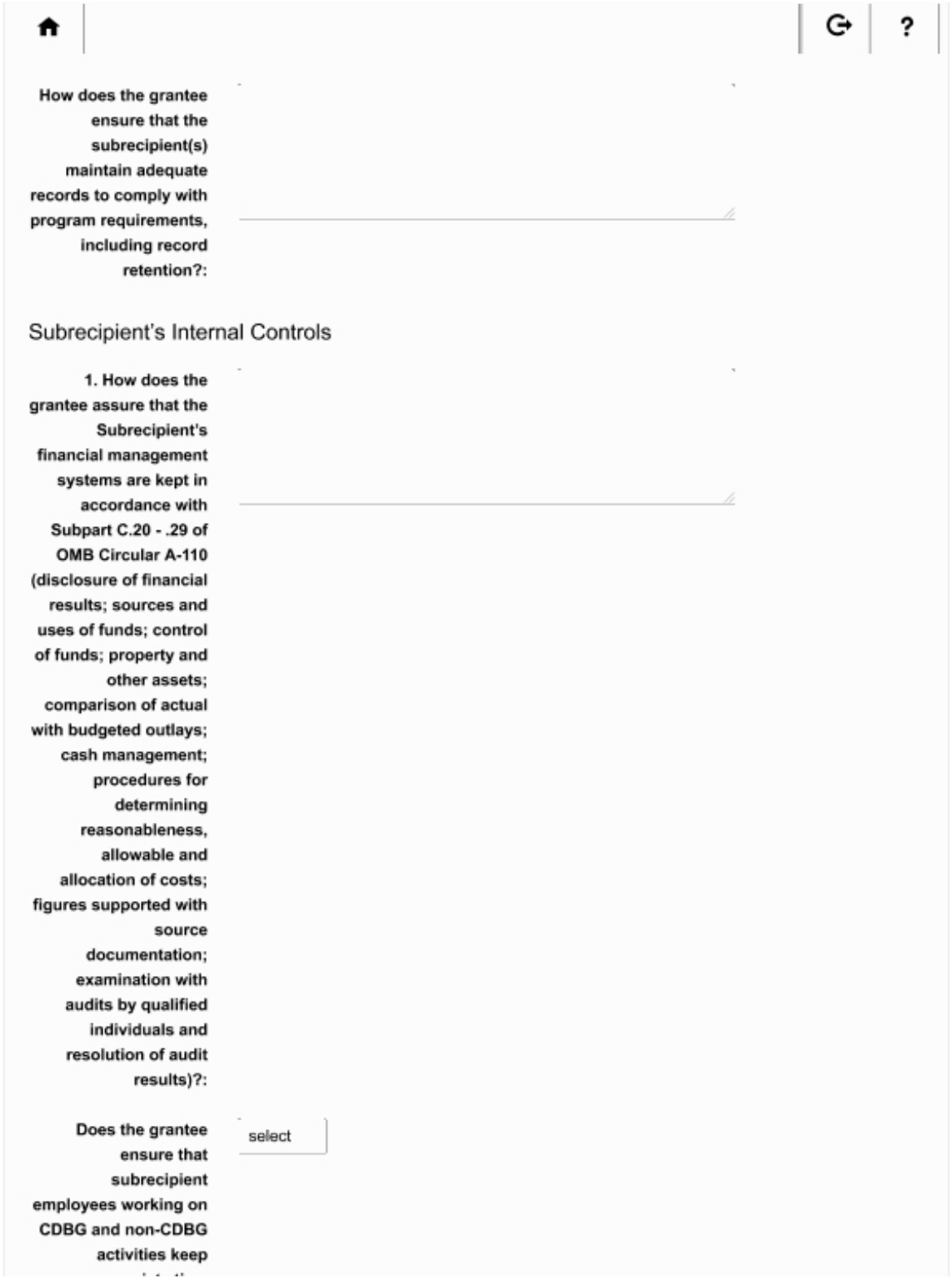
Based on this review, does it appear evident that the grantee has complied with the provisions of the Lead-Based Paint Poisoning Prevention Act?: select

For any issues identified during the review, provide clarification as necessary and specify corrective actions the grantee must take to resolve the issues. Describe the nature of any technical assistance provided during the review. Also describe any necessary follow-up actions that should be provided by CDFA staff.

Comments:

Subrecipeint Monitoring- Subrecipient Management and Training System

Explain the grantee's management system for subrecipient oversight.:



How does the grantee ensure that the subrecipient(s) maintain adequate records to comply with program requirements, including record retention?:

Subrecipient's Internal Controls

1. How does the grantee assure that the Subrecipient's financial management systems are kept in accordance with Subpart C.20 - .29 of OMB Circular A-110 (disclosure of financial results; sources and uses of funds; control of funds; property and other assets; comparison of actual with budgeted outlays; cash management; procedures for determining reasonableness, allowable and allocation of costs; figures supported with source documentation; examination with audits by qualified individuals and resolution of audit results)?:

Does the grantee ensure that subrecipient employees working on CDBG and non-CDBG activities keep

select

appropriate time distribution records?:

How does the grantee ensure compliance with procurement and/or subcontracting requirements of Subpart C.40- .48 of OMB Circular A-110:

Does grantee require audit reports (as required under OMB Circulars A-128 and A-133)?: select

Who reviews the audit, and how do they follow up on irregularities?:

What process does the grantee use to review subrecipients for evidence of conflicts of interest involving grantee and subrecipient or subrecipient and its contractors?:

What procedures does the subrecipient use to identify CDBG property and assets such as property records (Subpart C.30 - .37 of OMB Circular A-110)?:

What procedures does subrecipient use to ensure adequate safeguards for preventing loss, damage, or theft of subrecipient-held property?:

Who is responsible for the following:

Approving/signing invoices?:

Writing checks?:

Bookkeeping?:

What is the process for paying project invoices?:

Based on the receipt of CDBG funds issued in response to payment requests sampled, how many days does it take to disburse CDBG funds?:

Provide the following information for a sample payment request Check #; Date Check Received by Grantee; Date Funds Disbursed by Grantee:

Based on information collected in the previous question, were CDBG funds disbursed as close as administratively

select

feasible to the time they were received?:

Describe any special procedures the grantee uses to minimize the time elapsing between the receipt of CDBG funds from CDFA and the disbursement of these funds to subrecipient.:

Are CDBG payments from CDFA deposited in an interest bearing account?: select

If yes, have provisions been made for returning interest earned on the deposit of CDBG funds to CDFA?: select

Subrecipient Monitoring- Reporting on a Grant

Are regular progress and financial reports reviewed?: select

If yes, how often?:

What report mechanism is used to obtain information necessary for the Semi-Annual Progress Reports submitted to CDFA?:

Is the content of the written reports clearly specified; information required is sufficient to assess the Subrecipient's performance against specifications in Statement of Work?:	select
If no, explain.:	
Does the grantee verify the data and actual beneficiaries reported by the subrecipient?:	select
If no, explain.:	

On-Site Monitoring by the Grantee

How often does the grantee monitor its subrecipient(s) on site?:	
Do monitoring reports document areas monitored, conclusions reached, and necessary corrective actions?:	Yes / No
If no, explain.:	

Is sufficient time to respond given to subrecipients?: Yes | No

If no, explain.:

Are monitoring results communicated on a timely basis to subrecipients?: Yes | No

If no, explain.:

Do results include expected corrective actions and dates for resolutions?: Yes | No

If no, explain.:

If no, explain.:

Subrecipient Monitoring- Program Income Monitoring

How does the grantee keep track of subrecipient-generated program income and ensure accurate reporting?:

Does the grantee check to determine if the subrecipient has established revenue accounts to record program income?:	Yes	No
If no, explain.:		
Based on the evidence available, does it appear that the grantee has an adequate system to review the performance of subrecipients?:	Yes	No
Based on the evidence available, does it appear that the subrecipients are in compliance with Section 504 and ADA?:	Yes	No

For any issues identified during the review, provide clarification as necessary and specify corrective actions the grantee must take to resolve the issues. Describe the nature of any technical assistance provided during the review. Also describe any necessary follow-up actions that should be provided by CDFA staff.

Comments:

Civil Rights- Local Employment Practices

Were persons hired by the grantee under the CDBG program? :	Yes	No

If yes, indicate which of the following actions the grantee has taken:

Attempted to recruit employees or trainees by local media advertising, contracting community organizations or placing notices at the project site; or maintained a list of lower income area residents who have applied for trainee or employee opportunities.:

Civil Rights- CDBG-Funded Construction

For CDBG-funded non-housing activities, are facilities accessible?: select

If no, are "programs" accessible?: select

Explain:

For new housing construction, does project have 5 or more units?: select

For housing rehabilitation, of 15 or more units,if cost of alterations exceed 74% of the replacement cost of housing;

Is at least 1 unit (or 5% of the total, whichever is greater) accessible?: select

Is at least 1 unit (or 2% of total, whichever is greater) accessible to persons with vision or hearing impairments? select



:

For all other housing rehabilitation, have accessibility improvements been made to units occupied by persons requiring an accessible unit?: select

Civil Rights- Fair Housing

For Housing projects:

Were affordable housing policy and strategy developed?: select

Were Fair Housing considerations incorporated into local housing program policies?: select

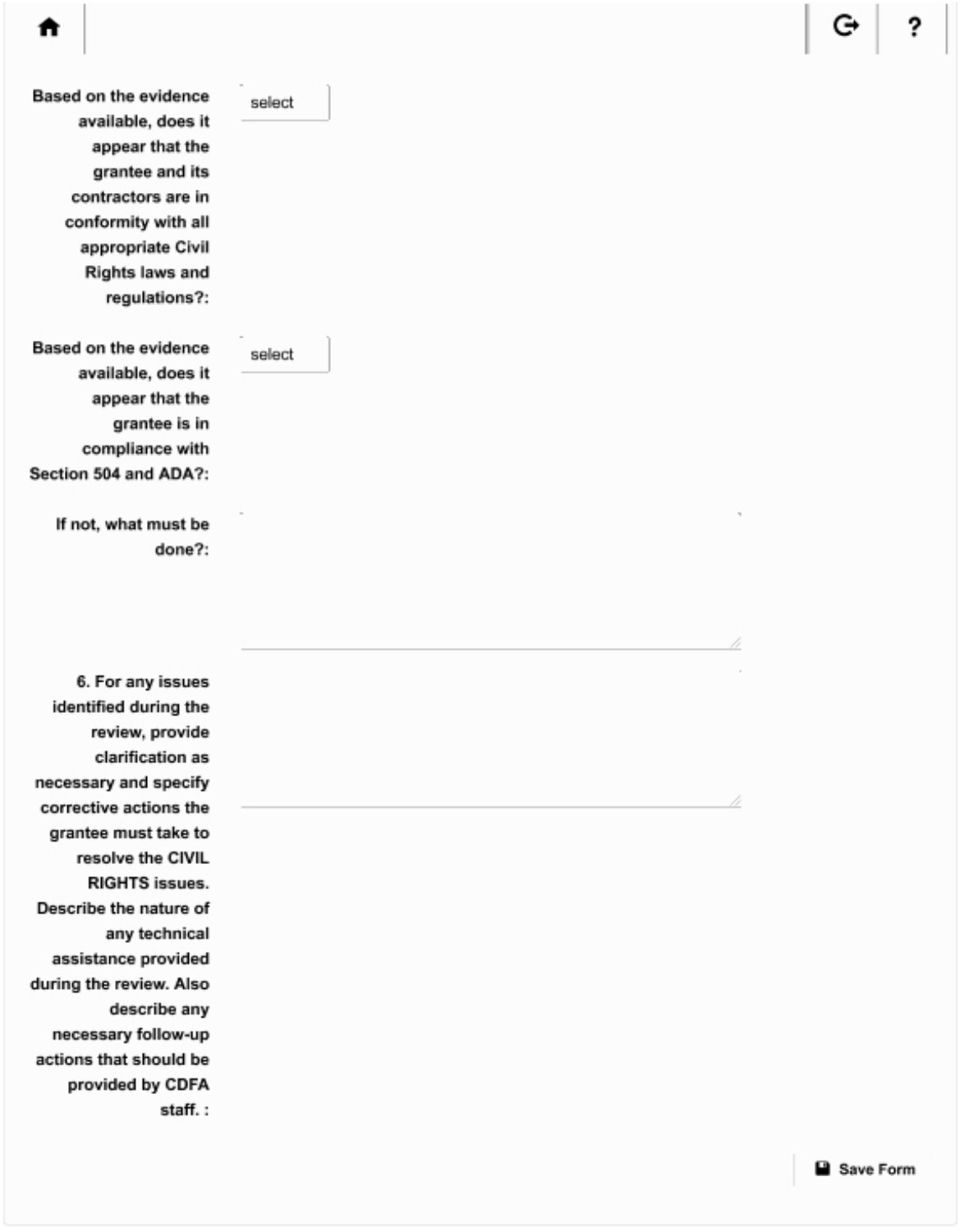
Was the Fair Housing logo included in all program-marketing materials?: select

If this is the fourth (or greater) housing rehabilitation grant, has the grantee:

Adopted a housing code for existing housing that is separate and distinct from the building code? : select

And maintained a housing inspection program, including a provision for a housing inspector?: select

Conclusion Has the grantee satisfied fair housing requirements?: select


Based on the evidence available, does it appear that the grantee and its contractors are in conformity with all appropriate Civil Rights laws and regulations?:
select
Based on the evidence available, does it appear that the grantee is in compliance with Section 504 and ADA?:
select
If not, what must be done?:
6. For any issues identified during the review, provide clarification as necessary and specify corrective actions the grantee must take to resolve the CIVIL RIGHTS issues. Describe the nature of any technical assistance provided during the review. Also describe any necessary follow-up actions that should be provided by CDFA staff. :
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