



Idaho Assessment of Fair Housing

Idaho Housing and Finance Association
Idaho Commerce



DRAFT REPORT

Draft Report

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Idaho Assessment of Fair Housing

Prepared for

Idaho Housing and Finance Association
565 West Myrtle Street
Boise, Idaho 83702

Idaho Commerce
700 West State Street
Boise, Idaho 83702

Prepared by

BBC Research & Consulting
1999 Broadway, Suite 2200
Denver, Colorado 80202-9750
303.321.2547 fax 303.399.0448
www.bbcresearch.com
bbc@bbcresearch.com



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SECTION ES.

Executive Summary

Executive Summary

This document is the 2016 Assessment of Fair Housing, or AFH, for the State of Idaho. The State of Idaho is required to conduct an analysis of fair housing barriers every five years as a condition of receiving federal block grants funds for housing and community development. The state agencies that are direct recipients of these funds include the Idaho Department of Commerce (Idaho Commerce) and the Idaho Housing and Finance Association (IHFA).¹ Throughout this report, these two entities are referred to as the “Grantees.”

This document is modeled after the structure of the HUD-proposed Assessment of Fair Housing for States and Insular Areas. The proposed template for States and Insular Areas was released for public comment, but not finalized, during the development of this study. As such, the study team incorporated analyses suggested in the draft State AFH tool.

Geographic Focus

This study is related to the federal housing and community development block grants the state receives from the U.S. Department of Housing and Urban Development (HUD). IHFA and Idaho Commerce distribute these funds to the state’s “nonentitlement” areas. Nonentitlement areas are generally rural areas, with fewer than 50,000 people.

“Entitlement,” or urban areas receiving HUD block grant funds directly, are required to conduct their own fair housing analyses. This study does not contain an analysis of barriers specific to entitlement areas. However, when it is important to understand overall fair housing issues in the state, data on entitlement-areas are included in this report. For example, Appendix A incorporates new data and maps that were recently developed by HUD to assess fair housing barriers. Although only available for the largest incorporated cities in the state, these maps are included because they help demonstrate housing patterns and preferences of Idaho residents.

To the extent possible, this study describes barriers by geographic typology using “urban,” “semi-urban,” “rural” and “very rural” classification. Urban is defined as a county with more than 50,000 residents; “semi-urban,” 25,000 to 50,000; “rural,” between 10,000 and 25,000; and “very rural” less than 10,000 residents. These distinctions are important for the fair housing analysis because the types of fair housing challenges—and solutions to those challenges—often vary by typology.

¹ While the Idaho Department of Commerce is a unit of state government, the Idaho Housing and Finance Association (IHFA) is a uniquely created, independent body corporate and politic. Although IHFA administers federal funds on behalf of the state of Idaho, it is neither a unit of state government nor receives state funds. IHFA and Commerce are referenced as (the) Grantees in this document, while subgrantees and project sponsors refer to local recipients of HUD funds administered by IHFA and Commerce. The State of Idaho refers to the Executive and Legislative branches of state government (responsible for proposing, passing and funding laws) or in some cases, the geographic boundaries of the state—also known as the non-entitlement jurisdiction—served by IHFA and Commerce.

For example, urban areas have more racial and ethnic diversity and, as such, are more likely to show racial and ethnic concentrations. These may or may not be a fair housing concern, depending on the reason for the concentration. Conversely, the fair housing challenges in rural areas are more likely to be related to disability and accessibility. This is because rural areas have higher proportions of seniors, who are more likely to have disabilities. In addition, rural areas by their very nature have low density built environments, which make transportation and non-vehicular travel challenging.

An Economic Opportunity Approach

This study approaches the analysis of fair housing issues through an “opportunity lens.” This was done to:

- Incorporate recent research that links long-term economic gains of cities and states to advancing economic growth of residents,
- Incorporate the latest legal developments around fair housing, and
- Most importantly, identify where the Grantees can best intervene to improve the economic opportunities of residents and, ultimately the fiscal health, of nonentitlement communities.

How does economic opportunity relate to fair housing? The Federal Fair Housing Act requires that HUD programs and activities be administered in a manner that affirmatively furthers (AFFH) the policies of the Fair Housing Act. Federal courts have interpreted this to mean doing more than simply not discriminating: The AFFH obligation also requires recipients of federal housing funds to take meaningful actions to overcome historic and current barriers to accessing housing and economically stable communities.

It is important to recognize that fair housing planning has benefits beyond complying with federal funding. This has been articulated by HUD as: “the obligations and principles embodied in the concept of fair housing are fundamental to healthy communities...and...actions in the overall community planning and development process lead to substantial positive change.”

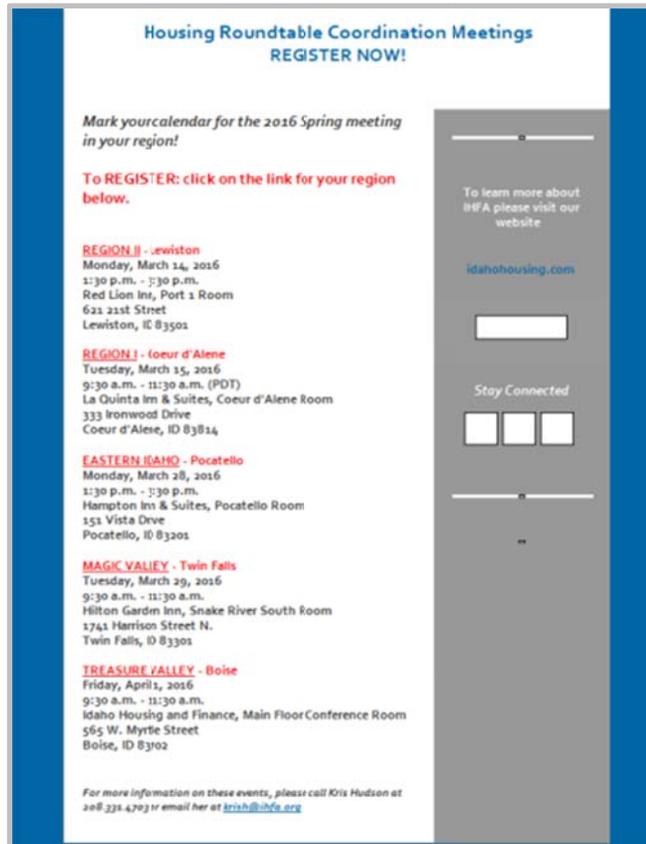
HUD is not prescriptive in its approach to fair housing planning, although the agency does place high importance on fair housing strategies that facilitate positive economic environments in all communities—whether these be bustling urban areas, quaint and stable suburbs, or pastoral rural towns.

In sum, this new approach to fair housing—the Assessment of Fair Housing—provides a more comprehensive evaluation of the circumstances within the state’s geographic focus and authority that affect fair housing choice and economic prosperity.

Community Participation Process

The community participation process for the State of Idaho AFH included four primary elements: 1) in-person roundtable discussions held in five locations across the state; 2) an online stakeholder survey; 3) a survey of the state's Public Housing Agencies (PHAs); and a focus group with stakeholders representing organizations and agencies serving residents with disabilities. These efforts were supplemented with in-depth interviews with state and local experts in housing, community and economic development and fair housing education and enforcement.

Opportunities to participate in the AFH development were broadly promoted through direct email invitations from IHFA and through partnerships with key organizations, including the Idaho Rural Partnership, Idaho Association of Counties, Association of Idaho Cities, Idaho Chapter of the American Planning Association, Idaho Department of Commerce local grant administrators, and Idaho Transportation Department. Members of Idaho's Fair Housing Forum (www.fairhousingforum.org) distributed invitations to participate to its email list (administered by the Idaho HUD office), reaching out to Idaho's civil rights and disability advocates and organizations and information about the roundtables and stakeholder survey were posted on this resource-rich website. Through IHFA's Compliance Department, 90 Section 8 project-based sliding-scale developments and 210 income-based developments provided additional statewide outreach to affordable housing providers.



A total of 354 stakeholders and residents participated in the AFH development:

- Roundtable discussions in Boise, Coeur d'Alene, Lewiston, Pocatello and Twin Falls—131 participants;
- Online statewide stakeholder survey—204 participants representing industries ranging from affordable housing to lending to transit and organizations providing services for special needs populations and members of protected classes; and
- Disability focus group—19 participants representing 13 organizations.

In addition, several Public Housing Authorities participated in an online survey, responding to questions about tenant demographics, policies and practices and the fair housing landscape in the communities they serve.

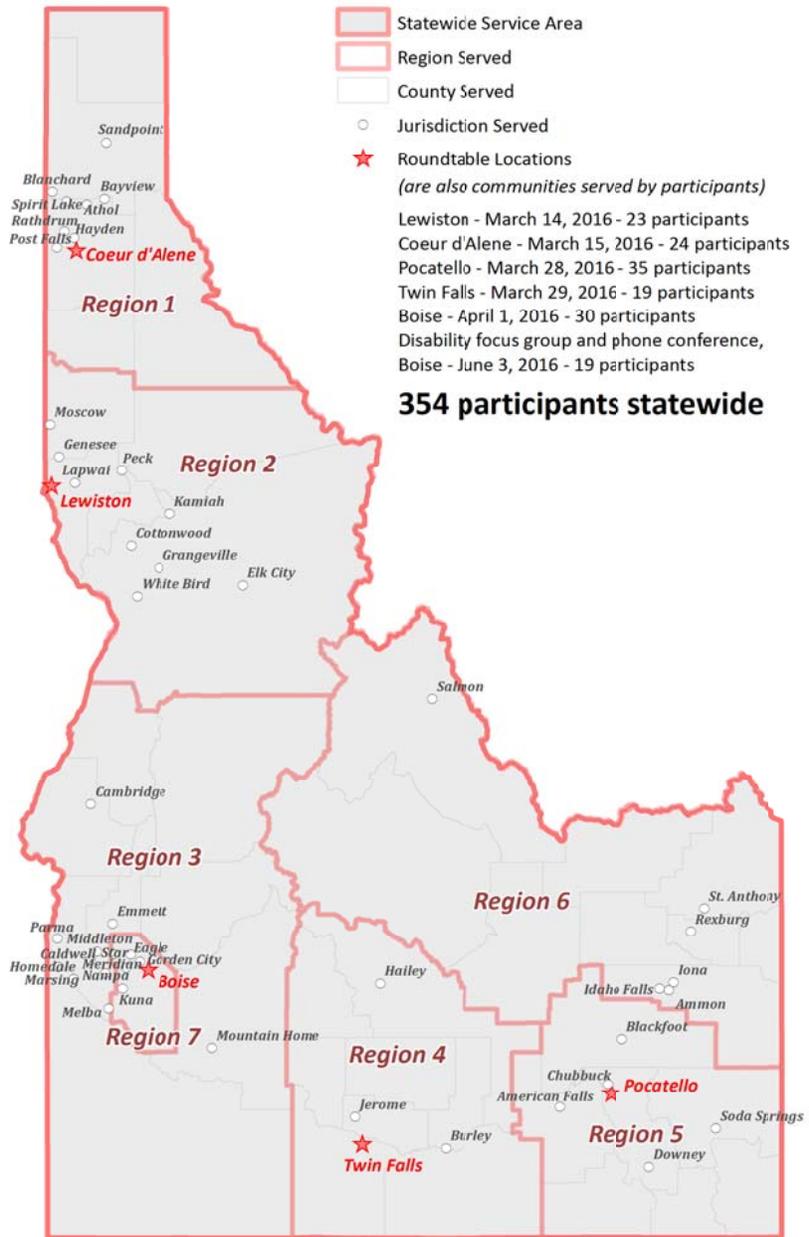
These efforts resulted in **more than 400** comments about fair issues in Idaho to inform the AI.



Geographic scope. Although input from all residents and organizations is welcome, the outreach efforts focused on generating participants living or providing services in Idaho's nonentitlement areas. The map in Figure ES-1 below demonstrates the success of this approach. It depicts the statewide nature of the community participation process, denoting the regions, counties and towns served by participants in the stakeholder survey and shows the locations and dates of the roundtable meetings.

**Figure ES-1.
Community
Participation
Geographic Scope**

Source:
BBC Research & Consulting
from 2016 Idaho Fair
Housing Stakeholder Survey
and Idaho Roundtable
discussion sign in sheets.



Participant profile. Stakeholders representing a diverse swath of industries and organization types participated in the stakeholder survey. As shown in Figure ES-2, stakeholders with expertise in affordable housing, homeownership, housing provision, and services for special needs populations, such as low income residents, residents with disabilities, seniors, persons who are homeless, refugees, farmworkers and more responded to the stakeholder survey.

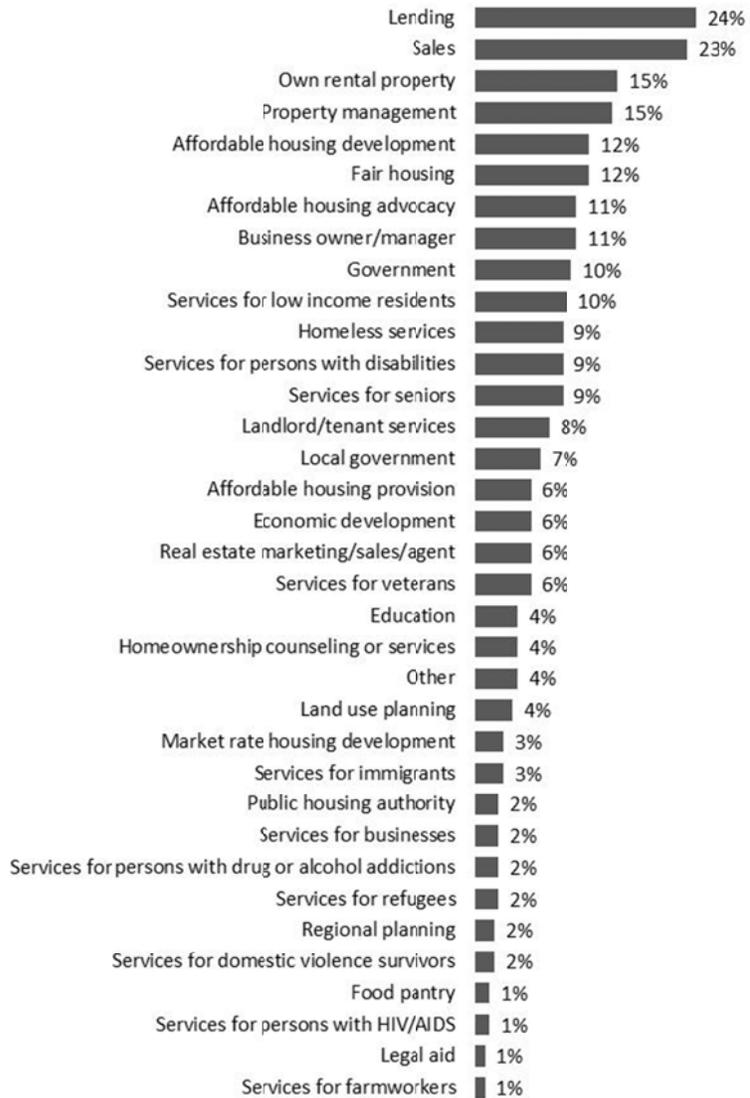
Figure ES-2.
Stakeholder Survey
Participant Industries and
Organization Types

Note:

n=202. Numbers add to greater than 100 percent due to multiple responses.

Source:

BBC Research & Consulting from 2016
 Idaho Fair Housing Stakeholder Survey.



As previously described, the Grantee’s outreach for the roundtable discussions extended to any and all residents or organizations interested in learning about the study and participating in the discussions. Figure ES-3 lists the organizations represented in the roundtable discussions.

Figure ES-3.
Organizations Represented in Roundtable Discussions

Organization	Organization
■ Affordable Housing Foundation	■ Idaho Housing Lewiston
■ Aid for Friends - Pocatello	■ Idaho Legal Aid Services
■ Alternatives to Violence of the Palouse	■ Idaho-Lewiston Economic Development Corporation
■ Bannock Youth Foundation	■ Intermountain Fair Housing Council
■ Boise City/Ada County Housing Authority	■ International Rescue Committee
■ Boise Regional Realtors	■ Lewiston-Clarkston Habitat for Humanity
■ Bonner Community Housing Agency	■ Moscow Affordable Housing Trust
■ Centennial Mortgage Inc.	■ Moscow Fair and Affordable Housing Commission
■ City of Boise	■ Nampa Housing Authority
■ City of Coeur d'Alene	■ NeighborWorks Boise
■ City of Lewiston	■ NeighborWorks Pocatello
■ City of Moscow	■ Nez Perce Tribal Housing
■ City of Nampa	■ North Idaho AIDS Coalition/HOPWA
■ City of Pocatello	■ North Idaho Housing Coalition
■ Clearwater Economic Development Association	■ Northwest Integrity Housing Company
■ Community Action Partnership	■ Northwest Real Estate Capital Corporation
■ Crisis Center of Magic Valley	■ Panhandle Area Council, Inc.
■ Disability Action Center - Northwest	■ RDI Consumer Credit Counseling
■ Eastern Idaho Community Action Partnership	■ Safe Passage
■ First Federal	■ The Salvation Army
■ Good Samaritan Home	■ Sojourners Alliance
■ Home Partnership Foundation	■ South Central Community Action Partnership
■ Housing Authority of Pocatello	■ Southeastern Idaho Community Action Agency
■ HUD	■ Southwestern Idaho Cooperative Housing Authority
■ Idaho Association of Mortgage Professionals	■ St. Vincent de Paul of North Idaho
■ Idaho Bankers Association	■ Supportive Services for Veterans Families
■ Idaho Commerce - CDBG Program	■ U.S. Congressman Mike Simpson's Office
■ Idaho Housing and Finance Association	■ U.S. Senator James Risch's Office
■ Idaho Housing and Finance Association Board of Commissioners	■ USDA Rural Development
■ Idaho Housing and Finance Association - Coeur d'Alene	■ Wells Fargo Housing Foundation
■ Idaho Housing and Finance Association - Idaho Falls	■ Whitewater Creek
■ Idaho Housing and Finance Association - Lewiston	■ YWCA Lewiston-Clarkston

Source: BBC Research & Consulting from Spring 2016 Idaho Roundtable discussion sign in sheets.

The public consultation process was designed to facilitate opportunities for residents and stakeholders to make meaningful contributions to the AI’s analysis of fair housing issues and associated contributing factors.

- **Roundtable discussions.** At each roundtable discussion, BBC presented R/ECAP maps, disability and lending data used in the AI. For each analysis, participants had the opportunity to discuss the findings and add their knowledge of local situations and conditions that may contribute to fair housing issues.

- **Stakeholder survey.** The stakeholder survey was designed to obtain perspectives on fair housing issues and access to opportunity. The results are included throughout the report and provide much of the basis for analyses of access to opportunity; the experience of residents with disabilities; housing policies and practices; local land use decisions; and regulatory issues.

Assessment of Past Fair Housing Actions

The last fair housing assessment conducted for the State of Idaho identified five concerns and impediments to housing choice: 1) Challenges accessing fair housing information for some residents (Limited English Proficiency populations, persons with disabilities); 2) Discrimination experienced by persons with disabilities; 3) Challenges with some local land use and zoning regulations, mostly associated with treatment of group homes; 4) Lack of state fair housing protections based on familial status; and 5) State regulations that restrict local revenue generation that could be used for housing funding.

As with many fair housing issues, two of these—state fair housing protections and state regulations associated with revenue generation—were particularly challenging to address. These require legislative changes, which is outside of the authority of the IHFA and Idaho Commerce.

Fair housing laws. To that end, since the last fair housing analysis was conducted, IHFA has worked with legislative sponsors and other groups in advance of the 2017 Legislative session to support legislation that would create substantial equivalency between Idaho and federal fair housing laws. These efforts include a bill to include familial status as a protected class, and clarifying subpoena authority for the Department of Labor, which houses the Commission on Human Rights. IHFA also supported revised legislation sponsored by Sen. Chuck Winder and endorsed by the Chamber of Commerce that would restore the local option tax as a tool for cities and counties to generate revenue.

This is in addition to work on reducing fair housing barriers through fair housing education and outreach; improving knowledge and awareness of fair housing for both housing providers and consumers; and encouraging local jurisdictions to adopt best practices in land use and zoning regulations. To that end, in the past five years, IHFA and Idaho Commerce have accomplished the following:

Fair housing education. The Grantees have a long history of providing guidance and technical assistance to jurisdictions, both entitlement and nonentitlement communities. The Grantees maintain two websites dedicated to fair housing, <https://www.idahohousing.com/fair-housing/> and <http://fairhousingforum.org/>.

These websites provide resources to both stakeholders and residents. For example, training videos on fair housing best practices, fair housing basics, and how to recognize and report discrimination are provided in both English and Spanish.

The Idaho Fair Housing Forum has been in existence since 2003. The mission of the forum is to provide fair housing education and outreach opportunities throughout Idaho. These are delivered through annual events, conferences, and workshops. In the past five years, IHFA, Idaho

Commerce, other partners and the Fair Housing Forum have sponsored speakers on the following fair housing topics:

- Best practices in local land use and zoning,
- Reasonable accommodations laws, including assistance animals,
- Section 3,
- Language access, and
- General compliance.

The Fair Housing Forum website serves as a clearinghouse for fair housing and related information to help stakeholders keep consistent with fair housing case law, training opportunities and access fair housing resources. In addition to the Fair Housing Forum network and outreach, IHFA hosts biannual Housing Roundtable meetings in five regional centers. These well-attended events offer opportunities to share information about housing needs and challenges, as well as to maintain a productive dialogue on fair housing among housing and community stakeholders.

Leveraging fair housing resources. Many of Idaho’s counties and towns are very sparsely populated, some with part time leadership, and have limited resources to analyze demographic changes and housing needs. The Grantees leveraged its Consolidated Plan and AFH requirements to provide much-valued local land use and zoning analysis and assessments of demographic changes and affordability needs. In this AI, the Grantees included the new AFH HUD maps on segregation and integration for every entitlement jurisdiction in Idaho. Grantees routinely share data and guidance with local policy makers and planning professionals.

Report Organization

The remainder of this report is organized as follows:

- Demographic Summary—examines the demographic drivers of housing demand, concentrated poverty, and racial and ethnic segregation exist.
- Housing Choice—examines differences in housing needs among protected classes.
- Access to Opportunity—identifies where protected classes may be disadvantaged in accessing economic growth and opportunity.
- Disability and Access—identifies areas where persons with disabilities may be challenged to access housing and supportive services.
- Regulatory Review—examines state laws and regulations relevant to housing choice.
- Fair Housing Environment—provides an overview of complaint and legal trends.

- Contributing Factors and Fair Housing Goals—describes the factors that contribute to fair housing challenges in nonentitlement communities in Idaho and sets goals for how the Grantees can best address those challenges.
- Appendices contain maps for entitlement areas, a glossary of terms, and fair housing legal case summaries.

SECTION I.

Demographic Summary

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Demographic Summary

The Demographic Summary is the starting point for the fair housing analysis. It provides information on how the drivers of housing choice—income, household characteristics, age and disability status—have changed over time.

The section also provides indicators of potential fair housing issues. For example, segregation patterns may suggest that certain residents face housing discrimination and/or cannot find affordable, accessible housing in a neighborhood or community.

Section Content and Organization

This section of the report analyzes demographic data for patterns of segregation and integration. It focuses on how such areas relate to areas of concentrated poverty using a new measure: Racial and Ethnically Concentrated Areas of Poverty (R/ECAPs). R/ECAPs identify areas where residents who have historically faced discrimination continue to be challenged by limited economic opportunity.

The segregation analysis in this section is conducted for:

- Race and ethnicity (Hispanic/Latino) of residents,
- National origin of residents,
- Limited English Proficiency (LEP) of residents,
- Persons with disabilities, and
- Families with children.

Geographic focus. Data in this section are presented for the state overall and by county. Idaho is a large, geographically diverse state. Its communities encompass urban areas, suburban areas, rural communities, very rural landscapes, Native American reservations, and resort-oriented communities. Examining data at the county level allows a more detailed analysis of the various dynamics driving housing choice in these various geographies.

Demographic Summary

This section describes demographic patterns and trends in Idaho.

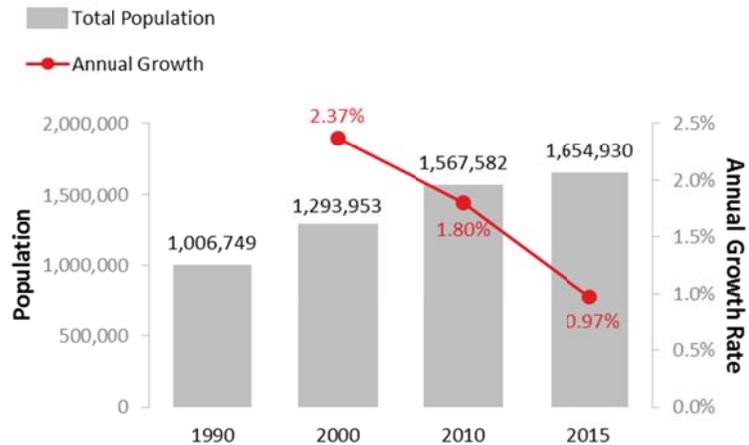
The University of Idaho estimates the state’s 2015 population at 1,654,930. This compares to 1,567,852 people in 2010. Between 2010 and 2015, the state’s population increased by about 87,000 people, or 6 percent.

Figure I-1 below shows population trends for 1990 through 2015.

**Figure I-1.
Population and Annual
Growth Rate, State of Idaho,
1990–2015**

Note:
Annual Growth shows the compound annual
growth rate.

Source:
University of Idaho Extension, Indicators
Idaho.



As shown in Figure I-1, Idaho grew the fastest between 1990 and 2000, with an average annual growth rate of 2.37 percent. In the last five years, the state has grown at less than half of the rate experienced between 1990 and 2000 (0.97%).

Between 2000 and 2015, Teton County far exceeded the growth of any other county, increasing in population by 76 percent. This is followed by Canyon County at 58 percent, Ada County at 44 percent and Jefferson County at 42 percent. Much of this growth was pre-recession: population growth slowed considerably after 2010, as shown in the far right hand column of Figure I-2.

Ada, Canyon, and Kootenai counties grew the fastest between 2010 and 2015, with population increases of 11, 10, and 9 percent, respectively.

Figure I-2 also provides a typology for the state’s counties by “urban,” “semi-urban,” “rural” and “very rural” classification. Urban is defined as a county with more than 50,000 residents; “semi-urban,” 25,000 to 50,000; “rural,” between 10,000 and 25,000; and “very rural” less than 10,000 residents. These distinctions are important for the fair housing analysis because the types of fair housing challenges—and solutions to those challenges—often vary by typology.

For example, urban areas have more racial and ethnic diversity and, as such, are more likely to show racial and ethnic concentrations. These may or may not be a fair housing concern, depending on the reason for the concentration. Conversely, the fair housing challenges in rural areas are more likely to be related to disability and accessibility. This is because rural areas have higher proportions of seniors, who are more likely to have disabilities. In addition, rural areas by

their very nature have low density built environments, which make transportation and non-vehicular travel challenging.

When examining Figure I-2, it is striking to note how many counties—clearly the majority in Idaho—fall into the “rural” and “very rural” typologies.

Figure I-2.
Population Level and Change by County, 2000 to 2015

County	2000	2010	2015	2000-2015 Growth	2010-2015 Growth	Classification			
						Urban	Semi-Urban	Rural	Very Rural
Ada	300,904	392,365	434,211	44%	11%	X			
Adams	3,476	3,976	3,843	11%	-3%				X
Bannock	75,565	82,839	83,744	11%	1%	X			
Bear Lake	6,411	5,986	5,922	-8%	-1%				X
Benewah	9,171	9,285	9,052	-1%	-3%				X
Bingham	41,735	45,607	44,990	8%	-1%		X		
Blaine	18,991	21,376	21,592	14%	1%			X	
Boise	6,670	7,028	7,058	6%	0%				X
Bonner	36,835	40,877	41,859	14%	2%		X		
Bonneville	82,522	104,234	110,089	33%	6%	X			
Boundary	9,871	10,972	11,318	15%	3%			X	
Butte	2,899	2,891	2,501	-14%	-13%				X
Camas	991	1,117	1,066	8%	-5%				X
Canyon	131,441	188,923	207,478	58%	10%	X			
Caribou	7,304	6,963	6,770	-7%	-3%				X
Cassia	21,416	22,952	23,506	10%	2%			X	
Clark	1,022	982	880	-14%	-10%				X
Clearwater	8,930	8,761	8,496	-5%	-3%				X
Custer	4,342	4,368	4,087	-6%	-6%				X
Elmore	29,130	27,038	25,876	-11%	-4%		X		
Franklin	11,329	12,786	13,074	15%	2%			X	
Fremont	11,819	13,242	12,819	8%	-3%			X	
Gem	15,181	16,719	16,852	11%	1%			X	
Gooding	14,155	15,464	15,284	8%	-1%			X	
Idaho	15,511	16,267	16,272	5%	0%			X	
Jefferson	19,155	26,140	27,157	42%	4%		X		
Jerome	18,342	22,374	22,814	24%	2%			X	
Kootenai	108,685	138,494	150,346	38%	9%	X			
Latah	34,935	37,244	38,778	11%	4%		X		
Lemhi	7,806	7,936	7,735	-1%	-3%				X
Lewis	3,747	3,821	3,789	1%	-1%				X
Lincoln	4,044	5,208	5,297	31%	2%				X
Madison	27,467	37,536	38,273	39%	2%		X		
Minidoka	20,174	20,069	20,461	1%	2%			X	
Nez Perce	37,410	39,265	40,048	7%	2%		X		
Oneida	4,125	4,286	4,281	4%	0%				X
Owyhee	10,644	11,526	11,310	6%	-2%			X	
Payette	20,578	22,623	22,896	11%	1%			X	
Power	7,538	7,817	7,648	1%	-2%				X
Shoshone	13,771	12,765	12,432	-10%	-3%			X	
Teton	5,999	10,170	10,564	76%	4%			X	
Twin Falls	64,284	77,230	82,375	28%	7%	X			
Valley	7,651	9,862	10,103	32%	2%			X	
Washington	9,977	10,198	9,984	0%	-2%				X
State of Idaho	1,293,953	1,567,582	1,654,930	28%	6%				

Source: University of Idaho Extension, Indicators Idaho.

As of 2015, Ada County, home to the City of Boise, remains the most populous county in the state, with a total population of around 434,000. Twenty-six percent of the state's residents live in Ada County. Canyon is the second-largest county with a population approximating 207,500; Kootenai is third at 150,000. Altogether, nearly half of the state's population resides in these three counties.

A significant part of the state is very rural: Sixteen counties have total populations of less than 10,000 residents; 31 counties have fewer than 25,000 residents. More than two-thirds of the state's residents live in these sparsely-populated areas.

Race and ethnicity. In 2014, 92 percent of Idahoans reported their race as "White," a slight increase from 89 percent in 2010 and about the same as in 2000.¹ As shown in Figure I-3, the state's racial distribution is largely unchanged from 2000.² Although the numbers of Asian and African American residents increased significantly during this period (112% and 117% growth, respectively), the increase was much lower than growth in White residents.

The Hispanic population comprises 12 percent of all Idaho residents, making it the largest minority group in the state. This is the same proportion as nearby Oregon and slightly lower than the country overall. In the U.S. overall, 17 percent of residents report being of Hispanic descent.

Hispanic resident growth in Idaho between 2000 and 2014 was strong—Idaho residents who are of Hispanic descent nearly doubled. Numerical growth, however, was lower than growth in non-Hispanic residents (95,318 v. 245,193). This differs by geography. In some rural areas of the state, growth in the Hispanic population was the only reason the population increased between 2010 and 2014.³

¹ It should be noted that Census data on race and ethnic identification vary with how people choose to identify themselves. The U.S. Census Bureau treats race and ethnicity separately: the Bureau does not classify Hispanic/Latino as a race, but rather as an identification of origin and ethnicity.

² State data on the distribution of residents by race and ethnicity are very limited for 1990.

³ University of Idaho, McClure Center for Public Policy Research, "Hispanics: An Overview," January 2016.

**Figure I-3.
Race and Ethnicity, State of Idaho, 2000 and 2014**

	2000		2014		2000-2014	2000-2014
	Number	Percent	Number	Percent	Numerical Change	Percent Change
Total population	1,293,953		1,634,464		340,511	26%
Race						
American Indian and Alaska Native	17,528	1%	21,550	1%	4,022	23%
Asian	11,321	1%	24,009	1%	12,688	112%
Black or African American	5,244	0%	11,354	1%	6,110	117%
Native Hawaiian and Other Pacific Islander	1,232	0%	1,984	0%	752	61%
White	1,176,568	91%	1,498,107	92%	321,539	27%
Some other race	55,070	4%	36,664	2%	-18,406	-33%
Two or more races	26,990	2%	40,796	2%	13,806	51%
Ethnicity						
Hispanic or Latino	101,594	8%	196,912	12%	95,318	94%
Non-Hispanic	1,192,359	92%	1,437,552	88%	245,193	21%
Non-Hispanic White	1,138,460	88%	1,352,954	83%	214,494	19%

Note: The ACS question on Hispanic origin was revised in 2008 to make it consistent with the 2010 Census Hispanic origin question. As such, there are slight differences in how respondents identified their origin between the 2000 Census and 2014 ACS.

Source: 2000 U.S. Census, 2014 ACS 1-year estimates.

As shown in Figure I-4, more than one-fourth of the state's Hispanic residents live in Canyon County; this is about the same proportion as in 2010. Another 16 percent reside in Ada County, also the same as in 2010. Bonneville and Twin Falls Counties have the next highest proportions at 7 and 6 percent, respectively.

Where Hispanic residents live now is related to early settlement patterns. According to a report by the Idaho Commission on Hispanic Affairs, persons of Hispanic descent in Idaho originally came to the state for the same reason other residents did—to find employment in the trading and trapping industries. These early residents started families and remained in the state as new employment opportunities, initially in the agriculture sector, arose. Today, the majority of Hispanic residents in Idaho are U.S. born

According to the University of Idaho, Hispanics are more likely than non-Hispanics to live in rural areas, especially in Southern Idaho. These residents help support dominant employment industries in this part of the state. These industries have traditionally been agricultural/food processing in nature, although that is changing with the location of corporate headquarters in these and synergistic industries.

**Figure I-4.
Hispanic Origin by County,
2014**

Note:

Percentages in figure show proportions of total households, not proportions of subtotals.

The “Difference” column in the figure compares the share of Hispanic residents with all residents by county. Canyon County has a much higher share of Hispanic residents than its overall share of the state’s population; Ada and Kootenai, have lower shares. The differences in other counties are minimal.

Source:

2000 U.S. Census, 2014 ACS 1-year estimates.

County	Total Hispanic Population	Share of State Hispanic Population	Share of Total Population	Difference
Ada	29,181	16%	26%	-10%
Adams	117	0%	0%	0%
Bannock	5,879	3%	5%	-2%
Bear Lake	236	0%	0%	0%
Benewah	274	0%	1%	0%
Bingham	7,977	4%	3%	2%
Blaine	4,314	2%	1%	1%
Boise	242	0%	0%	0%
Bonner	984	1%	3%	-2%
Bonneville	12,756	7%	7%	0%
Boundary	407	0%	1%	0%
Butte	105	0%	0%	0%
Camas	200	0%	0%	0%
Canyon	46,862	26%	13%	13%
Caribou	328	0%	0%	0%
Cassia	5,813	3%	1%	2%
Clark	354	0%	0%	0%
Clearwater	165	0%	1%	0%
Custer	106	0%	0%	0%
Elmore	3,984	2%	2%	1%
Franklin	855	0%	1%	0%
Fremont	1,472	1%	1%	0%
Gem	1,307	1%	1%	0%
Gooding	4,330	2%	1%	1%
Idaho	361	0%	1%	-1%
Jefferson	2,704	1%	2%	0%
Jerome	7,340	4%	1%	3%
Kootenai	5,678	3%	9%	-6%
Latah	1,180	1%	2%	-2%
Lemhi	192	0%	0%	0%
Lewis	131	0%	0%	0%
Lincoln	1,531	1%	0%	1%
Madison	2,337	1%	2%	-1%
Minidoka	6,663	4%	1%	2%
Nez Perce	1,183	1%	2%	-2%
Oneida	140	0%	0%	0%
Owyhee	2,958	2%	1%	1%
Payette	3,522	2%	1%	1%
Power	2,356	1%	0%	1%
Shoshone	353	0%	1%	-1%
Teton	1,770	1%	1%	0%
Twin Falls	11,099	6%	5%	1%
Valley	401	0%	1%	0%
Washington	1,681	1%	1%	0%
State of Idaho	181,828	100%	100%	

National origin. National origin, a protected class in Federal Fair Housing Law, can be based either on the country of an individual’s birth or where his or her ancestors originated. Census data available to analyze segregation by national origin are more limited in definition, however—they represent the foreign-born population, not ancestry.

In 2014, approximately 96,000 residents of Idaho were born in a country outside of the U.S. These residents represented just 6 percent of the state’s total population.

Sixty-percent of the state’s foreign-born citizens (3.8% of Idaho’s total population) are of Hispanic descent. According to the University of Idaho, McClure Center for Public Policy Research, the majority of Idaho’s Hispanic residents were born in the U.S. and the vast majority are U.S. citizens. Immigrants who came to the U.S. since 2010 make up only 2 percent of Idaho’s Hispanic population.⁴

The foreign-born population in Idaho has increased since 2000. In 2000, 64,000 Idaho residents were born outside of the U.S., making up 2.6 percent of the state’s population. Of these, 33 percent were U.S. citizens—about the same as in 2014. The state’s proportion of foreign-residents has *decreased* slightly since 1990, when it was 2.9 percent.

Foreign-born residents have slightly higher rates of employment than Idahoans overall, according to 2014 Census data: 68 percent of foreign-born residents are in the labor force compared with 62 percent of all residents. Foreign-born residents also have more working members in their household (1.2 v. 1.5); higher poverty rates (15% v. 22%); and lower incomes than Idahoans overall.

Figure I-5 shows the top countries of origin for foreign-born residents living in Idaho. As shown by the figure, most foreign-born residents are from Mexico, followed distantly by those born in Asian countries.

Of these residents, about one-third were U.S. citizens; two-thirds were not.

⁴ “Hispanics: An Overview,” January 2016.

**Figure I-5.
Foreign-born Population,
State of Idaho, 2010-2014**

Source:
2010-2014 ACS 5-year estimates.

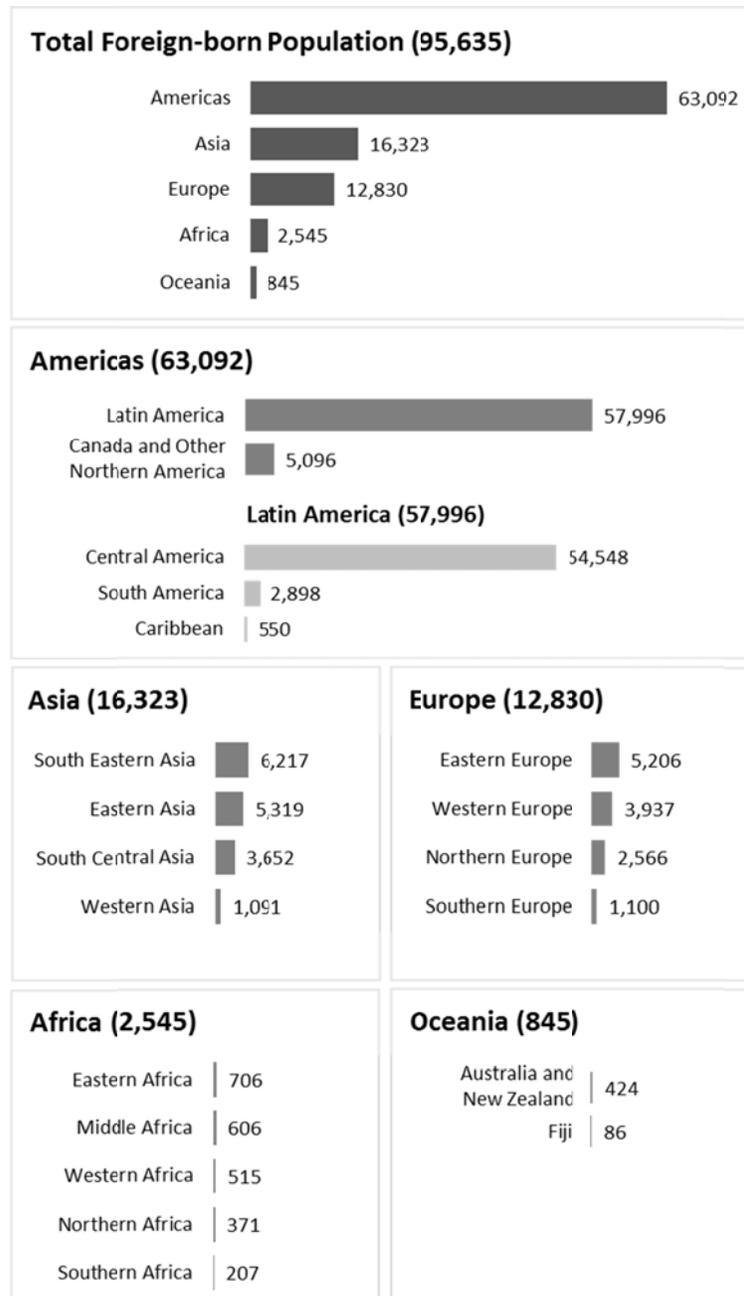
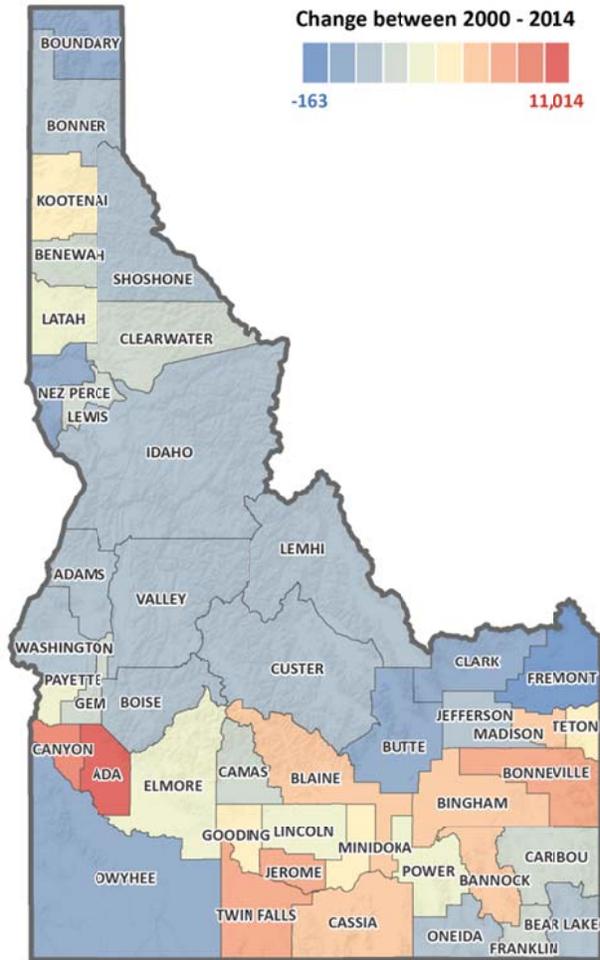


Figure I-6 shows the population of foreign-born residents by county and the change in residents between 2000 and 2010-2014. Ada, Bonneville, Canyon and Twin Falls Counties have seen the largest growth in the numbers of foreign-born residents.

Figure I-6.
Foreign-born Population by County, 2000 and 2010-2014

	2000	2010-2014	Change
Idaho	64,080	95,605	31,525
Ada County	12,864	23,878	11,014
Adams County	59	37	-22
Bannock County	1,641	2,633	992
Bear Lake County	72	107	35
Benewah County	59	133	74
Bingham County	2,534	3,420	886
Blaine County	2,015	2,922	907
Boise County	160	152	-8
Bonner County	746	750	4
Bonneville County	3,216	5,683	2,467
Boundary County	288	237	-51
Butte County	114	78	-36
Camas County	18	140	122
Canyon County	11,360	16,983	5,623
Caribou County	132	232	100
Cassia County	1,567	2,331	764
Clark County	288	208	-80
Clearwater County	108	177	69
Custer County	99	92	-7
Elmore County	2,247	2,557	310
Franklin County	387	447	60
Fremont County	857	694	-163
Gem County	751	851	100
Gooding County	1,649	2,319	670
Idaho County	181	183	2
Jefferson County	1,131	1,159	28
Jerome County	1,935	3,921	1,986
Kootenai County	2,598	3,307	709
Latah County	1,485	1,641	156
Lemhi County	118	107	-11
Lewis County	42	96	54
Lincoln County	407	672	265
Madison County	975	1,805	830
Minidoka County	2,205	2,696	491
Nez Perce County	706	666	-40
Oneida County	86	81	-5
Owyhee County	1,270	1,230	-40
Payette County	1,132	1,321	189
Power County	793	950	157
Shoshone County	273	257	-16
Teton County	596	1,156	560
Twin Falls County	4,103	6,449	2,346
Valley County	104	133	29
Washington County	709	714	5



Source: 2000 Census and 2010-2014 ACS 5-year estimates.

Limited English Proficiency residents. In 2014, just 2 percent Idaho households had no one over the age of 14 who spoke English very well. Residents living in such households are called “Limited English Proficiency” populations, or LEP. Idaho’s 2014 LEP proportion is slightly lower than nearby Oregon, with 2.9 percent LEP households.

Of Idaho’s LEP households, 22 percent spoke only Spanish; 24 percent spoke an Asian language; and the balance spoke other languages.

The proportion of LEP residents in Idaho has declined since 1990, when 5 percent of residents could not speak English “very well.” Figure I-7 shows the top languages spoken in Idaho and by LEP status.

**Figure I-7.
Ten Top Languages Spoken, State of Idaho, 2014**

Language Spoken	Total Number	Number - Speak English "very" well	Number - Speak English less than "very well"	Percent - Speak English "very" well	Percent - Speak English less than "very well"
Total Population	1,483,151				
Speak only English	1,325,642				
Speak a language other than English	140,899	87,914	52,985	62%	38%
Top Ten Languages					
Spanish or Spanish Creole	118,178	71,137	47,041	60%	40%
German	4,428	3,840	588	87%	13%
French (incl. Patois, Cajun)	3,538	3,089	449	87%	13%
Chinese	3,514	1,716	1,798	49%	51%
Serbo-Croatian	2,274	1,572	702	69%	31%
Other Native North American	2,183	1,968	215	90%	10%
Tagalog	1,925	1,363	562	71%	29%
Russian	1,774	1,293	481	73%	27%
Portuguese or Portuguese Creole	1,558	1,386	172	89%	11%
Other Asian languages	1,527	550	977	36%	64%

Note: Census data do not distinguish among some languages; the above figure shows the Census language categories.

Source: 2000 U.S. Census, 2010-2014 ACS 5-year estimates.

The Idaho county with the highest proportion of LEP residents is Canyon County, where 3.5 percent of all households are LEP households; most speak Spanish. This compares to 1.9 percent LEP households in Ada County, with the highest percentage living in the City of Boise.

Single parents and large families. Federal familial status protections apply to families with children, a person who is pregnant and anyone in the process of securing legal custody of any individual who has not attained the age of 18 years. Although all families with children are protected under federal law, this section focuses on the two family types that typically face the greatest housing challenges: single parent households and large families.

Single parent households—especially those with single mothers—have some of the highest rates of poverty in most communities. As such, they generally have greater needs for social services

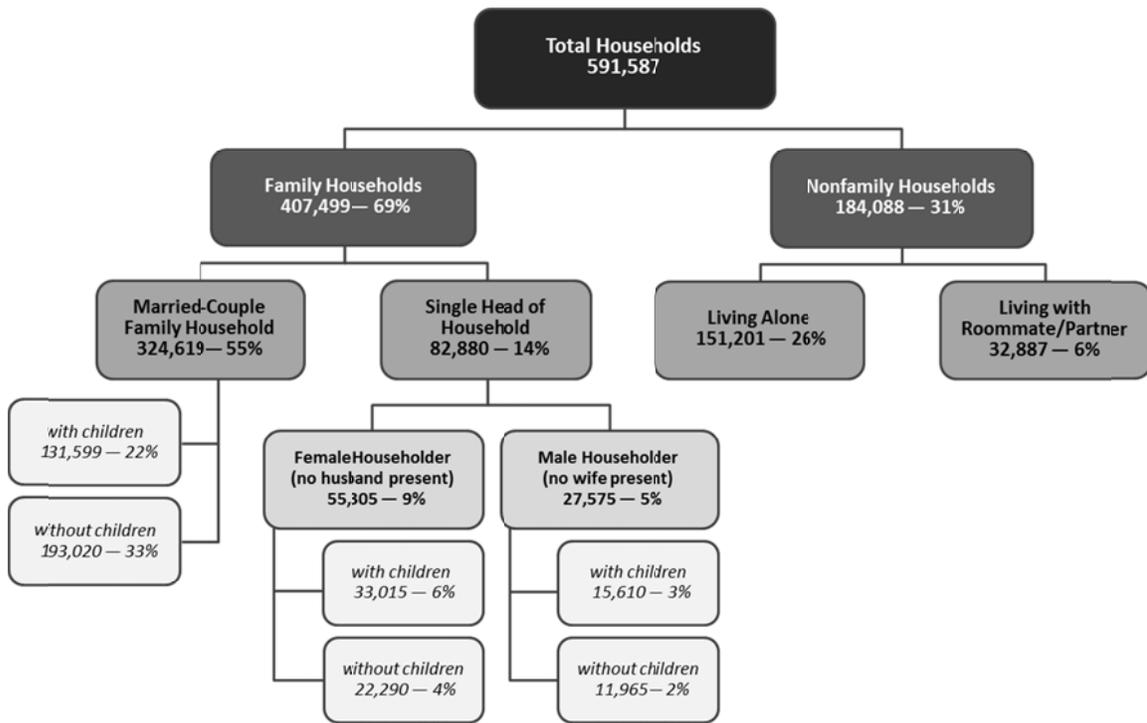
(child care, transportation, etc.). Single parent households often have fewer choices in the housing market—and a higher need for affordable housing—because of their lower income levels and need for family-friendly housing (larger units, proximity to schools, near parks/playgrounds). Large households also have difficulty finding homes, especially rentals that meet their affordability and size needs.

Figure I-8 shows the arrangements of households in Idaho. Of the approximately 590,000 households in Idaho, about 400,000, or 69 percent, are comprised of related individuals living together (“family” households). The balance—184,000 “nonfamily” households—includes single people living alone, people living with roommates and unmarried partners.

Of the state’s family households, the vast majority are husband-wife households. Most of these households do not have children living in the home. Single-parent households make up 14 percent of all households. There are more than twice as many single-mother households than single-father households.

In 1990, 86 percent of the state’s families were made up of married-couple families; by 2014 this had decreased to 80 percent. This decline has been offset by growth in single-parent families.

Figure I-8.
Household Composition, State of Idaho, 2014



Note: Percentages in figure show proportions of total households, not proportions of subtotals.

Source: 2014 ACS 1-year estimates.

In 2014, 12 percent of Idaho’s households were “large”—containing five or more household members. Of these, 80 percent were owners; 20 percent were renters. Overall in the state, 68 percent of households are owners.

Disability. Thirteen percent of persons in the State of Idaho have one or more disabilities. This compares to about 12 percent in 1990.

Persons with disabilities are typically more vulnerable to housing discrimination due to housing providers' lack of knowledge about reasonable accommodation provisions in fair housing laws. Persons with disabilities also face challenges finding housing that is affordable, accessible and located near transit and supportive services.

Figure I-9 shows the ages of persons living with disabilities in Idaho, along with the disability types. Seniors make up 40 percent of the population of persons with disabilities in Idaho compared to 14 percent of residents overall.

Of seniors, 37 percent are disabled. The most common types of disabilities are ambulatory and hearing. Eleven percent of adult Idahoans are disabled; their most common types of disabilities are ambulatory and cognitive. Six percent of children ages 5 to 17 are disabled, with the most common type of disability cognitive.

**Figure I-9.
Incidence of Disability by
Age, State of Idaho, 2014**

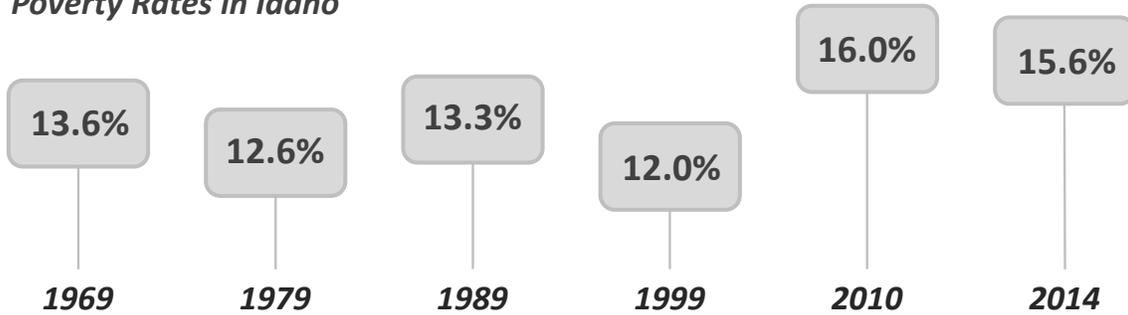
Source:
2014 ACS 1-year estimates.

	Number	Percent of Age Cohort with Disability
Total Population with a Disability	204,780	13%
Population 5 years and younger	1,217	1%
Hearing	1,039	1%
Vision	252	0%
Population 5 to 17 years	17,955	6%
Hearing	3,614	1%
Vision	2,594	1%
Cognitive	13,884	4%
Ambulatory	2,161	1%
Self-care	3,268	1%
Population 18 to 64 years	99,623	11%
Hearing	23,318	3%
Vision	17,005	2%
Cognitive	44,854	5%
Ambulatory	44,145	5%
Self-care	15,955	2%
Independent living	33,022	4%
Population 65 years and over	85,985	37%
Hearing	45,977	20%
Vision	16,308	7%
Cognitive	22,778	10%
Ambulatory	48,819	21%
Self-care	15,610	7%
Independent living	31,104	13%

Poverty. Fifteen percent of Idaho’s residents—about 237,000—live in poverty. This is similar to nearby Oregon (16%) and the U.S. overall (16%).⁵

The U.S. Census has collected data on the number of persons living in poverty for many decades. In 1969, about 92,000 Idahoans lived in poverty—13.6 percent of residents. As shown below, since the Great Recession between 2007 and 2010, Idaho’s poverty rate has been at its highest level in at least 40 years.

Poverty Rates in Idaho



Idaho’s children are most likely to live in poverty, with 19 percent living in families with incomes below the poverty threshold. In many of the state’s counties, however, young adults have the highest reported poverty rate due to the presence of college students.

Excluding young adults/college students, in the vast majority of counties, children—especially young children—are the most likely to live in poverty. Seniors have the lowest poverty rates.

**Figure I-10a.
Poverty by Age,
State of Idaho,
2014**

Source:
2014 ACS 1-year
estimates.

	Number for Whom Poverty Status is Determined	Number Below Poverty Level	Percent Below Poverty Level
Total Population	1,603,083	237,981	15%
Population under 18 years	424,650	80,025	19%
Population 18 to 64 years	947,100	136,054	14%
Population 65 years and over	231,333	21,902	10%

Figure I-10b shows poverty by age by county. Overall, poverty is the highest in Madison (36%), Clark (28%) and Owyhee (27%) counties. Madison’s high poverty rate is skewed by the college student population at BYU-Idaho, located in Rexburg. Clark County is the most “very rural” county in Idaho, with a population of less than 1,000 people.

Except in few counties (Caribou, Custer), seniors have the lowest poverty rates, and children and young adults, the highest.

⁵ The poverty threshold is set at the federal level and varies by household size. It is roughly \$25,000 for a family of four.

Figure I-10b.
Poverty by Age Cohort by County, 2010-2014

County	Poverty Rate, All Ages	Young Child (<6 years)	Children 6-17 years	Young adults (18-24 years)	Adults (25-64 years)	65-75 years old	75+ years
Ada County	13%	17%	14%	31%	10%	7%	8%
Adams County	15%	8%	24%	10%	14%	13%	12%
Bannock County	16%	25%	16%	35%	13%	6%	8%
Bear Lake County	13%	23%	19%	28%	9%	6%	10%
Benewah County	16%	23%	20%	26%	14%	7%	16%
Bingham County	14%	19%	19%	11%	13%	5%	7%
Blaine County	11%	14%	19%	10%	8%	8%	16%
Boise County	16%	17%	20%	30%	15%	8%	17%
Bonner County	16%	27%	16%	29%	15%	6%	13%
Bonneville County	13%	20%	14%	20%	11%	6%	6%
Boundary County	16%	27%	14%	21%	19%	4%	11%
Butte County	16%	21%	23%	9%	18%	5%	5%
Camas County	18%	8%	32%	32%	17%	8%	0%
Canyon County	20%	30%	27%	29%	17%	8%	10%
Caribou County	9%	8%	7%	14%	9%	9%	16%
Cassia County	15%	22%	15%	17%	13%	6%	15%
Clark County	28%	51%	23%	62%	20%	11%	0%
Clearwater County	13%	24%	15%	19%	14%	5%	11%
Custer County	20%	25%	23%	18%	19%	18%	25%
Elmore County	17%	25%	24%	17%	14%	12%	11%
Franklin County	13%	20%	19%	3%	12%	8%	8%
Fremont County	12%	22%	13%	19%	10%	5%	8%
Gem County	18%	31%	23%	30%	17%	8%	7%
Gooding County	22%	32%	30%	28%	19%	16%	6%
Idaho County	16%	26%	16%	38%	14%	12%	11%
Jefferson County	13%	22%	15%	14%	12%	3%	8%
Jerome County	17%	26%	24%	16%	15%	8%	13%
Kootenai County	13%	17%	15%	28%	11%	7%	9%
Latah County	21%	19%	13%	56%	13%	4%	11%
Lemhi County	21%	50%	28%	64%	19%	13%	7%
Lewis County	17%	29%	21%	37%	15%	12%	9%
Lincoln County	16%	25%	18%	24%	10%	24%	16%
Madison County	36%	33%	18%	67%	22%	3%	6%
Minidoka County	16%	24%	26%	13%	13%	7%	9%
Nez Perce County	12%	23%	13%	19%	10%	6%	10%
Oneida County	15%	30%	21%	11%	12%	12%	12%
Owyhee County	27%	23%	41%	23%	26%	20%	21%
Payette County	18%	31%	17%	32%	16%	10%	16%
Power County	13%	22%	16%	25%	11%	2%	3%
Shoshone County	18%	37%	17%	36%	17%	10%	10%
Teton County	11%	15%	18%	24%	8%	2%	17%
Twin Falls County	16%	23%	19%	31%	12%	7%	13%
Valley County	12%	18%	7%	13%	16%	4%	2%
Washington County	16%	24%	19%	21%	15%	11%	10%

Source: 2010-2014 ACS 5-year estimates.

Neighborhoods with poverty rates exceeding 40 percent are regarded by social researchers as being areas that are “socially and economically dysfunctional.”⁶ High poverty is linked to high crime, high rates of unemployment and low educational attainment, all of which have costs to the public. High poverty also impacts community health and food security, frequently culminating in malnutrition among children.⁷

Figure I-11 shows two measures of poverty concentration: 1) Areas where the poverty rate exceeds 40 percent and 2) Areas where the poverty rate is three times the county average.⁸ Most of these overlap, except in Garden City, which has a neighborhood with three times the county poverty rate but less than 40 percent poverty.

As shown by the state map, concentrated neighborhoods with high poverty—defined as those where more than 40 percent of individuals live in poverty—are found in Boise, Caldwell, Moscow, Nampa, Rexburg, Pocatello.⁹ Most of these cities—Boise, Moscow, Rexburg, and Pocatello—are also home to major colleges and universities. The higher-than-average poverty rates are related to the presence of students, who typically have low wages only temporarily.

Nampa and Caldwell also have Hispanic concentrations and are the two areas with the most ethnically concentrated areas of poverty.

To support entitlement area fair housing analyses, HUD’s AFFH tool maps were examined for poverty, race, and ethnicity overlaps.¹⁰ These maps are appended to this AI. In general, the maps indicate that, in the state’s entitlement areas, high-poverty neighborhoods have slightly more residents who are non-White and Hispanic than in low-poverty neighborhoods.

This is partially related to the higher unemployment rates of racial and ethnic minorities. In 2010, the Idaho Commission on Hispanic Affairs reported that unemployment rates for Hispanic residents exceeded that of non-Hispanic residents by nearly 2.5 percentage points. Hispanic residents had higher labor force participation overall, indicating that Hispanic residents desire to work but face challenges securing jobs.

Hispanic residents in Idaho increased their buying power between 2005 and 2010—despite economic (recessionary) and employment challenges. According to the Commission on Hispanic Affairs, the average per capita buying power of the Hispanic population increased from \$10,215 in 2005 to \$15,355 in 2010, compared to the increase in the average per capita buying power of the total population from \$17,923 in 2005 to \$20,518 in 2010.

⁶ The Costs of Concentrated Poverty: Neighborhood Property Markets and the Dynamics of Decline.” In Nicolas P. Retsinas and Eric S. Belsky, eds., *Revisiting Rental Housing: Policies, Programs, and Priorities*. Washington, DC: Brookings Institution, 116–9.

⁷ Understanding the Link between Poverty and Food Insecurity among Children: Does the Definition of Poverty Matter? Vanessa Wright, et. al., *Journal of Children and Poverty*, 1-20. 2014.

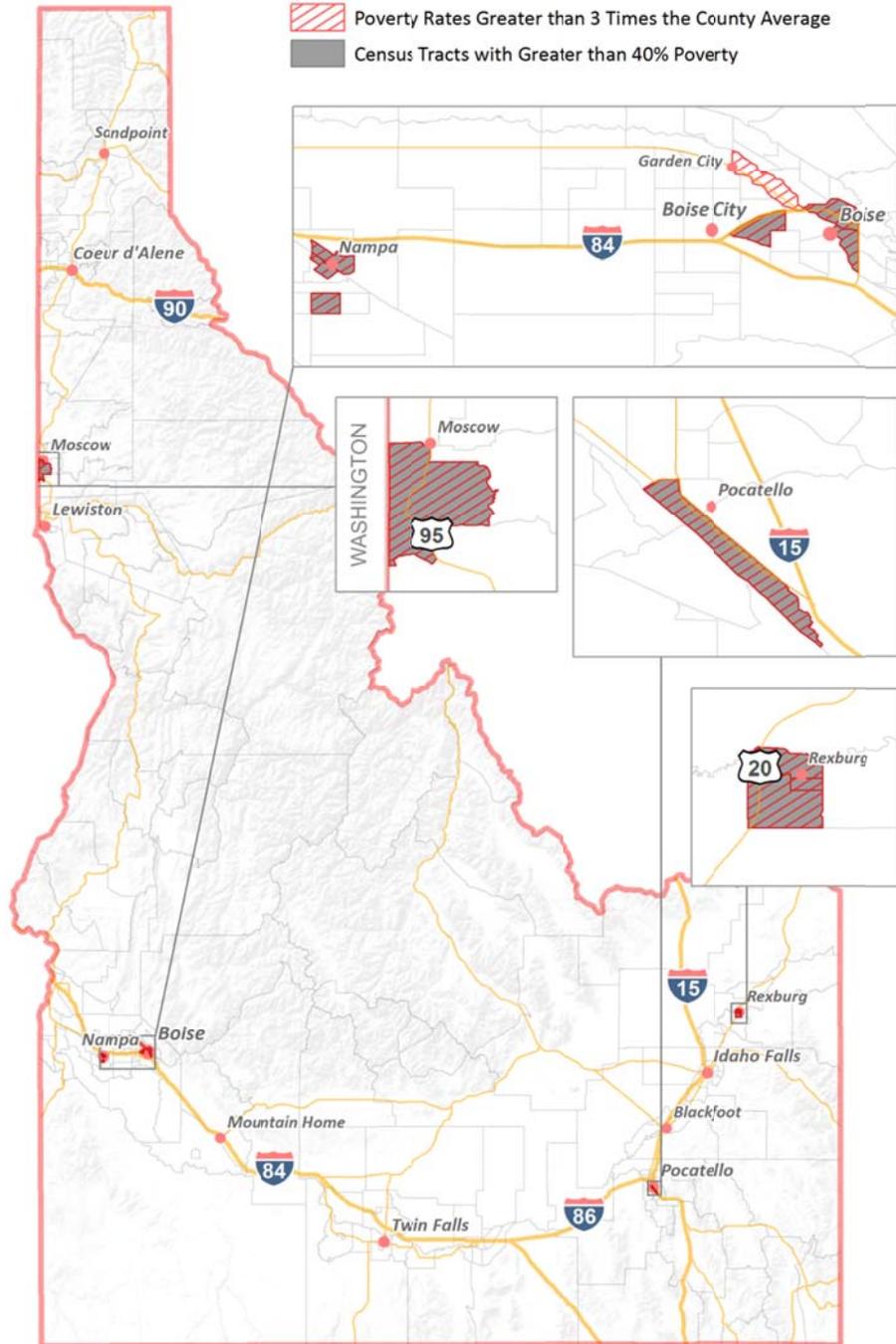
⁸ These are the “high poverty” thresholds HUD uses in the AFH.

⁹ It is important to note that areas with a college/university—Boise, Moscow and Rexburg— typically experience inflated poverty rates when college students claim residence in the area on their Census survey.

¹⁰ Such maps were not available at the state level when this report was produced.

**Figure I-11.
Poverty
Concentrations,
State of Idaho,
2014**

Source:
2014 ACS 5-Year
Estimates.



Segregation/Integration Analysis

This section discusses racial and ethnic segregation/integration in Idaho. According to HUD, “segregation” occurs when concentrations of protected classes are concentrated as a result of fair housing barriers. HUD defines “integrated” geographic areas as those which do not contain high concentrations of protected classes when compared to the representation in a jurisdiction as a whole: “Integration” is a “condition...in which there is not a high concentration.”¹¹

Metrics. This analysis uses several measures to identify segregation:

Geospatial analysis, or examining patterns in maps, is the first step in identifying concentrations of residents by protected class (race, ethnicity, national origin, familial status and disability). Geospatial analysis is conducted by Census tract for every Census tract in the state. The data represent the 2010-2014 5-year period and is the latest data available for all counties in Idaho.

HUD provides “dot density” maps of resident racial and ethnic distribution for 1990, 2000, and 2010 in entitlement jurisdictions in Idaho. Although only available for entitlement areas, these maps are included in this section to examine changes in racial and ethnic concentrations over time in the cities where most minorities live.

The geospatial analysis at the state level uses two definitions of “concentrations:”

- Census tracts that are more than 50 percent minority. Minority residents are defined as those residents identifying as Hispanic/Latino and/or a non-White race. This definition is consistent with HUD’s definition of a “majority minority” area. HUD recommends identifying these areas as a starting point for segregation analyses.
- Census tracts in which the proportion of a protected class is 20 percentage points higher than that in the county or state overall. This definition helps “norm” the distribution of residents by race and ethnicity to the distribution that exists county- or statewide. It helps identifying concentrations in majority non-Hispanic White areas.

The **Dissimilarity Index (DI)** measures the evenness of minority resident distribution compared to non-Hispanic White residents across Census tracts in a county.

A new component of fair housing studies is an analysis of “**racially or ethnically concentrated areas of poverty**,” also called RCAPs and ECAPs. A Racially Concentrated Area of Poverty or an Ethnically Concentrated Area of Poverty is a neighborhood with significant concentrations of high poverty and is majority-minority.

¹¹ Affirmatively Furthering Fair Housing Rule Guidebook, Version 1, December 31, 2015, U.S. Department of Housing and Urban Development.

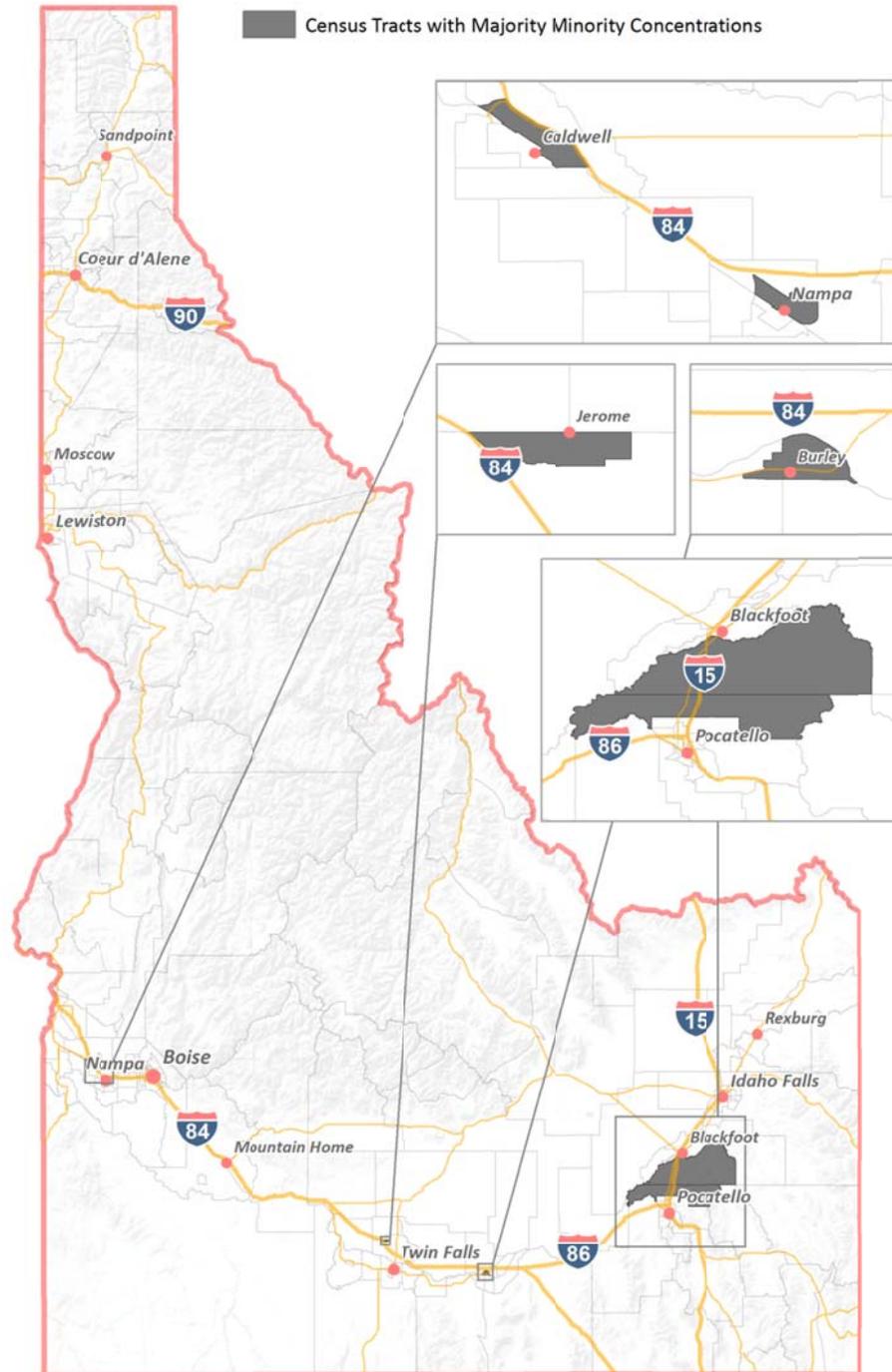
HUD's definition of a Racially/Ethnically Concentrated Area of Poverty is:

- A census tract that has a non-White population of 50 percent or more (majority-minority) or, for non-urban areas, 20 percent, AND a poverty rate of 40 percent or more; OR
- A census tract that has a non-White population of 50 percent or more (majority-minority) AND the poverty rate is three times the average tract poverty rate for the county, whichever is lower.

Racial/ethnic concentrations. Figure I-12 shows where majority minority areas occur in Idaho. The largest majority minority areas are found north of Pocatello and in Caldwell and Nampa. In Caldwell and Nampa, these areas are concentrated areas of persons of Hispanic origin. In Pocatello, these are persons of Hispanic origin and Native Americans.

**Figure I-12.
Majority
Minority
Concentrations,
State of Idaho,
2014**

Source:
2014 ACS 5-Year
Estimates.



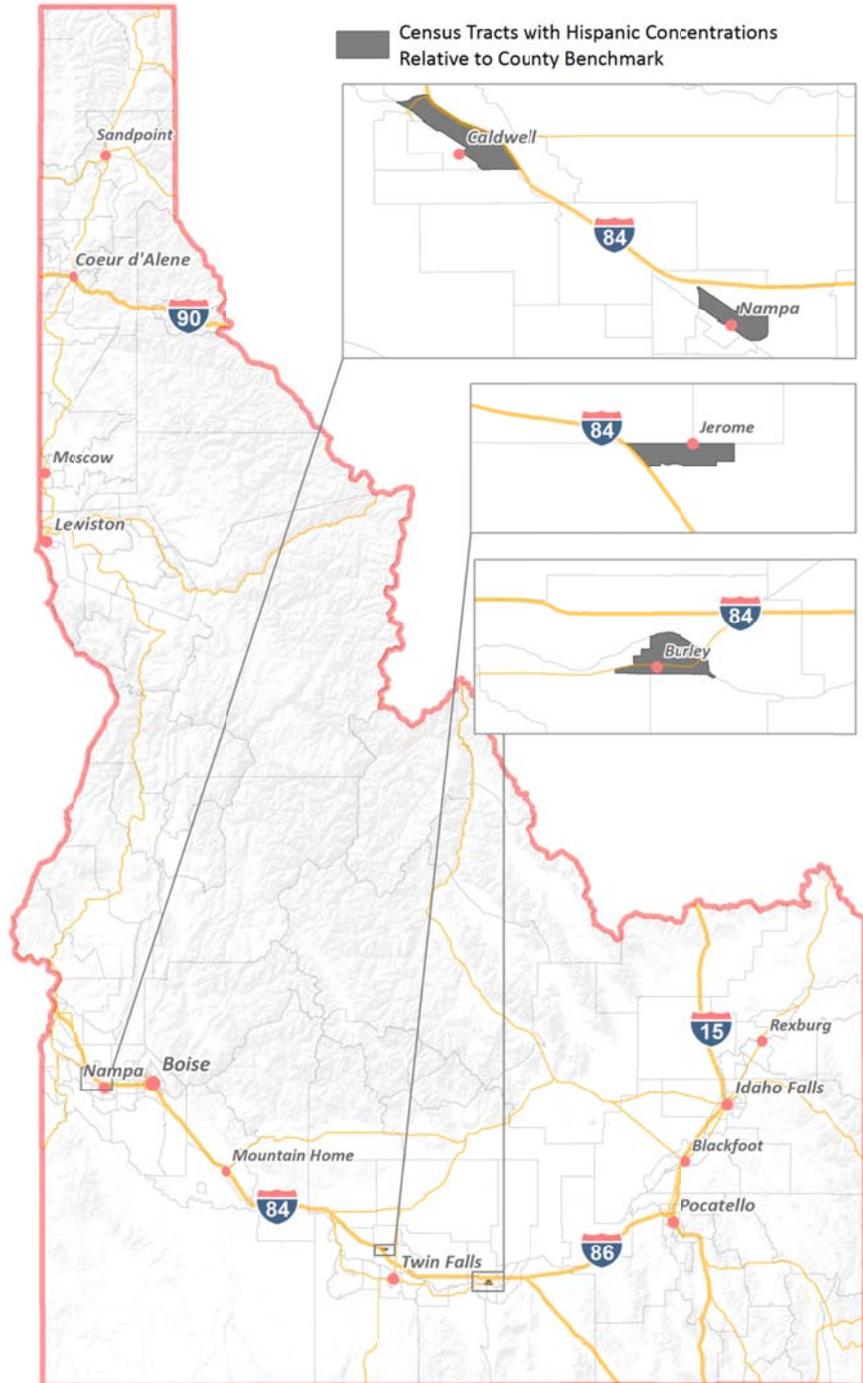
The following two maps show where Hispanic concentrations occur in the state using a county benchmark and a state benchmark.

- The county benchmark compares the proportion of residents in a Census tract to the proportion in the county overall. This comparison identifies where neighborhood (as shown by Census tract) concentrations occur.

- The state benchmark compares Census tract concentrations to the state proportions. Since the state threshold is lower than that in ethnically diverse counties, the second map reveals a more pronounced pattern of Hispanic concentrations.

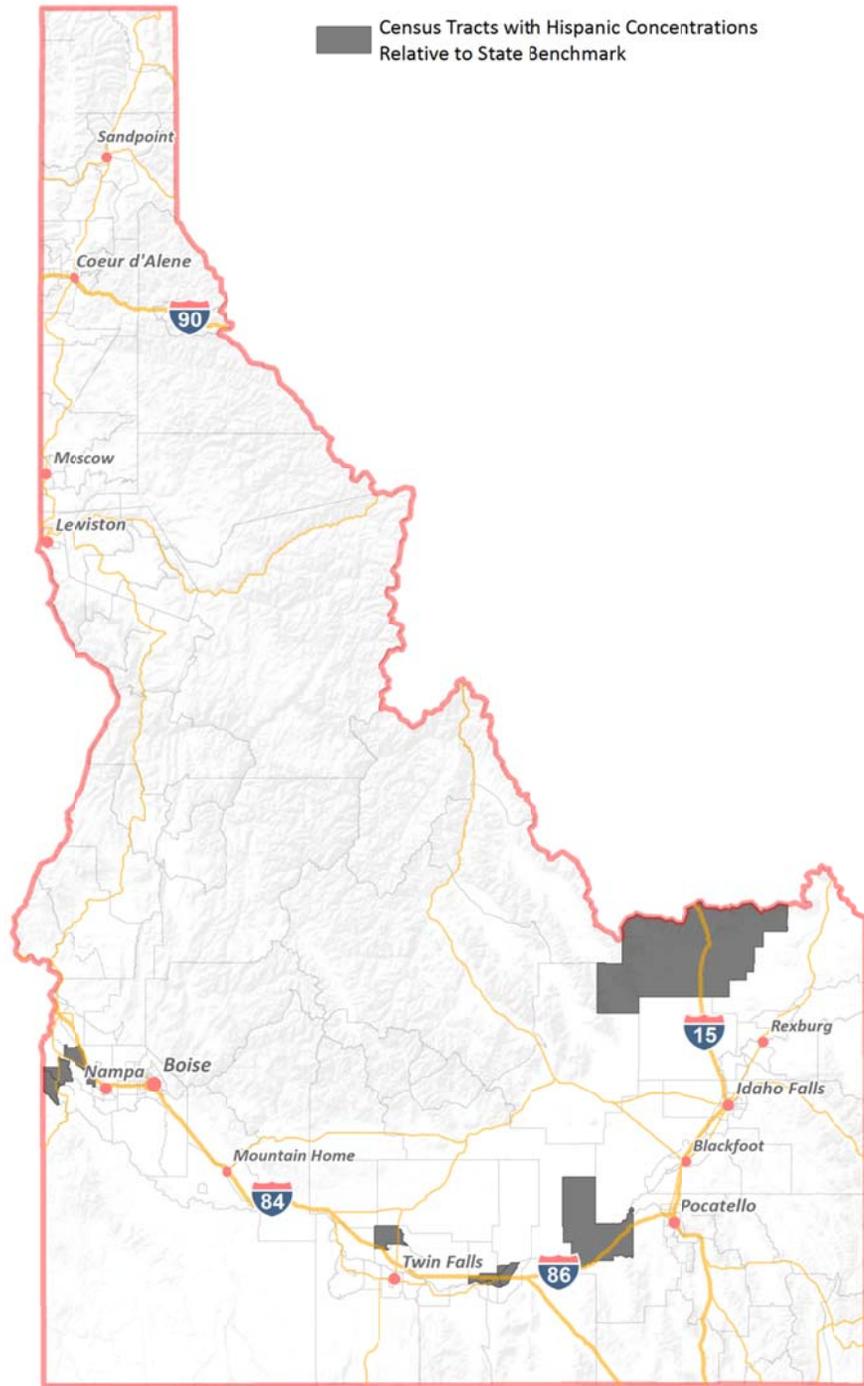
**Figure I-13.
Hispanic
Concentrations
Relative to
County
Benchmark,
State of Idaho,
2014**

Source:
2014 ACS 5-Year
Estimates.



**Figure I-14.
Hispanic
Concentrations
Relative to
State
Benchmark,
State of Idaho,
2014**

Source:
2014 ACS 5-Year
Estimates.



When compared to the state racial and ethnic distribution, concentrations within and around Nampa, Jerome, Burley, Pocatello and north of Idaho Falls become more pronounced.

Maps showing the change in racial and ethnic distribution in the state's entitlement areas between 1990 and 2000 are appended to this section for entitlement community use.

The maps show that much of the jurisdictional growth has been White, non-Hispanic residents, in many cases along and on the periphery of city boundaries. These maps also show that the R/ECAP in Nampa appeared between 2000 and 2010.

Dissimilarity index. The dissimilarity index is a metric used by researchers to measure racial and ethnic integration. The index is measured between 0 and 1. An index of 0 indicates perfect distribution of racial and ethnic groups across all Census tracts in a region; conversely, an index of 1 indicates complete segregation of racial groups across the region. HUD’s ratings of dissimilarity are determined by the following score ranges: “Low Dissimilarity”—below 0.40; “Moderate”—between 0.40 and 0.54; and “High”—above 0.54. The U.S. cities found to be the most segregated using the dissimilarity index (Milwaukee, New York and Chicago) have indices approaching 0.8.

Figure I-15 on the following page presents the dissimilarity index for Idaho counties.

The index for Idaho non-White Hispanic (“minority”) populations is low in all counties except for Benewah, indicating low segregation for minority residents overall. Hispanic residents, the state’s largest minority population by far, are not highly segregated in any county according to the dissimilarity measure. Moderate levels of segregation exist in Benewah and Nez Perce Counties (in Clearwater and Valley Counties, the population is not large enough for the index to be significant).

This is not the case for other minority groups. African Americans, Asians, Native Americans and Multi-race residents face moderate and high levels of segregation in many counties. For Native Americans, this is generally related to residents living on or near reservations. Presence of a reservation can also lead to high levels of segregation of other races, who are concentrated in areas adjacent to the reservation.

For African American, Asian and Multi-race residents, the high levels of segregation are due to concentrations of residents in a handful of—sometimes just one—Census tracts. In Twin Falls County, for example, more than half of the county’s African Americans live in one Census tract. These residents are very small in numbers, representing less than 1 percent of the population, making an equitable distribution of residents by race and ethnicity improbable.

Figure I-15.
Dissimilarity Index by County, State of Idaho, 2010-2014

County	Minority/NHW Dissimilarity Index		Hispanic/NHW Dissimilarity Index		African American/ NHW Dissimilarity Index		Asian/NHW Dissimilarity Index		Native American/ NHW Dissimilarity Index		Multirace/ NHW Dissimilarity Index	
	Index	Rating	Index	Rating	Index	Rating	Index	Rating	Index	Rating	Index	Rating
Ada County	0.21	Low	0.23	Low	0.46	Mod	0.32	Low	0.50	Mod	0.25	Low
Adams County*	0.06	Low	0.00	Low	N/A	N/A	0.36	Low	0.28	Low	0.12	Low
Bannock County	0.28	Low	0.27	Low	0.52	Mod	0.44	Mod	0.62	High	0.27	Low
Bear Lake County*	0.06	Low	0.14	Low	0.58	High	0.13	Low	0.58	High	0.25	Low
Benewah County	0.47	Mod	0.43	Mod	0.59	High	0.22	Low	0.58	High	0.30	Low
Bingham County	0.25	Low	0.18	Low	0.39	Low	0.44	Mod	0.87	High	0.45	Mod
Blaine County	0.29	Low	0.29	Low	0.38	Low	0.25	Low	0.75	High	0.21	Low
Boise County*	0.01	Low	0.01	Low	0.00	Low	0.00	Low	0.00	Low	0.00	Low
Bonner County	0.14	Low	0.24	Low	0.58	High	0.42	Mod	0.22	Low	0.25	Low
Bonneville County	0.22	Low	0.24	Low	0.50	Mod	0.41	Mod	0.53	Mod	0.26	Low
Boundary County*	0.16	Low	0.15	Low	0.40	Low	0.53	Mod	0.03	Low	0.33	Low
Butte County*	0.00	Low	0.00	Low	0.00	Low	0.00	Low	0.00	Low	0.00	Low
Camas County*	0.00	Low	0.00	Low	N/A	N/A	N/A	N/A	0.00	Low	0.00	Low
Canyon County	0.22	Low	0.24	Low	0.58	High	0.37	Low	0.39	Low	0.19	Low
Caribou County*	0.20	Low	0.24	Low	0.43	Mod	0.57	High	0.43	Mod	0.06	Low
Cassia County	0.23	Low	0.23	Low	0.68	High	0.41	Mod	0.28	Low	0.54	High
Clark County*	0.00	Low	0.00	Low	N/A	N/A	N/A	N/A	N/A	N/A	0.00	Low
Clearwater County*	0.25	Low	0.40	Mod	0.18	Low	0.30	Low	0.34	Low	0.13	Low
Custer County*	0.01	Low	0.01	Low	N/A	N/A	0.00	Low	N/A	N/A	0.00	Low
Elmore County	0.10	Low	0.13	Low	0.32	Low	0.24	Low	0.35	Low	0.17	Low
Franklin County	0.08	Low	0.21	Low	0.46	Mod	0.54	Mod	0.21	Low	0.54	Mod
Fremont County	0.13	Low	0.15	Low	0.63	High	0.38	Low	0.33	Low	0.04	Low
Gem County	0.17	Low	0.14	Low	0.59	High	0.46	Mod	0.57	High	0.14	Low
Gooding County	0.01	Low	0.02	Low	0.17	Low	0.50	Mod	0.10	Low	0.33	Low
Idaho County	0.36	Low	0.30	Low	0.78	High	0.65	High	0.65	High	0.33	Low
Jefferson County	0.23	Low	0.27	Low	0.59	High	0.72	High	0.29	Low	0.09	Low
Jerome County	0.19	Low	0.21	Low	0.77	High	0.42	Mod	0.26	Low	0.63	High
Kootenai County	0.18	Low	0.27	Low	0.45	Mod	0.54	Mod	0.45	Mod	0.20	Low
Latah County	0.16	Low	0.25	Low	0.53	Mod	0.33	Low	0.41	Mod	0.17	Low
Lemhi County*	0.14	Low	0.14	Low	0.62	High	0.38	Low	0.36	Low	0.29	Low
Lewis County*	0.27	Low	0.28	Low	0.55	High	0.29	Low	0.24	Low	0.27	Low
Lincoln County	0.00	Low	0.00	Low	0.00	Low	0.00	Low	0.00	Low	0.00	Low
Madison County	0.09	Low	0.21	Low	0.34	Low	0.24	Low	0.61	High	0.15	Low
Minidoka County	0.11	Low	0.11	Low	0.39	Low	0.45	Mod	0.47	Mod	0.21	Low
Nez Perce County	0.40	Low	0.41	Mod	0.43	Mod	0.34	Low	0.70	High	0.36	Low
Oneida County*	0.00	Low	0.00	Low	N/A	N/A	N/A	N/A	0.00	Low	0.00	Low
Owyhee County	0.14	Low	0.21	Low	0.70	High	0.54	Mod	0.50	Mod	0.06	Low
Payette County	0.13	Low	0.14	Low	0.48	Mod	0.27	Low	0.16	Low	0.20	Low
Power County	0.09	Low	0.16	Low	0.26	Low	0.74	High	0.49	Mod	0.49	Mod
Shoshone County*	0.16	Low	0.09	Low	0.36	Low	0.56	High	0.19	Low	0.21	Low
Teton County	0.00	Low	0.00	Low	0.00	Low	0.00	Low	0.00	Low	0.00	Low
Twin Falls County	0.23	Low	0.27	Low	0.63	High	0.52	Mod	0.46	Mod	0.31	Low
Valley County*	0.32	Low	0.44	Mod	N/A	N/A	0.55	High	0.33	Low	0.22	Low
Washington County	0.13	Low	0.17	Low	N/A	N/A	0.43	Mod	0.62	High	0.21	Low

Note: NHW is non-Hispanic White. Mod is Moderate.

*Indicates that the county has a minority population that is lower than 1,000 residents, in which case the index should be interpreted with caution.

Source: 2010-2014 ACS; BBC Research & Consulting.

Racially and ethnically concentrated areas of poverty. Figure I-16 shows locations of Idaho's three Racially/Ethnically Concentrated Areas of Poverty (R/ECAP).

The neighborhoods in Caldwell and Boise are areas with majority Hispanic populations (65% and 52%) and very high poverty rates (45% and 50%). Representation of other races is very small (less than 1%). The R/ECAP in Pocatello is near the university and is likely comprised of students.

In addition to these two R/ECAPs, there are 11 other neighborhoods in the state with poverty rates exceeding 40 percent. The Hispanic population in these neighborhoods averages 20 percent.

In sum, except for a couple of areas, high-poverty neighborhoods in Idaho represent the overall races and ethnicities of residents in the state.

Households within R/ECAP tracts frequently represent the most disadvantaged households within a community and often face a multitude of housing challenges. By definition, a significant number of R/ECAP households are financially burdened, which severely limits housing choice and mobility. The added possibility of racial or ethnic discrimination creates a situation where R/ECAP households are likely more susceptible to discriminatory practices in the housing market. Additionally, due to financial constraints and/or lack of knowledge (i.e. limited non-English information and materials); R/ECAP households encountering discrimination may believe they have little or no recourse, further exacerbating the situation.

**Figure I-16.
Racially and
Ethnically
Concentrated
Areas of Poverty,
State of Idaho,
2014**

Source:
2014 ACS 5-Year Estimates.



Foreign-born and limited English populations. At the time this study was prepared, HUD provided data on the distribution of foreign-born residents only for entitlement jurisdictions in Idaho.¹² These maps are contained in Appendix A.

¹² For the purposes of this report, “entitlement” jurisdictions are cities and counties that receive HUD block grant funds for housing and community development directly. These communities must conduct independent AI/AFH’s.

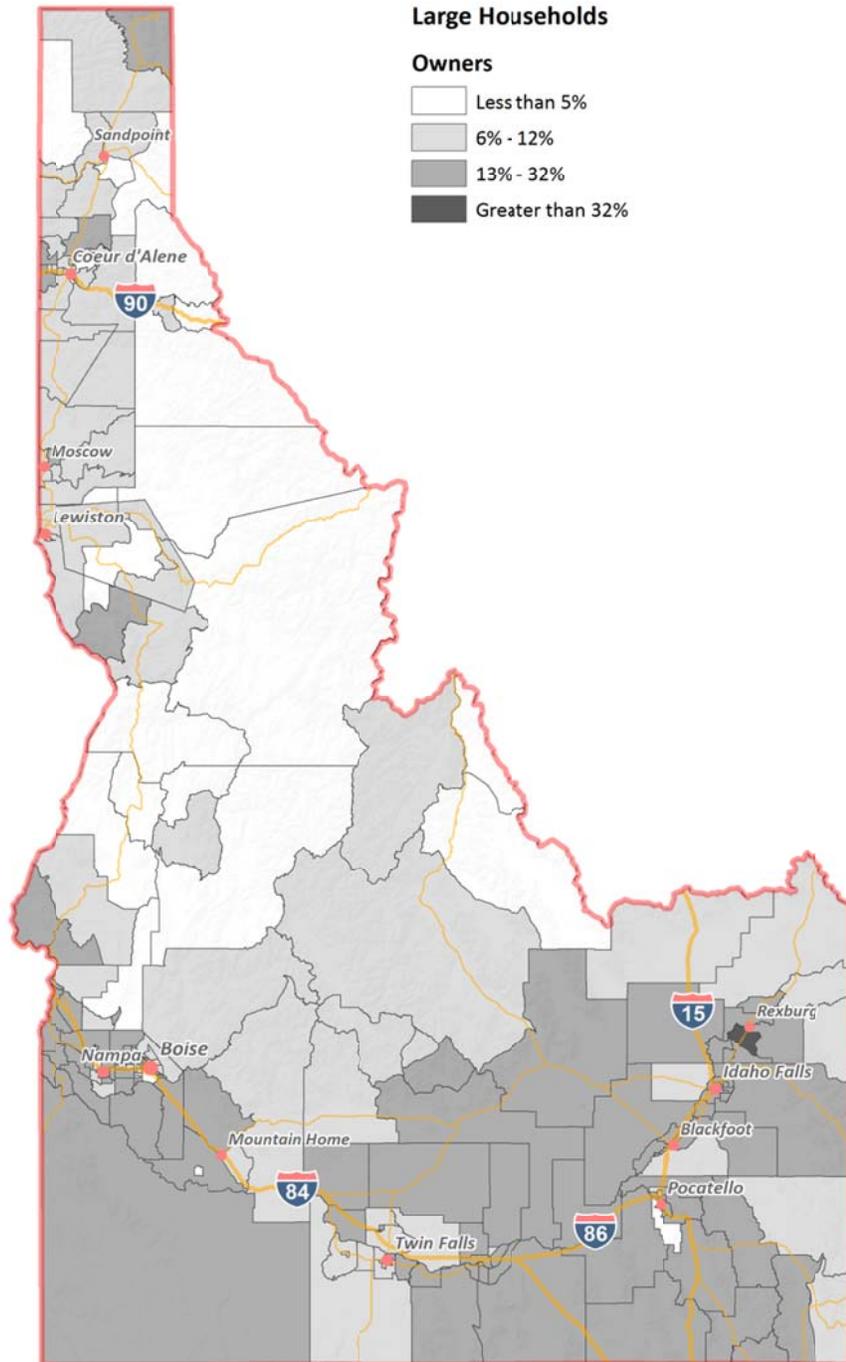
Foreign-born residents are most prominent in Boise, Nampa, Pocatello and Idaho Falls. Foreign-born residents are clustered in a handful of Census tracts in all of the jurisdictions with relatively large numbers of foreign-born residents. In Nampa's case, there is a significant concentration of residents born in Mexico in the city's R/ECAP.

Boise, Nampa and Pocatello have the most Limited English Proficiency (LEP) residents. These residents appear to cluster by the language they speak. In Nampa's case, LEP residents speaking Spanish are most likely to reside in the city's R/ECAP.

Large households. Figures I-17 and I-18 show the distribution of large households in the state by tenure (owner, renter). Statewide, 12 percent of households are large; this is the same proportion for both owner and renter households.

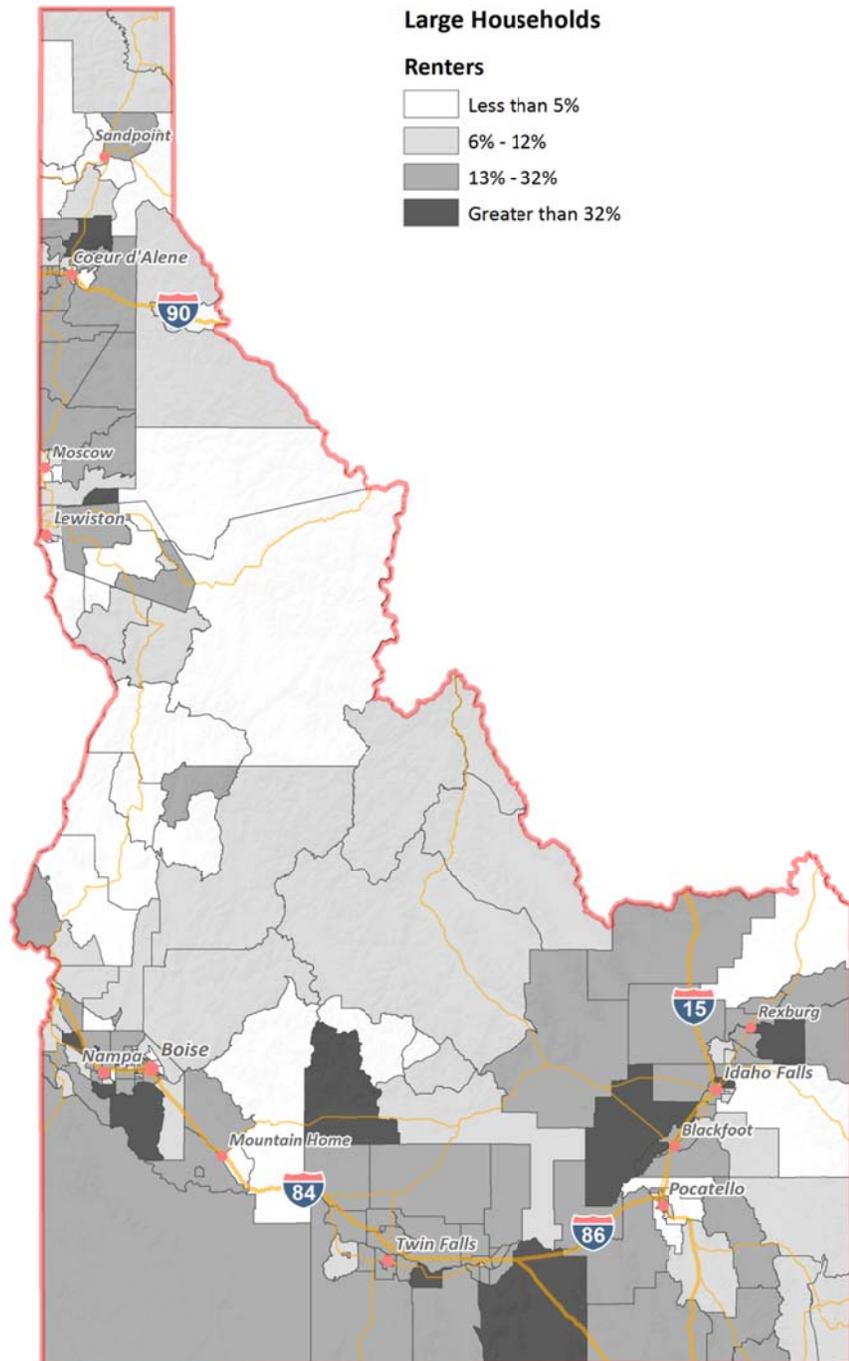
**Figure I-17.
Large Households,
Owners, State of
Idaho, 2014**

Source:
2014 ACS 5-Year Estimates.



**Figure I-18.
Large Households,
Renters, State of
Idaho, 2014**

Source:
2014 ACS 5-Year Estimates.

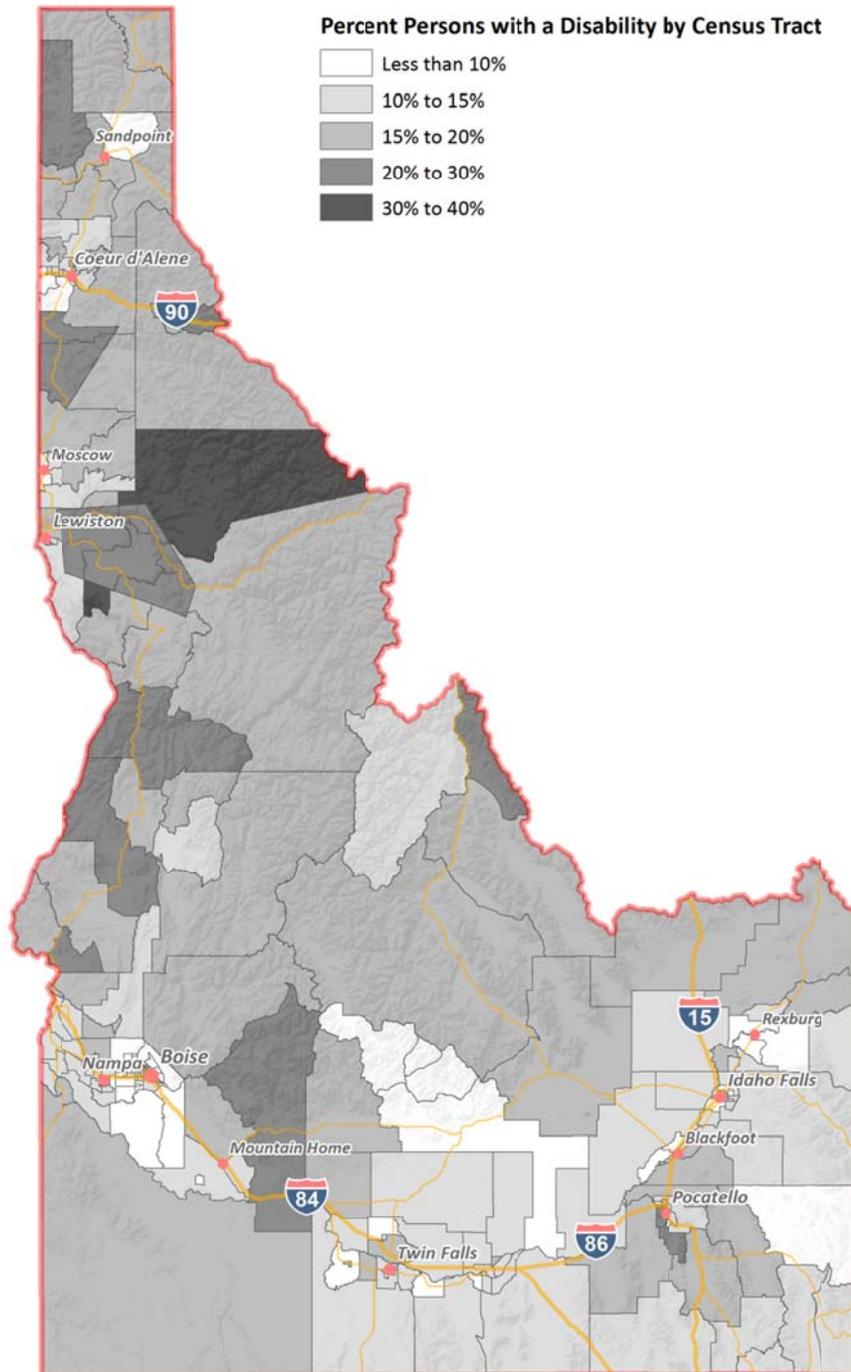


The highest proportions of large households occur outside of the state’s largest cities. High proportions exist mostly for renter households. Some of these areas are likely to be mobile home parks in which families, likely Hispanic, working in the agricultural industry live.

Persons with disabilities. Figure I-19 shows the geographic distribution of persons with disabilities in Idaho. There are no concentrations when using the county concentration measure. Three Census tracts are concentrated according to the state concentration measure; these are indicated with the darkest shading on the map.

**Figure I-19.
Disability Rates,
State of Idaho,
2014**

Source:
2014 ACS 5-Year Estimates.



Disability concentrations are correlated with age much more than other protected-class characteristics. The two Census tracts near Lewiston have relatively large proportions of seniors; about one-fourth of their residents are age 65 and older. The residents in the Census tract located in Clearwater County are slightly more likely to be poor than residents in the state overall. Other areas of concentration are related to the presence of group homes and/or public institutions serving persons with disabilities (e.g., the state hospital in Orofino and the Idaho School of the Deaf and Blind in Gooding).

Stakeholder Perspectives on Segregation/Integration

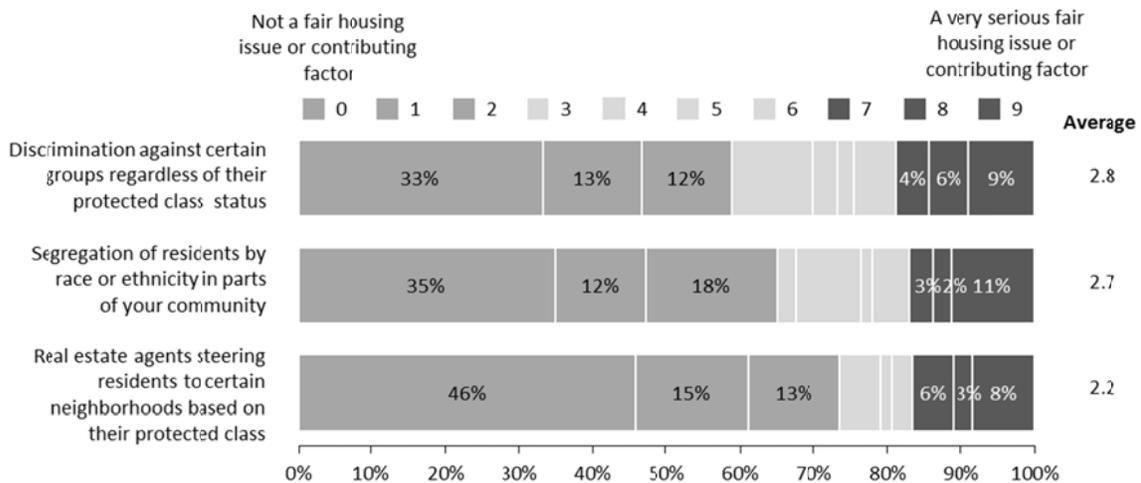
The maps and data presented above—and the maps included in Appendix A—are limited in that they do not fully explain how demographic clustering is related to fair housing issues. Residents and stakeholders were engaged to examine why certain patterns exist and if these patterns indicate fair housing challenges.

Overall, stakeholders did not perceive segregation to be a fair housing issue in Idaho: 90 percent of the stakeholders responding to the survey for this study said segregation was not a fair housing issue.

Of those stakeholders who expressed concern about segregation, two attributed the segregation to the location of affordable housing, one attributed segregation to housing and cultural and language preferences, and one described intentional steering of persons with disabilities, persons of different national origins, and families.

The stakeholders who expressed concern about segregation and affordable housing concentrations represented organizations serving eastern Idaho cities, eastern Idaho rural resort areas, and Boise.

Figure I-20.
Stakeholder Perspectives: Discrimination, Segregation and Steering



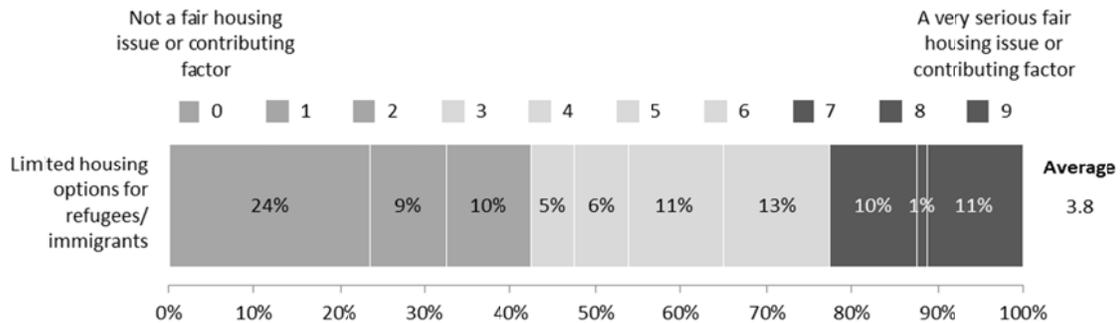
Note: n ranges from 72 to 123.

Source: BBC Research & Consulting from 2016 Idaho Fair Housing Stakeholder Survey.

With regard to segregation of refugees and immigrants—the protected class stakeholders felt were most vulnerable to fair housing issues—four out of five stakeholders did not identify limited housing options as a fair housing issues for refugees and immigrants, as shown below

Of those who did (20% of stakeholders), said that challenges in housing refugees and immigrants occur because of: 1) Placement by resettlement agencies in specific apartment complexes; 2) Lack of credit histories for rental background checks resulting in rentals being denied, and 3) Misunderstanding about different cultures by housing providers.

Figure I-21.
Stakeholder Perspective—Refugee and Immigrant Housing Choice



Note: n=80.

Source: BBC Research & Consulting from 2016 Idaho Fair Housing Stakeholder Survey.

Summary

This analysis of demographic trends, patterns of growth, and location of residents by protected class reveals the following:

- Idaho’s resident composition has changed modestly since 2000. Racial and ethnic diversity has increased slightly, with 17 percent of residents reporting their race/ethnicity as Non-White or Hispanic, compared to 12 percent in 2000. Growth in residents of Hispanic descent has been strong in semi-rural and rural areas, driven by employment opportunities in the agricultural and related industries. At the time this report was prepared, Hispanics were more likely than non-Hispanics to live in rural areas.
- Similarly, diversity in national origin has grown over the past 15 years. The proportion of Idaho residents born outside the U.S was 6 percent in 2014, compared to 2.6 percent in 2000.
- The proportion of residents with disabilities has been consistent at about 13 percent.
- The most significant demographic change is the increase in poverty since 1999. As of 2014, 15.6 percent of Idaho residents lived below the poverty level, compared to 12 percent in 1999. Idaho’s children are the most likely to live in poverty: 19 percent live in families who are below poverty.
- Idaho has few areas of segregation by any protected class. The exception is foreign-born residents living in entitlement jurisdictions (protected class of national origin). Foreign-born residents are typically clustered in a handful of Census tracts in the state’s entitlement cities, living near other foreign-born residents and/or residents who speak the same language.
- Neighborhoods with more than 50 percent Non-White Hispanic residents are found north of Pocatello and in Caldwell and Nampa. Two of these neighborhoods—located in Caldwell and Nampa—are also high poverty areas. The protected classes represented in these areas

as residents of Hispanic descent (Caldwell and Nampa) and Native Americans living on reservations (north of Pocatello).

- Stakeholders surveyed for this study generally believe that ethnic and national origin concentrations in entitlement areas are mostly due to initial placement of residents in certain housing complexes in resettlement areas and cultural preferences.
- Stakeholders believe that refugees living in entitlement areas face the most fair housing issues.
- Demographic trends that could lead to higher segregation in the future include continued growth of Hispanic residents in the state's semi-rural and rural agriculturally-dominated areas and a continued influx of foreign-born residents in urban areas.

SECTION II.

Housing Choice Analysis

SECTION II.

Housing Choice Analysis

This section of the Idaho AFH examines barriers to housing choice and the effects on protected classes. Similar to Section I. Demographic Summary, it is partially modeled after the structure of the proposed Assessment of Fair Housing for States and Insular Areas (AFH). The section meets the Disproportionate Housing Needs and Publicly Supported Housing Analysis requirements of the AFH template.

This section begins with an overview of the housing market and the primary housing needs of renters and owners in Idaho. This is followed by a quantitative analysis of the use of publicly-supported housing by income-eligible protected classes. The stakeholder survey and findings from the roundtable discussions supplement the housing analysis by providing additional data on the housing choices and needs of different protected classes, helping to explain gaps in housing provision where they exist.

Housing Market Summary

Housing affordability—and the protected classes who are most affected by lack of affordable housing—are examined in this section through an analysis of commonly used measures to assess affordability, including the disproportionate needs data provided by HUD for the Five-year Consolidated Plan.¹

According to the *2014 Idaho County-by County Housing, Demographic, and Transportation Report*, Idaho has a total of 676,192 housing units. Of these, the Census estimates that 585,000 are occupied, with 69 percent owner occupied and 31 percent renter-occupied.

Overall, about three-quarters of the state's housing units are single-family detached. The balance is comprised of: 10 percent du-/tri-/fourplexes; 8 percent mobile homes; 8 percent multifamily units/apartments. Counties with the lowest proportions of single family detached housing are generally those with expensive housing (e.g., Blaine County) or rural and very rural areas with high proportions of mobile homes (e.g., Power County, Lincoln County).

Price trends. According to housing price data from the Census, housing costs in Idaho increased significantly in the past decade, despite the downturn in the market in the late 2000s. The median home value in the state overall rose 55 percent between 2000 and 2014—from \$106,300 in 2000 to \$165,300, or an average increase of 4 percent per year.

On average, home prices in Idaho's counties rose by 65 percent, according to the 2008-2012 ACS, which provides the most recent data for small counties.

¹ This AFH uses these tables from the State of Idaho Five-year Consolidated Plan since the disproportionate needs tables were not yet available in the State AFH.

Rental price increases in the state overall were lower than home price growth, rising by 43 percent between 2000 and 2014. The median gross rent (which includes utilities) increased from \$515 in 2000 to \$738 in 2014.

No counties experienced declines in median home values or median gross rent between 2000 and 2008-2012, according to the Census.

Demographic trends driving needs. Counties experiencing the strongest price increases in the past decade were small, rural counties. Shoshone County experienced a 111 percent increase in home prices; Lemhi, 100 percent; Bonner, 97 percent; and Bear Lake, 94 percent. The demographic drivers of these increases are mixed: population growth was modest or declined and, except for Bonner, unemployment was about average.

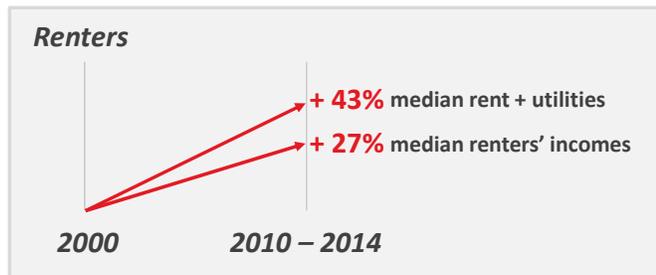
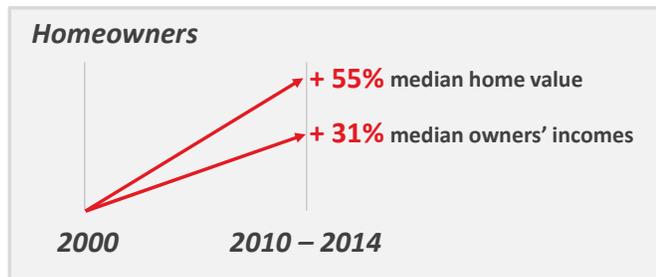
The reason for the highest priced counties in the state is more clear: the counties are all popular resort areas and include Blaine, Valley, Bonner, Teton and Kootenai. The counties in the state that experienced the smallest home value increases were those with some of the highest poverty and unemployment rates.

At the county level, rents grew the most in Madison (112%), Lewis (68%), and Bear Lake (66%) counties. Rent growth was lowest for Oneida and Custer counties.

Housing costs are likely much higher than those captured in the most recent Census data, given the rapid recovery of the housing market in the past two to three years. Yet Idaho remains relatively affordable compared to many western and upper northwest states, the exception being resort communities. Given the relative affordability in the Idaho, housing costs could accelerate if households are priced out of states offering similar amenities (e.g., Oregon, Colorado).

Housing prices v. incomes and earnings. During the past 14 years, incomes of Idaho residents failed to keep pace with the increase in housing costs. The median income of all households in Idaho averaged \$47,861 in 2010-2014 according to the Census.² This was an increase of 27 percent from \$37,572 in 2000.³

Owners' incomes rose by 31 percent during this period, compared with a 55 percent increase in the median home value. However, falling



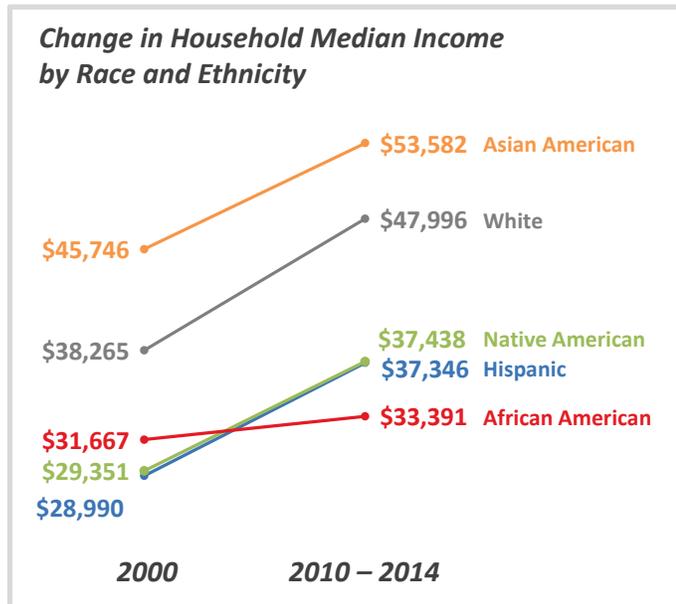
² Income data are from the 2010-2014 5-year ACS estimates, the latest data on median household income for the state.

³ Income data are for the 1999 calendar year. Reported here as 2000 to be consistent with year of reported housing values and costs.

mortgage interest rates softened the blow and made housing to purchase more affordable for many owners-to-be, despite relatively slow increases in owners' incomes.

Renters—who do not benefit from falling mortgage interest rates unless they become owners—saw a 27 percent increase in median income v. a 43 percent in rent costs.

The change in incomes between 2000 and 2000-2014 was not equal for all households in Idaho. White households had the largest gains in median income; these households made \$9,700 more in 2010-2014 than they did in 2000. Hispanics saw the next highest gain at \$8,400, and Native Americans, \$8,100. The median income of Asian households rose by \$7,800. The clear outlier is income gains for African Americans: Between 2000 and 2014, African Americans in Idaho experienced median income growth of just \$1,700, which was far below what was needed to manage increased housing costs.



A comparison between the average wage earned by workers in the state and new hires with median home prices and rental costs found that, in the state overall, the average worker would need to stretch to afford the median-priced home. The average worker—making about \$3,100 per month—could afford a home priced at \$164,000, a bit lower than the statewide median price of \$167,000. This worker could afford to rent the median priced rental unit (\$720/month).

The average *new hire*, however, could not afford to buy the median-priced home. With monthly earnings of just \$2,000 per month, the average new hire would need a home priced at \$105,000 or less. This worker would even find renting the median-priced rental unit difficult on their wages: the median rent in the state is \$720 per month compared to an affordable rent of \$603 for the average new hire. It is likely that in most parts of the state, this worker would be rent burdened.

Cost burden. The Census estimates that 111,000 owners, or 28 percent of all homeowners in Idaho, pay more than 30 percent of their household income in housing costs and, as such, are “cost burdened.” Nearly 78,000 renters, or 49 percent of all renters, are cost burdened.

Owner cost burden is highest in Blaine County (46%) and lowest in Clark County (just 4%). Renter cost burden is highest in Madison County (65%) and lowest in Clark County (4%).

According to HUD’s “housing plus transportation costs” data, when transportation costs are added to monthly rent or a mortgage, the majority of Idaho’s low-income households experience

severe cost burden. That is, more than half of their gross monthly incomes are needed to pay housing and transportation costs.

The transportation cost effect is greater for owners: On average, Idaho's low-income homeowners expend 20 percent more of their household income on housing and transportation costs than low-income renters. This may be because renters are more likely to live urban areas and college towns where they are not regularly driving long distances.

Cost burdened owners and renters may need to cut back on other household goods to afford to pay their mortgage or rent. This can lead to lower investment in the local economy (e.g., buying consumer goods, going to restaurants), compromise quality education (preschool, job training) and, for renters, affect the ability to save for a home.

Affordability gaps. To determine the sufficient provision of housing across income levels, the state conducted a “gaps analysis” as part of the Five-year Consolidated Plan. This analysis compares the supply of rental and ownership housing with demand. For the gaps analysis, housing demand is defined as what renters at various income levels can afford to rent or buy. Supply of housing is represented as the distribution of rental and ownership housing. The source of data for the gaps analysis was the 2008-2012 Census American Community Survey (ACS), which was available for every county in the state.

For the State of Idaho overall, 34 percent of renters, or 59,000 renters, earned less than \$20,000 per year. To avoid being cost burdened, these renters needed units that rented for less than \$500 per month, including utilities costs.

Approximately 34,000 rental units were affordable for these renters, leaving a gap of about 25,000 rental units. This gap is similar to the number of renters who are severely cost burdened and who are below the poverty level.

Renters earning more than \$20,000 per year have an adequate supply of affordable rentals. However, many of the units affordable to these renters are being occupied by lower income renters who cannot find affordable units.

Gaps analyses were also conducted for every county in the state. The counties with the largest rental gaps for households earning less than \$20,000 per year included the following. All of these are counties with entitlement communities.

- Ada (gap of 9,700 units priced less than \$500 per month, including utilities),
- Canyon (3,200 unit rental gap), and
- Kootenai (3,000 unit rental gap).

The three counties with the second largest rental gaps are also home to moderately sized communities (Pocatello and Idaho Falls) and large colleges, which can skew the rental gaps data (Pocatello and Rexburg):

- Bannock, with a rental gap of 1,500 units affordable to renters earning less than \$15,000 per year (units priced less than \$375 per month, including utilities),
- Bonneville (also 1,500 units for renter earning less than \$15,000 per year), and
- Madison (1,500 units for renters earning less than \$25,000 per year).

In addition to the rental gaps analysis, the proportion of affordable homes to buy was examined for the state overall and for each county. Home value data from the Census was used as a proxy for the price distribution of homes for sale.

This analysis found approximately 40 percent of homes to be affordable to renters earning \$35,000. This compares to 60 percent of renters earning less than \$35,000. Renters earning \$50,000 have an easier time finding an affordable home to buy: of these 76 percent of renters, 67 percent of units are affordable to them.

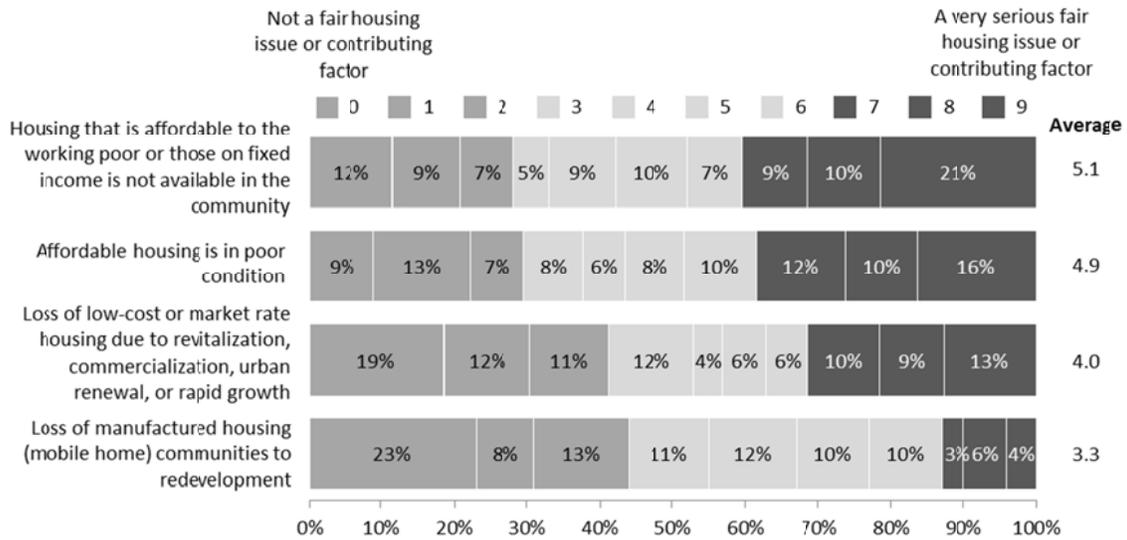
Local knowledge of housing needs—stakeholder perspectives. Stakeholders participating in the 2016 Idaho Fair Housing Survey rated the seriousness of fair housing issues or factors that may contribute to fair housing issues in the communities served.

Lack of affordable housing for the working poor and fixed income populations (elderly and disabled) received one of the highest barrier ratings of any factors, as shown in Figure II-1. The condition of affordable housing is also a serious issue for 40 percent of stakeholders.

In open ended comments, some stakeholders said that lack of affordable housing affects some residents more than others, including persons with developmental and mental challenges. Others offered additional detail about affordable housing in their market areas. Those that represented nonentitlement areas include:

- *“In this community, affordable housing is usually the oldest housing. Older housing frequently needs improvement to bring to code or livability standards. But those in affordable housing are least able to make needed repairs.”*
- *“As a resort community the cost of housing has increased and affordable housing has been lost to development. Housing that isn't subsidized that is affordable is usually really bad.”*

**Figure II-1.
Stakeholder Perspectives on Affordable Housing**



Note: n ranges from 100 to 122 stakeholders.
Source: BBC Research & Consulting from 2016 Idaho Fair Housing Stakeholder Survey.

Disproportionate Housing Needs

A disproportionate housing need exists when the percentage of persons in a category of need who are members of a particular racial or ethnic group is 10 percentage points or higher than the percentage of persons in category as a whole. This section examines which Idaho households, by race, ethnicity, and family type, have disproportionate housing needs.

The measure of housing problems includes the following indicators: housing cost burden, overcrowdedness, and substandard housing conditions. Cost burden is measured in two ways: 1) Cost burden occurs when a households pays more than 30 percent of their gross monthly income in housing costs; and 2) Severe burden occurs when more than 50 percent is paid in housing costs. The data that are the source of this analysis are largely HUD-provided, from the eCon Plan tool.

According to HUD data on housing problems by race, ethnicity and household type, disproportionate need in *housing problems* occurs for:

- African Americans at all income categories less than 80 percent of AMI,
- Asians and Pacific Islanders at 50-80 percent and 80-100 percent of AMI,
- Hispanics across all income levels.

Disproportionate need in *severe housing problems* occurs for:

- Asians earning less than 30 percent AMI,
- African Americans and American Indians earning 30 to 50 percent AMI,

- African Americans and Pacific Islanders earning 50 to 80 percent AMI,
- Pacific Islanders at 80-100 percent of AMI, and
- Hispanics across all income levels.

Disproportionate need in *cost burden* only occurs for:

- Pacific Islanders earning less than 30 percent AMI, and
- African Americans earning more than 50 percent AMI.

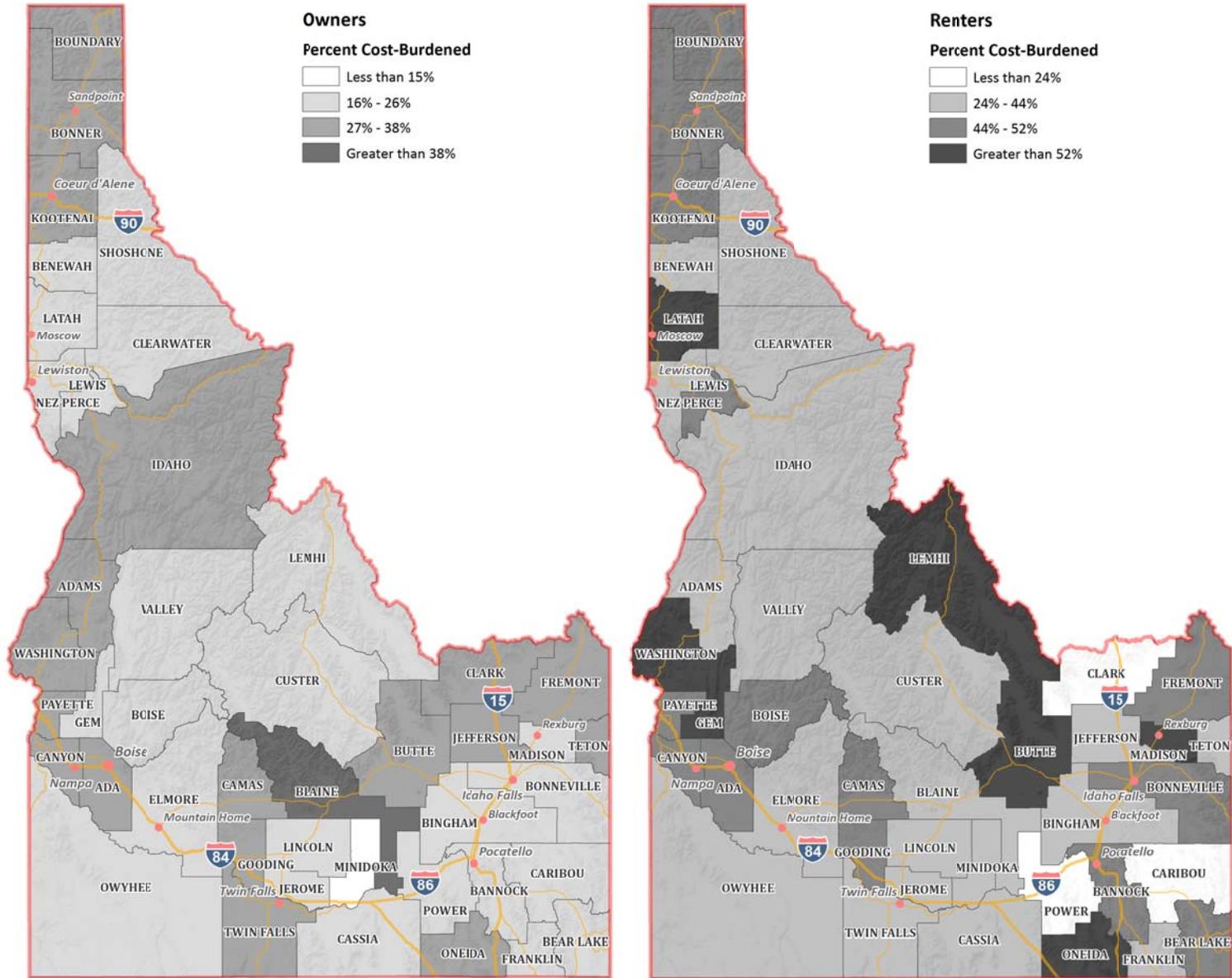
By household type, those most affected by housing problems live in small households or with roommates and non-family members. Low income seniors are a large portion of cost-burdened renters.

Geographically, owners who experience the highest rates of cost burden and severe cost burden live in rural resort areas. Renters with high levels of cost burden are located in counties with college student populations and remote, very rural areas near national forests. Canyon County is the exception: both owners and renters have relatively high levels of cost burden in the county. This county, in which Nampa, the second largest city in the state is located, also has concentrations of Hispanic residents and some concentrated areas of poverty.

**Figure II-2.
Percent of Cost-Burdened
Owners and
Renters by
County, 2014**

Note:
The average cost burden is 26% for owners and 45% for renters.

Source:
2014 5-year ACS estimates.



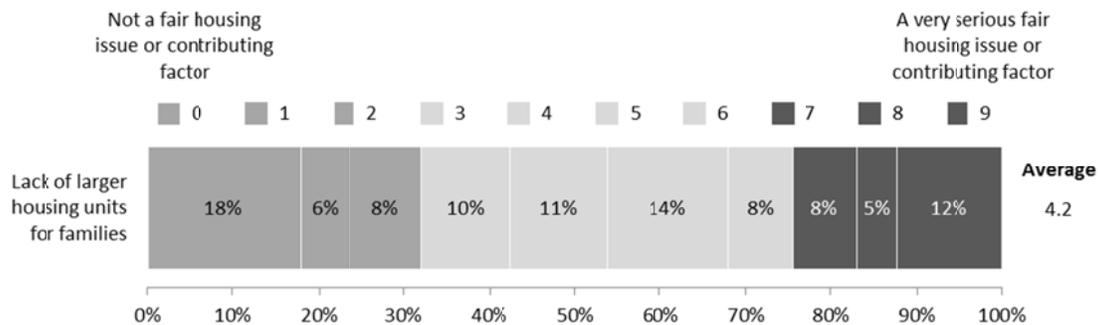
Differences in homeownership. By race and ethnicity, Asians are just as likely to be homeowners as all households in Idaho (69% homeownership rate). This is the same as white households. The homeownership rate for Hispanics households in Idaho is a much lower 50 percent; for Native Americans, 49 percent. The state has a very small African American population, with very few of these households being homeowners (24%).

Local knowledge of disproportionate housing needs. The survey conducted for this AFH asked respondents about their perspectives on which protected classes experience disproportionate needs. Stakeholders responding to the survey commented on the needs of large families and elderly.

Large families. Stakeholders are mixed in their perception of availability of housing for larger families as a fair housing issue. Most stakeholders do not consider a lack of housing for large families a serious fair housing issue in the communities they serve. Those serving communities where a lack of larger housing units for families is a serious issue suggest that the lack of larger housing units exists in the subsidized and/or affordable housing spectrum, rather than in the market overall.

- *“There are very few apartments with at least three bedrooms and they all seem to have a waiting list.”*
- *“Very few, if any, affordable housing options for families that have five or more children.”*
- *“There are many families with several kids that cannot find affordable housing.”*

**Figure II-2.
Housing for Large Families—Stakeholder Perspective**



Note: n=106 stakeholders.

Source: BBC Research & Consulting from 2016 Idaho Fair Housing Stakeholder Survey.

Elderly. The stakeholders interviewed for the state’s Five-year Consolidated Plan were also asked about the extent of unmet housing needs by household type. Elderly—but not specifically single person households—was among the household categories in the 'unmet need' question. Eighteen percent of stakeholders identified 'elderly' as having some of the greatest unmet housing needs in Idaho.

In contrast with the HUD data on housing needs, stakeholders also tended to identify families, and not single person households, as the housing type with the greatest housing needs.

Publicly-Supported Housing Analysis

This section uses data on the beneficiaries of publicly-supported housing in Idaho to determine: “Are protected classes participating at the same rate as the income-eligible population?” This exercise is meant to reveal market areas where protected classes have limited options in the private market and/or opportunities for the state to improve provision of programs to protected classes.

This analysis uses data directly provided by IHFA and from HUD’s Picture of Subsidized Households database, which contains the location and occupancy demographics of properties with federal subsidies.⁴

Programs included in the analysis are:

- Low Income Housing Tax Credit (LIHTC) properties
- HOME funded downpayment assistance and acquisition rehabilitation
- Project-based rental assistance
- Housing choice vouchers
- Section 202 properties (serving seniors)
- Public housing authority properties

It is important to note that some properties have multiple subsidies.

For the comparative analysis, the proportion of households earning 50 percent or less of AMI is used as a proxy for income eligible households. County-level data for counties with fewer than 25 program participants was excluded to avoid misleading conclusions.

Figures II-3 and II-4 on the following pages compare the race and ethnicity of program participants to income eligible households (Figure II-3 focuses on LIHTC program beneficiaries and Figure II-4 focuses on other program beneficiaries). The “Difference” columns reflect the difference between the proportion of beneficiaries and the proportion of eligible participants—negative numbers indicate lower participation in HUD programs than might be expected (i.e. underrepresented) and positive numbers indicate higher participation than might be expected (i.e. overrepresented). Differences of 10 percentage points or more are considered “disproportionate.” In the figure, disproportionate differences are shaded blue for underrepresentation in HUD programs and orange for overrepresentation.

Statewide, 10 percent of LIHTC housing beneficiaries are non-White compared to 8 percent of households earning less than 50 percent AMI. Sixteen percent of LIHTC beneficiaries are Hispanic, compared with 10 percent of households earning less than 50 percent of AMI. The differences suggests that racial and ethnic minorities are somewhat more likely to participate in

⁴ <https://www.huduser.gov/portal/datasets/picture/yearlydata.html>. Statewide data on publicly supported housing location and beneficiaries was not available through the AFFH tool when this report was completed.

HUD programs than might be expected given their income profile, though the magnitude falls below the 10 percentage point threshold for “disproportionate.

Among other subsidized housing programs, 7 percent of statewide beneficiaries are non-White compared to 8 percent of households earning less than 50 percent AMI and 9 percent of beneficiaries are Hispanic, compared with 10 percent of households earning less than 50 percent of AMI. Therefore, participation for racial and ethnic minority residents in these programs is about what would be expected given their eligibility.

In Benewah, Gooding and Lincoln counties minorities have disproportionately low participation rates in housing subsidy programs. Conversely, minorities have disproportionately high participation rates in Ada, Blaine, Cassia, Minidoka, Nez Perce, Power, Teton, Valley and Washington counties. Many of these counties have some of the highest housing costs in the state, suggesting that minority populations may have a disproportionately harder time finding affordable housing in high cost markets.

In Jerome County, Hispanic residents have disproportionately high representation among LIHTC beneficiaries but disproportionately low representation among other program beneficiaries.

Figure II-3.
LIHTC Beneficiaries, 2015

County	LIHTC Beneficiaries			AMI			Difference	
	Percent Hispanic	Percent Non-White	Subsidized Units	Percent Hispanic	Percent Non-White	Total HH <50% AMI	Percent Hispanic	Percent Non-White
State of Idaho	15.8%	10.3%	17,484	9.9%	8.0%	157,938	5.9%	2.3%
Ada	10.0%	21.3%	3,638	7.4%	8.6%	35,148	2.6%	12.7%
Adams	<i>Fewer than 25 subsidized units; excluded from analysis</i>							
Bannock	12.2%	12.2%	499	6.1%	9.4%	8,903	6.1%	2.8%
Bear Lake	0.0%	0.0%	37	1.3%	2.7%	620	-1.3%	-2.7%
Benewah	3.0%	4.5%	67	1.1%	18.4%	819	1.9%	-13.9%
Bingham	10.5%	11.4%	334	13.9%	13.7%	3,995	-3.4%	-2.3%
Blaine	55.0%	1.0%	720	21.6%	9.3%	3,240	33.4%	-8.4%
Boise	<i>Fewer than 25 subsidized units; excluded from analysis</i>							
Bonner	5.2%	5.2%	649	0.5%	2.7%	5,678	4.7%	2.6%
Bonneville	13.8%	3.5%	1,126	11.6%	10.4%	9,109	2.2%	-6.9%
Boundary	8.9%	1.8%	56	2.6%	1.5%	1,285	6.3%	0.3%
Butte	11.7%	8.3%	60	2.4%	5.0%	312	9.3%	3.3%
Camas	<i>Fewer than 25 subsidized units; excluded from analysis</i>							
Canyon	27.2%	8.1%	2,393	22.3%	9.6%	19,638	5.0%	-1.4%
Caribou	11.8%	0.0%	51	2.8%	0.2%	804	8.9%	-0.2%
Cassia	51.7%	2.0%	149	23.6%	5.1%	2,421	28.1%	-3.1%
Clark	<i>Fewer than 25 subsidized units; excluded from analysis</i>							
Clearwater	<i>Fewer than 25 subsidized units; excluded from analysis</i>							
Custer	10.6%	2.1%	47	1.3%	3.8%	652	9.4%	-1.7%
Elmore	13.7%	11.4%	271	16.5%	17.8%	2,311	-2.9%	-6.3%
Franklin	<i>Fewer than 25 subsidized units; excluded from analysis</i>							
Fremont	<i>Fewer than 25 subsidized units; excluded from analysis</i>							
Gem	13.3%	2.5%	120	6.4%	7.1%	2,068	7.0%	-4.6%
Gooding	3.9%	2.6%	77	20.4%	17.2%	1,250	-16.5%	-14.6%
Idaho	<i>Fewer than 25 subsidized units; excluded from analysis</i>							
Jefferson	17.4%	11.0%	109	12.6%	3.3%	1,943	4.9%	7.8%
Jerome	39.0%	4.9%	656	25.8%	12.2%	1,871	13.2%	-7.3%
Kootenai	4.8%	5.0%	2,337	2.5%	5.7%	13,897	2.3%	-0.7%
Latah	5.6%	9.3%	603	3.6%	8.1%	5,596	2.0%	1.2%
Lemhi	2.4%	3.5%	85	1.1%	3.7%	1,585	1.2%	-0.1%
Lewis	<i>Fewer than 25 subsidized units; excluded from analysis</i>							
Lincoln	<i>Fewer than 25 subsidized units; excluded from analysis</i>							
Madison	9.7%	3.8%	558	5.0%	2.7%	3,195	4.6%	1.1%
Minidoka	40.4%	0.0%	57	25.2%	8.8%	1,701	15.1%	-8.8%
Nez Perce	2.0%	39.8%	643	4.2%	6.1%	4,654	-2.2%	33.7%
Oneida	<i>Fewer than 25 subsidized units; excluded from analysis</i>							
Owyhee	17.6%	0.0%	68	26.6%	9.5%	1,573	-8.9%	-9.5%
Payette	20.8%	3.6%	384	13.4%	7.4%	2,429	7.4%	-3.8%
Power	34.2%	12.7%	79	14.0%	3.0%	530	20.2%	9.7%
Shoshone	2.6%	2.6%	196	0.9%	6.2%	1,933	1.6%	-3.6%
Teton	42.9%	1.7%	231	10.4%	4.5%	844	32.5%	-2.8%
Twin Falls	14.0%	5.2%	988	11.2%	7.9%	7,463	2.7%	-2.7%
Valley	18.5%	2.5%	81	0.4%	2.8%	1,121	18.1%	-0.3%
Washington	24.2%	7.7%	91	13.6%	4.5%	1,381	10.6%	3.2%

Source: HUD's 2015 Picture of Subsidized Households data, 2010-2014 ACS, State of Idaho County Statistics Comparison Table and BBC Research & Consulting.

**Figure II-4.
Other Assisted Housing Beneficiaries, 2015**

County	Other Program Beneficiaries			AMI			Difference	
	Percent Hispanic	Percent Non-White	Subsidized Units	Percent Hispanic	Percent Non-White	Total HH <50% AMI	Percent Hispanic	Percent Non-White
State of Idaho	9.4%	7.5%	12,348	9.9%	8.0%	157,938	-0.6%	-0.5%
Ada	6.0%	13.0%	3,164	7.4%	8.6%	35,148	-1.4%	4.4%
Adams	<i>Fewer than 25 subsidized units; excluded from analysis</i>							
Bannock	9.0%	7.0%	1,071	6.1%	9.4%	8,903	2.9%	-2.4%
Bear Lake	2.0%	2.0%	55	1.3%	2.7%	620	0.7%	-0.7%
Benewah	0.0%	4.0%	38	1.1%	18.4%	819	-1.1%	-14.4%
Bingham	12.0%	10.0%	230	13.9%	13.7%	3,995	-1.9%	-3.7%
Blaine	33.0%	20.0%	75	21.6%	9.3%	3,240	11.4%	10.7%
Boise	5.0%	13.0%	35	2.7%	6.5%	1,025	2.3%	6.5%
Bonner	3.0%	3.0%	148	0.5%	2.7%	5,678	2.5%	0.3%
Bonneville	11.0%	6.0%	1,171	11.6%	10.4%	9,109	-0.6%	-4.4%
Boundary	5.0%	0.0%	32	2.6%	1.5%	1,285	2.4%	-1.5%
Butte	<i>Fewer than 25 subsidized units; excluded from analysis</i>							
Camas	<i>Fewer than 25 subsidized units; excluded from analysis</i>							
Canyon	30.0%	7.0%	1,190	22.3%	9.6%	19,638	7.7%	-2.6%
Caribou	3.0%	7.0%	33	2.8%	0.2%	804	0.2%	6.8%
Cassia	31.0%	2.0%	142	23.6%	5.1%	2,421	7.4%	-3.1%
Clark	<i>Fewer than 25 subsidized units; excluded from analysis</i>							
Clearwater	3.0%	2.0%	41	0.6%	4.4%	965	2.4%	-2.4%
Custer	<i>Fewer than 25 subsidized units; excluded from analysis</i>							
Elmore	20.0%	8.0%	142	16.5%	17.8%	2,311	3.5%	-9.8%
Franklin	7.0%	4.0%	32	5.8%	0.8%	1,273	1.2%	3.2%
Fremont	2.0%	3.0%	62	9.7%	3.6%	1,091	-7.7%	-0.6%
Gem	3.0%	2.0%	59	6.4%	7.1%	2,068	-3.4%	-5.1%
Gooding	2.0%	0.0%	49	20.4%	17.2%	1,250	-18.4%	-17.2%
Idaho	4.0%	4.0%	83	0.9%	5.6%	1,557	3.1%	-1.6%
Jefferson	6.0%	2.0%	65	12.6%	3.3%	1,943	-6.6%	-1.3%
Jerome	10.0%	4.0%	160	25.8%	12.2%	1,871	-15.8%	-8.2%
Kootenai	3.0%	3.0%	1,336	2.5%	5.7%	13,897	0.5%	-2.7%
Latah	4.0%	9.0%	308	3.6%	8.1%	5,596	0.4%	0.9%
Lemhi	0.0%	4.0%	60	1.1%	3.7%	1,585	-1.1%	0.3%
Lewis	0.0%	18.0%	90	2.9%	11.7%	438	-2.9%	6.3%
Lincoln	0.0%	5.0%	25	16.7%	17.7%	451	-16.7%	-12.7%
Madison	8.0%	5.0%	135	5.0%	2.7%	3,195	3.0%	2.3%
Minidoka	21.0%	2.0%	93	25.2%	8.8%	1,701	-4.2%	-6.8%
Nez Perce	2.0%	6.0%	810	4.2%	6.1%	4,654	-2.2%	-0.1%
Oneida	<i>Fewer than 25 subsidized units; excluded from analysis</i>							
Owyhee	<i>Fewer than 25 subsidized units; excluded from analysis</i>							
Payette	10.0%	4.0%	116	13.4%	7.4%	2,429	-3.4%	-3.4%
Power	8.0%	0.0%	51	14.0%	3.0%	530	-6.0%	-3.0%
Shoshone	0.0%	5.0%	200	0.9%	6.2%	1,933	-0.9%	-1.2%
Teton	<i>Fewer than 25 subsidized units; excluded from analysis</i>							
Twin Falls	10.0%	4.0%	861	11.2%	7.9%	7,463	-1.2%	-3.9%
Valley	<i>Fewer than 25 subsidized units; excluded from analysis</i>							
Washington	14.0%	7.0%	87	13.6%	4.5%	1,381	0.4%	2.5%

Note: "Other Programs" includes project-based rental assistance, housing choice vouchers, Section 202 properties (serving seniors) and public housing authority properties.

Source: HUD's 2015 Picture of Subsidized Households data, 2010-2014 ACS, State of Idaho County Statistics Comparison Table and BBC Research & Consulting.

Section 8 vouchers. IHFA administers the Section 8 Housing Choice Voucher program in the majority—34 of 44—of counties in Idaho. IHFA is only one in a statewide network of public housing providers. IHFA does not oversee any citywide or countywide public housing agencies (PHAs); these markets are served by local PHAs over which IHFA has no authority. No public housing program within IHFA's jurisdiction is designated as "troubled."

Approximately 3,500 vouchers are available through IHFA. Of these, 945 are special purpose vouchers for persons with disabilities and 34 are for veterans. IHFA does not have R/ECAPs in its voucher service area.

To facilitate housing choice, IHFA has:

1) Made available a Housing Choice Voucher Homeownership program to households with a disabled member and voucher households currently participating in the voucher Family Self Sufficiency program. Presently, 41 participants have been successful in purchasing homes using Section 8 Housing Choice Vouchers to provide mortgage payment subsidy on a long-term basis. To promote the program, IHFA holds regional PHA Plan hearings and performs outreach in each area that IHFA has a branch office.

2) Implemented a homeownership program for the 29 scattered-site Low Rent Public Housing units in Idaho Falls offering the homes first to public housing residents. To date five homes have been purchased, and numerous public housing and family self-sufficiency clients are working toward homeownership. IHFA has utilized the HUD Rental Assistance Demonstration program for its 47-unit complex in Kellogg to provide for long-term affordability and converted the property to the Section 8 project-based program.

Publicly-supported housing—stakeholder perspectives. As part of the AI, PHAs in the state were surveyed about disparities in access to opportunity for the clients; the demographics of PHA clients and how they compare with demographics of service area; if clients are more likely than other types of residents to live in R/ECAPs; if clients with disabilities live in integrated settings; the policies and practices affecting housing choice (affirmative marketing, admissions preferences, voucher mobility and portability); and if the PHA has been charged with a violation of civil rights laws. Stakeholders also contributed their perspectives on the policies and practices of publicly-supported housing providers.

On average, publicly-supported housing policies and practices are not serious fair housing issues statewide, as shown in Figure II-3. Stakeholder comments include:

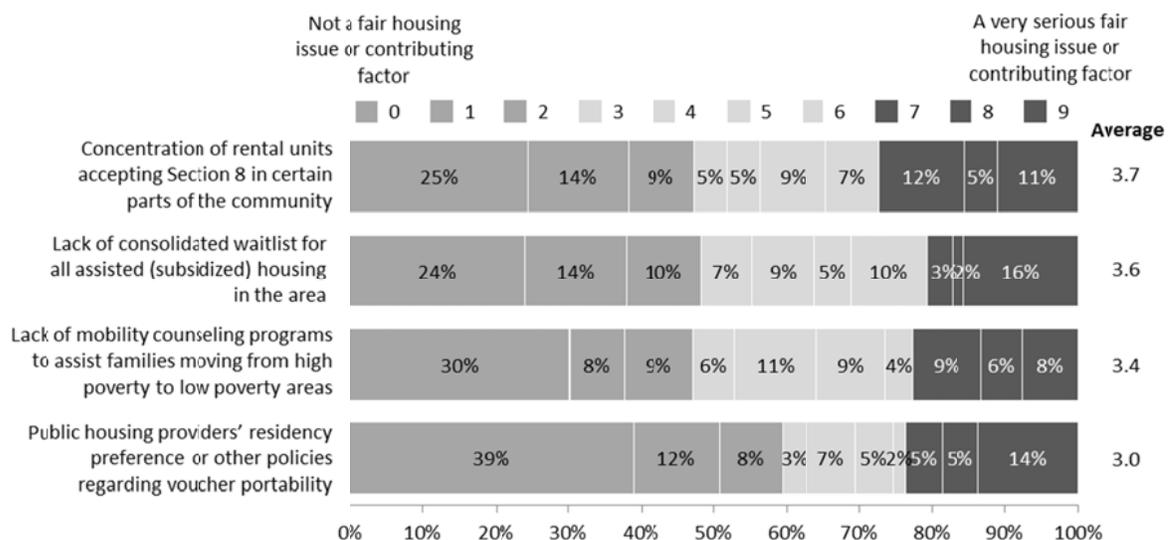
- *"HUD's fair market rents are too constrictive in areas with high rent and low supply."*
- *"I think one of the biggest problems is landlords being unwilling to take vouchers—I think that some of this problem is with lack of accountability by the persons issuing vouchers and/or the program requiring additional lease or paperwork requirements that landlords are not willing to track."*

- *“Landlords of higher quality housing and location are typically not willing to work with participants of local government programs. Bad experiences have created problems for them in taking any applicants not considered extremely 'low risk'. This has created a shortage of housing opportunity for low income individuals.”*
- *“It is time consuming to provide mobility counseling to those in extreme poverty. Also, system-wide, as people work to get out of poverty they lose benefits that make them feel safe and it prevents them from moving ahead.”*
- *“A consolidated waitlist would be nice, especially if it meant only one application. Most people I encounter, however, would not be accepted to some of the apartments but may be accepted by others.”*

In open-ended responses, several stakeholders noted that some publicly-supported housing buildings or publicly owned affordable homes for purchase are in disrepair or are ill-maintained and that sources of funds for repair are few.

- *“Section 8 housing is an old program and it is very difficult to get funding to rehab these properties and nearly impossible to get tax credits for them. The people who need Section 8 cannot afford the tax credit rents and it is difficult to find landlords to take vouchers at newer properties.”*
- *“The houses in the lower price range, for lower income families, seem to mainly be HUD homes... which are needing repairs... our only options for financing are the 203K or 203b with repair escrows.”*
- *“The only two low income apartments in town are very old and in need of major refurbishing or replacement.”*

Figure II-4.
Stakeholder Perspectives on PHA Policies and Practices



Note: n ranges from 53 to 110 stakeholders.

Source: BBC Research & Consulting from 2016 Idaho Fair Housing Stakeholder Survey.

Allocation of community development funds. Idaho Commerce administers the Community Development Block Grant (CDBG) program. Funds are allocated to support public infrastructure facility rehabilitation and creation, and job creation, in nonentitlement areas. In 2015, 22 projects were funded, located throughout the state. Four were water projects, 10 were sewer projects, one was a fire station, six were senior centers and one was an economic development project.

Beneficiaries of these projects were 97 percent White, 2 percent Asian and 1 percent African American. Twenty percent were Hispanic. As such, compared to the racial and ethnic distribution of the state overall, persons of Hispanic descent were more likely to benefit from CDBG investments than would be suggested by their representation of the state's residents overall.

Analysis of Private Sector Actions

This section uses an analysis of Home Mortgage Disclosure Act data (HMDA) to identify areas of private disinvestment in Idaho and the households most affected by lack of capital. It is supplemented by input from stakeholders on common private sector barriers to housing choice.

Residential investment analysis. The Home Mortgage Disclosure Act requires financial institutions to maintain and disclose data on loan applications for home purchases, home improvements and mortgage refinances. In general, HMDA applies to lending institutions above an annually adjusted asset threshold that have offices in metropolitan areas. HMDA was originally enacted in 1975 in response to the practice of “redlining”—the systematic exclusion of neighborhoods with high concentrations of minorities in home mortgage lending.

HMDA data are widely used to detect evidence of discrimination in mortgage lending. The variables contained in the HMDA dataset have expanded over time, allowing for more comprehensive analyses and better results. However, despite expansions in the data reported, HMDA analyses remain limited because of the information that is *not* reported.

As such, studies of lending disparities that use HMDA data carry a similar caveat: HMDA data can be used to determine disparities in loan originations and interest rates among borrowers of different races, ethnicities and genders, as well as the location of the property they hope to own. The data can also be used to explain many of the reasons for any lending disparities (e.g., poor credit history). Yet HMDA data do not contain all of the factors that are evaluated by lending institutions when they decide to make a loan to a borrower. Basically, the data provide *a lot* of information about the lending decision—but *not all* of the information. Still, HMDA data remain the best and most comprehensive source of mortgage lending transactions available for fair lending analysis.

Types of loans in HMDA data. HMDA data report several types of loans: home purchase, home improvement, and refinancing.

The HMDA data are separated into two primary loan categories: conventional loans and government-guaranteed loans. Government-guaranteed loans are those insured by the Federal Housing Administration (FHA) and Veterans Administration (VA).

For the purposes of HMDA reporting, lenders are required to disclose the interest rate on loans when the annual percentage rate (APR) on the loan exceeds the yield on Treasury securities of comparable maturity by 3 percentage points for first liens and 5 percentage points for junior liens. These higher cost loans are sometimes called “subprime” loans.

During 2009, 1,883 subprime loans were made to Idaho residents. This compares with fewer than 100 in 2014, the vast majority of which were made to non-Hispanic White borrowers.

Federal regulations require separate racial and ethnic designations for Census purposes. Race includes the designations of White, Black, Asian, American Indian and Hawaiian, while ethnicity includes the designation Hispanic and non-Hispanic. Therefore, an individual may be White Hispanic, White non-Hispanic, Black-Hispanic, etc.

Lending Analysis

This section uses the analysis of HMDA data to determine:

- How often Idaho residents were denied mortgage loans, home improvement loans and loans to refinance existing mortgage debt;
- The geographic areas in Idaho where loan application denials and high-cost lending are concentrated; and
- Disparities in high-cost lending and mortgage loan denials across different racial and ethnic groups.

Loan approval and denials. The 2014 HMDA dataset for the State of Idaho contains records for 46,869 mortgage loan applications. These include loan applications to purchase homes, refinance loans and make home improvements.

This volume of applications is much lower than in prior years, as shown in Figure II-5. The rate of originations—65 percent of applications were approved—remains similar to 2012 and 2014 and is much higher than in 2009.

**Figure II-5.
Historical Trends: Loan Applications and Originations, State of Idaho, 2009 and 2012-2014**

Note:
Does not include loans for multifamily properties or non-owner occupants.

Source:
FFIEC HMDA Raw Data, 2009, 2012, 2013 and 2014 and BBC Research & Consulting.

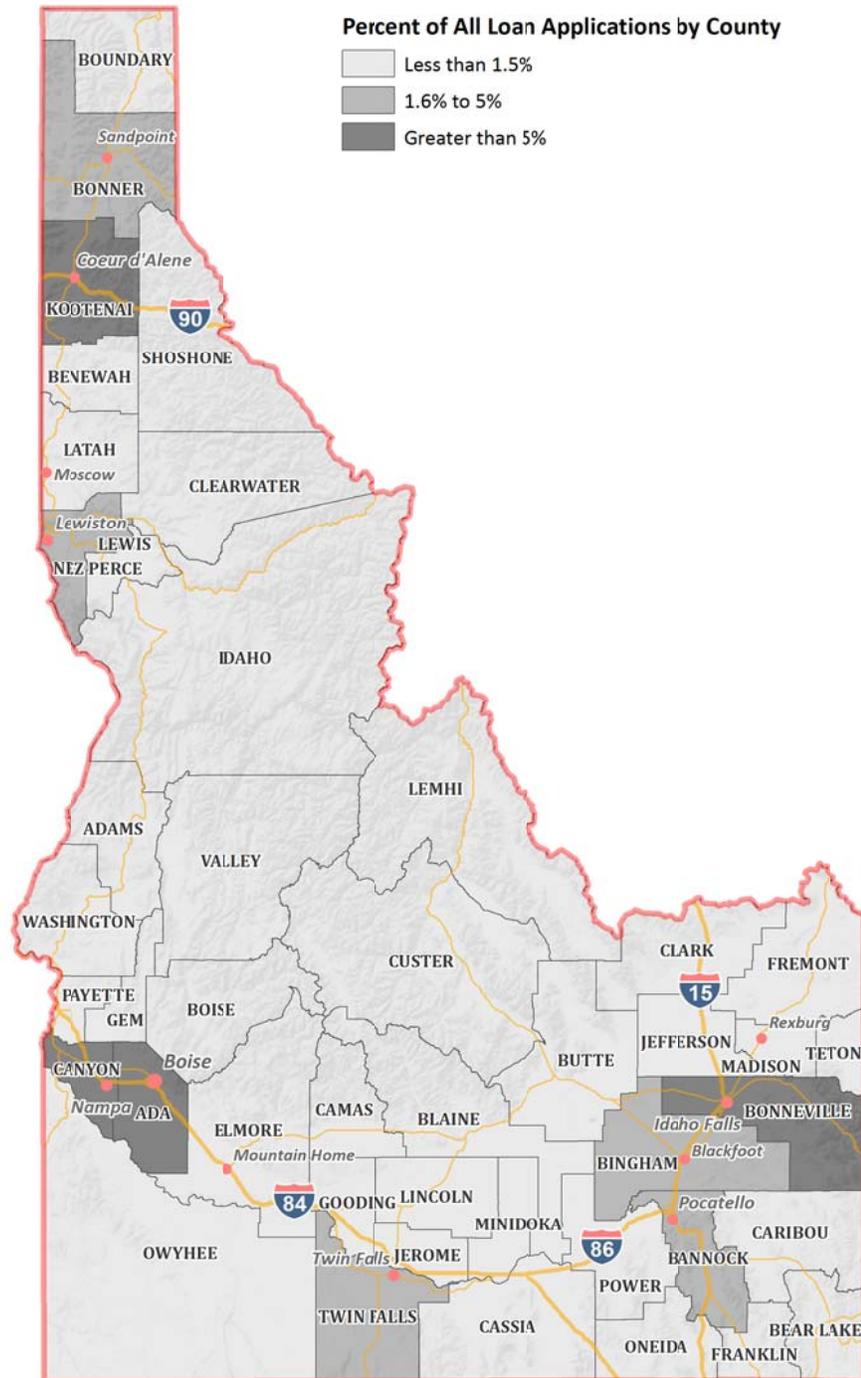
	2009	2012	2013	2014
Loan Applications	91,500	53,726	64,703	46,869
% Change Yr / Yr	-	-41%	20%	-28%
Loans Originated	49,056	35,692	41,770	30,273
% Loans Originated	54%	66%	65%	65%
% Change 2009 to 2014				-49%

Figure II-6 shows where the loan applications occurred geographically. Ada, Canyon and Kootenai counties had the largest numbers and proportions of loan applications.

**Figure II-6.
Mortgage Loan
Applications by
County, 2014**

Note:
Does not include loans for
multifamily properties or
non-owner occupants.

Source:
FFIEC HMDA Raw Data, 2014
and BBC Research &
Consulting.



Of these applications, the majority (67 percent) was for conventional loans; 17 percent were for FHA loans; 12 percent, VA-guaranteed loans; and the remainder was for other government guaranteed loans.

Figure II-7 shows the result of loan applications by loan type. Home improvement and refinance loans have much higher rates of denial than do home purchase loans, with just half of these loans originated v. 77 percent for home mortgage loans.

Figure II-7.
Result of Loan Application by Loan Purpose, 2014

	Home Purchase		Home Improvement		Refinancing	
	Number	Percent	Number	Percent	Number	Percent
Loan originated	19,125	77%	531	51%	10,617	51%
Application denied by financial institution	2,540	10%	313	30%	5,590	27%
Application approved but not accepted	767	3%	44	4%	957	5%
Application withdrawn by applicant	2,124	9%	95	9%	2,730	13%
File closed for incompleteness	378	2%	62	6%	996	5%
Total	24,934	100%	1,045	100%	20,890	100%

Note: Does not include loans for multifamily properties or non-owner occupants.

Source: FFIEC HMDA Raw Data, 2014 and BBC Research & Consulting.

Denials by race and ethnicity. In 2014, 89 percent of applicants for residential mortgage, home improvement or refinance loans classified their race as White. One percent was American Indian/Alaskan Native, 1 percent was Asian and less than 1 percent were African American or Native Hawaiian/Pacific Islander. Eight percent did not provide race information.

Figure II-8 shows denials in 2014 by race and ethnicity in addition to the change from 2009.

Overall, the rate of denials changed little between 2009 and 2014. The exception is for African Americans, for whom denial rates declined significantly. It is important to note that just 223 African American households applied for loans in 2014 and 300 in 2009; as such, the decline in denials is less significant than it would be if a larger number of loans were available for comparison.

Figure II-8.
Mortgage Loan Application Denials by Race/Ethnicity, 2014

Note:

Does not include loans for multifamily properties or non-owner occupants.

Source:

FFIEC HMDA Raw Data, 2009 and 2014 and BBC Research & Consulting.

Race/Ethnicity	2009	2014	Percent Change
American Indian or Alaska Native	28%	26%	-2%
Asian	21%	17%	-3%
Black or African American	33%	19%	-14%
Native Hawaiian or other Pacific Islander	26%	23%	-2%
White	19%	17%	-2%
Hispanic or Latino	28%	25%	-3%

Denials are consistently highest for American Indian/Alaskan Native and Hispanic applicants and lowest for White and Asian applicants. The highest percentage point difference in denials is 9 percentage points (26% denial rate for American Indian/Alaskan Native v. 17% for White/Asian).

Figure II-9 shows denials by race and ethnicity and loan purpose. Except for Native Hawaiian/Pacific Islander applicants, the largest proportion of denials is loans to refinance existing properties.

**Figure II-9.
Mortgage Loan
Application Denials by
Race/Ethnicity and
Loan Purpose, 2014**

Note:
Does not include loans for
multifamily properties or non-
owner occupants.

Source:
FFIEC HMDA Raw Data, 2014 and
BBC Research & Consulting.

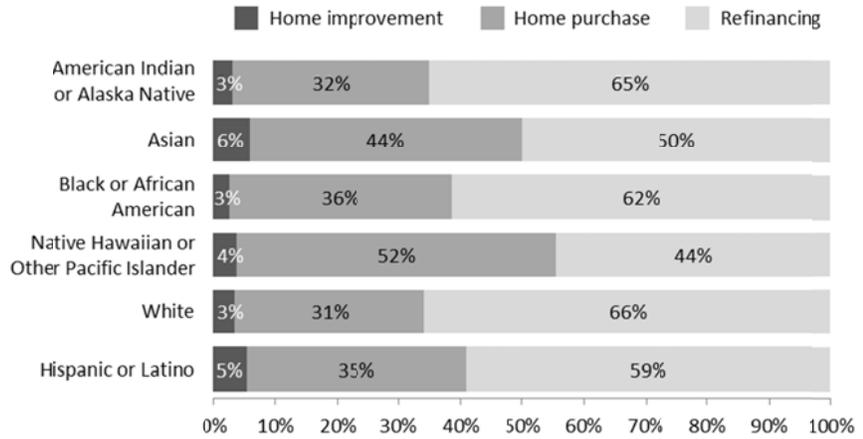


Figure II-10 shows loan disposition by race and ethnicity. Differences in the proportion of loans that are approved but not accepted, withdrawn and incomplete are minor. These actions can explain differences in denials among applicants—e.g., some groups may be more likely to not accept loans due to concerns about owing a large amount of debt. This does not seem to be a factor affecting mortgage loan origination rates in Idaho.

**Figure II-10.
Outcome of Mortgage Loan Applications by Race/Ethnicity, State of Idaho, 2014**

Race/Ethnicity	Percent Originated	Percent Approved but Not Accepted by Applicant	Percent Denied	Percent Withdrawn	Percent Incomplete
Race					
American Indian or Alaska Native	55%	2%	26%	11%	6%
Asian	62%	3%	17%	11%	2%
Black or African American	62%	3%	19%	11%	4%
Native Hawaiian or Pacific Islander	59%	5%	23%	9%	5%
White	66%	4%	17%	10%	3%
Ethnicity					
Hispanic	58%	4%	25%	10%	3%
Non-Hispanic	66%	4%	17%	10%	3%
<i>African American/White Difference</i>	<i>-3%</i>	<i>-1%</i>	<i>2%</i>	<i>1%</i>	<i>2%</i>
<i>American Indian/White Difference</i>	<i>-11%</i>	<i>-1%</i>	<i>9%</i>	<i>1%</i>	<i>3%</i>
<i>Hispanic/Non-Hispanic Difference</i>	<i>-8%</i>	<i>0%</i>	<i>8%</i>	<i>-1%</i>	<i>0%</i>

Note: Does not include loans for multifamily properties or non-owner occupants.
Differences between racial and ethnic groups may be impacted by rounding.
Denial rate calculated with all loans as denominator.

Source: FFIEC HMDA Raw Data, 2014 and BBC Research & Consulting.

Figure II-11 is a geographic representation of loan denials. Except for the area around Pocatello, denials are lowest in counties with urban centers.

**Figure II-11.
Mortgage Loan
Denials, All Races
and Ethnicities by
County, 2014**

Note:

Does not include loans for multifamily properties or non-owner occupants.

Source:

FFIEC HMDA Raw Data, 2014 and BBC Research & Consulting.

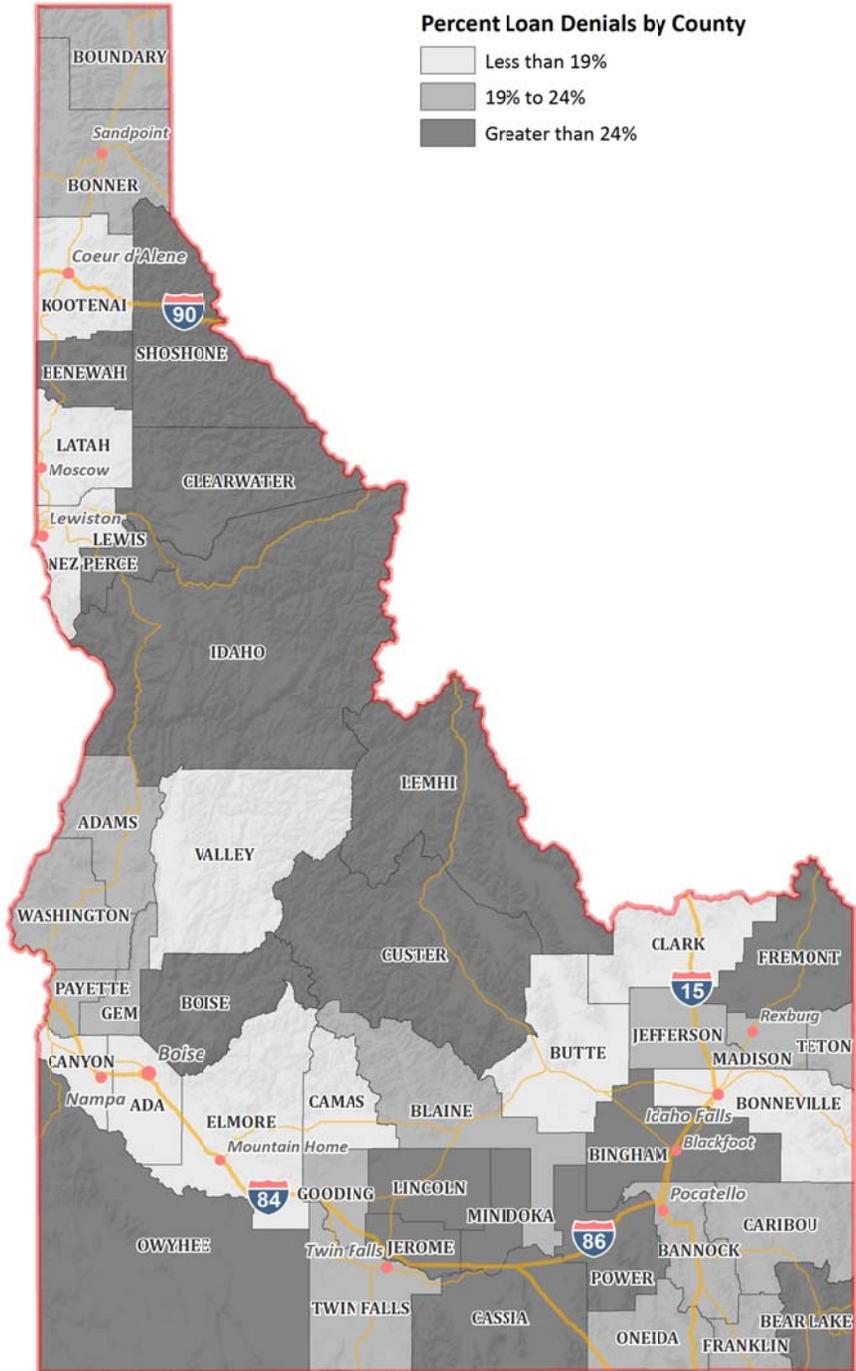


Figure II-12 summarizes the difference in denials by race and ethnicity. The three far right columns show differences in American Indian/Alaskan Native, African American and Hispanic denials and denials to non-Hispanic Whites. Negative numbers indicate that the denial rates for minorities were higher than those for White applicants.

In all cases, the counties with large differences in denials between minority and White borrowers are all rural and very rural areas where very few loans were applied for by minority borrowers.

Figure II-12. Denial Rates and Disparities in Denials by Race/Ethnicity and County, 2014

County	Denial Rate by County (All race and ethnicity)	Denial Rate by Race					Denial Rate by Ethnicity					
		American Indian	Asian	Black or African American	Native Hawaiian or Pacific Islander	White	Hispanic	Non-Hispanic	American Indian/ White Difference	African American/ White Difference	Hispanic/ Non-Hispanic Difference	
Ada County	14%	20%	16%	16%	13%	13%	16%	13%	7%	3%	3%	
Adams County	21%	0%	N/A	0%	N/A	20%	N/A	19%	-20%	-20%	N/A	
Bannock County	19%	15%	22%	10%	29%	19%	30%	18%	-3%	-9%	11%	
Bear Lake County	28%	0%	0%	N/A	N/A	28%	25%	28%	-28%	N/A	-3%	
Benewah County	26%	33%	N/A	N/A	N/A	24%	N/A	27%	9%	N/A	N/A	
Bingham County	25%	46%	55%	50%	67%	22%	39%	22%	24%	28%	17%	
Blaine County	20%	100%	0%	100%	0%	20%	25%	19%	80%	80%	6%	
Boise County	28%	N/A	50%	0%	N/A	26%	25%	26%	N/A	-26%	-1%	
Bonner County	22%	20%	20%	33%	N/A	21%	19%	21%	-1%	12%	-2%	
Bonneville County	18%	40%	10%	28%	33%	17%	26%	17%	23%	11%	9%	
Boundary County	22%	0%	0%	N/A	N/A	20%	40%	20%	-20%	N/A	20%	
Butte County	13%	N/A	N/A	N/A	N/A	14%	0%	14%	N/A	N/A	-14%	
Camas County	10%	N/A	N/A	N/A	N/A	9%	N/A	9%	N/A	N/A	N/A	
Canyon County	18%	22%	17%	9%	40%	17%	22%	16%	5%	-8%	6%	
Caribou County	23%	N/A	N/A	N/A	100%	22%	0%	23%	N/A	N/A	-23%	
Cassia County	30%	100%	25%	0%	N/A	29%	44%	26%	71%	-29%	18%	
Clark County	11%	N/A	N/A	N/A	N/A	11%	0%	13%	N/A	N/A	-13%	
Clearwater County	27%	N/A	N/A	0%	N/A	27%	25%	27%	N/A	-27%	-2%	
Custer County	33%	N/A	N/A	N/A	N/A	29%	N/A	29%	N/A	N/A	N/A	
Elmore County	19%	0%	9%	22%	40%	17%	13%	18%	-17%	4%	-5%	
Franklin County	19%	0%	0%	N/A	N/A	18%	14%	18%	-18%	N/A	-4%	
Fremont County	25%	0%	0%	100%	N/A	24%	75%	22%	-24%	76%	53%	
Gem County	22%	50%	0%	N/A	N/A	20%	38%	20%	30%	N/A	17%	
Gooding County	21%	50%	N/A	0%	N/A	20%	36%	18%	30%	-20%	18%	
Idaho County	30%	80%	N/A	N/A	N/A	28%	40%	29%	52%	N/A	11%	
Jefferson County	20%	25%	67%	N/A	0%	17%	25%	18%	8%	N/A	7%	
Jerome County	27%	0%	N/A	0%	N/A	26%	39%	23%	-26%	-26%	17%	
Kootenai County	17%	28%	13%	19%	13%	16%	21%	17%	11%	2%	4%	
Latah County	16%	25%	40%	100%	50%	15%	0%	16%	10%	85%	-16%	
Lemhi County	30%	0%	0%	N/A	N/A	31%	100%	28%	-31%	N/A	72%	
Lewis County	26%	0%	33%	N/A	100%	21%	67%	20%	-21%	N/A	46%	
Lincoln County	36%	N/A	N/A	N/A	N/A	33%	29%	34%	N/A	N/A	-6%	
Madison County	20%	0%	17%	N/A	N/A	19%	19%	19%	-19%	N/A	0%	
Minidoka County	32%	75%	0%	0%	100%	31%	37%	30%	44%	-31%	7%	
Nez Perce County	17%	9%	25%	50%	20%	17%	10%	17%	-8%	33%	-7%	
Oneida County	20%	N/A	N/A	N/A	N/A	20%	100%	19%	N/A	N/A	81%	
Owyhee County	32%	N/A	0%	N/A	N/A	30%	47%	27%	N/A	N/A	20%	
Payette County	21%	20%	33%	100%	0%	20%	12%	21%	0%	80%	-8%	
Power County	31%	100%	N/A	N/A	N/A	30%	46%	25%	70%	N/A	21%	
Shoshone County	28%	25%	0%	N/A	N/A	26%	20%	26%	-1%	N/A	-6%	
Teton County	22%	0%	0%	N/A	0%	20%	13%	21%	-20%	N/A	-8%	
Twin Falls County	21%	25%	17%	50%	20%	20%	27%	19%	5%	30%	8%	
Valley County	18%	50%	N/A	N/A	N/A	17%	0%	19%	33%	N/A	-19%	
Washington County	23%	100%	0%	N/A	N/A	22%	29%	22%	78%	N/A	7%	

Note: Does not include loans for multifamily properties or non-owner occupants.

Source: FFIEC HMDA Raw Data, 2014 and BBC Research & Consulting.

Private Sector Barriers—Stakeholder Perspectives

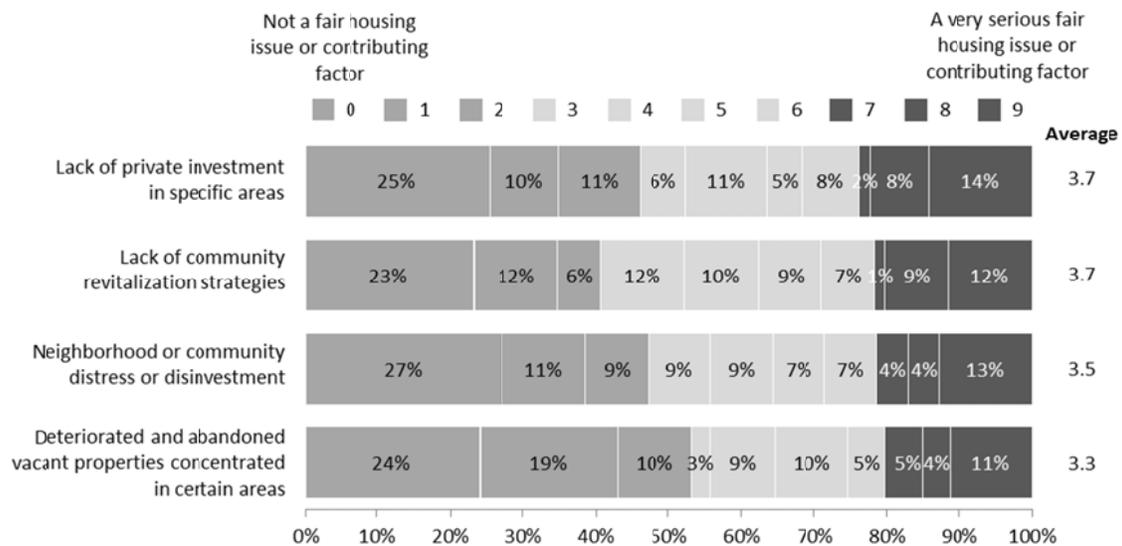
Stakeholders surveyed and interviewed for this study offered a number of barriers to housing choice related to private sector actions (quotes provided in above sections).

The three primary barriers include:

- Poorly maintained rental housing, generally in smaller markets (rural areas);
- Reluctance of landlords to accept housing choice vouchers and/or work within the constraints of publicly-supported housing requirements; and
- Redevelopment of multifamily properties in high cost markets, encouraging evictions and displacing low income households.

Stakeholders also considered potential fair housing issues that may arise from disinvestment in certain areas. As shown in Figure II-13, on average, the types of disinvestment rated do not present fair housing issues. However, at least 20 percent of stakeholders consider a lack of private investment; a lack of community revitalization strategies; neighborhood or community distress; and vacant properties to be serious fair housing issues in the areas where they work.

Figure II-13.
Stakeholder Perspective: Private Sector Investment



Note: n ranges from 63 to 79 stakeholders.

Source: BBC Research & Consulting from 2016 Idaho Fair Housing Stakeholder Survey.

Criminal History in Tenant Screening

HUD's April 4, 2016 guidance on criminal history screening and the Fair Housing Act states that the use of criminal records in the application process by housing providers could have a disparate impact on the basis of race and ethnicity.⁵ Although criminal records are not protected under the Fair Housing Act, restrictions to housing opportunities based on criminal history violate the Act if the burden falls more often on individuals of one race over another. Given that the rate at which African Americans and Hispanics are arrested, convicted, and incarcerated is disproportionate to their share of the general population, HUD has grounds for investigating complaints challenging the use of criminal history policies and practices. HUD outlines an assessment of discriminatory effects liability and disparate treatment liability to help determine whether or not such practices violate the Fair Housing Act. Unjustified discriminatory effect is assessed through:

- National and state level statistics
- Evidence from housing provider for reasons behind policy or practice
- Evaluation of less discriminatory alternative

HUD emphasizes that the analysis of whether or not a housing provider's criminal history policy has a disparate impact is ultimately fact-specific and case-specific. However, HUD finds that if criminal history is shown to have a disparate impact, three types of policies violate the Fair Housing Act without the need for a fact-specific or case-specific analysis:

- Policies that exclude tenants on the basis of prior arrests—arrests are not a reliable basis to assess potential risk to safety or property;
- Blanket conviction prohibitions imposed by housing providers—policies must take the individual's particular circumstances into account (e.g., years since conviction, type of crime, what the individual has been doing since release, etc.); and
- Blanket policies excluding drug possession convictions—drug-related criminal history must involve manufacturing or distribution to be applied, as these crimes are specifically excluded from the Fair Housing Act.

Intentional discrimination on the basis of protected class status by using criminal history is also prohibited under the Fair Housing Act. If an applicant is treated differently because of race, national origin, or another protected characteristic, it is pretext for unlawful discrimination.

The HUD guidance on criminal history documents the following national statistics as grounds to investigate complaints challenging criminal screening practices:

⁵ https://portal.hud.gov/hudportal/documents/huddoc?id=HUD_OGCGuidAppFHStandCR.pdf

- Arrest rates for African Americans were more than double their proportion of the general population;
- African Americans comprise 36 percent of the total prison population, but only 12 percent of the total U.S. population;
- Hispanic individuals comprise 22 percent of the prison population, but only 12 percent of the total U.S. population;
- In contrast, non-Hispanic whites comprise 62 percent of the total U.S. population, but only 34 percent of the prison population;
- Across all age groups, African American males are imprisoned nearly six times the amount of white males; and
- Across all age groups, Hispanic males are imprisoned over twice the amount of white males.

BBC replicated HUD’s assessment by analyzing arrest and prison data for Idaho. The table below shows the racial and ethnic breakdown of arrests and prison population in Idaho.

**Figure II-14.
Analysis of Arrests
and Prison
Population by
Race and Ethnicity,
Idaho**

Note:

Idaho’s ethnicity data is not reported for arrests; within arrest data, Hispanic ethnicity is included in various non-specified racial categories. Prison population data includes Hispanics within racial breakdown; assumed to reflect mutually exclusive categories.

Source:

BBC Research & Consulting from FBI Uniform Crime Report and Bureau of Justice Statistics.

Criminal History	Arrests/Prisoners		Total Population
	Number	Percent	Percent
Arrests, 2014			
American Indian or Alaska Native	1,223	2%	1%
Asian	274	0%	1%
Black or African American	1,285	2%	1%
Native Hawaiian or Pacific Islander	--	--	0%
Other	--	--	4%
White	53,114	95%	92%
Total	55,896	100%	100%
Prison Population, 2013			
Hispanic	1,154	15%	12%
Non-Hispanic American Indian or Alaska Native	302	4%	1%
Non-Hispanic Asian	43	1%	1%
Non-Hispanic Black or African American	203	3%	1%
Non-Hispanic Native Hawaiian or Pacific Islander	0	0%	0%
Other	218	3%	2%
Non-Hispanic White	5,629	75%	83%
Total	7,549	100%	100%

Idaho arrest and prison data has some important limitations that need to be noted, including, but not limited to, not recording Hispanic ethnicity in arrest data and not reporting two or more races. It should also be noted that race/ethnicity for arrest data is typically recorded by the arresting officer and does not necessarily reflect how the subject may identify.

Racial and ethnic disparities in arrest and prison population data in Idaho are not as severe as in the U.S. as a whole. Even so, there is some indication that minority groups are somewhat

overrepresented among total arrests and prisoners relative to their representation in the state's population overall.

IHFA Section 8 policies and procedures. IHFA's Section 8 HCV Program manual was reviewed to determine compliance with the Fair Housing Act and the use of criminal history screening. Chapters 3, 4, and 14 refer to eligibility, application process, and termination in regards to criminal history.⁶

In order to be eligible for admission to IHFA's Section 8 HCV Program, households must meet five eligibility requirements, as well as additional screening criteria. The additional screening criteria include criminal background checks for all adult household members. IHFA can deny or terminate assistance to a household because of drug-related or violent criminal activity, including:

- Fraud, bribery, or any other corrupt or criminal act in connection with any Federal housing program;
- Drug-related criminal activity;
- Violent criminal activity; and
- Other criminal activity that may threaten the health or safety of residents, owners, property managers, or IHFA staff.

Overall, the eligibility criteria allow individuals with an arrest record to apply and do not impose blanket conviction prohibitions—both in line with HUD's April 2016 memo and the Fair Housing Act.

The section of the manual concerning denial based on drug-related criminal activity, which is defined as "...the illegal manufacture, sale, distribution, or use of a drug, or the possession of a drug with intent to manufacture, sell, distribute, or use the drugs."

This may be a concern if landlords participating in the Section 8 program restrict housing options based on a drug-related conviction of possession only, since HUD states this is not a valid reason to deny individual's housing assistance; "...the exemption is limited to disparate impact claims based on drug *manufacturing or distribution* convictions, and does not provide a defense to disparate impact claims based on other drug-related convictions, such as the denial of housing due to a person's conviction for drug *possession*."

Summary

This section examines housing needs of residents in Idaho, whether housing challenges disproportionately affect certain protected classes, and whether potential barriers exist in the public and private provision of housing.

⁶ BBC Research & Consulting from IHFA's Section 8 HCV Program manual: Chapters 3, 4, & 14.

Primary findings include:

- African Americans, who had the smallest change in median incomes in the past 14 years and have lower incomes than other racial groups, are disproportionately likely to have housing problems. These residents make up a very small part of Idaho's households (fewer than 2,900 just 0.5% of all households) and mostly live in the state's urban areas, where housing costs are the highest.
- Hispanics also have disproportionate housing needs. These residents live throughout the state and are concentrated in a few Census tracts, mostly those near agriculturally dominated economies where housing supply is limited. Household incomes of Hispanics have risen the most in the past 14 years, suggesting that growing employment opportunities are improving economic conditions of Idaho's Hispanic population overall.
- Hispanic and non-White households are more likely to use publicly-assisted housing in some markets than their income-eligible proportions would suggest. Many of these are high-cost markets. Providing public subsidies in these markets are important to maintain housing choice.
- Both low income single-person households, many who are elderly residents, and large families can be challenged to find housing that meets their needs, particularly in small housing markets in rural areas and pricey urban and resort markets. In rural and very rural areas, economic weaknesses may discourage investment in homes and rental units, contributing to poor housing condition.
- Redevelopment/remodeling of multifamily developments to take advantage of increasing rents is reportedly displacing refugees, residents with criminal backgrounds and persons with disabilities, including developmental disabilities. These residents have more limitations in most markets because they need larger housing, landlords who are understanding of past criminal activity and access to transportation and services. These fair housing challenges are largely characteristic of urban markets.
- It is challenging for a new hire—a worker without much employment experience and thus lower wages—to afford to rent or buy in Idaho. The median rent exceeds what they can pay by about \$120/month. It is likely that in most parts of the state, this worker would be cost burdened.
- An estimated 25,000 renters in the state earning less than \$20,000 per year cannot find affordable rental housing. These renters live below the poverty level and need rents of less than \$500 per month. Rental gaps mostly occur in urban areas and in college communities. Forty-percent of these renters live in Ada County. Nearly 70 percent live in the state's largest urban counties: Ada, Canyon and Kootenai.
- IHFA's eligibility criteria for the Section 8 Housing Choice Voucher program should be reviewed for any potential disparate impact on the basis of drug-related criminal history.

SECTION III.

Access to Opportunity

SECTION III.

Access to Opportunity

This section examines how relevant State of Idaho policies and practices support access to economic opportunity.

Access to economic opportunity is measured through:

- For children, ability to receive a quality education;
- For children and adults, ability to live in low poverty neighborhoods;
- For workers, both employed and unemployed, access to jobs;
- For all residents, especially those with mobility limitations, transportation to employment and needed services; and
- For all residents, ability to live in environmentally healthy neighborhoods.

These indicators were chosen not only because of data available to measure access, but also because of their effect on improving short- and long-term economic outcomes of cities and towns.

An example: access to education and job training environments typically result in higher earning capacity and reduced risk of unemployment. Education can also provide better health outcomes, stronger cognitive and social development for children, and even greater job satisfaction. From a fiscal perspective, these benefits result in reduced dependency on social programs; increased civic, volunteer and charity engagement; reductions in crime; and community stability.¹

In reading this analysis, it is important to note that many of the policies and practices examined are not those of the Grantees. Although the Grantees may have relationships with the governing agencies that make decisions influencing access to opportunity, they do not have authority to directly change policies and practices that may create challenges to economic opportunity for some residents.

Education

Educational policies at the state level are set by the Idaho State Board of Education. The Board of Education's mission is to "provide leadership, set policy, and advocate for transforming Idaho's educational system to improve each Idaho citizen's quality of life and enhance the state's global competitiveness."

¹ Vila, Luis. *The Outcomes of Investment in Education and People's Well-being*. European Journal of Education, Vol 40, No. 1, 2005.

The Board’s FY2017-2021 Strategic Plan Goal 1 emphasizes the importance of equity in education: A Well Educated Citizenry has as its first objective to “set policy and advocate for increasing access to Idaho’s educational system for all Idahoans, regardless of socioeconomic status, age, or geographic location”² through increasing the number and dollar amount of state-funded scholarships; reducing the proportion of graduates with debt; increased high school student participation in dual credit and advanced placement programs; increasing the proportion of high school graduates pursuing postsecondary education; and reducing the gap in access measures between traditionally underrepresented populations and the general population.

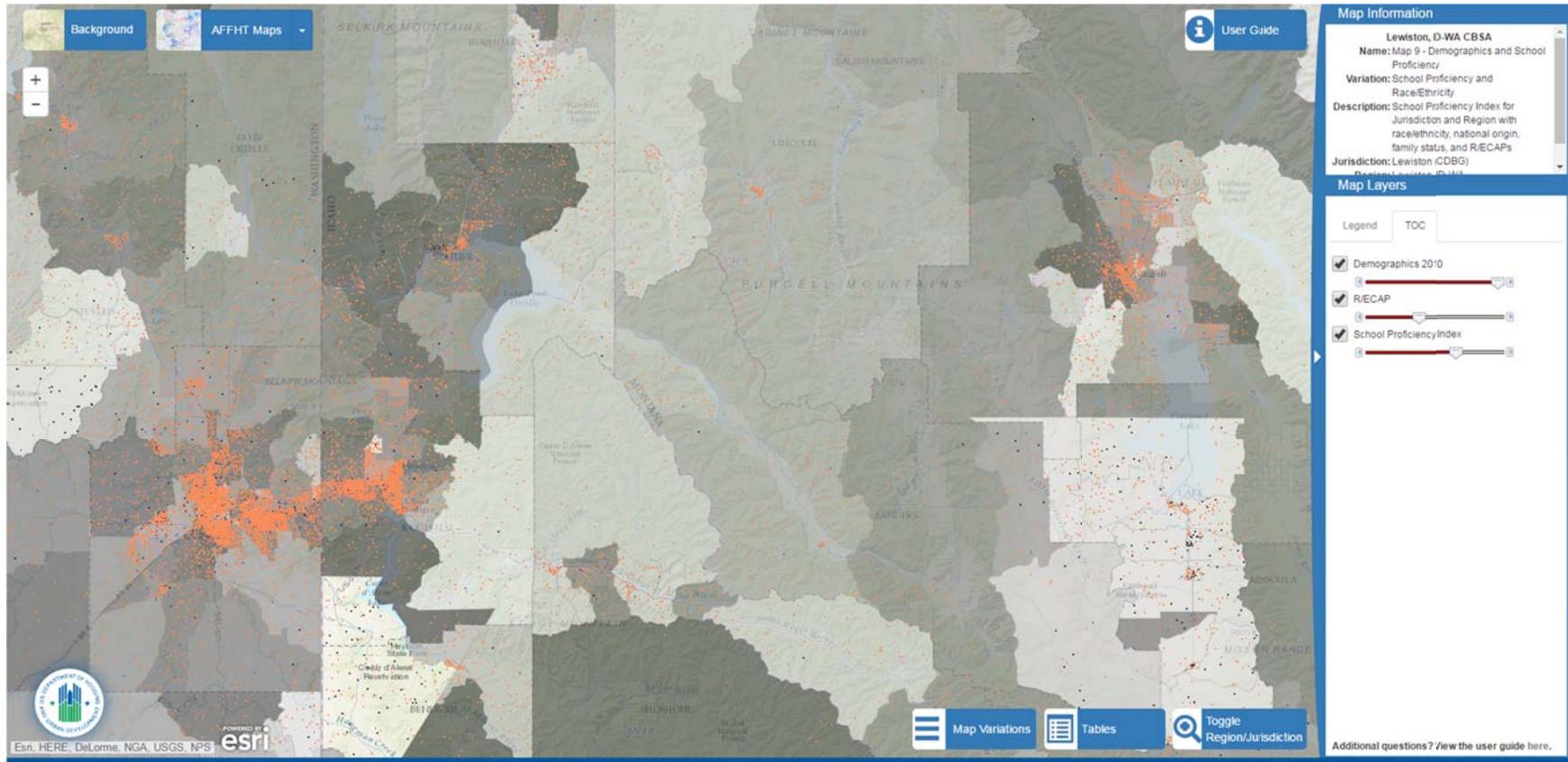
School choice. Public education in Idaho is delivered by more than 140 school districts led by the Idaho State Department of Education and the Idaho State Board of Education. Idaho statutes allow for delivery of public education by five methods of education in addition to traditional public schools: charter schools, alternative schools, magnet schools, home schooling, and private schools. The legislature passed the Idaho Charter School Law in 1998, and in the 2015-2016 school year, 39 brick and mortar and eight virtual charter schools operated across the state. The 61 alternative schools operating in Idaho are designed to help at-risk youth earn high school diplomas. State statute allows students in grades six through 12 to enroll in alternative schools, although the actual grades served are determined locally. Twenty-three magnet schools operate in Idaho; six are arts-focused; 13 are STEM programs; three are language focused and one is an International Baccalaureate program.

Access to proficient schools. The following three maps, Figures III-1 through III-4, present the School Proficiency Index for northern, central and southern Idaho respectively. As shown, each region includes schools across the proficiency range, as indicated by the map shading. As discussed in Section I, Idaho has few areas of racial or ethnic concentrations, all of which are located in entitlement communities or on reservations.

Disparities in access to proficient schools shown on the maps are not correlated with concentrations of members of protected classes. Based on the analysis of the school proficiency index using the HUD tool, members of protected classes are no more likely or less likely to have access to proficient schools than members of the general population in Idaho’s non-entitlement areas.

² https://boardofed.idaho.gov/policies/documents/strategic_plan/SBOE%20FY16%20Final.pdf

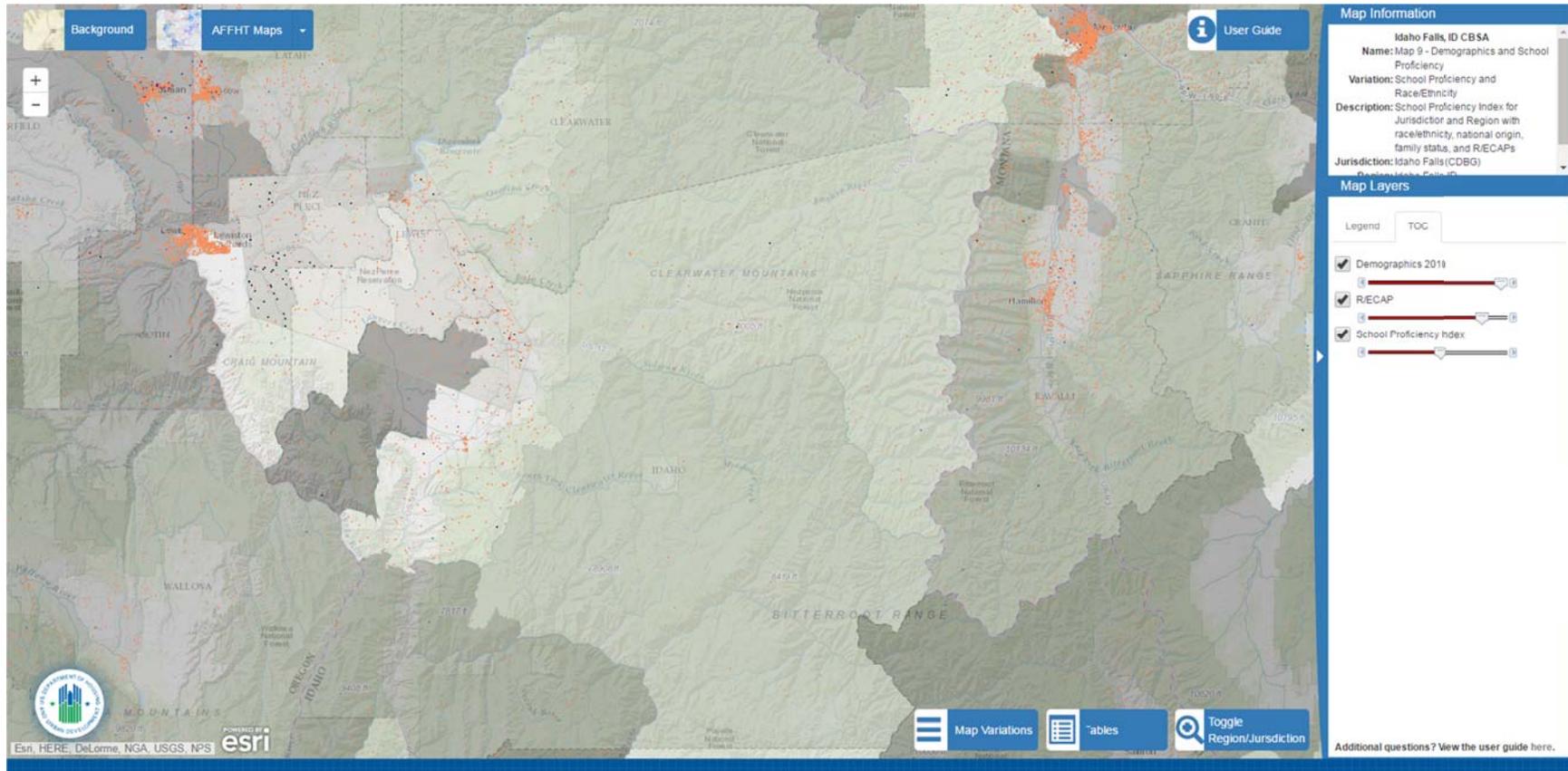
Figure III-1.
School Proficiency Index, Northern Idaho



Note: The darker the shading, the higher the School Proficiency Index. A higher index score indicates greater school proficiency.

Source: HUD AFFH Data and Mapping Tool. <https://egis.hud.gov/affht/>.

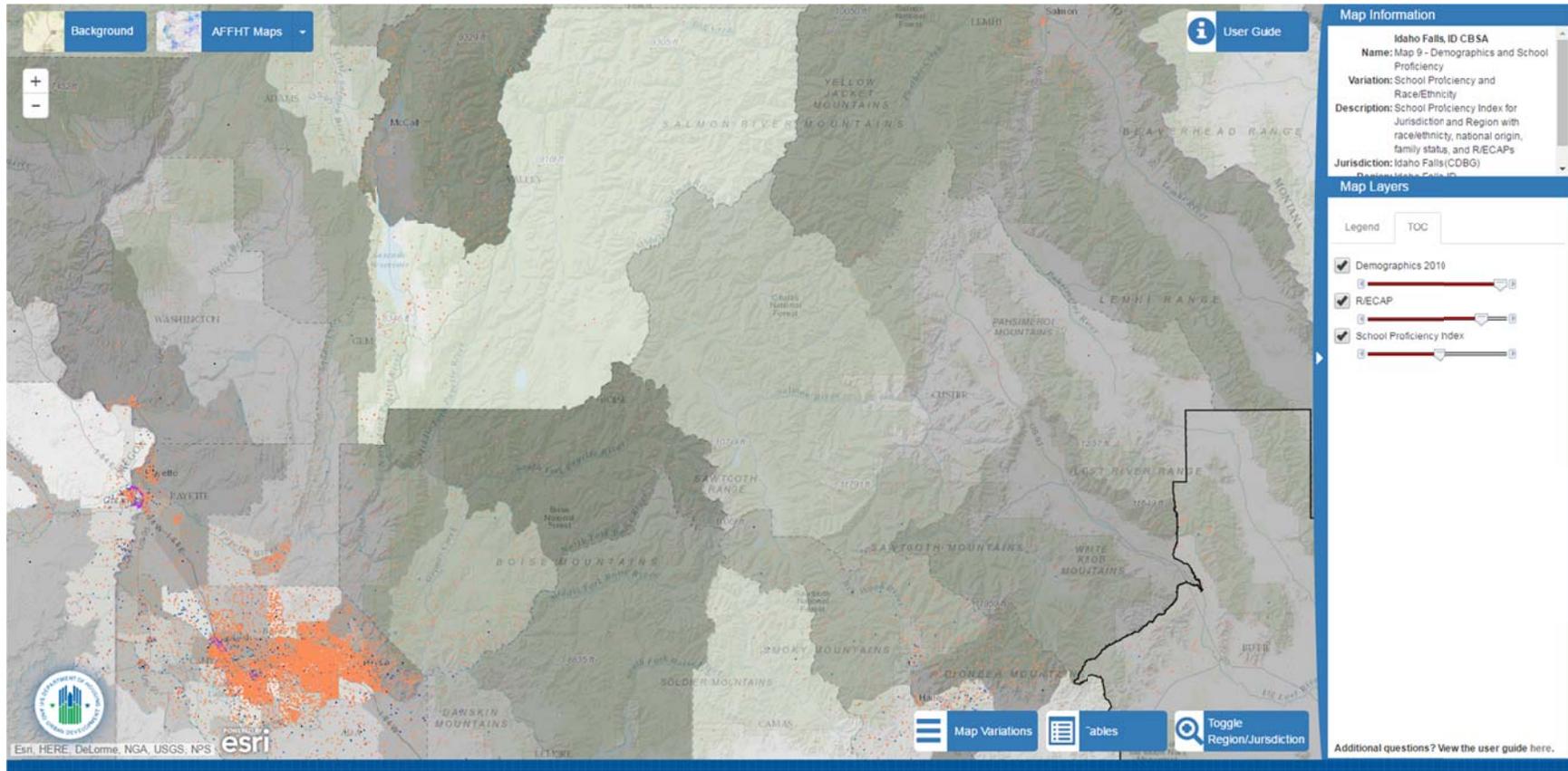
Figure III-2.
School Proficiency Index, Central Idaho



Note: The darker the shading, the higher the School Proficiency Index. A higher index score indicates greater school proficiency.

Source: HUD AFFH Data and Mapping Tool. <https://egis.hud.gov/affht/>.

Figure III-3.
School Proficiency Index, Southwestern Idaho



Note: The darker the shading, the higher the School Proficiency Index. A higher index score indicates greater school proficiency.

Source: HUD AFFH Data and Mapping Tool. <https://egis.hud.gov/affht/>.

Student outcomes. Even though access to proficient schools does not seem to be correlated with characteristics of members of protected classes—meaning that protected classes have equal access to opportunity schools—gaps in proficiency exist between all students and students of color; students from lower income households; students with disabilities; and students with limited English proficiency.

Figure III-5 presents proficiency data from the National Assessment of Educational Progress (NAEP) for Idaho 4th grade math students. As shown, proficiency varies by student demographic and economic characteristics. For example, 31 percent of White 4th graders scored proficient compared to 18 percent of Black students and 16 percent of Hispanic students. One in four economically disadvantaged students are proficient, compared to 34 percent of those who are not economically disadvantaged.

Figure III-5.
NAEP
Proficiency,
State of Idaho,
4th Grade Math,
2014-2015
School Year

Note:
 *** Insufficient data.

Source:
 National Assessment of
 Educational Progress,
 Idaho, 4th Grade
 Mathematics, 2015.

	Advanced	Proficient	Basic	Below Basic
All Students	15%	28%	35%	21%
Black / African American	6%	18%	34%	42%
Asian or Pacific Islander	26%	32%	***	***
American Indian or Alaskan Native	***	***	37%	45%
Hispanic or Latino	5%	16%	41%	38%
Native Hawaiian / Other Pacific Islander	***	***	***	***
White	18%	31%	34%	16%
Two Or More Races	13%	30%	34%	24%
Limited English Proficiency (LEP)	1%	7%	31%	62%
Not LEP	16%	29%	36%	19%
Economically Disadvantaged	9%	23%	39%	29%
Not Economically Disadvantaged	23%	34%	31%	11%
Students with Disabilities	5%	11%	24%	60%
Students without Disabilities	17%	30%	37%	17%
Migrant	***	***	41%	44%
Homeless	5%	17%	38%	41%
Male	17%	28%	34%	21%
Female	14%	28%	37%	21%
At-Risk	9%	23%	38%	29%
Not At-Risk	25%	36%	31%	8%

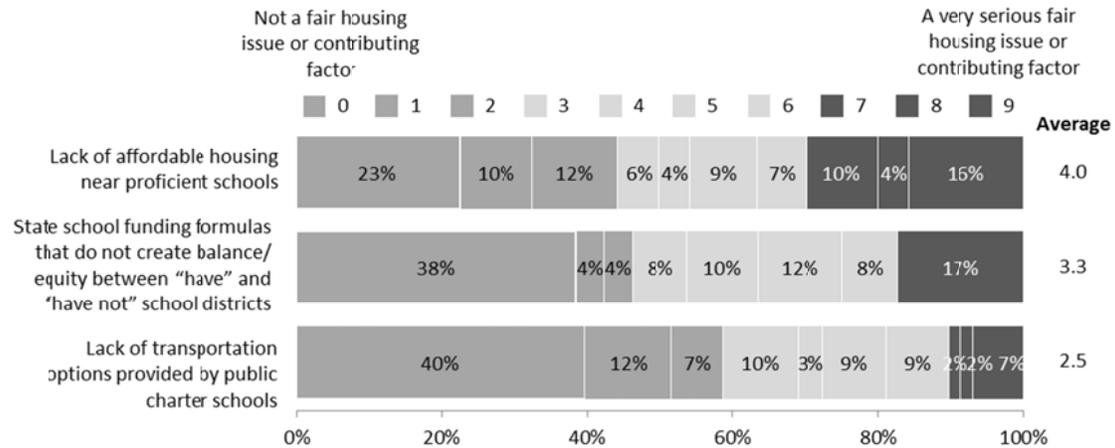
Stakeholder perspectives on education. Stakeholders evaluated three factors associated with access to proficient schools: availability of affordable housing near proficient schools; transportation to public charter schools; and state school funding formulas. According to stakeholders, none of these three factors is considered a serious fair housing issue in Idaho.

That said, as shown in Figure III-6, stakeholders varied in their perception of the role of affordable housing being located near proficient schools: 44 percent do not see this as an issue, compared to 30 percent who consider the location of affordable housing to be a serious fair housing issue or contributing factor.

Almost half of stakeholders do not believe that state school funding formulas are a serious fair housing issue.

The majority of stakeholders do not believe that lack of transportation options provided by public charter schools creates a fair housing issue related to access to proficient schools.

Figure III-6.
Factors Associated with Access to Proficient Schools—Stakeholder Perspectives



Note: n ranges from 52 to 120 stakeholders.

Source: BBC Research & Consulting from 2016 Idaho Fair Housing Stakeholder Survey.

Those stakeholders who did consider these factors to be serious fair housing issues were concerned about:

- The reaction of the housing market to quality schools. Housing near the most proficient schools is in high demand, which then drives up the cost of the housing.
- Representation of racial, ethnic, LEP, and disabled children in charter schools. Systems to access these schools should be fair to all types of children.

Access to postsecondary and vocational education. Idaho’s public colleges and universities and community college/vocational school provide opportunities for residents to continue their education in a variety of academic and technical pursuits both on campus and virtually. In Spring 2016, more than 44,000 students were enrolled in Idaho’s public colleges and universities and nearly 22,000 in the community college system.

The State Board of Education is currently implementing the Governor’s Improving Education 20 recommendations, many of which focus on postsecondary and vocational education. Idaho’s Dual Credit program is designed to facilitate opportunities for high school students to earn college credits while still in high school. Four state merit and need based scholarship programs—Postsecondary Credit Scholarship, Opportunity Scholarship, GEAR UP Idaho scholarship, Governor’s Cup Scholarship—increase access to postsecondary education by reducing financial barriers.

Beyond financial access, physical access to postsecondary education has historically been difficult in predominantly rural states and regions. In recognition of this, Idaho’s public colleges and universities operated under a Statement of Cooperation, where “institutions shall

collaborate in hosting programs and cooperate to meet the educational needs of all Idahoans, including those who are at a distance from campus.”³

In sum, the State Board of Education’s policies, programs and strategic plans support the notion of creating access to postsecondary education to all Idaho residents. In reviewing available policies, plans, programs and practices, none appear to have the effect of creating disparities in access to opportunity for members of protected classes.

Employment

On the whole, Idaho’s unemployment rate has returned to pre-recession levels. Figure III-7 presents unemployment and underemployment trends for 2008-2013 for the state as well as the counties with the highest, median and lowest rates, in order to show the range of these indicators. While unemployment has stabilized for most of the state, underemployment is a persistent and growing issue. Note that even modest changes in employment in very rural counties, like Oneida County (population <5,000) result in large shifts in employment and underemployment rates.

**Figure III-7.
Unemployment and
Underemployment, Idaho
and Selected Counties,
2008-2013**

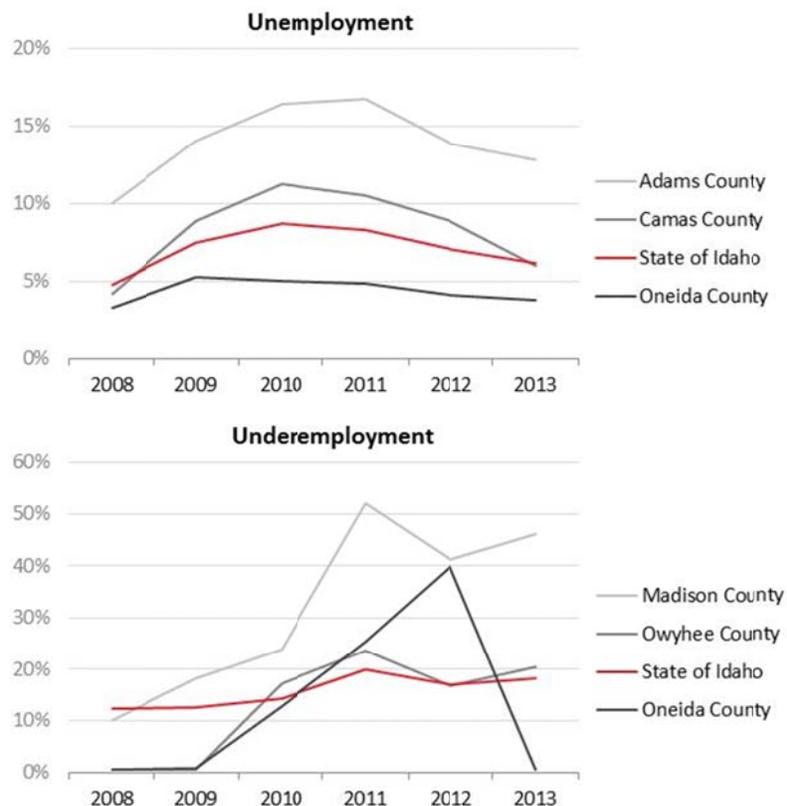
Note:

The Idaho Department of Labor defines the underemployed as “Those already working with skill and educational levels that do not match their current occupations or their fringe or salary compensation can be considered underemployed. Also if workers’ current jobs do not match their desire to work full time, they can be considered underemployed.

The counties shown represent the counties with the highest, lowest or median rate of unemployment or underemployment in 2013.

Source:

BBC Research & Consulting from Idaho Department of Labor.



³ https://boardofed.idaho.gov/public_col_univ/role_mission.asp

And, although Idaho’s recent job growth has been strong, it has largely been in lower paying industries. According to the Idaho Department of Labor, compared to peer states with Idaho’s level of job growth, new hires in Idaho earn less than their neighbors: Idaho new hires earned over \$1,000 a month less than new hires in Washington, \$436 a month less than new hires in Oregon and \$237 a month less than new hires in Utah. This is because job growth in Idaho has mostly been in low paying industries such as accommodation and food services, arts, entertainment and recreation, administrative services, and educational and other services.⁴

The Idaho Department of Labor analyzed job growth in peer states and found that the states are similar in that accommodations and food services are the fastest growing industries. Yet Idaho lags behind peer states in high-paying professional service industries that “export” work to other states and countries, such as software development, management, and technical and business support services. Idaho’s fastest growing high paying industries—transportation and utilities—derive demand from local users and are largely government funded, meaning that their long term markets may be more limited than privately funded export industries that are currently generating jobs in peer states.

Idaho			Washington		
Industry	Percent Change	Monthly Earnings	Industry	Percent Change	Monthly Earnings
Construction	6.5%	\$2,621	Construction	7.4%	\$3,801
Accommodation & Food Svcs	6.2%	\$971	Management of Companies & Enterprises	6.1%	\$3,810
Educational Services	5.3%	\$1,451	Adm/Waste Mgmt/Remediation Svcs	5.1%	\$2,793
Transport & Public Utils	4.1%	\$2,516	Information	5.0%	\$7,164
Retail Trade	3.4%	\$1,556	Accommodation & Food Svcs	4.7%	\$1,360
Oregon			Utah		
Industry	Percent Change	Monthly Earnings	Industry	Percent Change	Monthly Earnings
Management of Companies & Enterprises	6.4%	\$4,560	Construction	6.8%	\$2,858
Information	5.0%	\$3,931	Arts, Entertainment/Recreation	6.3%	\$1,193
Real Estate/Rental & Leasing	5.0%	\$2,181	Finance & Insurance	6.1%	\$3,293
Accommodation & Food Svcs	4.7%	\$1,228	Prof, Scientific & Tech Svces	5.3%	\$3,624
Health Care & Social Assistance	4.1%	\$2,462	Accommodation & Food Svcs	5.3%	\$1,073

Source: US Census Bureau, Quarterly Workforce Indicators; BLS, Current Employment Statistics

Figure III-8 presents average monthly worker earnings by county in the second quarter of 2015 and Figure III-9 identifies the counties where housing to buy and housing to rent are affordable to workers earning the monthly average (see Section II for a detailed analysis of wages and housing). All but three counties have median rental housing affordable to workers with average earnings—Gem, Payette and Teton counties. Median-priced housing to buy is affordable to the average worker in many Idaho counties, particularly in southeastern Idaho. Ada County, home to the state’s largest city, Boise, is out of reach for homeownership for the average worker. Note that this analysis does not consider the supply of affordable housing, i.e., it does not indicate the availability of housing that the average worker can afford. Rather, it examines whether or not the average worker can afford to purchase a median priced home or rent a median priced rental.

⁴ <https://idaholabor.wordpress.com/2016/06/03/examining-idahos-strong-job-growth-from-industry-wage-perspective/>

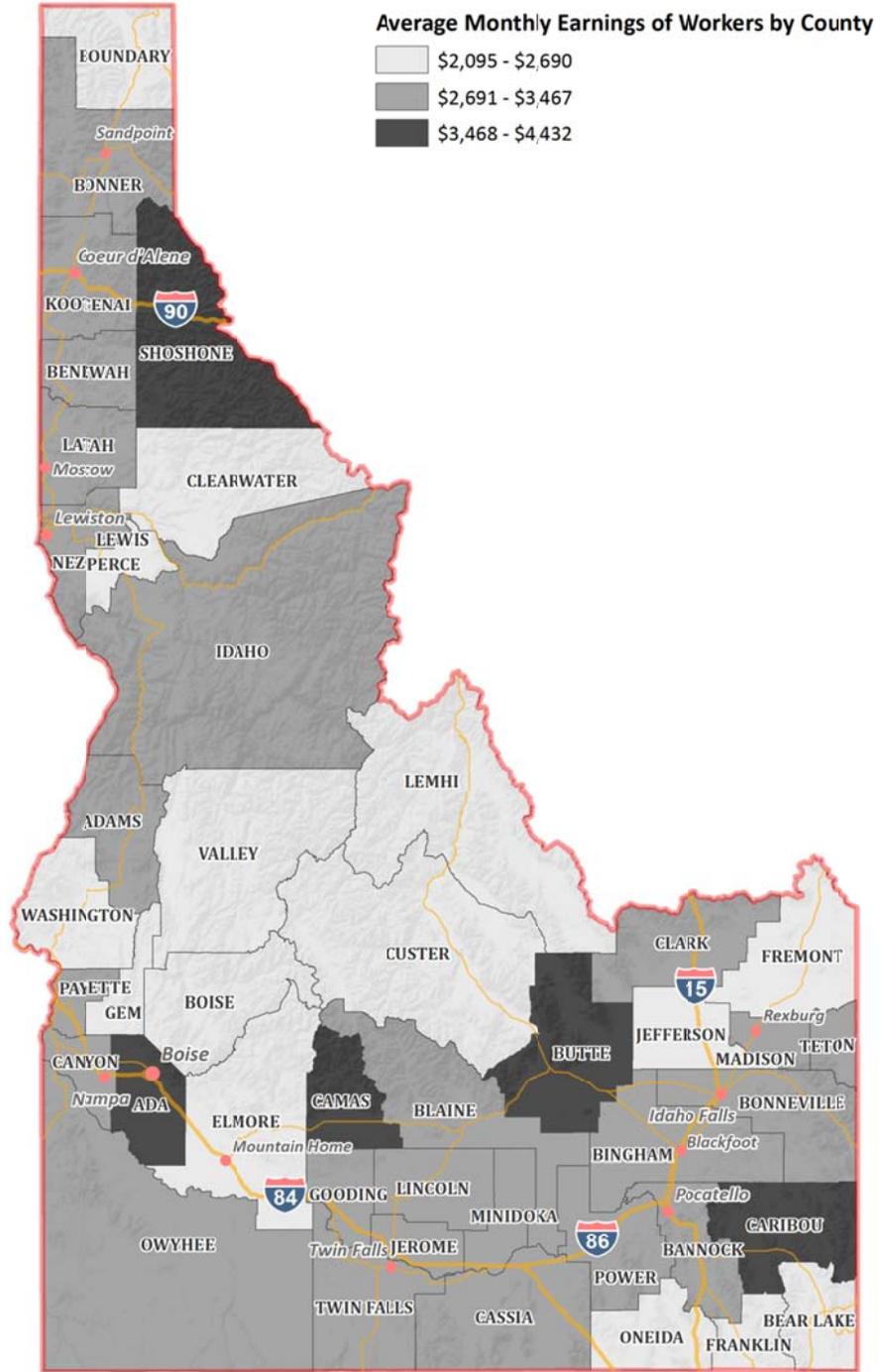
**Figure III-8.
Average Monthly
Worker Earnings,
2015**

Note:

Data are the full quarter employment average monthly worker earnings reported in 2015 Q2.

Source:

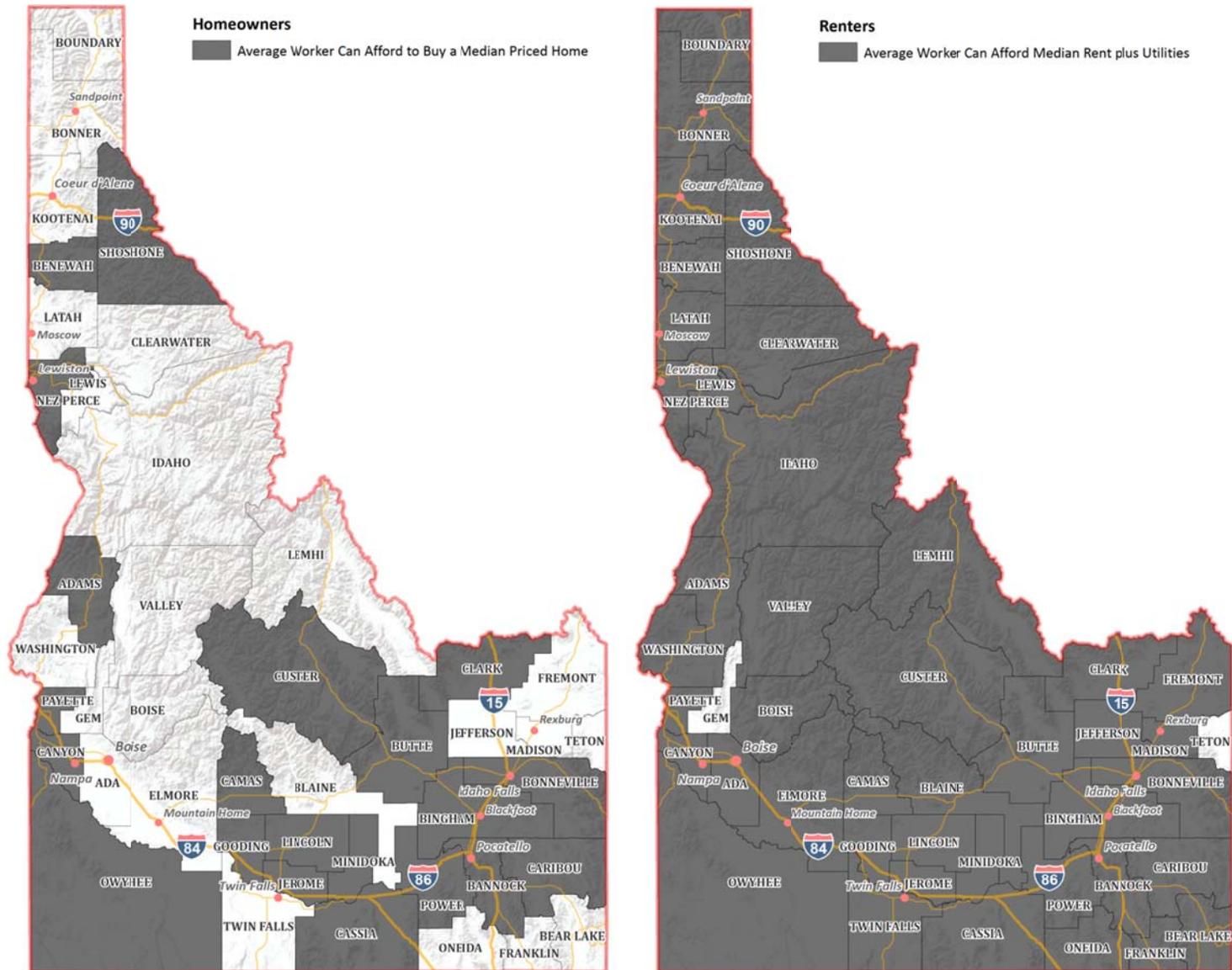
Quarterly Workforce Indicators, U.S. Census Bureau.



**Figure III-9.
Counties with
Housing to Rent
and Housing to Purchase
Affordable to
the Average
Worker**

Note:
2013 data.

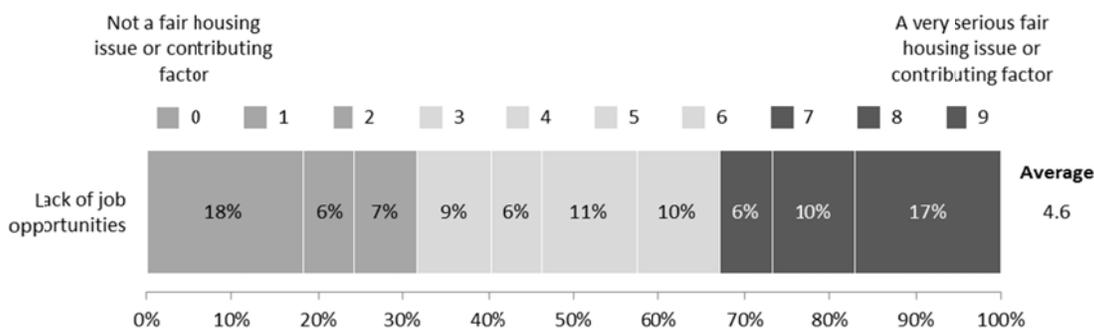
Source:
BBC Research &
Consulting from the 2014
Idaho Housing Model
prepared by BBC for IHFA.



Access to jobs—stakeholder perspective. Stakeholders are divided in their consideration of access to jobs as a fair housing issue in the areas served—one-third consider this a serious fair housing issue and one-third do not think access to jobs is an issue at all, as shown in Figure III-10. It is not surprising to see this variation when access to jobs is viewed from a statewide perspective. The regional differences in perspectives about employment are illustrated in stakeholders’ comments, however these are underscored by concerns from stakeholders statewide about wage levels and opportunities for labor at all skill and education levels.

- *“It seems that the majority of impoverished are congregated into certain areas, but the state of Idaho has long been this way. Wages are low; jobs are hard to come by, especially decent jobs with benefits—these are extremely difficult to find throughout the entire state. It may seem like only certain areas like Boise, but I’ve lived all over in the state and grew up impoverished and struggling ... you think that would be different once I was educated, but it still took over a decade to find a decent job that paid a decent wage and according to reports—my income is still less than median income for our area.” (Stakeholder survey respondent)*
- *“While there are multiple jobs they are limited living wage jobs.” (Stakeholder survey respondent)*
- *“Moscow lacks a supply of jobs for lower education/skill individuals and/or the jobs pay poorly.” (Stakeholder survey respondent)*
- *“Plain and simple, we need more job opportunities.” (Stakeholder survey respondent)*
- *“Although employers say that they do not discriminate due to age, it is harder for experienced older workers to get jobs.” (Stakeholder survey respondent)*

Figure III-10.
Access to Jobs—Stakeholder Perspective



Note: n=82 stakeholders.

Source: BBC Research & Consulting from 2016 Idaho Fair Housing Stakeholder Survey.

Transportation

Idaho Department of Transportation's (IDT's) 2014-2018 five-year plan guides IDT's investments in transportation infrastructure across the state. In 2016, IDT's Public Transportation Office initiated development of Idaho's first Statewide Public Transportation Plan and the Idaho Workforce Transportation Initiative, combining former rideshare and mobility support programs in a comprehensive effort to partner with employers and spur economic growth.

Transportation costs. The Location Affordability Index, developed by the US Department of Transportation (USDOT) and HUD, estimates the percentage of household income spent on housing and transportation costs. BBC examined the location affordability index for Idaho's counties, and found that the median renter household (i.e., household with the region's median income, four household members and two commuters) spends between 15 and 27 percent of its income on housing costs and the median owner household spends between 25 and 30 percent on housing. Transportation costs vary more widely for both renters and owners, and reflect the realities of rural living—reliance on personal vehicles for travel, longer distances between home and employment and longer distances between home and shopping, health care and schools.

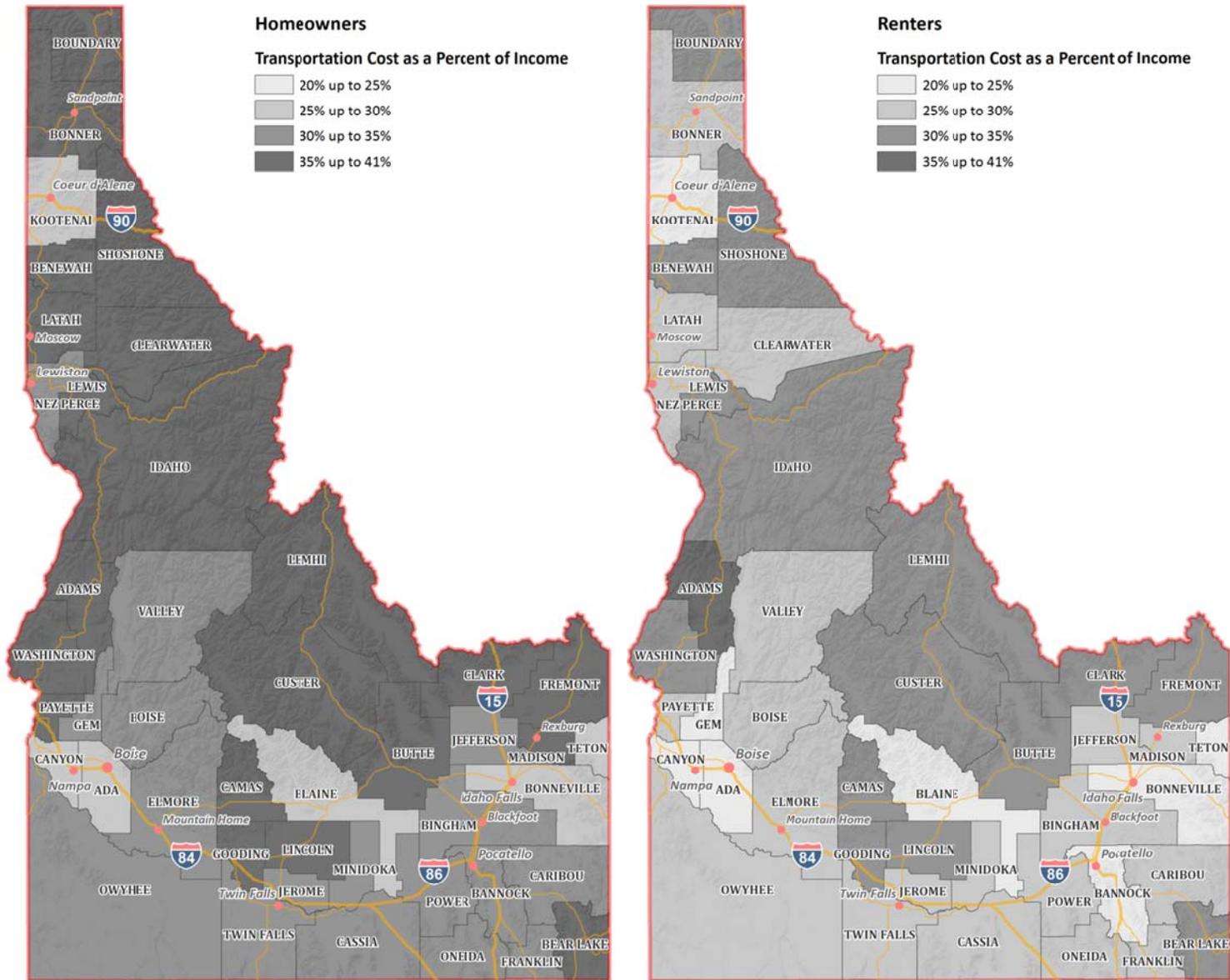
Figure III-11 presents the percentage of income the median household spends on transportation by county for both homeowners and renters. On average, homeowners spend more on transportation costs than renters. For both, transportation costs rise as a share of income in northern Idaho. Most of the counties with the lowest transportation costs have some form of public transportation available. Disparities in access to transportation impact all residents based on where they live.

Transportation is more expensive in more rural communities and public transportation is rare outside of the state's most populous areas. Residents who do not have access to a personal vehicle have more difficulty accessing employment, education, and other activities and housing choice is more limited, as these residents must rely on walking, biking, or ridesharing with friends or family. Residents with disabilities who require specialized transportation or cannot drive themselves are most greatly impacted by a lack of public transportation. ADA transportation services are required in the service areas of fixed route transit, but are generally not available outside of existing public transit systems for trips other than those allowed through Medicaid/Medicare or other health care programs.⁵

⁵ There are many online resources to measure the effect of transportation costs on housing. In addition to the maps below, an excellent resource can be found at www.htaindex.org

**Figure III-11.
Transportation
Costs as a
Percentage of
Household
Income—
Renters and
Owners by
County**

Source:
BBC Research &
Consulting from the
Location Affordability
Index,
<http://www.locationaffordability.info/lai.aspx> and
American Public
Transportation
Association,
<http://www.apta.com/resources/links/unitedstates/Pages/IdahoTransitLinks.aspx>



Access to public transportation. ITD's Public Transportation Office's 2015 Annual Public Transportation Performance Report detailed performance data for Idaho's 51 rural transportation systems and the state's inter-city bus system.⁶ IDT estimates that 56 percent of Idahoans have access to public transit.⁷

Funding sources. Congress allocates federal fuel tax funds to states and federal transportation agencies through the national transportation bill, most recently the Moving Ahead for Progress in the 21st Century (MAP-21). Federal funds are slightly less than half of Idaho's transportation funding; half are dedicated state funds (state gas and diesel taxes, vehicle registration fees, heavy truck registration fees, driver licensing).

IDT's Public Transportation Department manages Federal Transit Administration (FTA) grants for public transit operations and capital purchases. The Operation Grant Program includes FTA 5311 Program Funding (service in non-urbanized areas), FTA 5310 Program Funding (service for elderly and persons with disabilities) and the FTA 5304 Planning Program (statewide planning funds). The Capital Grant Program disperses FTA 5310 grants (transportation for elderly and persons with disabilities), the FTA 5309 Grant (Capital Program) and FTA 5339 Grant for Bus and Bus Facilities. IDT's Five-Year Transportation Investment Plan forecasts \$9.4 million annually for rural public transportation capital and services, \$12 million for urban public transportation capital and services and \$420,000 for statewide public transportation planning through FY2018. State funds through the Idaho Vehicle Improvement Program (VIP) provide capital funding for the replacement, rehabilitation or purchase of buses or vans to maintain or expand public transportation services in Idaho delivered by demand response providers (as opposed to fixed route operations more typical in larger cities).

Public transportation providers. Figure III-12 presents the public transportation providers serving each of ITD's six districts and shows the number of fixed route and demand response passenger trips for 2015.

⁶ <http://apps.itd.idaho.gov/apps/pt/2015-PT-Annual-Report.pdf>

⁷ IDT, "2015 Quick Facts: Your Safety. Your Mobility. Your Economic Opportunity." p. 20.

Figure III-12.
Public and Special Transportation Service Providers, 2015 Fixed Route and Demand Response Passenger Trips by ITD District

	District 1	District 2	District 3	District 4	District 5	District 6
Counties	Boundary, Bonner, Kootenai, Benewah, Shoshone	Clearwater, Idaho, Latah, Lewis, Nez Perce	Ada, Adams, Boise, Canyon, Elmore, Gem, Owyhee, Payette, Valley, Washington	Blaine, Camas, Cassia, Gooding, Jerome, Lincoln, Minidoka, Twin Falls	Bannock, Bear Lake, Bingham, Caribou, Franklin, Power	Bonneville, Butte, Clark, Fremont, Jefferson, Lemhi, Madison, Teton
District population	212,000	128,000	668,000	186,000	212,000	207,000
Transportation provider	Citylink	Disability Action Center - NW	Treasure Valley Transit	Blaine County Senior Center	Franklin County Memorial Center	City of Drigs
# of Fixed Route Passenger Trips	347,170	n/a	101,439	n/a	n/a	16,644
# of Demand Response Passenger Trips	6,872	2,309	43,302	3,162	1,967	n/a
Transportation provider	SPOT (City of Dover)	Lewiston Transit	Valley Regional Transit	Living Independence Network Corporation (LINC)	Oneida County Hospital	Lemhi County
# of Fixed Route Passenger Trips	72,002	57,149	1,369,716		n/a	n/a
# of Demand Response Passenger Trips	6,928	4,722	58,045	23,841 (taxi voucher trips)	568	9,049
Transportation provider	Shoshone County/Silver Express	SMART Transit	Western Idaho Training Company (WITCO)	Minidoka Memorial Hospital	Pocatello Regional Transit	START (Town of Jackson, WY)
# of Fixed Route Passenger Trips	12,912	159,483	n/a	n/a	243,216	26,567
# of Demand Response Passenger Trips	1,637	10,376	51,918	1,830	80,051	
Transportation provider	Benewah Area Transit (Valley Vista Care Corporation)	Nez Perce Tribe	(see list of specialized providers)	Mountain Rides Transportation Authority		Targhee Regional Transportation Authority
# of Fixed Route Passenger Trips	n/a	16,759		454,038		32,686
# of Demand Response Passenger Trips	6,025	101		39,990 (vanpool trips)		81,730
Transportation provider		University of Idaho		Trans IV - College of Southern Idaho		Lost River Area Transit (Valley Vista)
# of Fixed Route Passenger Trips		10,906		n/a		n/a
# of Demand Response Passenger Trips				36,214		9,473
Transportation provider				West End Senior Center		
# of Fixed Route Passenger Trips				n/a		
# of Demand Response Passenger Trips				1,289		

Source: BBC Research & Consulting from Idaho Transportation Department's 4th Annual Public Transportation Performance Report 2015.

Figure III-13 presents the specialized transportation service providers operating in District 3.

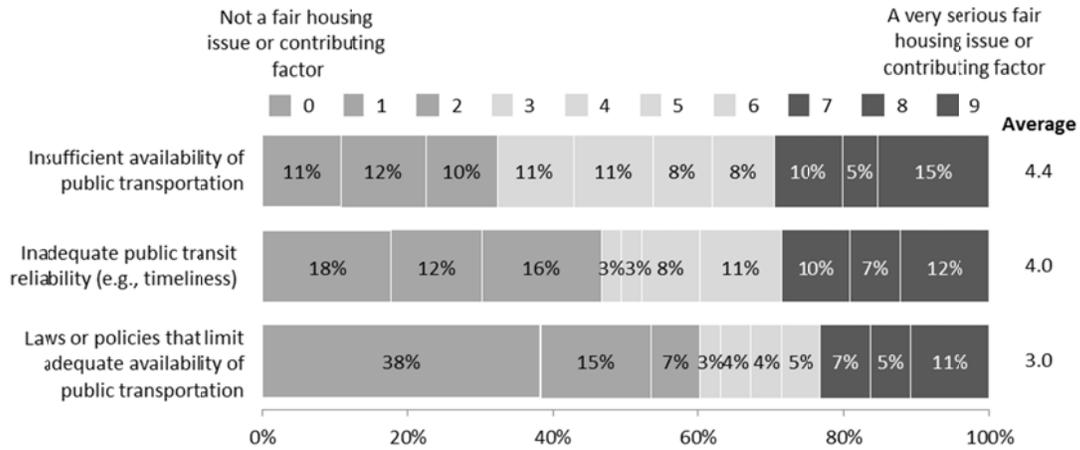
**Figure III-13.
District 3
Specialized
Transportation
Service Providers**

Source:
BBC Research & Consulting
from Idaho Transportation
Department's 4th Annual
Public Transportation
Performance Report 2015.

Ada, Adams, Boise, Canyon, Elmore, Gem, Owyhee, Payette, Valley, Washington	
Counties	
Transportation Provider	# of Demand Response Passenger Trips
Boise Basin Senior Center	812
Boise Good Samaritan	304
Cambridge Senior Center	907
Cascade Senior Center	731
CCOA-Aging, Weatherization and Human Services Inc	10,770
Council Senior Center	759
Gem County Senior Center	4,965
Homedale Senior Center	56
Horseshoe Bend Senior Center	558
Kuna Senior Center	3,950
Marsing Senior Center	810
Melba Valley Senior Center	1,818
Meridian Senior Center	3,369
Mountain Home Senior Center	1,731
New Meadows Senior Center	539
Parma Senior Center	3,112
Payette Senior Center	6,938
Rimrock Senior Center	617
St. Mark's Catholic Community	1,150
Three Island Senior Center	4,086
Weiser Senior Center	2,628

Access to public transportation—stakeholder perspectives. Among stakeholders, access to public transportation is not, on average, a significant fair housing issue or contributing factor. However, about 30 percent of stakeholders do find an insufficient availability of public transportation and/or inadequate public transit reliability to be serious fair housing issues or contributing factors.

Figure III-14.
Access to Public Transportation—Stakeholder Perspectives



Note: n ranges from 73 to 84 stakeholders.

Source: BBC Research & Consulting from 2016 Idaho Fair Housing Stakeholder Survey.

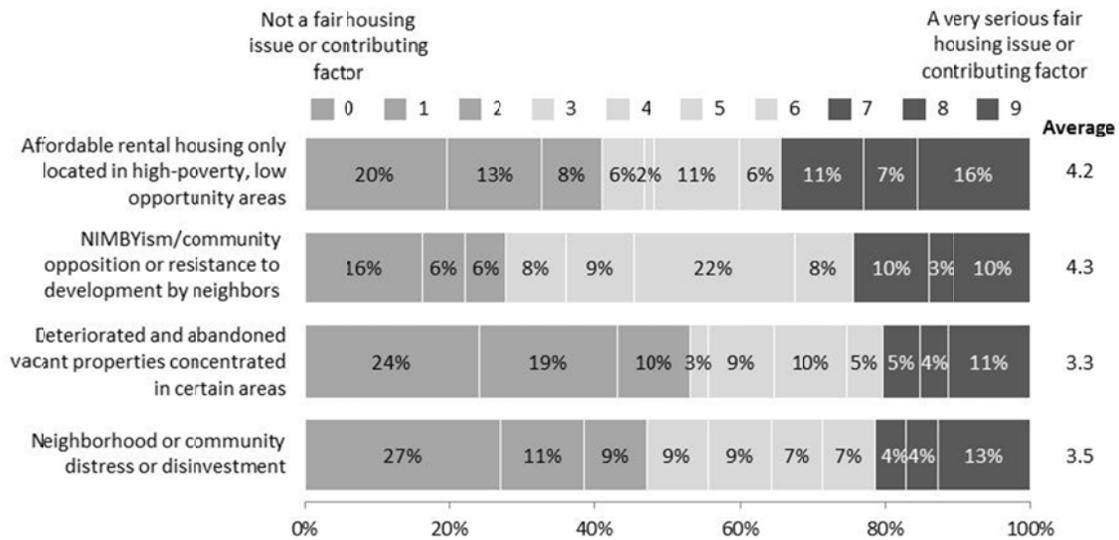
Stakeholder comments about transportation barriers emphasized where transportation challenges are the most significant: for persons with disabilities and elderly, especially those residents in rural areas, and for Idahoans who work early or late shifts when bus frequency is limited.

Low Poverty Neighborhoods

Section I detailed the prevalence of poverty in Idaho’s counties and the location of concentrated areas of high poverty. With respect to exposure to poverty, the only apparent pattern is the concentration of affordable housing in certain areas.

Stakeholders considered four factors that may impede access to low poverty neighborhoods or that characterize high poverty areas. For most stakeholders, none of these are serious fair housing issues in the places they serve. However, one-third of stakeholders identified the lack of affordable housing in low poverty areas to be a serious fair housing issue locally, and one in four point to resistance to development as a fair housing issue.

Figure III-15.
Access to Low Poverty Neighborhoods—Stakeholder Perspectives



Note: n ranges from 69 to 79 stakeholders.

Source: BBC Research & Consulting from 2016 Idaho Fair Housing Stakeholder Survey.

Stakeholder comments about access to low poverty neighborhoods characterized the housing stock—often in poor condition—and suggest that some efforts to build affordable housing in low poverty areas are met with neighborhood resistance.

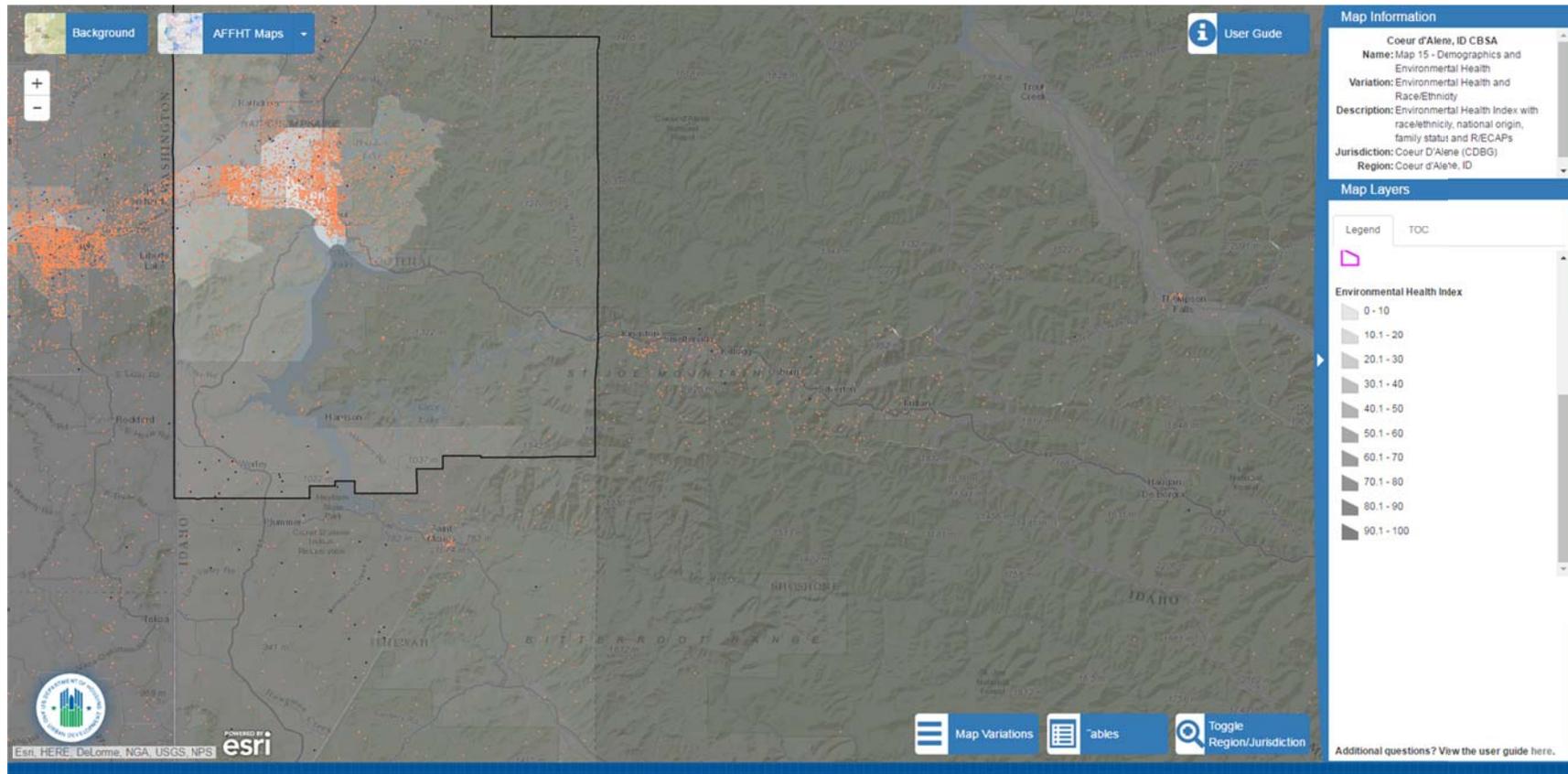
Stakeholders offered recommendations to increase access to low poverty neighborhoods and affordable housing overall:

- Finance more low-income housing.
- Help to strengthen local zoning to prohibit landowner neighbors from preventing housing to occur.
- Improve economic opportunity in rural areas.
- Prioritize low income housing creation in high-proficient school areas.

Environmentally Healthy Neighborhoods

HUD’s Environmental Health Index for Idaho Census tracts is shown in Figures III-16 through III-19. As shown, Idaho’s environment scores high on the Environmental Health Index (illustrated by darker shading in the maps). As expected, environmental health is lower in some more populous areas and in communities with more industrial/commercial activity (e.g., parts of Coeur d’Alene, Lewiston, Boise, Nampa, Caldwell, Pocatello, Idaho Falls and a tract north of Twin Falls). The R/ECAPs in Caldwell and Nampa are located in Census tracts with lower Environmental Health Index scores than the surrounding areas, with the index rising as the communities become more rural.

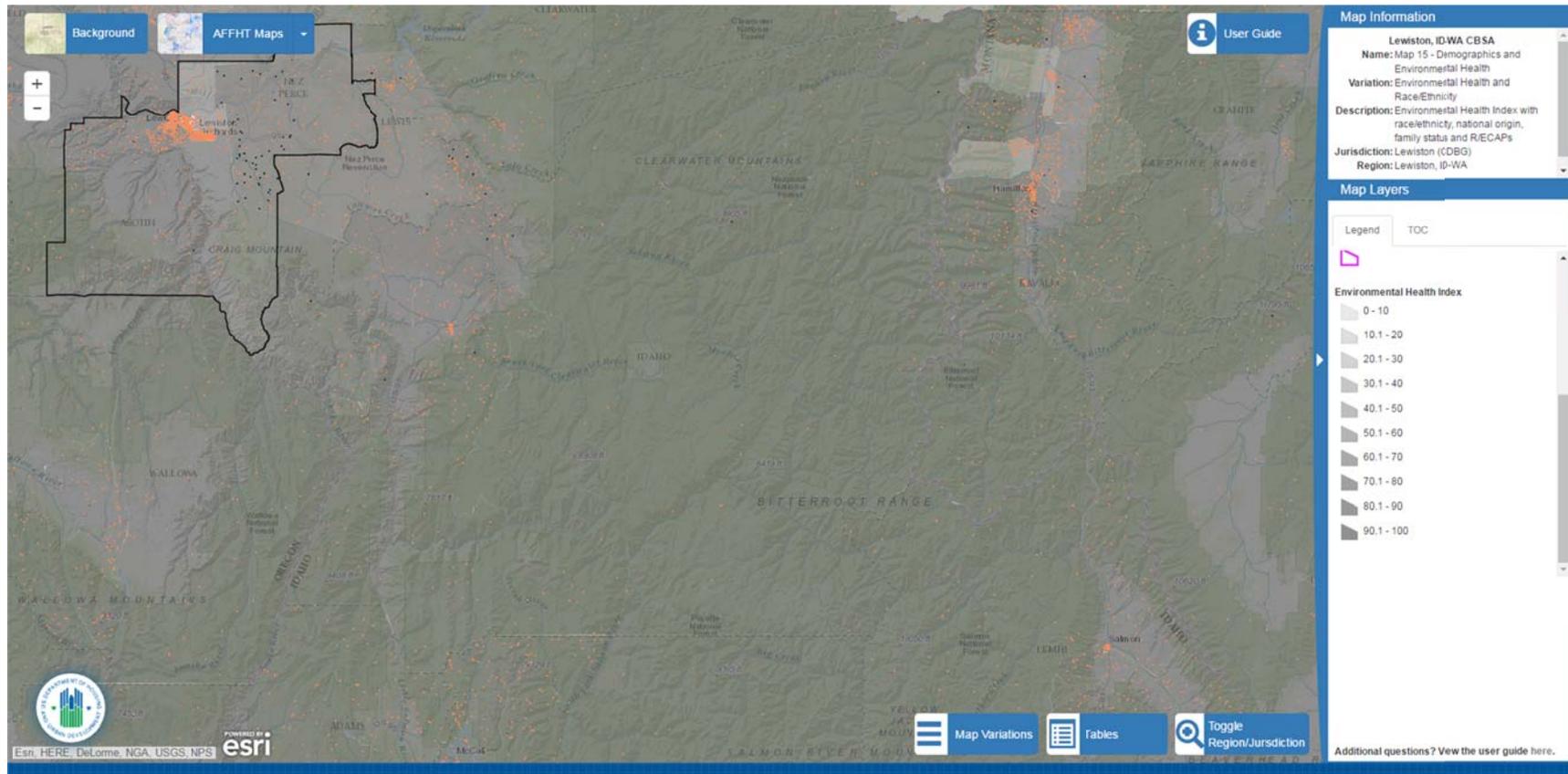
Figure III-16.
Demographics and Environmental Health—Northern Idaho



Note: The darker the shading, the higher the Environmental Health Index. A higher index score indicates greater environmental health.

Source: HUD AFFH Data and Mapping Tool. <https://egis.hud.gov/affht/>.

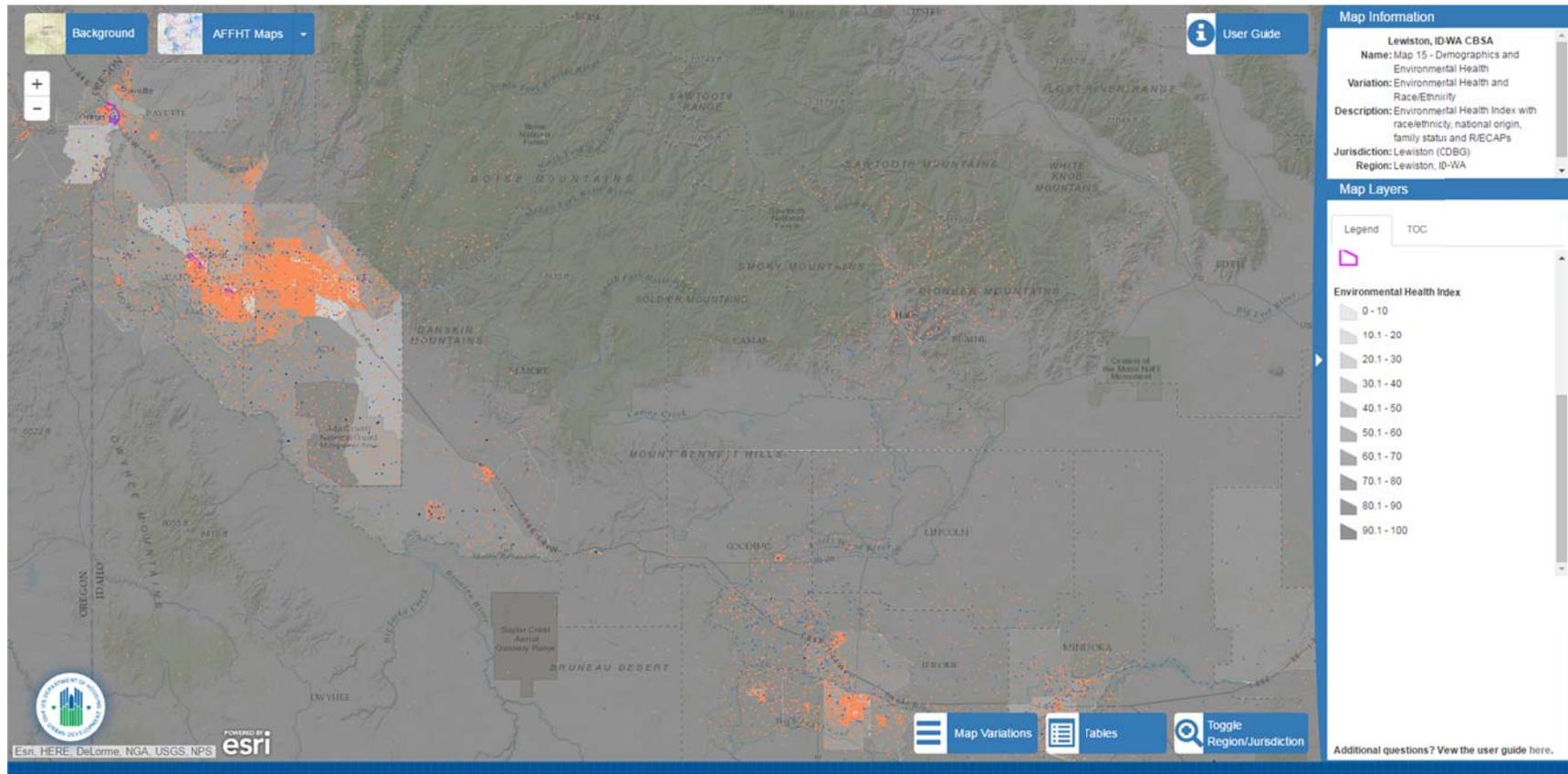
Figure III-17.
Demographics and Environmental Health—Central Idaho



Note: The darker the shading, the higher the Environmental Health Index. A higher index score indicates greater environmental health.

Source: HUD AFFH Data and Mapping Tool. <https://egis.hud.gov/affht/>.

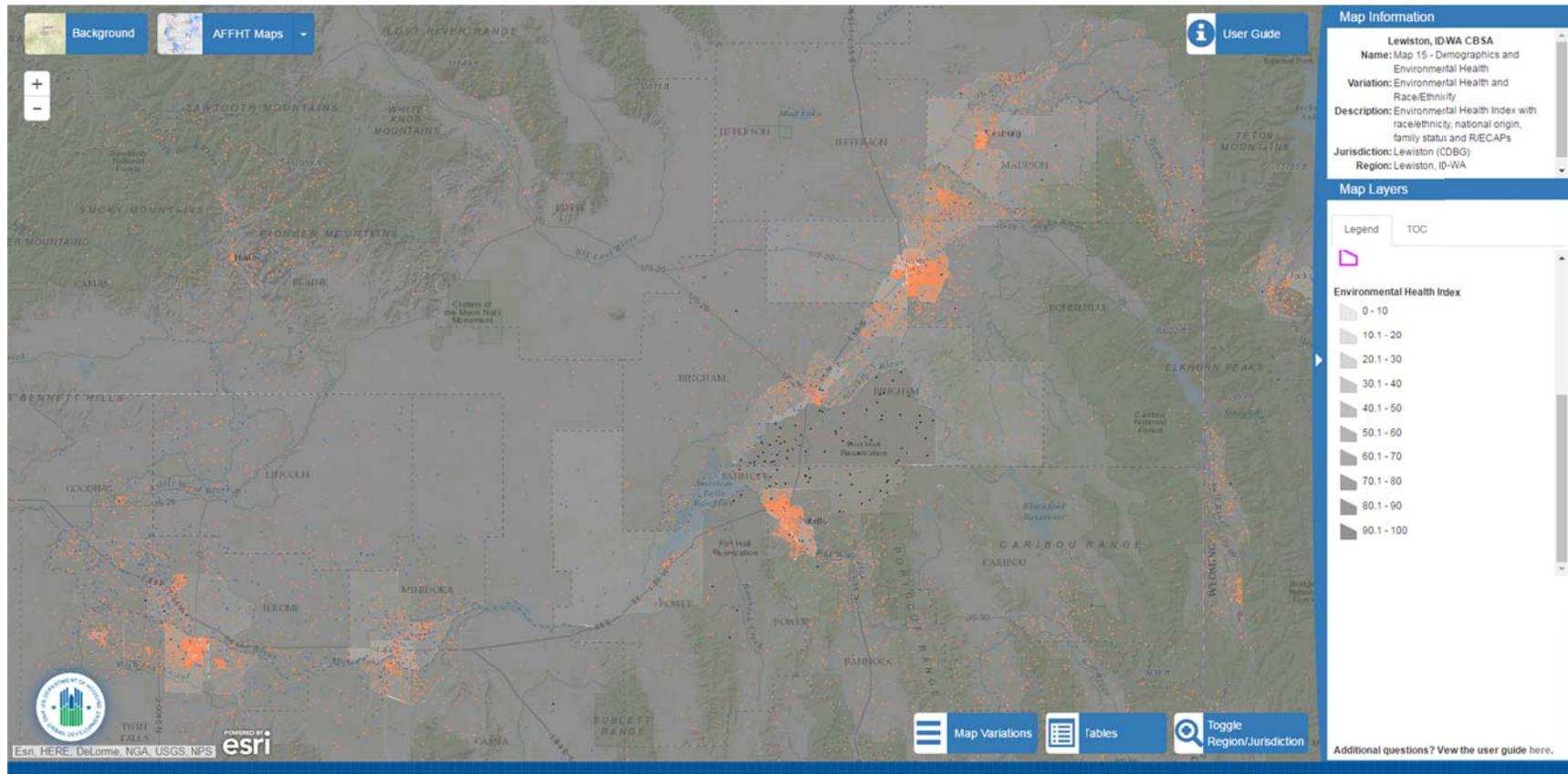
Figure III-18.
Demographics and Environmental Health—Southwestern Idaho



Note: The darker the shading, the higher the Environmental Health Index. A higher index score indicates greater environmental health.

Source: HUD AFFH Data and Mapping Tool. <https://egis.hud.gov/affht/>.

Figure III-19.
Demographics and Environmental Health—Southeastern Idaho



Note: The darker the shading, the higher the Environmental Health Index. A higher index score indicates greater environmental health.

Source: HUD AFFH Data and Mapping Tool. <https://egis.hud.gov/affht/>.

Access to Broadband Internet

Although it is not explicitly addressed in the fair housing guides, access to high speed Internet creates employment and education opportunities that otherwise would not be possible. This is especially true in communities that do not have access to postsecondary education and in communities that seek to grow or strengthen their economic base. The Federal Communications Commission defines broadband as download speeds of at least 25 mbps and upload speeds of 3 mbps. Currently, only 51 percent of Idaho's population has access to wired broadband.⁸ Based on wired broadband access, Idaho is the 47th connected state.

Figure III-20 presents the proportion of county residents with wired broadband Internet access. In the counties shown with the darkest shading, at least 80 percent of households have access to broadband. Residents in the unshaded counties—Butte, Clark, and Benewah—do not have access to broadband Internet.

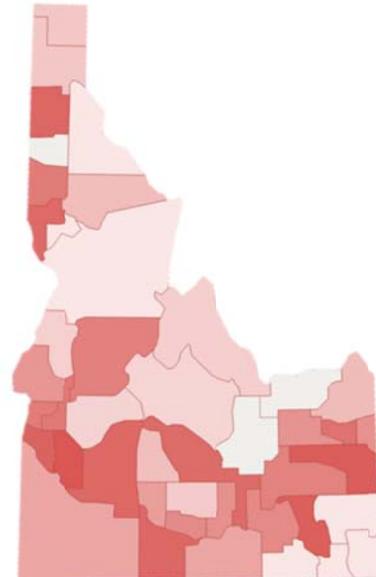
Figure III-20.
Broadband Coverage by County, 2016

Note:

The darker the shading the greater proportion of households with access to broadband Internet.

Source:

<http://broadbandnow.com/Idaho> and
<http://broadbandnow.com/data>.



Summary

This section explored a range of measures of access to opportunity for members of protected classes in Idaho.

The primary challenges to access to opportunity for all Idahoans include:

- Gaps in educational proficiency among 4th graders for students with disabilities; African American, Native American and Hispanic students; LEP students; students in transition (children of migrant workers, students who are homeless); and at-risk and economically disadvantaged students. HUD data do not suggest that the gaps are due to limited

⁸ <http://broadbandnow.com/Idaho>

geographic access to high proficiency schools by these resident groups. As such, gaps appear to be a factor of school readiness. The State Board of Education aims to close gaps and improve parity in education as part of its 2017-2021 Strategic Plan.

- Accessing jobs that pay a living wage in rural areas where jobs are limited and unemployment is high. Limited access to broadband Internet service in rural areas may contribute to this barrier.
- Few rural communities have the funding capacity or demand to support public transportation. This limits access to opportunity for all populations that either do not have access to a personal vehicle or those who are unable to use a personal vehicle due to a disabling condition.

SECTION IV.

Disability and Access Analysis

SECTION IV.

Disability and Access Analysis

This section examines the housing experience and access to opportunity for Idaho residents with disabilities. In addition to analyses of publicly available data and findings from the stakeholder survey, this section includes information obtained from a focus group convened by IHFA and organized by stakeholders from Idaho’s disability community.

This section is organized around the following areas that affect persons with disabilities:

- Availability of affordable and accessible housing;
- Programs and policies to ensure integration of housing in a variety of settings; and,
- Access to economic opportunity.

The proportion of persons with disabilities, by county, is shown in the following map prepared by the Idaho State Independent Living Council. As the map demonstrates, counties in northern Idaho—largely those that are rural and very rural—have the highest proportions of residents with disabilities. These are also some of the areas with the greatest access challenges due to their rural nature: housing stock is older and not always accessible, public transportation is limited, sidewalks are uncommon, and services may be miles from where residents live—sometimes in neighboring counties with larger cities.

Accessible and Affordable Housing

Previous sections examined the extent to which residents with disabilities live in concentrated settings (Section I) and access to housing affordability in general (Section II). This section examines the extent to which persons with disabilities are able to exercise fair housing choice and are housed in the most integrated setting appropriate for their needs.

As specified in federal regulations: “The most integrated setting is one that enables individuals with disabilities to interact with nondisabled persons to the fullest extent possible, consistent with the requirements of the Americans with Disabilities Act, 42 USC. 12101, et seq., and Section 504 of the Rehabilitation Act of 1973, 29 USC 794. See 28 CFR. part. 35, App. A (2010) (addressing 25 CFR 35.130).” Under this principle, derived from the Supreme Court’s decision in *Olmstead vs. L.C.*, institutionalized settings are to be avoided to the maximum possible extent in favor of settings in which persons with disabilities are integrated with nondisabled persons.

Different types of accommodations and/or services may be needed to allow individuals with disabilities to live in integrated settings. For example, persons with physical disabilities may need units with universal design or accessibility features, both within the private market and publicly-supported housing stock, specific to their needs. Persons with other types of disabilities may require access to services and support—e.g., transportation assistance, personal care services—they need to live independently. Many persons with disabilities need housing that is affordable, as well as accessible.

Access to housing overall. Data on the location and types of accessible housing units in nonentitlement areas are not publicly available. Multifamily units developed after the 1990s (when the Americans with Disabilities Act was passed) are required to have some accessible units and common area accessibility. However, multifamily construction largely occurs in urban areas and, as such, multifamily units developed after 1990 is not a solid proxy for accessible units in nonentitlement areas.

In order to understand the availability of accessible, affordable housing units, stakeholders knowledgeable about the housing experience of residents with disabilities responded to a series of survey questions regarding housing choice for this protected class. Among all of the fair housing issues or contributing factors considered by stakeholders—as discussed throughout the AI—factors related to accessible housing were among the five most serious, on average (i.e., had the highest average ratings).

Specifically:

- Nearly two in three (63%) stakeholder survey respondents reported an insufficient number of accessible units in their region.
- About half of stakeholders consider a lack of affordable, integrated housing for individuals who need supportive services to be a serious fair housing issue or contributing factor limiting housing choice for residents with disabilities.

The types of housing arrangements needed, according to stakeholders, include:

- Ground floor rental units or buildings with elevators;
- Accessible units located close to transportation or services;
- Housing that is affordable and appropriate for their needs for residents with mental illness living on SSI, including group homes;
- Affordable, accessible housing units with onsite services, such as case management or in-home health care.

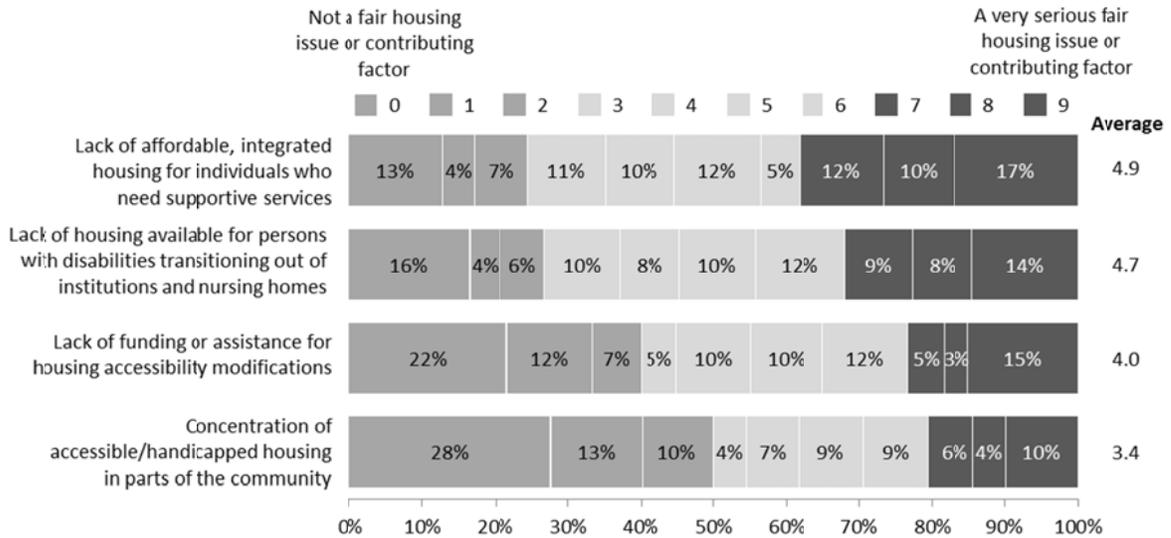
Stakeholders were more mixed in their opinions about the seriousness of the need for housing modification funding and the extent of concentration of accessible housing. Most did not identify a need for additional funding for housing accessibility modifications, nor did they think it is a fair housing issue or contributing factor. Concentrations of accessible housing in certain parts of the community was not a fair housing issue or contributing factor in the experience of more than one in four stakeholders.

Access to publicly-supported housing. Overall, residents with a disability occupy 28 percent the tenant population in publicly subsidized housing administered at the state level in Idaho.¹ This compares to 13 percent Idaho residents with a disability overall. Publicly subsidized housing, therefore, is meeting a critical need for housing persons with disabilities.

With respect to individual programs, residents with disabilities are slightly more than one-third of public housing tenants; 30 percent of Housing Choice Voucher households and 23 percent of Project Based Section 8.

¹ Picture of Subsidized Households, Summary of All HUD Programs, Idaho, 2015.

**Figure IV-1.
Housing Choice for Residents with Disabilities**



Note: n ranges from 82 to 112.

Source: BBC Research & Consulting from 2016 Idaho Fair Housing Stakeholder Survey.

Based on recent experience, when funds for modifications are available, the funds are rarely sufficient to make all necessary modifications. Further, housing that is affordable may be substandard and unable to qualify for modification funding.

Participants in the disability stakeholder focus group characterized housing choice for residents with disabilities in Idaho as “poor,” with limited options. This is a function of:

- **Supply**—too few accessible units, particularly non-multifamily units. Developers are not actively building accessible or visitable single family housing and lack incentives to do so. Ideally, residents with disabilities would have options to live in single family homes or other low density products. Yet even if visitability incentives existed, they would only be effective in urban/suburban areas with development volume.
- **Resources**—In contrast to survey respondents, participants in the disability focus group said that lack of resources for accessibility modifications is a serious barrier to fair housing for residents with disabilities. IHFA’s Accessibility Improvements Program (AIP) has not had funding since 2011; the AIP was historically funded through fair housing design and construction settlements, which have declined. Funding is now only available through nonprofit organizations and centers for independent living and is limited.
- **Price**—accessible units, especially market rate units, are unaffordable to residents relying on disability income. Further, for units that a resident could afford, many landlords require that a tenant’s income be three times the rent. Participants emphasized the importance of recognizing that residents reliant on disability income are typically living on 18 percent of the area median income. Respondents to the stakeholder survey raised similar concerns. These very low income households may need the accessibility features available in new

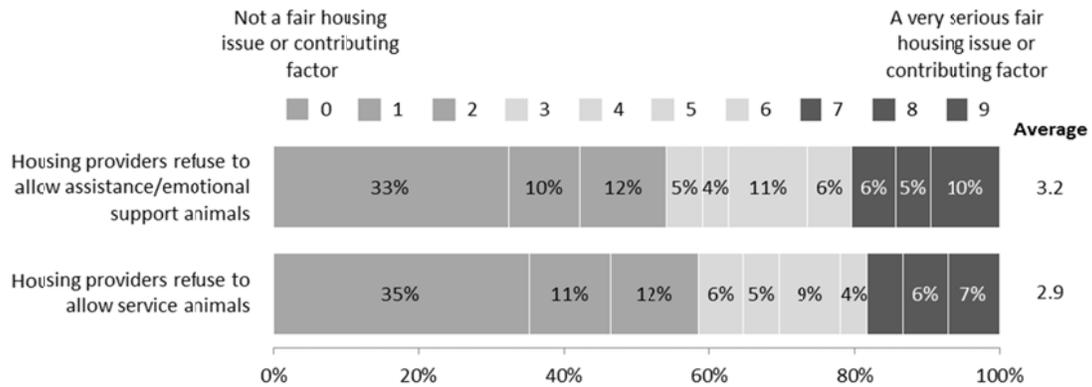
construction market rate multifamily or LIHTC properties, yet even these developments cost more than what they can afford.

- **Transportation access**—residents with disabilities who are transit dependent or require specialized transportation are limited to living in Idaho communities with existing public transportation and to securing housing close to or with accessible routes to transit stops.
- **Access to supportive services**—in order to live in the most independent, integrated settings, some Idaho residents with disabilities require in-home supportive services. Medicaid budget cuts and reduced provider reimbursement rates may have the effect of restricting housing choice for residents who rely on such services.
- **Information gap**—builders and housing providers, planners and state and local elected officials have a limited understanding of visitability and the benefits of building adaptive or accessible, housing and communities.
- **Local regulations**—from the perspective of these stakeholders, Idaho has the appropriate laws in place to facilitate fair housing choice for residents with disabilities. The primary barriers are funding and city or county ordinances that have the effect of prohibiting or limiting group home siting or Certified Family Homes or that make it difficult to make accessibility modifications to existing housing.

Reasonable accommodations. Among the potential fair housing issues evaluated by stakeholders in the resident survey, refusal to allow emotional support animals or service animals are the least problematic. This suggests that efforts to educate housing providers and to empower residents with disabilities who require supportive or service animals have been effective on the whole and should continue. Stakeholders agree: their comments about service or support animal issues experienced by residents with disabilities suggest the need for ongoing landlord and tenant education:

- Stakeholders suggest that landlords need more information about emotional support animals as distinguished from service animals. They report that some landlords believe some tenants without disabilities are claiming pets as emotional support animals.
- In an entitlement community—a university town—stakeholders report instances of residents with service animals being placed at the bottom of a list of applicants due to the service animal.

**Figure IV-2.
Refusal to Rent Due to Service or Support Animals**



Source: BBC Research & Consulting from 2016 Idaho Fair Housing Stakeholder Survey.

In sum, stakeholders view the need for additional accessible housing options and housing with supportive services as a more serious fair housing challenge than lack of funding to make accessibility improvements, concentrations of accessible housing, or refusal to make some reasonable accommodations. Publicly supported housing is a critical source of housing for persons with disabilities.

Integration of Housing and Services

The Supreme Court’s 1999 decision in *Olmstead v. L.C.* requires states “eliminate unnecessary segregation of persons with disabilities and to ensure that persons with disabilities receive services in the most integrated setting appropriate to their needs.”² This landmark civil rights decision held that Title II of the Americans with Disabilities Act (ADA) prohibits unjustified segregation of individuals with disabilities.³ While the decision addressed the needs of individuals seeking to leave institutional settings, it also applies to the state’s provision of treatment, services, and supports to prevent institutionalization. The Supreme Court allowed public agencies the opportunity to develop plans (known as *Olmstead* Plans) to comply with the decision’s integration mandate, rather than compliance through litigation.

At the time, Idaho’s Governor made the determination that the State of Idaho was in compliance with the integration mandate, making an *Olmstead* Plan unnecessary. The housing needs of persons with disabilities are instead coordinated with the Governor through the efforts of two councils:

- The Idaho Behavioral Health Planning Council. The Idaho Behavioral Health Planning Council provides a report to the Governor on the state’s progress in delivering behavioral health services to children and adults statewide.⁴

² <https://www.ada.gov/olmstead/>

³ https://www.ada.gov/olmstead/q&a_olmstead.htm

⁴ <http://healthandwelfare.idaho.gov/Portals/0/Medical/Mental%20Health/BHPC/FY16GovReport.pdf?ver=2016-07-01-152430-347>

- The Idaho Developmental Disabilities Council. This Council's work is guided by five-year strategic plans.⁵

From the perspective of participants in the stakeholder focus group, Idaho would benefit from a more comprehensive statewide disability planning process, involving both members of the disability community and state agencies, whether or not such a plan is a formal *Olmstead* plan. This effort would facilitate a more coordinated approach across all state departments and agencies and would ensure consistency in policies and procedures.

In-home and residential supports. Federal and state funding for in-home services are needed for many persons with disabilities, as well as the elderly, to live in integrated settings. Medicaid is a major funding mechanism for in-home and residential supports. Figure IV-3 presents data from the Study of Medicaid Funded In-home and Residential Long-term Supports and Services for Persons with Intellectual or Developmental Disabilities (RISP study data) for Idaho.⁶

Historically, the greatest proportion of individuals with intellectual or developmental disabilities receiving in-home and residential Medicaid supports have lived in individualized settings, including their own home family home, or host homes. As shown in the figure, between 2010 and 2013, the number of Medicaid recipients receiving services in individualized settings changed radically and data was not available for congregate settings of less than 15 residents. It is unclear if the change shown was due to definitional changes, reductions in Idaho's investment in Medicaid (e.g., passage of House Bill 260 in 2011), or errors in data reporting.

⁵ <https://icdd.idaho.gov/pdf/AAA%20Final%20ICDD%205-YR%20Strategic%20Plan.pdf>

⁶ <https://risp.umn.edu/>

**Figure IV-3.
Idaho Medicaid Recipients
with IDD: Trends in In-
Home and Residential
Supports, 1996-2013**

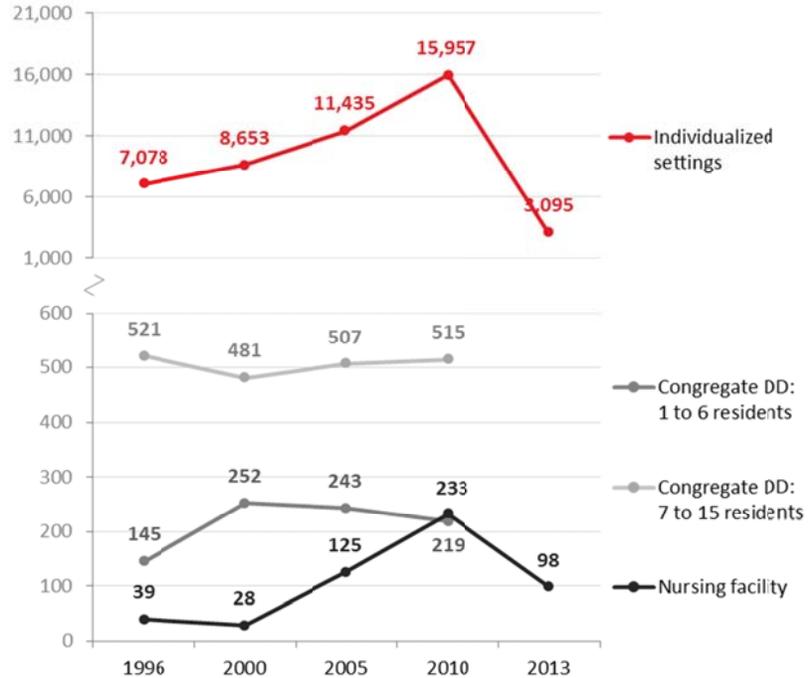
Note:

Individualized settings include own home, family and host home. Congregate DD are those residences whose purpose is serving individuals with intellectual or developmental disabilities. Over the time period considered, no individuals with intellectual or developmental disabilities were reported to reside in Psychiatric Facilities.

No data for Congregate DD in 2013.

Source:

BBC Research & Consulting from Idaho FY 2013 RISP State Profile.



Stakeholders described how reductions in state and federal budgets funding in-home and residential supports put residents with disabilities reliant on these services at risk of losing their ability to live in the most integrated appropriate setting. For example, at present, reimbursement rates for Personal Care Services result in wages that are at or lower than those offered at fast food outlets, increasing the difficulty of recruiting and retaining personnel and lowering the quality of applicants. Without the assistance of Personal Care Service workers, many residents cannot live independently.

Mental health services. A 2008 study for the Idaho State Legislature by the Western Interstate Commission for Higher Education characterized the system as “severely fragmented, with a significant lack of clarity—and consensus—regarding the roles and responsibilities of various stakeholders.”⁷ Since the study’s release, the Idaho Department of Health and Welfare (IDHW) has begun to implement the State Healthcare Innovation Plan, transitioning healthcare delivery from an episodic and acute care model to one focused on prevention and management of chronic conditions. State funded mental health services are now delivered through Regional Behavioral Health Centers (RBHC). The May 2016 Mental Health Public Dashboard reported serving 2,929 adults and 691 children for that month. IDHW currently operates two Behavioral Health Crisis Centers—one in Coeur d’Alene and one in Idaho Falls— that are open 24/7/365. The crisis centers are voluntary and help individuals in crisis get assistance and divert these individuals from jail or emergency rooms. The vision is to ultimately offer mental health crisis services at a center in each region. Access to mental health services was an area of concern raised by stakeholder in the roundtable, survey, and focus group discussions.

⁷ Idaho Behavioral Health System Redesign: Findings and Recommendations for the Idaho State Legislature, 2008, p.5.

In testimony before the Idaho Advisory Committee of the U.S. Commission on Civil Rights in 2015, the Executive Director of DisAbility Rights Idaho characterized Idaho’s mental health services system as “broken” and in crisis.⁸ DisAbility Rights Idaho attributes the crisis to a lack of public funding for services and the system’s “fragmented and disorganized collection of programs with conflicting priorities and inefficient parallel administrative structures.” The DisAbility Rights Idaho testimony reported a 40 percent cut to state funded community mental health supports and services from 2007 to 2011, resulting in increased Idaho State Hospital admissions.

Transitioning to and maintaining integrated settings. Idaho Home Choice (IHC) is the state’s Money Follows the Person (MFP) program. IHC’s 2016 goal is to transition 100 Medicaid-eligible residents with disabilities from institutional settings to integrated housing in the community. The 2016 goal represents an increase from 2015 (80 individuals). As of April 2016, IHC has transitioned 350 individuals with disabilities into integrated settings since beginning implementation in October 2011—an average of more than 80 individuals annually.

In 2015, IHC’s sustainability plan received federal approval, ensuring the program’s continuation as a Medicaid benefit under the Developmental Disabilities and Aged and Disabilities Home and Community Based Services Medicaid Waivers. (MFP is currently a Demonstration Program; participants will be accepted through the MFP demonstration through December 2018). Thus far, only 25 IHC participants have been re-institutionalized. However, federal funding cuts to the program and resulting reduced state matching funds could constrain this program.

About 3,600 residents with disabilities participate in the IDHW’s Adult Developmental Disability Services program (DDS Program/DD Waiver or HCBS waiver) as part of the Idaho Medicaid program. Eligible participants receive annual Medicaid budgets for services and supports determined by IDHW through a budgeting process based on inputs from an annual assessment conducted by an Independent Assessment Provider (IAP). The data and reports reviewed on this program suggest that housing affordability and access to services are the primary challenges that must be resolved for residents with disabilities to live in the most integrated setting possible.⁹

Top needs according to stakeholders. Stakeholders perceive the primary challenges transitioning to and mainlining persons with disabilities in integrated settings to be related to lack of housing and qualified staff, and funding shortages. Specifically,

- While the state encourages placement and there is adequate support to help individuals navigate the process of transitioning to integrated settings, finding available appropriate

⁸ <http://disabilityrightsidaho.org/idahos-mental-health-system-and-the-ada-integration-mandate/>

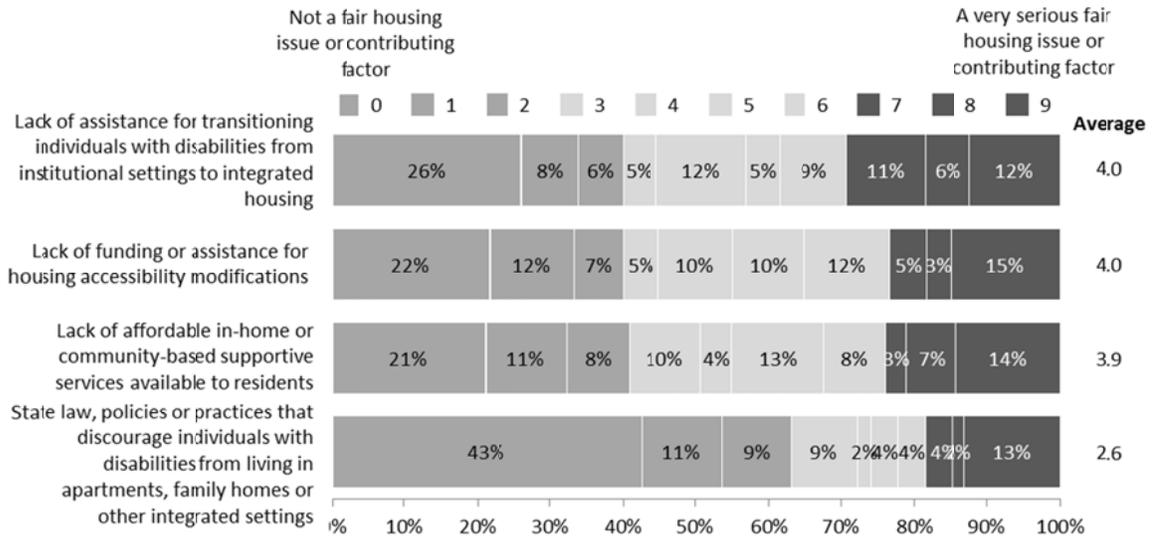
⁹ The lawsuit *K.W. v. Armstrong* challenged the IDHW’s budget process; process for notifying recipients of individual budget reductions; the process for appealing a budget determination and other issues related to the program’s administration. The plaintiffs filed the lawsuit after receiving notices of reductions in benefit budgets. (The form of the notices was later found to be unconstitutional.) An injunction restored benefit levels to those in place in June 2011 during litigation. A March 2016 decision by Idaho’s Chief Federal Judge ordered IDHW to develop new processes for budgeting, notification and appeal.

living situations is a barrier. Stakeholders suggested that increased education to housing providers and additional funding for modifications or supportive services is needed.

- A related challenge is the insufficient number of agencies providing supportive services, as well as a lack of mental health services. Stakeholders participating in the survey and focus group suggest that the lack of resources for community based mental health services and supports leads to hospitalizations and institutionalization. There is a need for post-incarceration services for residents with mental illness, including housing placement counseling and connecting these individuals to community based treatment services.
- A lack of trained staff (e.g., a limited, qualified workforce in rural and very rural areas) may also pose a barrier to living in integrated settings, as residents with disabilities transitioning from institutional settings may require in-home assistance or other supportive services.
- Stakeholders suggested that funding to help individuals transition to integrated settings be increased, including funds for reasonable modifications, as this could save money over the long term. Due to budget constraints stakeholders report that Idaho Home Choice will only have funds to help 50 individuals in 2017. Stakeholders are also concerned that new HCBS rules that will result in the closure of many Certified Family Homes and supportive homes in January 2017.
- Several stakeholders from Region 1 noted that they were not aware of resources to help individuals with disabilities move to integrated settings, suggesting opportunities to increase awareness of available programs.

Overall, half of stakeholders surveyed believe that state and local policies and practices encourage the placement of persons with disabilities in apartments, single family homes and other integrated community settings moderately or very well. With respect to state-level changes, stakeholders described a need for legislator education on how these changes impact residents, and recommended that advocates for residents with disabilities focus some of their resources on educational activities.

Figure IV-2.
Transitioning to Integrated Settings



Source: BBC Research & Consulting from 2016 Idaho Fair Housing Stakeholder Survey.

Access to Opportunity

Section III examined access to opportunity for members of all protected classes. Opportunity issues specific to residents with disabilities are discussed below.

Public infrastructure. As noted above, accessible public infrastructure, particularly sidewalks and curb cuts pose a significant barrier for residents with mobility disabilities. These challenges are particularly acute in communities that lack the financial resources to make these improvements.

Transportation. As described in Section III, access to public transportation is limited or not at all available in much of Idaho, largely due to the rural nature of most of the state.

While all Idaho residents who do not have access to a personal vehicle are impacted by the unavailable or limited public transportation, residents who require accessible transportation services are at an even greater disadvantage. Focus group participants described changes to medical transportation programs that they believe will result in a loss of these services in rural communities.

Proficient schools. As of March 2015, 28,482 students with disabilities were enrolled in Idaho schools.¹⁰ Section III explored access to proficient schools for all Idaho residents and examined differences in student proficiency in 4th Grade Math—finding that 16 percent of students with disabilities are proficient or advanced compared to 47 percent of students without disabilities. The proficiency gap in 4th Grade English Language Arts (ELA)/Literacy is wider—15 percent of

¹⁰ <http://www.sde.idaho.gov/sped/rda/files/general/State-Systematic-Improvement-Plan-Components.pdf>

students with disabilities are at least proficient compared to 50 percent of students without disabilities. Past efforts to improve educational outcomes have been compliance-focused; now efforts are shifting to Results Driven Accountability, a system developed by the federal Office of Special Education Programs.¹¹ To improve educational outcomes of students with disabilities and to shift to a Results Driven Accountability approach, Idaho's Department of Education, Division of Special Education, is developing the "State Systemic Improvement Plan." The planning process included significant stakeholder involvement and resulted in narrowing the plan's focus to literacy. Idaho's State-identified Measurable Result (SiMR) is "Increase the percent of fourth grade students with disabilities in Idaho who will be proficient in literacy as measured on the state summative assessment, currently ISAT by Smarted Balance." The planning process identified four root causes of low performance:

- Ineffective professional development, technical assistance and coaching;
- Lack of collaboration;
- Inconsistent assessment; and
- Lack of involvement of families and community.

The plan's improvement strategies are designed to address each of the root causes. Implementation is beginning in seven school districts across the state.

Jobs. The employment status and work experience of persons with disabilities is available from the U.S. Census for the state overall and urban areas in Idaho. In 2015, 86 percent of persons with disabilities who were in the labor force were gainfully employed. This compares to 95 percent of those without a disability. Persons with disabilities make up 19 percent of unemployed workers in Idaho, higher than the 13 percent of residents they represent overall in the state. Of those who are unemployed, the most common types of disabilities are cognitive, independent living, and hearing. Persons with disabilities are also less likely to work full time (45% v. 63% of persons without a disability).

In 2013, the Idaho State Independent Living Council, with a grant from the Centers for Medicaid and Medicare Services and the U.S. Department of Health and Human Services, developed Idaho Able to Work, a program focused on growing employment opportunities for people with disabilities. The Able to Work website¹² provides resources for residents with disabilities, employers, and services providers. For residents with disabilities, resources include job search tips, connections to Vocational Rehabilitation Counselors, and resources for youth. Able to Work offers educational materials for employers regarding hiring employees with disabilities, hiring incentives, accommodations, and training resources. Information for service providers includes referral resources and best practices for increasing employment outcomes for clients.

¹¹ <http://www.sde.idaho.gov/sped/rda/files/general/State-Systematic-Improvement-Plan-Overview-Presentation.pdf>

¹² <http://abletowork.idaho.gov/>

Homeownership. IHFA has a number of loan products and programs to facilitate homeownership. IHFA's home loan products include conventional, Rural Development, Federal Housing Administration, and Veterans Administration loans. The Good Credit Rewards program offers second mortgage financing up to \$8,000 to need-based applicants. Closing cost assistance, up to 3.5 percent of the sales price or \$8,000, is available to applicants with household incomes at or below 80 percent AMI in the Boise, Coeur d'Alene, and Pocatello metropolitan statistical areas. None of the programs are specific to residents with disabilities. Local housing providers, such as Habitat for Humanity, may specifically target resources to aid residents with disabilities with homeownership. For example, the Gateway Habitat for Humanity in Pocatello has built fully accessible homes for past clients.

Focus group participants discussed some of the challenges experienced by residents with disabilities who want to own homes. As with many access issues, the principal challenge is the scarce supply of single family accessible homes for purchase. For some homeownership programs, the limits are so narrow that it's difficult for residents to participate, either due to prior homeownership or too many assets. Perhaps an even more challenging barrier is a lack of resources for these prospective homebuyers to make accessibility improvements.

Government services and facilities. With respect to accessing government services and facilities, only one specific example of a fair housing concern was found. In May 2015, the Idaho State Capitol Commission signed a settlement agreement with the U.S. Department of Justice to resolve an ADA complaint about the accessibility of the Idaho State Capitol. As with public infrastructure, a lack of resources is typically the explanation for why a given public facility has not received needed ADA improvements.

In some cases, the physical building is accessible to residents with disabilities, but the route from transit stops is not. Beyond physical accessibility, office hours for government services are not always in sync with fixed route bus or accessible transportation services.

Summary

This section examines housing choice and access to opportunity of Idaho's residents with disabilities. Primary findings are summarized below. It is important to note that many of the fair housing challenges are related, in part, to the rural geography of much of the state.

- Housing choice for residents with disabilities is challenged by the lack of available, affordable, accessible housing, particularly in rural areas.
- In general, there is insufficient housing and supportive service capacity to transition residents with disabilities and persons with mental illnesses from institutional settings. Specifically, cuts to the Medicaid HCBS program or reductions in individual budgets puts residents with disabilities who require supportive services at risk of losing their ability to live in the most integrated appropriate situation or even institutionalization. Reimbursement rates for Personal Care Services are inadequate to encourage and maintain a supply of needed workers, who are necessary for persons with disabilities, as well as elderly residents, to live independently.

- Lack of public transportation in much of the state influences the communities in which residents with disabilities can live independently, as ADA transportation is not required in communities that lack fixed route services.
- Inaccessible public buildings and commercial establishments and infrastructure (e.g., lack of or non-compliant sidewalks) persist in many, particularly older and rural, communities.

SECTION V.

Regulatory Review

SECTION V.

Regulatory Review

This section reviews relevant state regulations for how they affect housing choice. This analysis was guided by both the Fair Housing Planning Guide and questions posed in the Assessment of Fair Housing (AFH) Tool for States and Insular Areas.

In the Planning Guide, at the state level, these include:

- Building, occupancy, health and safety codes that may disproportionately affect the availability of housing for certain protected classes;
- State policies and actions affecting the approval of sites and/or the approval process for construction;
- Banking and insurance laws pertaining to the financing, refinancing, sale, purchase rehabilitation, or rental of housing;
- Statewide policies concerning multifamily rehabilitation, accessibility standards, displacement of households (e.g., due to tax increases), and demolition of housing;
- Policies that disproportionately restrict housing and community development resources and/or employment opportunities for certain protected classes;
- Policies and practices that restrict interdepartmental coordination;
- Planning, financing, and administrative actions that are related to the siting of public transportation and social services that may disproportionately affect certain protected classes; and
- Policies and practices that affect the representation of all protected classes on advisory boards, commissions, and committees.

The AFH template necessitates a more specific review of: 1) The state Qualified Allocation Plan (QAP) for Low Income Housing Tax Credit (LIHTC) allocations, and 2) How administration of CDBG, HOME, and National Housing Trust Fund programs affect patterns of segregation, R/ECAPs, disparities in access to opportunity, and disproportionate housing needs.

In some cases, fair housing challenges may not be evident through a review of regulatory or code language. Consulting stakeholders with experience administering programs funded by the state is therefore necessary. Stakeholder perceptions of barriers supplemented the regulatory review discussed in this section.

State Regulations Affecting Housing Availability

This review of state regulations affecting housing availability is divided into two parts: 1) Codes regulating building standards and health and safety; and 2) Other types of regulations that are related to residential housing.

Building, health and safety codes. The Idaho Division of Building Safety sets the regulations for building codes; installation of electrical, plumbing and HVAC work; manufactured housing standards; and logging safety. The division also oversees licensing of electrical, HVAC, manufactured housing, plumbing, and public works contractors.

Building construction codes ensure the health and safety of occupants. However, codes with extensive requirements may increase housing costs and reduce the supply of affordable housing. In addition, if they contain provisions that discourage or prohibit the types of reasonable modifications needed to meet the needs of certain protected classes, they may create barriers to fair housing choice for these groups.

During 2016, the Division of Building Safety held hearings to receive public comment on proposed revisions to the state's adopted building and energy codes. The building code amendments were being proposed to align the currently adopted International Building Code (IBC 2012) with 2015 standards (IBC 2015). The 2015 IBC addresses the design and construction standards for persons with disabilities (accessibility provisions), standards for group homes, and rehabilitation standards.¹ The Idaho Building Code Board has not agreed on which elements of the 2015 IBC to adopt and, in its August meeting, chose to adopt some, but not all, elements due lack of consensus about certain energy efficiency requirements. In 2017, the approved elements of the 2015 IBC will be considered by the Idaho State Legislature.

State regulations affecting provision of housing. A variety of regulations can affect provision of housing and housing choice of protected classes. This section begins by highlighting positive regulations in the state's code. It also discusses where the code may create challenges in housing provision.

Idaho Statutes, Title 67. State Government and State Affairs. Chapter 65. Local Land Use and Planning confers zoning powers on cities and counties. Such bodies are required to prepare a Comprehensive Plan that addresses, among other land use factors, an analysis of housing conditions and needs, including the need for "low-cost" housing. The plans must also address the needs for community facilities (schools, recreation facilities, transportation).² Plans are reviewed and adopted by local planning commissions.

¹ It is important to include rehabilitation as part of building standards because much of the nation's affordable housing stock is in older structures. This tends to help preserve the supply of affordable housing.

² The state statute does not prescribe how often Comprehensive Plans are updated.

Positive aspects of Idaho Statutes related to housing provision include:

- *Title 26. Banks and Banking, Chapter 31. Idaho Residential Mortgage Practices Act, Part 2.* Regulates the activities of mortgage brokers and lenders to protect borrowers against unknown and unreasonable fees and other practices that could adversely affect mortgage loan terms.
- *Title 39. Health and Safety. Chapter 33. Idaho Residential Care or Assisted Living Act, 39-3304.* This act is intended to foster the development of and provide incentives for residential care or assisted living facilities that serve persons with mental illness and developmentally or physically disabled populations. The act fosters small facilities (eight beds or less for individuals with developmental or physical disabilities or dementia and 15 beds or less for individuals with mental illness) that will provide residents with the opportunity for normalized and integrated living in typical homes in neighborhoods and communities.
- *Title 39. Health and Safety. Chapter 46. Idaho Developmental Disabilities Services and Facilities Act, 39-4603.* This act ensures that persons with developmental disabilities have the same legal rights and responsibilities as other residents.
- *Title 41. Insurance, Chapter 14. Property Insurance Rates, 41-1405.* The Rate Standards section of this regulation prohibits excessive, inadequate or discriminatory insurance rates.
- *Title 55. Property in General. Chapter 15. Condominium Property Act, 55-1523.* Prevents cities or counties from refusing condominiums from being zoned or developed.
- *Title 55. Property in General. Chapter 20. Manufactured Home Residency Act.* Several chapters protect the rights of manufactured home renters.
 - 55-2005 requires that, prior to execution of an agreement, landlords provide renters with a copy of the community rules.
 - 55-2006 requires a 90-day written notice of rent and utilities increases and/or changes to community rules. Also prevents rent increases or rule changes more than once in a six-month period. Also requires that rent increases be uniform throughout the community.
 - 55-2007 specifies the terms required in the rental agreement.
 - 55-2009 prohibits a landlord from denying a resident the right to sell their manufactured home and from collecting a fee on the sale unless the landlord is acting as and is qualified to act as an agent of the seller.
 - 55-2010 regulates the circumstances under which a lease can be terminated.
 - 55-2015 prevents retaliatory conduct by landlords (e.g., in response to health and safety complaints).
 - In addition, *Title 67. State Government and State Affairs. Chapter 65. Local Land Use Planning, Section 67-6531* prevents zoning from excluding manufactured homes on the basis that they are manufactured homes.

- *Title 63. Revenue and Taxation. Chapter 6. Exemptions from Taxation, Section 63-602GG.* Exempts low income housing owned by nonprofit organizations from property taxes. To qualify, properties must be solely owned by a nonprofit; have reasonable eviction rules as defined in the regulation; and be affordable to households earning between 30 and 60 percent of the area median income (AMI). The exemption does not apply to LIHTC properties.
- *Title 67. State Government and State Affairs. Chapter 65. Local Land Use Planning, Section 67-6531.* This section defines “single family dwelling” as including any group residence in which eight or fewer unrelated persons with disabilities or elderly persons reside and who are supervised at the group residence in connection with their disability or age-related infirmity.³

Other types of regulations that can affect housing provision are not regulated at the state level. These include occupancy codes and restrictions (beyond the IBC), certain types of group homes (e.g., homes for recovering alcoholics and/or substance abusers), ability to enact code enforcement, and displacement of low income residents (other than what is included in the manufactured home regulations discussed above).

Aspects of Idaho’s statutes that may negatively affect affordable housing provision include:

- **Limits on local revenue generation.** It is common for states in the western U.S. to limit taxation. Idaho does this by limiting annual increases in property taxes and, except for resort areas with voter approval, not allowing cities to collect local sales taxes. If allowed, such revenue could be used to support affordable housing in communities where housing is determined to be a priority need. It is important to note, however, that the additional revenue would compete with other local needs; as such, the actual effects of limits on local revenue generation on housing availability are unclear.
- **Limit on inclusionary zoning.** Also similar to many western states is Idaho’s ban on rent control, which affects the use of inclusionary zoning programs.⁴ Inclusionary zoning is a program commonly used in high cost areas to produce affordable housing. In general, inclusionary zoning programs require that residential developments of a certain size incorporate a proportion of units that meet affordable price points. Inclusionary zoning can be applied to rental or homeownership housing or both. Some high cost urban areas in the West (Austin and Denver) have implemented voluntary inclusionary zoning in exchange for development benefits including density bonuses.

Several Idaho resort areas that have attempted to enact inclusionary zoning programs have been challenged in court, resulting in the programs being overturned. The courts have

³ It is worth noting that some communities have expanded group home definitions to include 10 to 12 or fewer individuals to broaden opportunity and avoid challenges associated with restrictions on size of facilities.

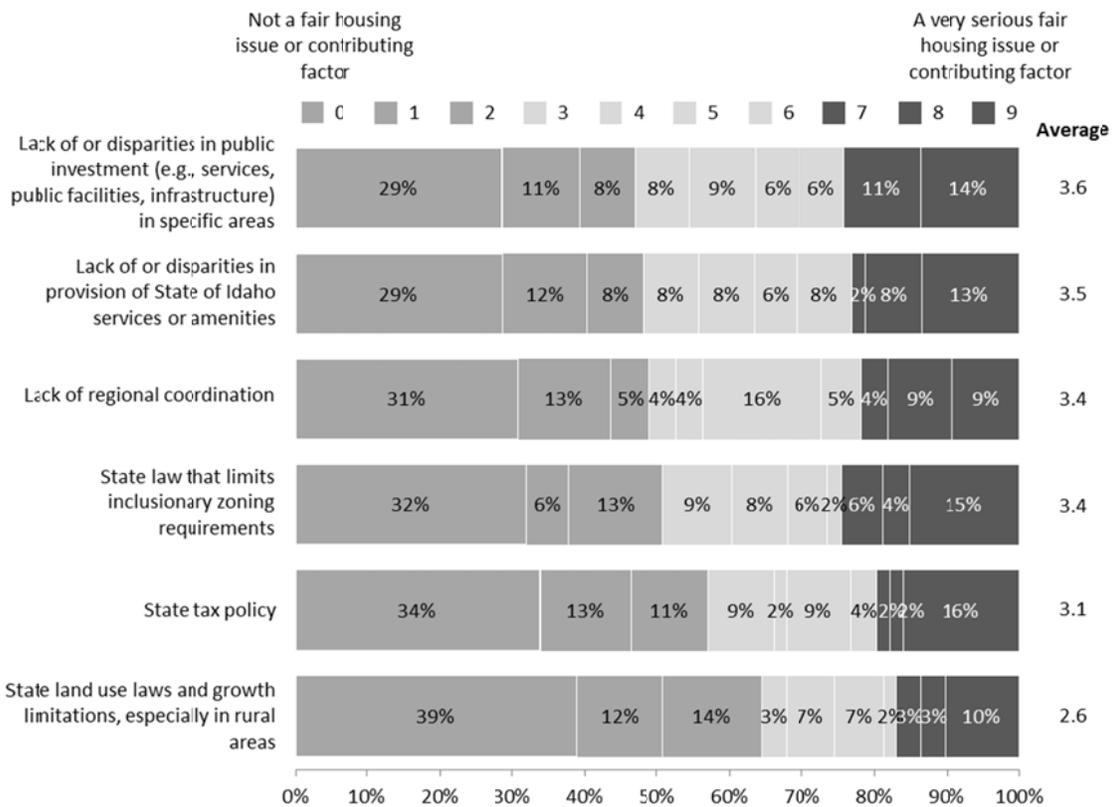
⁴ Title 55. Property in General. Chapter 3. Rights and Obligations of Owners, 55-307 prohibits a unit of local government from “enact[ing], maintain[ing], or enforce[ing] an ordinance or resolution that would have the effect of controlling the amount of rent charged for leasing private residential property.”

determined that such programs exceeded local jurisdictions’ authority to impose local taxes (see revenue-raising limits discussion above).

Stakeholder perspectives on state regulations. Figure V-1 presents stakeholder perspectives on a range of regulatory practices or policies. As shown, on average, the policies or practices reviewed do not present fair housing issues. The highest average rating of the seriousness of fair housing issues was 3.6—equivalent to a low to moderate level of seriousness.

The highest rated barrier was “lack of or disparities in public investment in specific areas” followed by “lack or disparities in provision of services or amenities.” Gaps in infrastructure and service provision are perceived as some of the most serious challenges. Yet it is important to note that three fourths of stakeholders did not consider this a serious fair housing issue.

Figure V-1.
Stakeholder Perspectives on State Regulations



Note: n ranges from 52 to 82.

Source: BBC Research & Consulting from 2016 Idaho Fair Housing Stakeholder Survey.

These potential fair housing issues were also posed to stakeholders in the roundtables held throughout the state. When asked which state policies and practices may affect access to opportunity in nonentitlement areas, stakeholders named the following:

- Lack of ability to raise local funds that could be directed to providing housing;

- Lack of a funding methodology for the state trust fund; and
- Lack of funding for transportation, affecting access to jobs, community amenities.

Allocation of Low Income Housing Tax Credits (LIHTC)

The LIHTC program is one of the largest rental housing programs in the U.S., having provided financing for the creation of more than 2.5 million rental units nationwide. The program supports the development of affordable rental housing by allowing private sector investors (usually partners of the developers and/or owners of the housing) to reduce their federal taxes through tax credits related to the level of affordability of the project. The developments receiving tax credits are chosen by state housing financing agencies, including IHFA in Idaho. The award of credits is determined by the Qualified Allocation Plan (QAP). IHFA uses two allocation rounds to award credits.

Idaho's QAP was last updated on January 4, 2016. A discussion of the provisions in the 2016 QAP that affect the location of LIHTC developments and the protected classes that have access to the units are discussed below. Developments must score 70 of 100 points in a competitive application process.

Development location. Developments receive points for location based on proximity to goods and services and major employers. Criteria are different for urban and rural areas:

- **Goods and services**—located with 1.5 miles driving distance in urban areas; 3 miles in rural communities. Goods and services include grocery and retail stores, libraries, financial institutions, educational facilities, health care and social service centers, recreation areas, and bus/transit stops.
- **Major employer**—located with 5 miles driving distance in urban areas; 10 miles in rural areas.

Maximum 9 points for the above.

Points are also awarded to developments located in certain market areas:

- Are located in Ada County or Canyon County (*2 points*).
- Are located in a Primary Market Area (PMA) with an overall multifamily rental vacancy rate and/or LIHTC vacancy rate of 3 percent or less (*6 points*).

Types of residents. Developments are awarded points if they give preference to persons on PHA waiting lists (*1 point*); have a disability and/or are seniors (*2 points*); if they include a mix of rent-restricted and market rate units (*1 point*); if they designate at least 5 percent of the rent-restricted units to three+ bedrooms and include amenities for children (*1 point*); and if they include permanent supportive housing (PSH) to special needs populations (*2 points*).

Points are also awarded for extended periods of affordability and based on the inclusion of 40-50 percent AMI households.

Concerted community revitalization plans. In the Idaho QAP, a concerted community revitalization plan is defined as a certified urban renewal district or other city-designated geographic area located within a Qualified Census Tract that specifically addresses affordable housing as a goal.

Community support. IHFA notifies local public officials and PHAs of the proposed housing development submitted for tax credits. The notification includes a brief profile of the development and permits input and support in the form of public official comments. These comments are intended to assist in evidencing the need for proposed housing. Community support is not a requirement for allocation.

Fair housing. Fair housing requirements of applicants include:

- Compliance with fair housing architectural (ADA) requirements;
- Submission of an “Affirmative Fair Housing Marketing Plan;”
- An “Affirmatively Furthering Fair Housing Resolution” adopted by the local municipality where the proposed development is to be located; and
- If the project is located in a CDBG entitlement area, the jurisdiction's most current HUD-Approved Analysis of Impediments to Affirmatively Furthering Fair Housing Choice. If the proposed property is located in a nonentitlement city or county that has received CDBG funds in the past five (5) years, a copy of CDBG Fair Housing Assessment and Action Plan.

Leverage of HOME funds. IHFA awards HOME and LIHTC through a published Notice of Funding Availability (NOFA). Both programs use the same online application. Because of different statutory, regulatory, and program requirements, the applications are reviewed and scored by the HOME and LIHTC programs separately. Following the review and scoring process, HOME and LIHTC programs submit individual recommendations to IHFA's Allocation Resource Committee, who then issues the awards simultaneously. The HOME and LIHTC programs then work closely together to ensure simultaneous loan closing, development progress monitoring, and construction (development) completion. Linking the two programs creates a more level playing field for all types of developments regardless of location or population served.

The QAP also provides up to five points for developments that utilize state and federal housing and community development programs.

Trends in awards. The number of annual applications for the LIHTC program ranged from eight in 2015 to 20 in 2016. In general, a greater proportion of applications for family projects receive awards than senior projects. Only two applications for single family home and duplex projects were submitted between 2012 and 2016, and one received a LIHTC award. Figure V-2 presents the number of LIHTC applications and awards by project type from 2012 through 2016.

**Figure V-2.
Idaho LIHTC Allocations, 2012 - 2016**

LIHTC Allocations	2012				2013				2014				2015				2016			
	SF		Home/		SF		Home/		SF		Home/		SF		Home/		SF		Home/	
	Family	Senior	Duplex	Total																
Applications	9	7	0	16	11	3	0	14	8	5	1	14	3	4	1	8	11	9	0	20
Awards	9	5	0	14	8	1	0	9	6	1	0	7	2	4	1	7	8	3	0	11
% of Applications Receiving LIHTC Award	100%	71%	--	88%	73%	33%	--	64%	75%	20%	0%	50%	67%	100%	100%	88%	73%	33%	--	55%

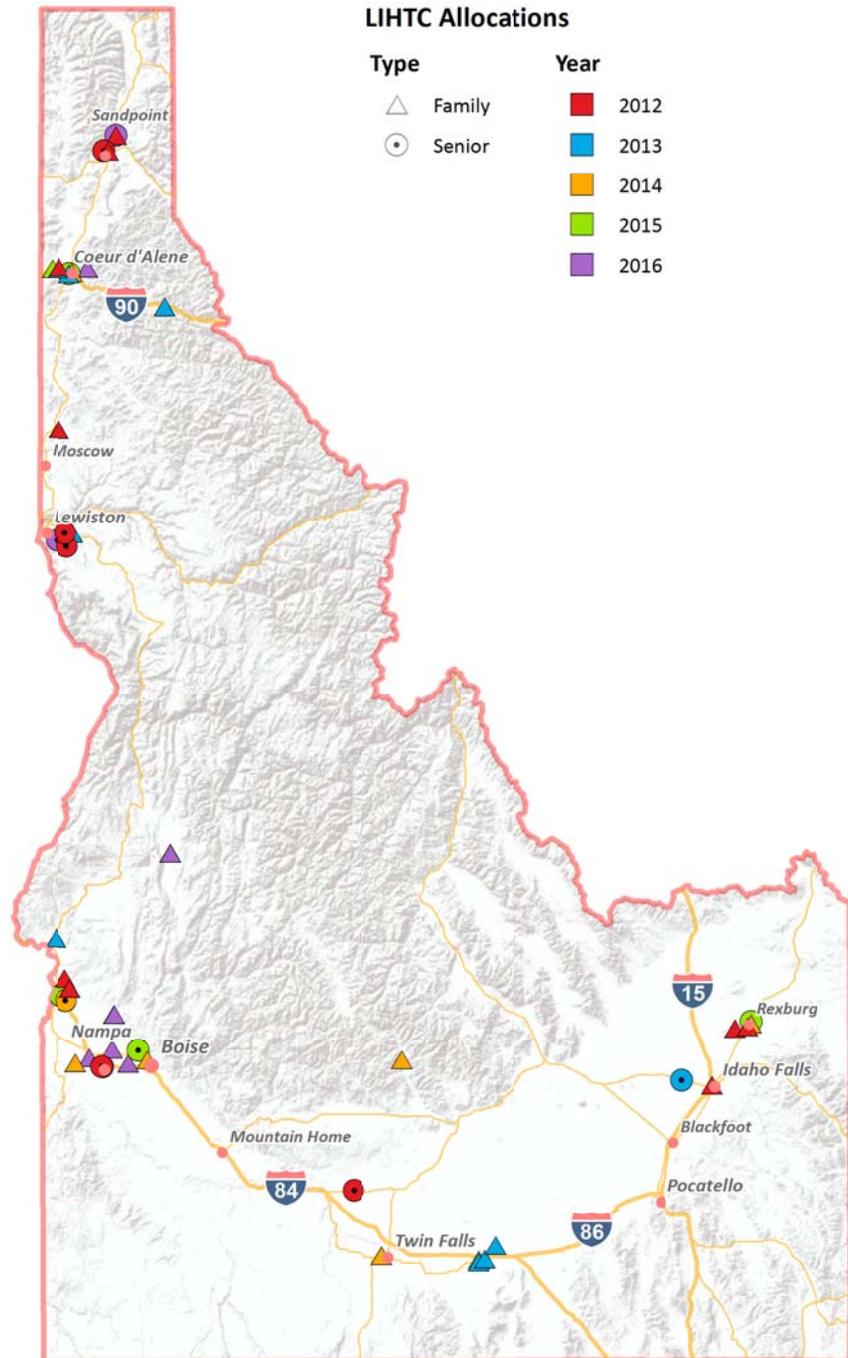
Note: Applications include both round 1 & 2.

Source: BBC Research & Consulting from Novogradac & Company LLP

Figure V-3 maps LIHTC awards across the state of Idaho by project type. LIHTC awards were given to projects all across the state, with large clusters in Boise, Nampa, Coeur d’Alene, Lewiston, and Idaho Falls. Throughout allocation years, projects clustered more in certain locations. In 2013, multiple projects allocated LIHTC awards were closely located together along Interstate 84 between Boise and Pocatello. In 2016, a large percentage of projects given awards were near Boise.

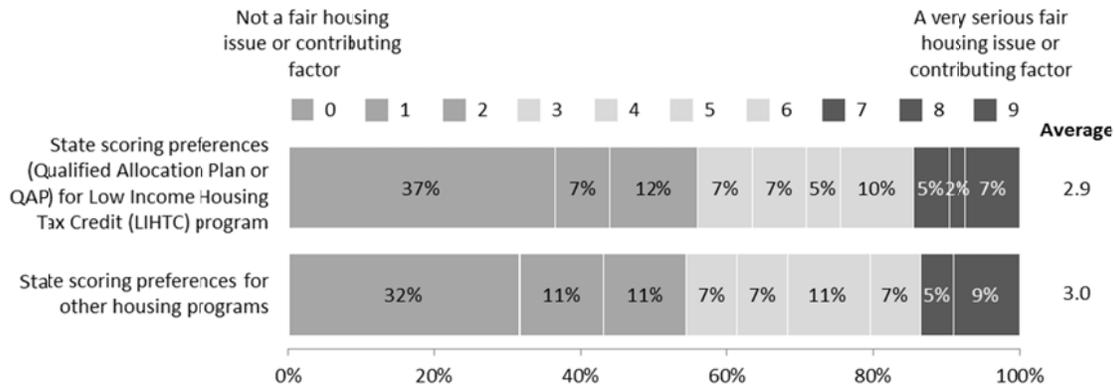
**Figure V-3.
Idaho LIHTC
Allocations by
Location and by
Type, 2012 - 2016**

Source:
BBC Research & Consulting
from Novogradac &
Company LLP.



Stakeholder perspectives—State scoring preferences. Stakeholders knowledgeable of the scoring preferences for LIHTC and other housing programs rated the degree of seriousness of each as potential fair housing issues. As shown in Figure V-4, most do not consider the preferences to be fair housing issues.

Figure V-4.
Stakeholder Perspectives: State Scoring Preferences



Note: n=41 and n=44 stakeholders.

Source: BBC Research & Consulting from 2016 Idaho Fair Housing Stakeholder Survey.

Stakeholders offered few comments on the QAP in the survey. One stakeholder felt that acquisition/rehabilitation points were important to encourage preservation of affordable housing.

Land Use and Zoning Regulations

The 2011 State of Idaho fair housing study contained a comprehensive review of state and county-level regulations that affect residential development and occupancy. The review included 43 Idaho counties; Benewah County was exempted due to a lack of zoning codes.

Following this review, IHFA sponsored education and outreach events throughout Idaho to help jurisdictions better understand the role that land use and zoning decisions have in furthering housing choice.

Summary and conclusions. The review focused on key land use questions that can have significant impacts on housing affordability and availability. This review was updated for this AI, as some counties had modified their regulations—although slightly—since 2011.

Consistent with 2011, this review found that county codes vary considerably in how they encourage or discourage affordability and availability of housing.

The most significant conclusions from the analysis include:

Minimum lot size. Several rural counties—Bannock, Cassia, Jerome, Lewis, Power (1 acre), and Boise (2 acres)—have very large minimum lot sizes, which can raise housing costs. While these sizes may be appropriate to preserve rural/agriculture character and open vistas, there are usually areas where much smaller lots could be made available without compromising that character. Areas near existing towns or non-agriculture areas can often be zoned for more affordable lots with little or no impact on the general county character. In fact, traditional land use patterns in much of the west included small settlements and old townsites sprinkled among much larger tracts of range and farm land.

Highest multifamily density. As demand for living in western states increases and counties are challenged to house more residents, the need for attached and multifamily housing is rising. These housing types are also growing in demand by Millennials and Baby Boomers, some of whom favor lower maintenance properties in walkable areas over single family detached homes.

Few Idaho counties have adopted zoning districts that accommodate attached or multifamily housing. Those that have are urban counties.

As Idaho's rural counties consider accommodating greater densities in housing, it is important to consider that the construction efficiencies of attached housing only begin to appear at densities above 12 dwelling units per acre. While county residents may fear the zoning of large areas for these types of development, they can be limited in scale (no more than X dwelling units) and in locations where they have the least impact on traditional community character. Proactive planning is preferable and will send clearer signals to the market about the types of housing that the county is prepared to approve.

Building height. Building height is related to density. Very few Idaho counties regulate building height, but this is mostly because they do not have zoning districts that allow multifamily development.

The "standard" maximum height permitted in most single family residential zone districts is 35 feet, which generally allows a two-story building with a pitched roof or a three-story building with a flat roof. Zoning ordinances that limit heights in multifamily districts to 35 feet may be making it difficult to achieve the higher densities necessary to make multifamily construction more affordable. Some common building codes allow structures to achieve heights of up to 75 feet before requiring more expensive and fire-resistant building construction techniques. Height limits in the 50- to 75-foot range give multifamily builders more leeway to achieve efficiencies of scale with affordable building techniques. Importantly, however, the maximum height must be low enough that the local fire department or district can provide effective fire protection with available equipment and manpower.

Group housing. The Federal Fair Housing Act Amendments of 1988 (the "FHA", 41 U.S.C.A. § 3601 et. seq.) makes it unlawful:

"To discriminate in the sale or rental, or to otherwise make unavailable, or deny, a dwelling to any buyer or renter because of a handicap of (a) that buyer or renter, or (b) a person residing in or intending to reside in that dwelling after it is so sold, rented, or made available, or (c) any person associated with that buyer or renter."

A person with a "handicap" is a person with a physical or mental impairment that substantially limits one or more of his or her major life activities; a person who has a record of such impairment; or a person who is regarded as having that type of impairment. The definition covers the frail, the elderly, persons with HIV, physically disabled, developmentally disabled, mentally ill, and recovering alcoholics and drug addicts. The definition does not cover persons currently using or addicted to alcohol or a controlled substance and not "recovering," and does not cover facilities or halfway houses for those in the criminal justice system.

If a local government does not allow for residential uses for the types of individuals listed above, it may be deemed to have made those types of residences “unavailable.” In order to avoid claims under the FHA, local zoning codes should allow group housing for the protected types of individuals in at least one zone district, and hopefully more than one. Although it is good practice to allow small group homes by right in at least one zone district, zoning codes that allow those uses by conditional use permit have been upheld.

Our survey of Idaho counties showed that most county code treatments of group living fall into one of three categories containing almost equal number of counties.

The first category includes counties whose group living provisions appear to have been drafted with the requirements of the FHA in mind. In general, these counties were identified because their codes provided for, without special/conditional permits, “group homes,” “institutional housing,” “congregate care,” “assisted living,” “halfway houses,” “rehabilitation centers,” or other uses that are traditionally used to provide housing for persons in one or more of the categories listed in the FHA (not just the elderly).

- **Boise County:** Group homes for the physically and mentally disabled and elderly with up to eight residents are allowed in the multiple use district. However, other types of group homes (halfway houses, residential care facilities, and boarding houses) and group homes for more than eight residents, are allowed by conditional use permit.
- **Canyon County:** The definition of a single family dwelling unit includes occupancy by eight or fewer unrelated mentally and/or physically handicapped residents. Group homes are available by conditional permit, and assisted care facilities, depending on district, are permitted or by administrative approval.
- **Fremont County:** Group homes are included in the definition of single family residential. *Best practice!*
- **Gem County:** Group homes for eight or fewer residents are considered single family dwellings. Nursing homes, rest homes, halfway houses, and convalescent centers are allowed by special use permit.
- **Kootenai County:** Group homes are considered single family dwellings and permitted within residential and agriculture districts. *Best practice!* Nursing homes are allowed by conditional use permit.
- **Minidoka County:** Assisted living facilities, retirement homes/senior housing, congregate residences, and boarding houses are permitted in the high density residential, commercial, and industrial districts.

A second category includes counties whose zoning codes appear to address group living for the general population and the elderly, but not those other categories of individuals identified in the FHA or by special or conditional use permit only.

In order to confirm that their provisions in fact comply with the FHA, these counties should review these provisions to ensure that they allow housing for all of the groups for which housing needs to be made available under federal law. These counties should remove the conditional use

permit requirement and allow group homes by right in at least one district. IHFA and Idaho Commerce may consider penalizing counties who do not allow by-right development for group homes.

- **Ada County:** Nursing homes and boarding houses are allowed by conditional use permit.
- **Adams County:** Nursing homes, retirement homes, and boarding houses allowed by conditional use permit.
- **Bannock County:** Boarding houses are permitted and institutional housing is allowed by conditional use permit.
- **Bingham County:** Assisted care facilities are permitted and nursing homes, convalescent homes, congregate care, and boarding houses are allowed by conditional use permit.
- **Blaine County:** Continuing care retirement communities are considered “public utilities” and are allowed as a conditional use in the low, medium, and high density residential and general commercial districts.
- **Bonneville County:** Boarding houses are allowed in the medium density residential district.
- **Boundary County:** Elder care retirement home and boarding houses are allowed by conditional use permit in residential districts.
- **Butte County:** Boarding and rooming houses are allowed by conditional use permit.
- **Camas County:** Boarding and rooming houses are allowed by conditional use permit.
- **Caribou County:** Institutional residential uses are available by conditional use permit in the high density districts.
- **Cassia County:** Nursing homes and rest homes are allowed by conditional use permit in single family zones and permitted by right in the industrial/commercial and multiple use districts.
- **Clark County:** Shelters with eight or fewer clients are allowed by conditional use permit in residential, rural, and commercial districts.
- **Clearwater County:** Nursing/retirement homes and boarding/rooming houses are allowed by conditional use permit in the medium and high density residential districts.
- **Custer County:** Boarding houses are allowed by special use permit.
- **Elmore County:** Assisted living, boarding houses, and nursing homes are permitted or allowed by conditional use permit depending on district.
- **Gooding County:** Institutional residential and boarding houses are allowed by special use permit.

- **Jefferson County:** Convalescent hospitals, nursing homes, sanitariums, rest homes, or homes for the aged are permitted.
- **Jerome County:** Nursing and rest homes are allowed by conditional use permit.
- **Lewis County:** Group homes and retirement homes are allowed by conditional use permit.
- **Madison County:** Minor assisted living facilities are allowed by conditional use permits in all districts and major assisted living facilities are conditionally permitted in commercial districts.
- **Owyhee County:** Boarding, convalescent, and nursing homes are permitted in multi-use and commercial districts and allowed by conditional use permit in the residential district.
- **Payette County:** Convalescent, rest, and nursing homes are allowed by conditional use permit in residential districts.
- **Shoshone County:** Convalescent, nursing, retirement homes, homes for the aged, and other group homes are allowed by conditional use permit in the residential districts.
- **Teton County:** Assisted living, retirement, nursing, convalescent, and group homes are permitted by conditional use permit in residential and commercial districts.
- **Washington County:** Convalescent, rest, and nursing homes are allowed by conditional use permit in commercial districts.

The remaining counties' codes do not appear to mention group housing facilities for those types of individuals protected by the FHA. Several counties have available overlay districts, conditional use permits, or planned unit development tools that could be used to provide housing for groups protected by the FHA on a case-by-case basis. This would be somewhat of a compromise and not as ideal as including group homes in all residential districts, although it is preferred to excluding or not mentioning group home zoning.

In addition, § 42 U.S.C. 3604(f)(3)(B) of the FHA provides that it is a violation of law for a government to not make "reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling." Because suits to enforce the provisions of the FHA are common—and since a large number of fair housing legal cases in Idaho (reviewed in Section VI) involve reasonable accommodations—counties can reduce their liability if they consider and develop policies to respond to applications for group homes, either by pointing to a zone district or permit system by which they can be approved, or to a 'reasonable accommodation' process.

Manufactured housing and mobile homes. Manufactured housing and mobile homes remain one of the more affordable forms of housing available. In rural areas, where housing supply is limited, manufactured housing can be an affordable and efficient way for lower income households to live in single family properties. In some areas, manufactured and mobile homes are the only type of rental property available to larger families.

Generally, local government codes address manufactured housing and mobile homes in one of two ways, or a combination of those two ways.

The first approach is to define single family homes to include manufactured homes that meet applicable development standards, or otherwise allowing them in some or all zones where single family homes are allowed. Counties in this category include:

- **Ada County:** Manufactured homes are considered a single family dwelling unit and allowed subject to standards in most residential districts as well as the two established manufactured home districts.
- **Bannock County:** Individual manufactured homes are allowed where single family dwellings are permitted subject to standards.
- **Bear Lake County:** Individual manufactured homes are allowed in residential districts (subject to standards that do not allow single-wide trailers), and mobile home parks are allowed by conditional use permits.
- **Blaine County:** Mobile homes are allowed in residential zones, subject to standards.
- **Boise County:** Manufactured and mobile homes are allowed in residential zones, subject to standards, and manufactured home parks are permitted under conditional use.
- **Bonneville County:** Manufactured homes are permitted in all residential districts, subject to standards.
- **Boundary County:** Mobile home parks are permitted in the rural community/commercial district.
- **Butte County:** Manufactured homes are included in the definition of single family homes, and manufactured home parks are permitted in the agriculture and transitional districts.
- **Camas County:** Mobile homes are allowed where single family dwelling are permitted, and mobile home parks are permitted by conditional use permit in the low- and high-density residential districts.
- **Canyon County:** Manufactured homes are allowed where single family uses are permitted.
- **Cassia County:** Manufactured homes are allowed in all residential districts and manufactured home parks are permitted by conditional use permit in the residential, agriculture, and multiple use districts, subject to standards.
- **Clark County:** Manufactured and mobile homes are allowed in residential and rural districts and conditionally allowed in commercial districts. Mobile home parks are conditionally allowed in residential and rural districts.
- **Clearwater County:** Mobile homes are allowed in residential and agriculture districts, and manufactured home “courts” are permitted by conditional use permit in residential and commercial districts.

- **Elmore County:** Manufactured homes are allowed in single family residential districts, and manufactured home parks are permitted by conditional use permit in the agriculture, residential, and recreation districts.
- **Fremont County:** Manufactured homes are included in the definition of single family homes, and manufactured home parks are permitted in the rural conservation, living, and infill districts subject to standards.
- **Gem County:** Manufactured homes are allowed in residential districts subject to standards.
- **Gooding County:** Manufactured homes are defined as a single family dwelling units, and manufactured home “courts” are permitted in commercial districts and permitted with special use in transitional, residential, industrial, and recreational districts.
- **Idaho County:** Mobile homes are included in the definition of single family homes, and mobile home parks are subject to minimal standards.
- **Jefferson County:** Manufactured homes are permitted in residential districts subject to standards. Manufactured home parks are conditionally permitted in the residential districts.
- **Jerome County:** Manufactured homes are included in the definition of a dwelling, and are permitted in residential districts subject to standards. Manufactured home parks are permitted in residential districts.
- **Kootenai County:** Manufactured homes are permitted subject to standards and manufactured home parks are permitted by conditional use permit in the high-density residential district.
- **Latah County:** Manufactured homes are included in the definition of dwelling, and are permitted wherever single family dwelling units are permitted. Manufactured home parks are permitted in the suburban residential district subject to standards.
- **Lemhi County:** Manufactured homes are included in the definition of single family dwelling and permitted where single family dwellings are allowed.
- **Lewis County:** Manufactured homes are included in the definition of a dwelling, and are allowed in the multiple use districts subject to standards.
- **Lincoln County:** Manufactured homes are permitted in residential and agricultural districts, subject to standards.
- **Madison County:** Manufactured homes are considered single family dwellings, and mobile home parks are permitted in commercial and light industrial districts and conditionally permitted in residential districts.
- **Minidoka County:** Manufactured homes are allowed in all districts, subject to standards, and manufactured home parks are conditionally permitted in agriculture, medium and high density residential, commercial, and industrial districts.

- **Nez Perce County:** Manufactured homes are allowed in all agriculture, forest, and residential districts and manufactured home parks are conditionally permitted in the agriculture and agriculture/residential districts.
- **Oneida County:** Manufactured homes are included in the definition of a single family dwelling, and manufactured home parks are permitted subject to standards.
- **Owyhee County:** Mobile home parks are conditionally permitted in residential districts.
- **Payette County:** Manufactured homes are allowed on single family lots subject to standards, and manufactured home parks are allowed subject to standards.
- **Power County:** Manufactured homes are included in the definition of a single family dwelling unit, and manufactured home parks are conditionally permitted in the rural residential district subject to standards.
- **Shoshone County:** Manufactured homes are allowed, subject to conditions, in the natural resource districts and by conditional use permit in the suburban/rural residential and single family residential districts. Mobile home parks are permitted by conditional use permit in the multi-family residential district.
- **Teton County:** Manufactured homes are permitted in all districts except the manufacturing district while manufactured home parks are allowed only in the residential, mobile homes district.
- **Twin Falls County:** Manufactured homes are allowed where residential use is permitted, subject to standards.
- **Valley County:** Mobile homes are treated as single family dwelling units, and mobile home parks are allowed by conditional use permit subject to compliance.
- **Washington County:** Manufactured homes are allowed in residential districts, and mobile/manufactured home parks are permitted by conditional use permit in the commercial district subject to standards.

Counties that restrict manufactured homes to manufactured home parks or districts, but do not allow them in other residential zones include:

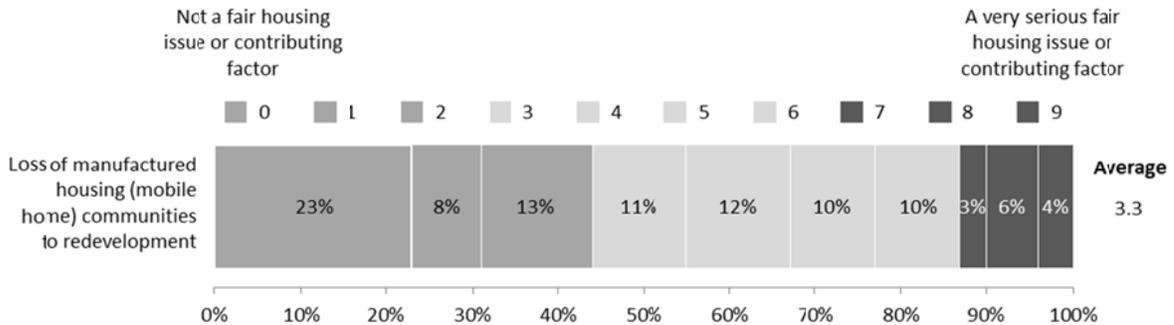
- **Adams County:** Manufactured home parks are allowed in the commercial district, and by conditional use permit in the rural residential district.
- **Bingham County:** Manufactured homes and trailer parks are allowed in industrial districts and permitted by conditional use permit in commercial districts.
- **Bonner County:** Manufactured home parks are allowed in the commercial, rural service center, and suburban districts by conditional use permit.
- **Caribou County:** Manufactured homes are permitted on lots within the county meeting specific regulations, but the code does not specify which districts. Manufactured home parks are allowed in the high density residential district by conditional use permit.

- **Custer County:** Mobile home parks are allowed in the commercial district, and by conditional use permit in the agriculture and agriculture transition district.

The prevailing practice in Idaho is to accept manufactured homes on individual residential lots in at least some zone districts. Those counties that do not allow them on individual lots should consider doing so.

Stakeholder perspective—manufactured housing loss. As shown in Figure V-5, the loss of manufactured housing or mobile home communities to development is not a serious fair housing issue in Idaho. Nearly one in four stakeholders do not consider this a pertinent fair housing issue at all, compared to one in 20 who consider this to be very serious. The dispersion in ratings suggests that for most of the state, existing manufactured housing communities are not under redevelopment pressure leading to a loss of housing choice.

Figure V-5.
Stakeholder Perspective: Loss of Manufactured Housing



Note: n=100 stakeholders.
Source: BBC Research & Consulting from 2016 Idaho Fair Housing Stakeholder Survey.

Accessory Dwelling Units (ADUs). Accessory dwelling units (a second, smaller residential lot on a parcel that already contains a primary dwelling unit) have been identified as an important tool in promoting housing affordability. Their limited size helps reduce building or conversion costs, and because they are located on already existing lots there are no additional land costs.

Over half of Idaho county zoning codes address secondary dwelling units. However, many of those codes limit them to “guest houses”, “farm and ranch” operations, or to occupancy by family members.

Idaho counties tend to address secondary dwelling units in one of three ways: 1) Some do not address them at all; 2) Some limit them to guest houses that are probably not available for long-term occupancy in the housing market, or restrict them to use by family members or non-rental purposes; and 3) Others limit them to use in connection with farm and ranch operations. The rest address them in other ways. The counties in each category are listed below.

- **Limited to guest house, family members, or non-rental:** Counties that limit secondary units to guest house or that restrict them to use by family members or prohibit rental use include:

- Bannock, Boundary (except in industrial district), Clark, Latah, and Owyhee.
- **Farm/Ranch use:** Counties that limit occupancy to farm and ranch use include:
 - Adams and Butte.
- **Other:** Counties that do not limit the use of secondary dwelling units, or limit them in different ways, include:
 - **Ada:** Allowed in residential districts.
 - **Bear Lake:** Secondary residential or caretaker housing permitted in all districts.
 - **Bingham:** Allowed in agriculture, commercial, industrial, and residential districts.
 - **Blaine:** Allowed in all residential districts.
 - **Boise:** Allowed in all districts.
 - **Bonner:** Allowed in all districts.
 - **Camas:** Allowed in agriculture and agriculture transition districts on lots of 2.5 acres or larger.
 - **Canyon:** Allowed in all districts.
 - **Caribou:** Allowed by special permit in residential districts.
 - **Clearwater:** Allowed in all residential and agriculture districts.
 - **Custer:** Allowed in agriculture, commercial, or industrial districts, and by special permit in residential districts.
 - **Elmore:** Allowed by administrative approval in agriculture, recreational, and residential districts and allowed by conditional use in all other districts.
 - **Fremont:** Allowed in residential districts.
 - **Gem:** Allowed in residential and commercial/industrial zones.
 - **Gooding:** Allowed in multiple districts.
 - **Jefferson:** Allowed in agriculture, recreational, and residential districts.
 - **Kootenai:** Allowed in agriculture and residential districts.
 - **Lemhi:** Allowed in all residential districts.
 - **Madison:** Allowed in all but commercial and heavy industrial districts.
 - **Nez Perce:** Allowed in agricultural, agricultural residential, forest, and rural residential districts.
 - **Owyhee:** Allowed in residential districts, subject to standards (must have attached common wall).
 - **Power:** Allowed in agriculture, commercial, light industrial, and residential districts.

- **Teton:** Allowed in residential and commercial districts, and permitted with conditions in agriculture districts.
- **Valley:** Allowed in all districts, subject to standards.

In general, this shows a strong acceptance of secondary dwelling units in many Idaho counties. Those counties that impose family use or non-rental requirements, or that limit these units to farm and ranch operations, should consider removing those restrictions in order to increase the value of secondary units as a form of affordable housing.

Parking requirements. Minimum parking requirements for residential uses affect housing affordability by requiring more land per dwelling unit. While the norm for many years has been to require two off-street parking spaces per dwelling unit, a growing number of communities are lowering that standard for certain types of housing where experience has shown that occupants may own fewer cars—e.g., senior housing and housing for persons with disabilities.

In the case of multifamily housing, the two-spaces-per-dwelling-unit requirement can significantly reduce the number of dwelling units that a given parcel of land can accommodate. Since the lowest cost parking spaces are those at grade (i.e., not in garages either above or below ground), minimum parking requirements tend to shrink the footprint available for the apartments or condominiums, and that (along with low height limits) often restricts the final density of development below the maximum density that is in theory available under the zoning code.

Of the Idaho counties surveyed, more than half have minimum parking standards for single family homes; the remainder are silent on the issue. All but two of the counties with minimum parking standards follow the “two-spaces-per-dwelling-unit” norm (or an even higher standard for units with many bedrooms) for minimum off-street parking. The two exceptions are Ada and Kootenai counties, which use a one-space-per-dwelling-unit standard.

There is much more variation in how Idaho counties address parking for multifamily units:

- **2 per unit:** 12 counties still use the two-per-unit standard (or a higher standard for guest parking and units with many bedrooms). This group includes:
 - Adams, Bonneville, Canyon, Fremont, Jefferson, Kootenai, Lemhi, Minidoka, Payette, Power, Teton, and Twin Falls.
- **1.5 per unit:** Another 12 counties require only one-and-a-half spaces per dwelling unit (although they may require more for larger units or structures). This group includes:
 - Ada, Bannock, Blaine, Butte, Caribou, Cassia, Custer, Gem, Jerome, Madison, Shoshone, and Washington.
- **1 per unit:** Finally, a few counties use a one-space-per-unit standard (although larger units may require more). This group includes:
 - Bonner, Clearwater, and Elmore.

With about one-third of Idaho counties not imposing a minimum off-street parking requirement for multifamily housing, and another third using a standard of one or one-and-a-half spaces per unit, there is ample precedent for Idaho counties to reduce minimum parking standards below the traditional two-space standard.

Because lower income households may own fewer cars, and because many special needs residents do not own cars, many local governments adopt lower parking standards for affordable or group housing developments. More than half of the counties surveyed had special parking standards for special types of housing uses. These standards vary greatly depending on the types of group living to which they apply, but the following generalizations can be made.

Standard: The most common standard in use is a one-space-per-two-beds standard, which is applied across a wide range of facilities including retirement homes, rest homes, boarding houses, assisted living facilities, and various types of group homes. While far less than 50 percent of the residents of these facilities may own cars, the “extra” accommodates parking for administrative staff and visitors. Counties using this standard include Butte, Caribou, Cassia (for nursing homes), Clearwater (for nursing homes), Gem, Jefferson, Jerome, and Madison (for nursing homes), Nez Perce, and Washington.

Interestingly, other counties apply a one-space-per-bed standard (100% greater) to some of the same uses. Counties using this standard include Blaine, Bonneville, Cassia (for boarding houses), Madison (for boarding houses), Minidoka, and Shoshone. In light of experience in other Idaho counties, these standards could probably be lowered. As shown below, a few counties use standards lower than either the one-space-per-two-beds or the one-space-per-bed standard, and counties seeking to promote affordability should consider those lower standards.

High: Some of the group living parking standards appear higher than is normal for the use involved, and might be lowered. These include:

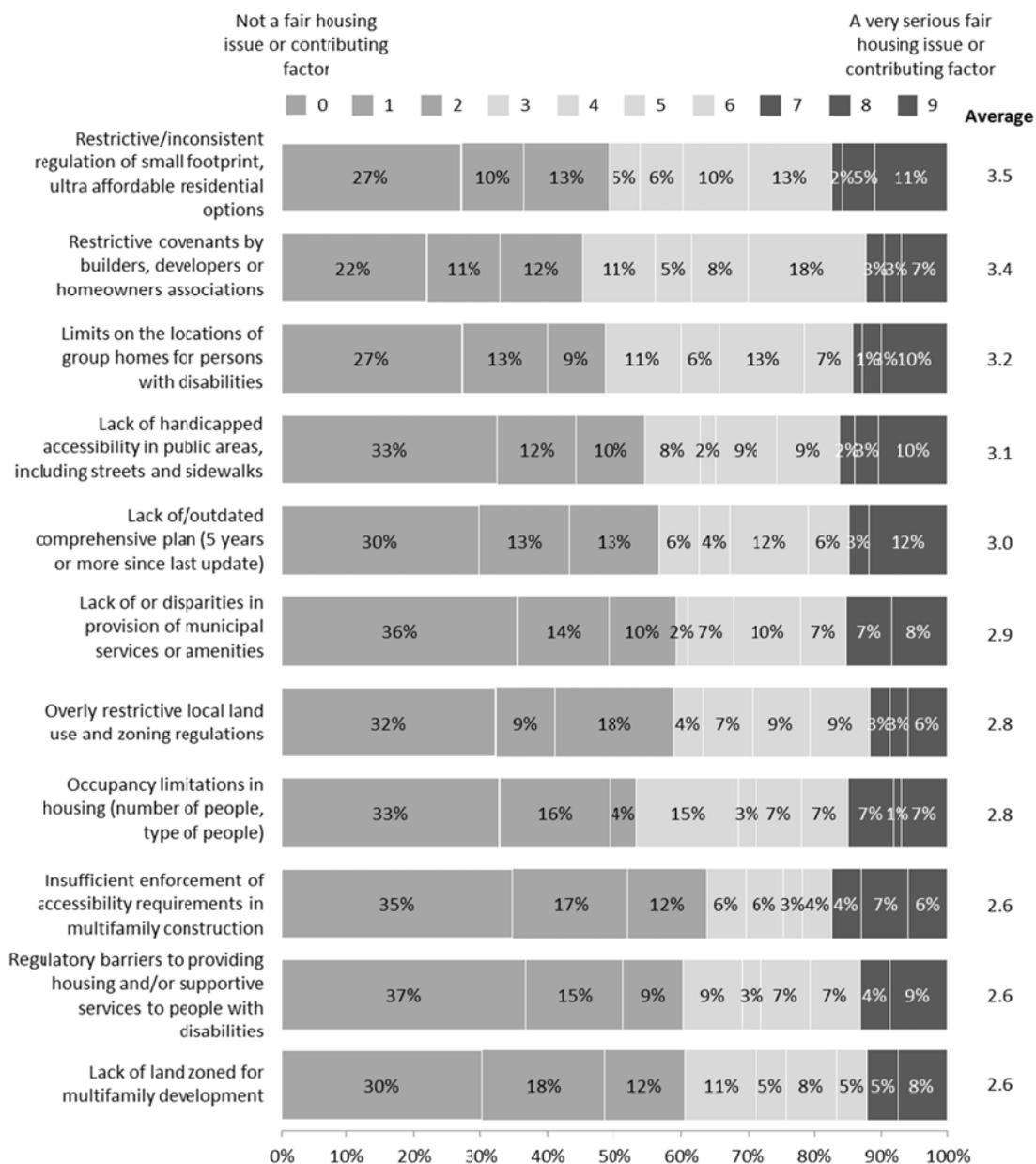
- Two spaces per rest home bed (Lemhi County).
- One space per 250 sq. ft. of group living (Lewis County).
- Two spaces per bed (Fremont and Power County).

Low: On the other hand, some parking standards used by Idaho counties are significantly lower than those in common use. Counties seeking to promote more affordable group housing may want to consult with these jurisdictions about the performance of these standards and (if the lower standards are working well) consider lowering their own standards.

- One space per eight beds in nursing facilities (Ada and Elmore Counties).
- One space for each four bed in nursing homes (Teton County).
- One space per floor of boarding house (Custer County).
- One space per five beds in nursing homes (Kootenai County).

Stakeholder perspectives—local issues. Stakeholders rated a series of potential fair housing issues that may arise from local policies and practices; some of those involve land use and zoning. On average, these do not cause serious fair housing concerns in Idaho, as shown in Figure V-6. However, for several measures, one in 10 stakeholders rated the measure a very serious fair housing issue—restrictive/inconsistent regulation of small footprint, ultra-affordable residential options; limits on the locations of group homes for persons with disabilities; lack of handicapped accessibility in public areas, including streets and sidewalks; and lack of/outdated comprehensive plan (five years or more since last update).

Figure V-6.
Stakeholder Perspectives: Local Issues



Note: n ranges from 63 to 73 stakeholders.

Source: BBC Research & Consulting from 2016 Idaho Fair Housing Stakeholder Survey.

Stakeholder recommendations for addressing challenge in land use issues included:

- Continue educating small town leaders about how their land use practices and policies can create challenges for persons with disabilities to live in group and integrated settings and to allow families to care for the community's seniors.
- Conduct training with local building code staff and community leaders about accessibility requirements.
- Require training for any beneficiaries of federal block grant or state funds.
- Encourage increased funding for public infrastructure improvements such as curb cuts on sidewalks and sidewalks in general.

Summary

This section examines how relevant state regulations have the potential to create barriers to housing choice.

Primary findings include:

- Idaho's statutes are silent in many areas that affect residential development. Regulations governing land use, zoning, housing placement, growth, type, and group homes are applied at the local level.
- The statutes that do address housing choice are generally favorable and were adopted to ensure that unfair and discriminatory practices do not occur in the financing and insurance of real property; against persons with disabilities and/or mental illness; and against renters and owners of manufactured homes.
- Some local land use and zoning regulations could be improved to: 1) Allow placement of group homes for persons with disabilities and the elderly in residential districts; 2) Be more flexible with parking standards and regulation of small footprint, affordable residential options; and 3) Allow ADUs for more than just guests and ranch workers.
- Two statutes limit the powers of local jurisdictions that could influence housing choice. These include the state prohibition on rent control, which has been interpreted to disallow inclusionary zoning programs, and limits on local taxation and revenue-raising. Except in entitlement areas, changes to these statutes are unlikely to have a direct effect on protected classes other than persons with disabilities: This is because inclusionary zoning is only effective in high cost communities and its products cannot be targeted to specific residents due to fair housing laws (no quotas). Local revenue generation would only be effective if it were directed to address housing imbalances and further access to opportunity where gaps among protected classes exist.

SECTION VI.

Fair Housing Environment

SECTION VI.

Fair Housing Environment

This section examines the fair housing environment in the State of Idaho. The contents are consistent with the requirements of the proposed state Assessment of Fair Housing (AFH) template and include the following:

- A review of state fair housing laws and enforcement;
- An analysis of fair housing complaints, as well as charges or letters of findings from HUD and legal cases, to assess trends in fair housing violations; and
- An overview of fair housing resources.

Federal and State Fair Housing Laws and Enforcement

The Federal Fair Housing Act (FHA), passed in 1968 and amended in 1988, prohibits discrimination in housing on the basis of race, color, national origin, religion, sex, familial status, and disability.¹ The FHA covers most types of housing transactions including rental housing, home sales, mortgage and home improvement lending, as well as policies and practices that determine the placement of residential housing (e.g., land use and zoning regulations).

Excluded from the FHA are owner-occupied buildings with no more than four units, single family housing units sold or rented without the use of a real estate agent or broker, housing operated by organizations and private clubs that limit occupancy to members, and housing for older persons.²

State and local laws. States or local governments may enact fair housing laws that extend protection to other groups. For example, the City of Boise’s non-discrimination ordinance prohibits discrimination in housing transactions based on sexual orientation and/or gender identity/expression. The State of Idaho’s fair housing law differs from the FHA in that it does not recognize familial status and covers providers with two or more properties.

Neighboring states also vary from the FHA in their protections:

- Utah has broader protections than the FHA. In addition to the coverage provided under the FHA, the Utah Fair Housing Act prohibits discrimination based on source of income, sexual orientation, and gender identity.

¹ For the purposes of this report, the acronym FHA refers to both the Fair Housing Act of 1968 and the amendments from 1988.

² “How Much Do We Know? Public Awareness of the Nation’s Fair Housing Laws”, The U.S. Department of Housing and Urban Development, Office of Policy and Research, April 2002.

- North Dakota offers additional protections of “status with respect to marriage” and receipt of public subsidies.
- Nevada offers additional protections of ancestry, sexual orientation, and gender identity/expression.
- The State of Oregon extends protections for marital status, sexual orientation (including gender identity), honorably discharged veterans/military status, domestic violence victims, and source of income. Source of income was originally intended to protect benefit income, such as social security income or disability income. The ordinance was modified in July 2014 to extend protections to Section 8 vouchers and other forms of rental subsidies.

Fair housing inquiry and complaint process. Idaho residents who feel that they might have experienced a violation of the FHA can contact one or more of the following organizations: HUD’s Office of Fair Housing and Opportunity (FHEO), the Idaho Housing and Finance Association (IHFA), the Intermountain Fair Housing Council (IFHC), Idaho Legal Aid Services, and the Idaho Commission on Human Rights (IHRC).

IHFA does not enforce fair housing law and would refer complaints to the appropriate service provider. Tenants or those wishing to pursue a complaint would be referred to local/statewide enforcement entities and/or to HUD’s toll-free Fair Housing line, while providers would be referred to either to a HUD/FHEO specialist or to the housing hotline to determine an appropriate referral. In 2011, IHFA established a 2-1-1 line, *Idaho Careline Quick Referral* that residents can call to get information about fair housing questions and concerns, and numbers to call to file a complaint.

IHFA also maintains a website dedicated to fair housing, <https://www.idahohousing.com/fair-housing/>, as well as the Idaho Fair Housing Forum at <http://fairhousingforum.org/>, which provides fair housing information, events/trainings, and other resources.

Complaints filed with HUD. Housing discrimination complaints may be filed online at <http://www.hud.gov/complaints/housediscrim.cfm>. Residents may also call HUD toll free at 1-800-669-9777 (FHEO in Washington D.C.) or 1-800-877-0246 (Seattle Fair Housing Regional Office, which serves Idaho residents).

According to HUD, when a complaint is received, HUD will notify the person who filed the complaint along with the alleged violator and allow that person to submit a response. The complaint will then be investigated to determine whether there has been a violation of the FHA.

A complaint may be resolved in a number of ways. First, HUD is required to try to reach an agreement between the two parties involved. A conciliation agreement must protect the filer of the complaint and public interest. If an agreement is signed, HUD will take no further action unless the agreement has been breached.

If during the investigative, review, and legal process HUD finds that discrimination has occurred, the case will be heard in an administrative hearing within 120 days, unless either party prefers the case to be heard in federal district court.

Complaints filed with the State of Idaho. The Idaho Commission on Human Rights (IHRC) enforces the State of Idaho’s employment and housing anti-discrimination laws. Complaints can be filed online (<http://humanrights.idaho.gov/complaint.html>), by phone, and through regular mail or email. IHRC can only enforce state fair housing law, as the state’s law is not substantially equivalent to the federal FHA.

IHRC provides mediation services to resolve complaints for little or no cost. About 20 percent of cases filed with IHRC are settled through this process.

If mediation is not selected, IHRC investigates the complaint and issues a finding of “no cause” if the available evidence does not suggest that illegal discrimination occurred or there was “probable cause.” In that case, IHRC seeks a resolution to compensate the victim and ensure that others will not receive similar treatment. If a resolution is reached, this becomes a “conciliation agreement” and the dispute is closed.

When a resolution is not agreed upon, IHRC may file an action in district court on behalf of the victim or the victim may withdraw the lawsuit. This must occur within one year of the filing of the complaint.

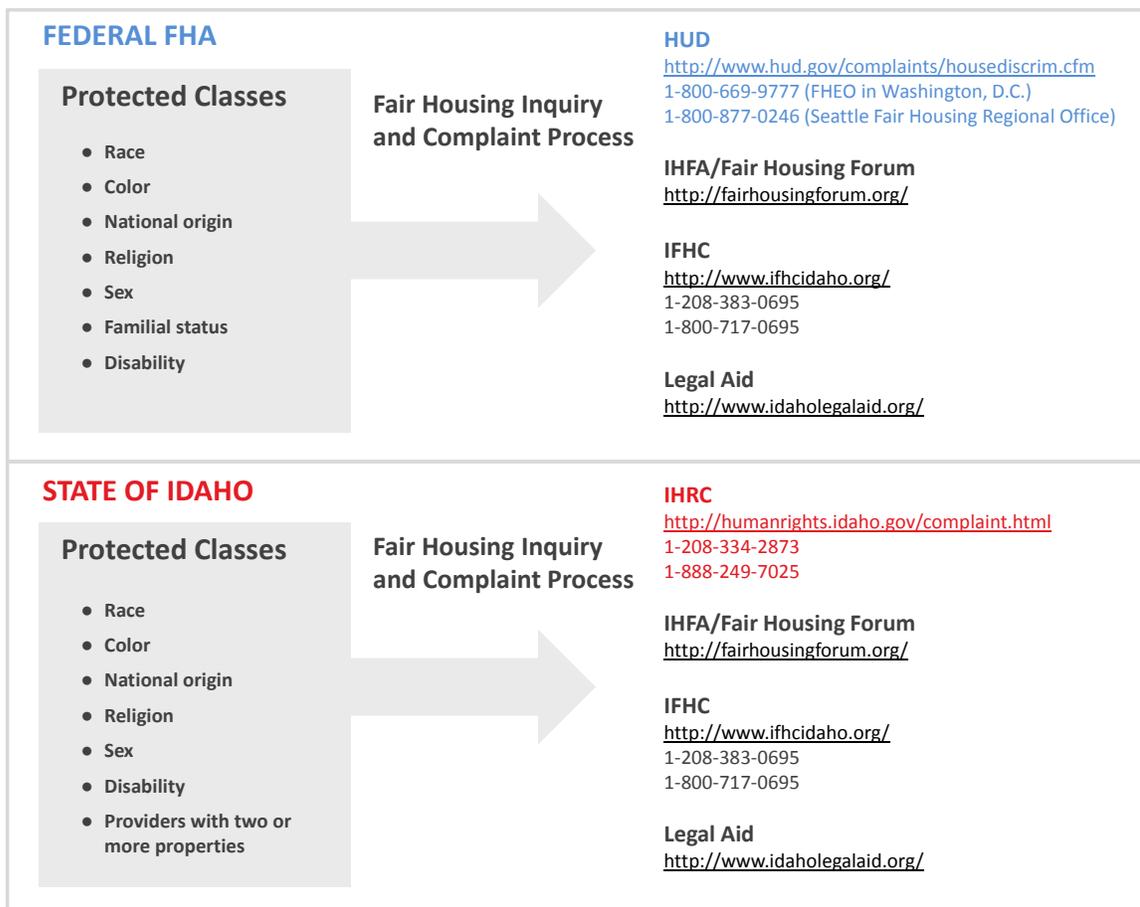
Individuals may also file a private action in court; they must do so 90 days from the IHRC’s dismissal of a complaint.

Complaints filed with local organizations. The nonprofit Intermountain Fair Housing Council (IFHC) provides fair housing education and outreach statewide. The organization also provides enforcement of the federal FHA and monitors compliance of fair housing providers, lending institutions and units of government in Idaho. IFHC has the authority to negotiate fair housing settlements by mediation, conciliation, and litigation. IFHC can be contacted by calling 1-208-383-0695 or 1-800-717-0695 or online at <http://www.ifhcidaho.org/>.

Idaho Legal Aid is a nonprofit legal firm assisting low income Idahoans with a variety of legal matters. Housing services include assistance with evictions, homeowners rights, foreclosures, mobile home contracts, property taxes, tenant rights, and fair housing. The types of cases accepted are based on local capacity and program priorities, which are based on funding. More information is available online at <http://www.idaholegalaid.org/>.

Figure VI-1 summarizes fair housing protections and enforcement of fair housing laws.

Figure VI-1.
Fair Housing Protections and Fair Housing Inquiry and Complaint Process, Federal FHA and State of Idaho



Source: BBC Research & Consulting.

Fair Housing Complaint Trends

Between January 2011 and December 2015, 317 fair housing complaints were filed by Idaho residents.³ Figure VI-2 shows the geographic areas in which the complaints were received. HUD’s Field Office Director reported in November 2016 that 36 complaints were filed year-to-date. Ada County had the most complaints filed, followed by Kootenai, Canyon and Boise counties. Nearly 70 percent (68%) of all complaints were filed in these four counties.

³ BBC also requested information on Voluntary Compliance Agreements (VCAs) and letters or charges of findings from HUD issued against public and private organizations in Idaho. HUD was unable to provide this information.

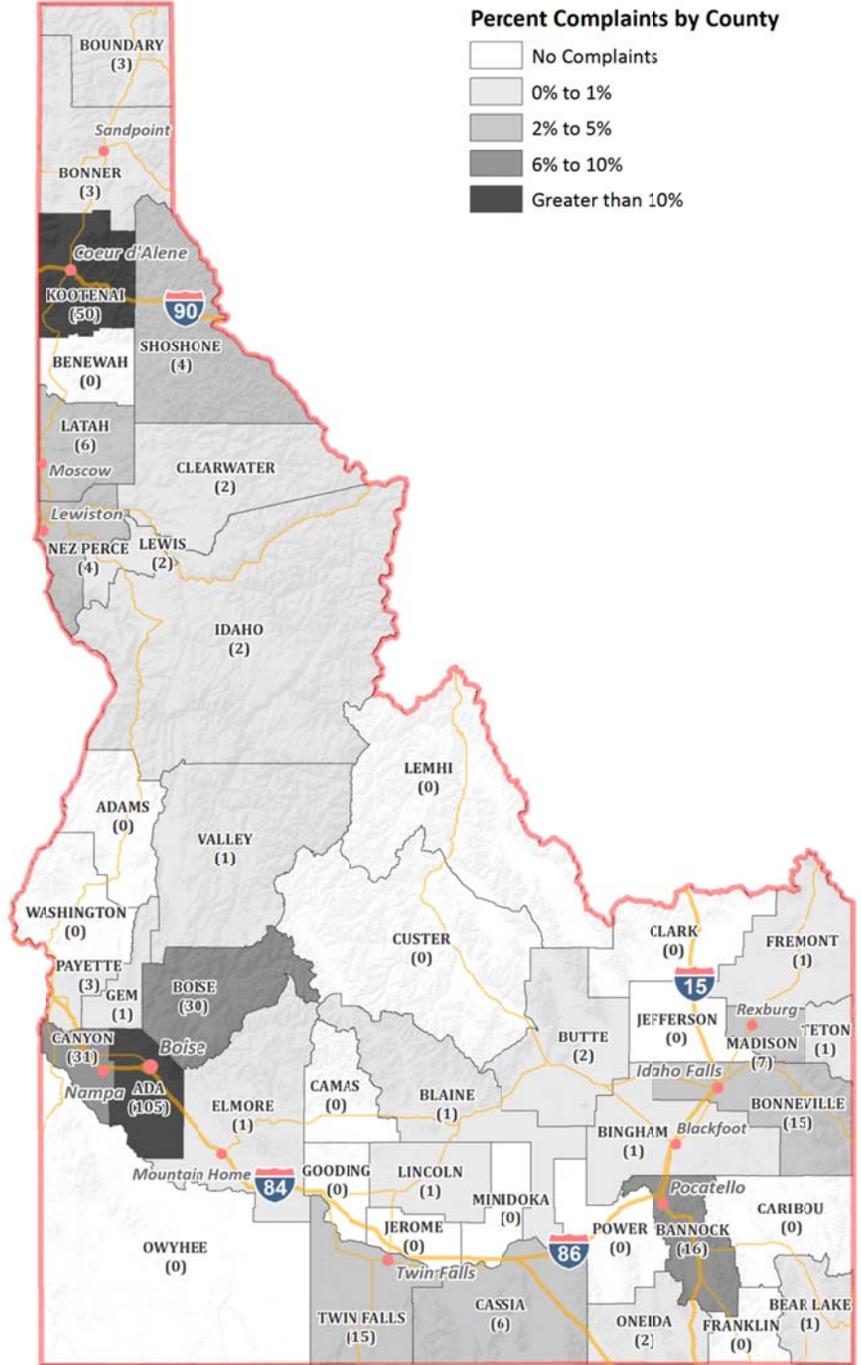
**Figure VI-2.
Number and
Proportion of Fair
Housing
Complaints by
County, State of
Idaho, January
2011 to
December 2015**

Note:

No complaints were filed for Adams, Benewah, Camas, Caribou, Clark, Custer, Franklin, Gooding, Jefferson, Jerome, Lemhi, Minidoka, Owyhee, Power or Washington counties.

Source:

U.S. Department of HUD
Complaint Responsive
Records, 2011 - 2015 and
BBC Research & Consulting.



Basis of complaints. Statewide, complaints based on disability represented 56 percent of all bases of the fair housing complaints.⁴ This is similar to complaints filed at the national level.

Familial status and national origin represented the second and third largest shares (18% and 10%, respectively). Figure VI-3 displays the percent of complaints by type.

⁴ Complaints may have more than one basis.

Figure VI-3.
Basis of Filed HUD Complaints by Year,
State of Idaho, January 2011 to
December 2015

Note:
 HUD uses “sex” to refer to gender discrimination.

Source:
 U.S. Department of HUD Complaint Responsive Records,
 2011 – 2015

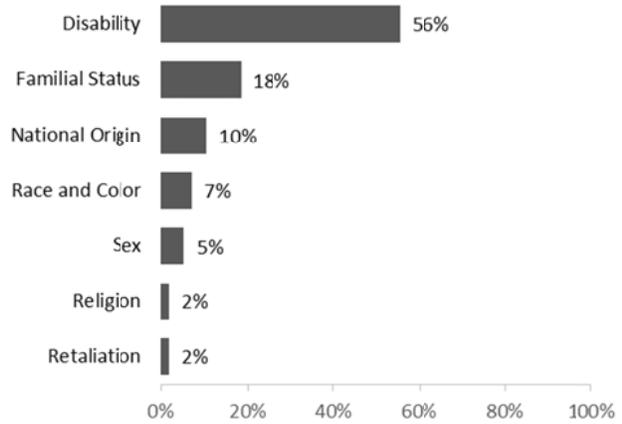
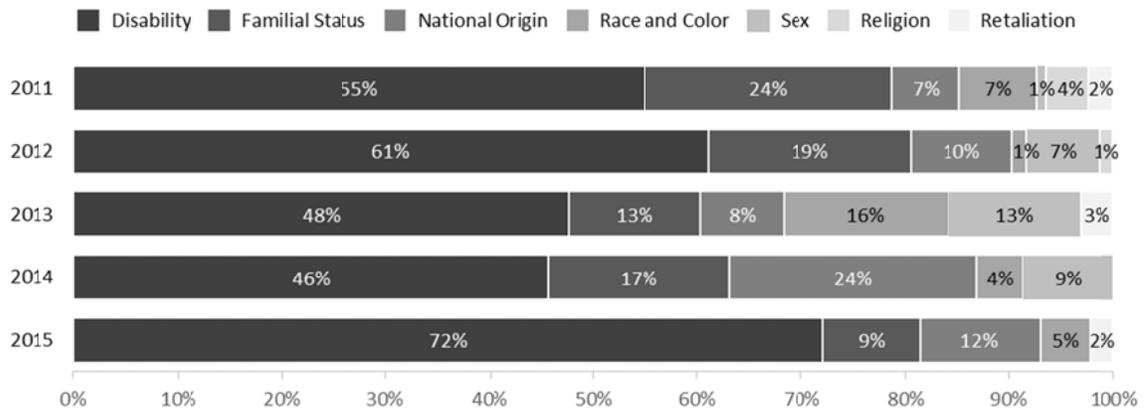


Figure VI-4 shows the basis of complaints by year. Complaints based on disability accounted for about half of each year’s total complaints, reaching two thirds of all complaints in 2015. Complaints based on familial status were the second most prevalent complaint basis; at between 9 and 24 percent, however, these complaints made up a much smaller share of overall complaints than those based on disability.

Complaint bases differed in the years 2012 and 2013: complaints based on national origin, race and sex were much higher than in past and future years. Almost all of these cases occurred in Ada County.

Figure VI-4a.
Basis of Filed HUD Complaints by Year, State of Idaho, January 2011 to December 2015

Basis	2011	2012	2013	2014	2015	All Years
Disability	55%	61%	48%	46%	72%	56%
Familial Status	24%	19%	13%	17%	9%	18%
National Origin	7%	10%	8%	24%	12%	10%
Race and Color	7%	1%	16%	4%	5%	7%
Sex	1%	7%	13%	9%	0%	5%
Religion	4%	1%	0%	0%	0%	2%
Retaliation	2%	0%	3%	0%	2%	2%



Note: HUD uses “sex” to refer to gender discrimination.

Source: US Department of HUD Complaint Responsive Records, 2011 – 2015.

Figure VI-4b shows the number of complaints by type by year.

Figure VI-4b.
Number and Basis of Filed HUD Complaints by Year, State of Idaho, January 2011 to December 2015

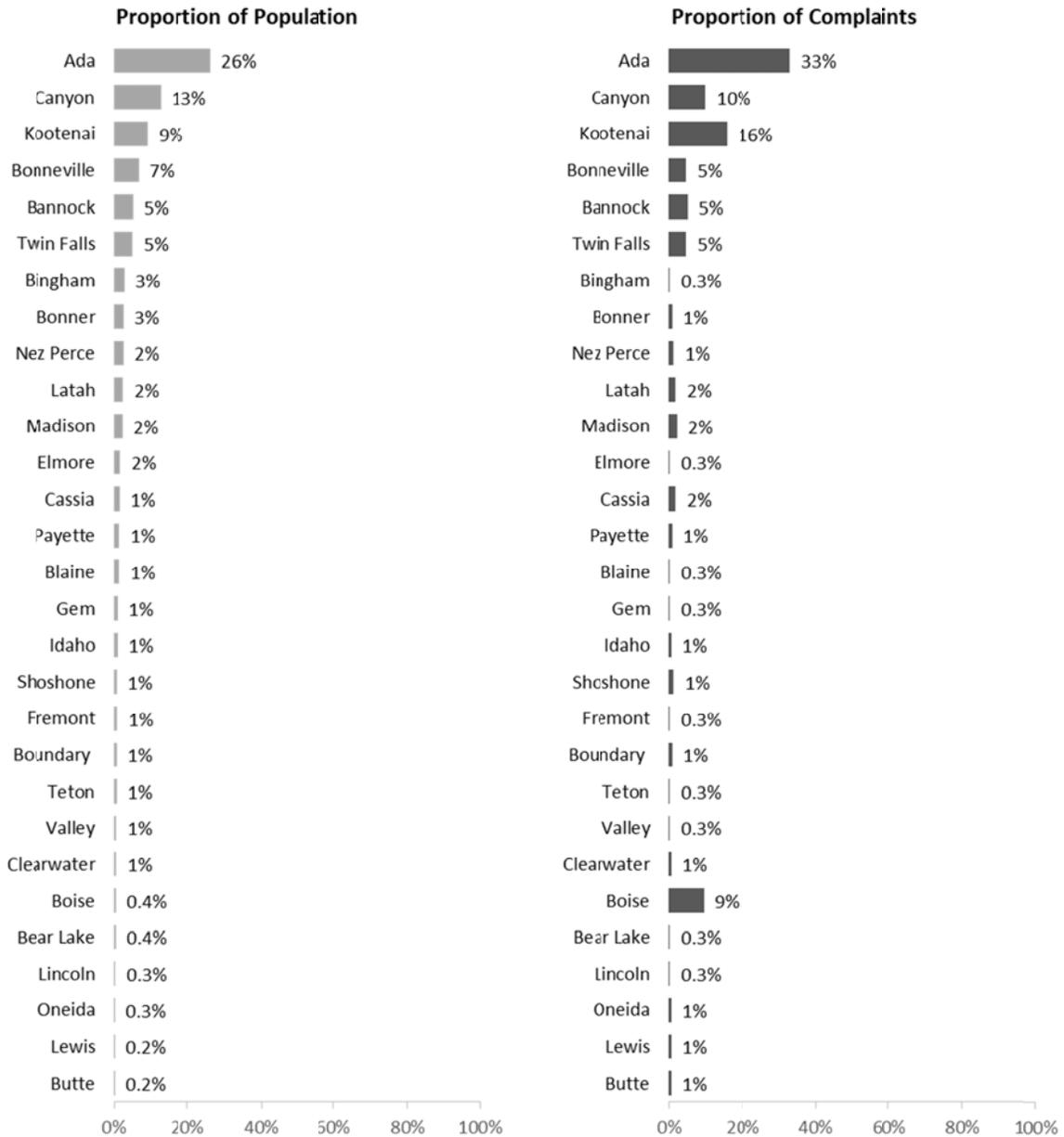
Basis	2011	2012	2013	2014	2015	All Years
Disability	67	44	30	21	31	193
Familial Status	29	14	8	8	4	63
National Origin	8	7	5	11	5	36
Race and Color	9	1	10	2	0	24
Sex	1	5	8	4	0	18
Religion	5	1	0	0	0	6
Retaliation	3	0	2	0	1	6

Note: HUD uses "sex" to refer to gender discrimination.

Source: US Department of HUD Complaint Responsive Records, 2011 – 2015.

Geographic distribution. Figure VI-5 compares the share of the state population by county with the share of complaints. As the graph suggests, Ada County has a slightly higher proportion of complaints relative to its share of the state population; this is also true of Kootenai and Boise counties. Complaints are proportionately low in some counties, although the differences are minimal.

Figure VI-5.
Proportion of Complaints and Population by County, State of Idaho, January 2011 to December 2015



Note: No complaints were filed for Adams, Benewah, Camas, Caribou, Clark, Custer, Franklin, Gooding, Jefferson, Jerome, Lemhi, Minidoka, Owyhee, Power or Washington counties.

Source: US Department of HUD Complaint Responsive Records, 2011 - 2015; 2010-2014 ACS 5-Year Estimates.

Geographic variance in complaints by type. Disability complaints are the primary reason for complaints for most counties in Idaho. A review of the proportion of disability complaints to total complaints by county found that disability was the basis of 50 percent or more complaints in 21 out of 29 counties (72%).

Figure VI-6 shows the 10 counties with the greatest number of complaints overall, and the proportion of those that were disability based. Bonneville, Twin Falls, Bannock and Kootenai

counties' disability-based complaints were a higher proportion of all complaints than the state of Idaho overall.

It is interesting that these counties had the highest levels of complaints given that they are mostly urban areas, where access is generally better than in rural areas. Because many complaints involve more than one violation (e.g., failure to make reasonable accommodations *and* discriminatory advertising) it is difficult to draw firm conclusions about the differences in the nature of complaints based on geographic typology.

Figure VI-6.
Disability Based Complaint Proportion, Top 10 Complaint Counties, State of Idaho, January 2011 to December 2015.

County	Disability Based Complaints	Total Complaints	Percent
Ada	64	121	53%
Kootenai	30	51	59%
Canyon	16	35	46%
Boise	17	32	53%
Bonneville	13	15	87%
Bannock	11	14	79%
Twin Falls	12	14	86%
Latah	1	10	10%
Madison	2	8	25%
Shoshone	2	6	33%
State of Idaho	193	346	56%

Note:

Total Complaints include the numbers of multiple complaints per case.

Source:

US Department of HUD Complaint Responsive Records, 2011 – 2015.

Figure VI-7 presents the same analysis as above for familial status. Latah, Shoshone, Canyon, Bannock and Kootenai counties' familial status-based complaints were a higher proportion of all complaints than the state of Idaho overall. Latah County's familial status complaints were 50 percent of all complaints, nearly three times the state proportion of 18 percent.

Figure VI-7.
Familial Status Complaint Proportion, Top 10 Complaint Counties, State of Idaho, January 2011 to December 2015.

County	Familial Status Based Complaints	Total Complaints	Percent
Ada	22	121	18%
Kootenai	10	51	20%
Canyon	8	35	23%
Boise	5	32	16%
Bonneville	0	15	0%
Bannock	3	14	21%
Twin Falls	1	14	7%
Latah	5	10	50%
Madison	1	8	13%
Shoshone	2	6	33%
State of Idaho	63	346	18%

Note:

Total Complaints include the numbers of multiple complaints per case.

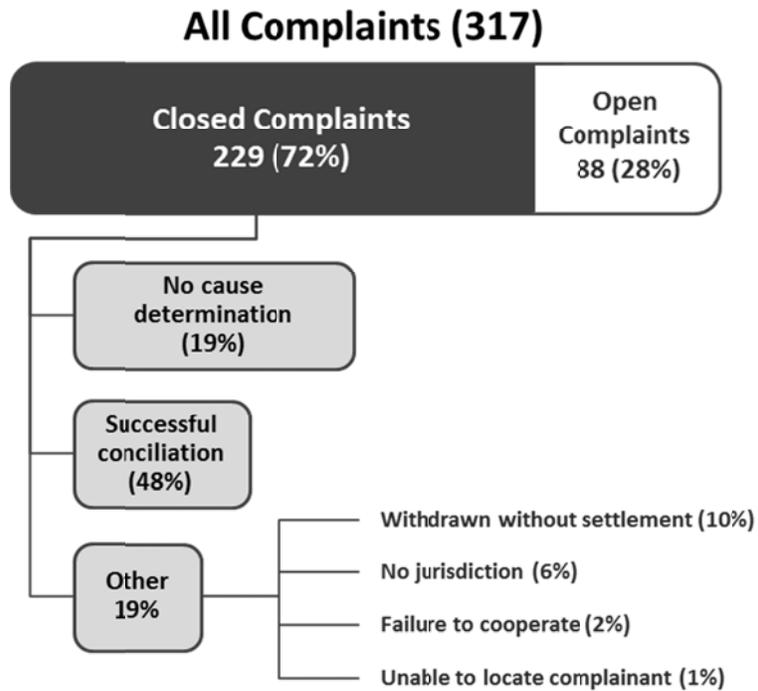
Source:

US Department of HUD Complaint Responsive Records, 2011 – 2015.

Resolution of complaints. Figure VI-8 shows the resolution of closed complaints. Of the 317 complaints filed with HUD during this time, 28 percent remain open and 72 percent have been closed.

Among closed complaints, 19 percent were closed due to no cause determination, which occurs when HUD investigators determine a lack of substantial evidence of a fair housing violation. Forty-eight percent were conciliated and closed; this occurs when the complainant and defendant agree on how to address the cause of the complaint. The remaining complaints were closed for a range of reasons, each accounting for a small share all closed complaints.

**Figure VI-8.
Resolution of Closed
Complaints, State of
Idaho, January 2011 to
December 2015**



Note:

Successful conciliation is a combination of: negotiated conciliation before determination of cause, successful conciliation agreement after cause finding, conciliation prior to cause finding, and successful mediation during or after investigation.

Source:

US Department of HUD Complaint Responsive Records, 2011 – 2015.

Hate crimes. The incidence of hate crimes and the prevalence of hate crime groups can be an indicator of discrimination concerns even though they do not directly link to housing discrimination. Enacted in 1990, the Hate Crime Statistics Act requires the Department of Justice to collect data on crimes which “manifest prejudice based on race, religion, sexual orientation, gender or gender identity, disability or ethnicity” from law enforcement agencies. By law, findings from the data collection are publicly available through the Department of Justice.

Designating a crime to be a hate crime is the responsibility of local agencies. If a local agency determines that a crime is based on race, religion, sexual orientation, ethnicity, national origin, or disability, the crime is included in the data. Note that the crimes included in the data represent only the crime, not convictions.

Hate crimes in Idaho. In 2013, there were 32 hate crimes reported in the state of Idaho, or 2.04 hate crimes per 100,000 residents.⁵ This is on par with the national average of 2.01 incidents reported per 100,000 residents. In Idaho, 59 percent of hate crimes reported were committed on the basis of race, compared to 48 percent of national hate crimes.

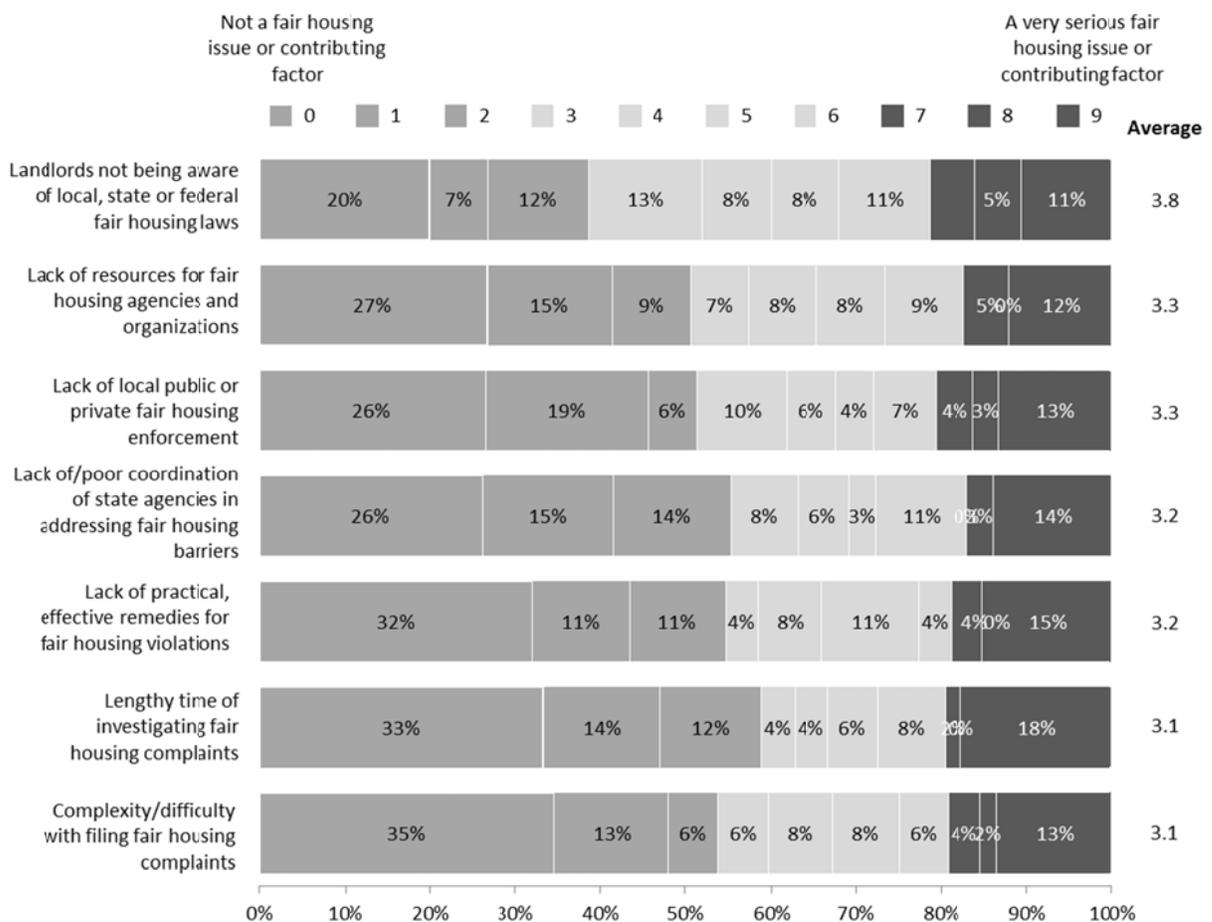
⁵ The FBI uses a basis of 100,000 persons to compare hate crime data between states.

The Southern Poverty Law Center is a nonprofit organization dedicated to civil rights, fighting hate and seeking justice for the most vulnerable. As part of this mission, the law center monitors hate crime incidents and hate-based organizations. The count and characterization of hate crime groups by the Southern Poverty Law Center was compiled using hate group publications and websites, citizen and law enforcement reports, field sources, and news reports. Nationally, there were about 785 known active hate groups in 2014; 10 are located in Idaho.

Fair housing environment—stakeholder perspectives. The survey conducted for this AFH asked stakeholders about their perspective on the fair housing environment in Idaho.

As shown in Figure VI-9, most stakeholders do not view lack of capacity, education or knowledge to be fair housing issues or contributing factors in Idaho. Among the factors considered, a lack of landlord awareness of fair housing laws was, comparatively, the most serious fair housing issue related to capacity and knowledge. Still, the majority of stakeholders—four in five—do not perceive lack of landlord awareness to be a serious fair housing issue.

Figure VI-9.
Stakeholder Perspective: Fair Housing Capacity and Knowledge



Note: n ranges from 51 to 75.

Source: BBC Research & Consulting from 2016 Idaho Fair Housing Stakeholder Survey.

Stakeholders offered the following recommendations for improving fair housing capacity and knowledge:

- *Information on landlord responsibilities could be passed on by realtors or lenders at the time of purchase of rental properties (e.g., loan closings).*
- *Continue efforts to help landlords, especially older, “ma and pa” landlords, understand fair housing laws.*
- *Continue to support the enforcement/investigation/litigation activities of the Intermountain Fair Housing Council and the Idaho Legal Aid.*

Fair Housing Legal Review

As part of this fair housing analysis, fair housing legal cases were reviewed to assess trends in Idaho legal challenges and outcomes. The sources for the cases included the Fair Housing Forum Idaho Fair Housing Cases Chronology (<http://fairhousingforum.org/law/idaho-fair-housing-cases-chronology/>), the National Fair Housing Advocate Online Case Database, and the United States Department of Justice (DOJ) Housing and Civil Enforcement Cases Database.

No new cases were found since the last AFH was conducted. As such, the cases reviewed are included in Appendix C. It is important to note that further developments may have occurred in the cases for which information is not yet publicly available.

The IFHC was also consulted about current fair housing issues that were not identified due to the lack of published cases. These are summarized below.

Fair housing trends reported by the Intermountain Fair Housing Council. The IFHC also provided a compendium of top fair housing issues in Idaho, based on complaints they have recently received.⁶ These fair housing issues were not separated by entitlement or nonentitlement areas and, as such, should be interpreted as trends in the state overall.

Primary fair housing challenges of residents

- Multifamily housing complexes with design and construction violations;
- Denial of housing to veterans and seniors based on disability;
- Inability to use Veteran’s Vouchers and subsidized housing vouchers by families with children, people of color, and people with disabilities;
- Denial of service animals/parking and reasonable accommodations;
- Denial of families with children or overly restrictive rules;
- Segregation and steering based on race and national origin, most prominent in Boise, Pocatello, Twin Falls, Nampa, and other cities;

⁶ If a complaint is under investigation, the terms cannot be listed in a public document. Therefore, the details on recent fair housing complaints are not available for this section.

- Discriminatory actions toward Middle Eastern persons, mostly in Pocatello, Idaho Falls and Twin Falls and anti-refugee sentiments in Boise, Twin Falls, Star, and North Idaho communities;
- Failure to provide language services to LEP consumers in subsidized housing and via housing counseling;
- Blaming tenants based on national origin/race for bed bugs and cockroaches and charging higher rents and security deposits;
- Failing to address environmental issues that impact a protected class;
- Mass evictions adversely affecting protected classes;
- Using source of income, credit, criminal history to screen out prospective tenants/homebuyers.

Primary housing provider fair housing issues

- Housing providers finding their insurance terminated or increased if they rent to Section 8 tenants or other subsidized renters;
- Realtors and property managers being asked to enforce HOA covenants regarding pool, tennis court or other amenities in a discriminatory way against children;
- Realtors and property managers finding it hard to sell homes to families with children, people of color, or people with disabilities because of covenants which prohibit or limit fences, size of home one can build, renters, group homes, businesses, or their being in the community;
- City, county, and state land use policies that present barriers to affordable housing, group homes, etc., which discriminate based on a protected class or have a disparate impact based on a protected class;
- Certified Family Homes or Group Homes for persons with disabilities seeing insurance rates increase or require special insurance policies;
- Affordable housing developers cannot build in communities because homeowners/local governments block the building because of prejudice toward a protected class(es) or land use policies have a disparate impact.

Fair Housing Resources

The State of Idaho provides fair housing education and outreach and access to fair housing resources through the following activities:

Fair housing laws. Since the last AFH was conducted, IHFA has worked with legislative sponsors and other groups in advance of the 2017 Legislative session to consider adding familial status as a protected class to Idaho's fair housing law.

Additionally, Grantees work to reduce fair housing barriers through fair housing education and outreach; improve knowledge and awareness of fair housing for both housing providers and consumers; and encourage local jurisdictions to adopt best practices in land use and zoning regulations. In the past five years, IHFA and Idaho Commerce have accomplished the following:

Fair housing education. The State of Idaho has a long history of providing guidance and technical assistance to jurisdictions, both entitlement and nonentitlement communities. The state maintains two websites dedicated to fair housing, <https://www.idahohousing.com/fair-housing/> and <http://fairhousingforum.org/>.

These websites provide resources to both stakeholders and residents. For example, training videos on fair housing best practices, fair housing basics, and how to recognize and report discrimination are provided in both English and Spanish.

The Idaho Fair Housing Forum has been in existence since 2003. The mission of the forum is to provide fair housing education and outreach opportunities throughout Idaho. These are delivered through annual events, conferences, and workshops. In the past five years, IHFA, Idaho Commerce, other partners and the Idaho Fair Housing Forum have sponsored speakers on the following fair housing topics:

- Best practices in local land use and zoning—Don Elliott, Clarion Associates;
- Reasonable accommodations laws, including assistance animals;
- Section 3;
- Language access; and
- General compliance.

The Idaho Fair Housing Forum website serves as a clearinghouse for fair housing and related information to help stakeholders keep consistent with fair housing case law, training opportunities, and access fair housing resources. In addition to the Idaho Fair Housing Forum network and outreach, IHFA hosts biannual Housing Roundtable meetings in five regional centers. These well-attended events offer opportunities to share information about housing needs and challenges, as well as to maintain a productive dialogue on fair housing among housing and community stakeholders.

Leveraging fair housing resources. Many of Idaho’s counties and towns are very sparsely populated, some with part time leadership, and have limited resources to analyze demographic changes and housing needs. The State of Idaho has leveraged its Consolidated Plan and AFH requirements to provide much-valued local land use and zoning analysis and assessments of demographic changes and affordability needs. In this AI, the State included the new AFH HUD maps on segregation and integration for every entitlement jurisdiction in Idaho. Grantees routinely share data and guidance with local policy makers and planning professionals.

Summary

The analysis in this section has demonstrated that the State of Idaho has a well-organized and active public and nonprofit presence in fair housing education and enforcement. Where violations occur, they are largely related to discrimination related to disability by landlords and builders and architects of apartment complexes. Stakeholders believe that ignorance by landlords is the largest contributing factor to noncompliance with fair housing laws.

Current fair housing capacity building, education, and outreach should be continued to further awareness and knowledge, particularly among landlords and to empower persons with disabilities.

SECTION VII.

Contributing Factors, Priorities, and Goals

SECTION VII.

Contributing Factors, Priorities, and Goals

This section identifies fair housing issues found in nonentitlement areas of Idaho, discusses the factors that contribute to fair housing concerns, and establishes priorities and goals for addressing the concerns in the next five years. The goal setting table identifies goals, the contributing factors addressed by the goals, fair housing issues addressed, metrics/milestones/timeframe for achievement, and responsible agency for fulfilling the goals.¹

Five year priorities and goals were developed with a focus on **increasing economic opportunity** for all Idahoans. This not only embraces the spirit of the Assessment of Fair Housing approach, it makes good business sense: Improving access to opportunity for Idahoans of all ages increases household economic outcomes and saves communities money over the long term.

Definitions

The terms used in this section are based on the narrative used in the Affirmatively Furthering Fair Housing (AFFH) Guidebook. Although not yet a requirement for the state AI, the Guidebook was used in prioritization and goal setting for its focus on improving economic opportunity for Idaho residents who are faced with fair housing challenges.²

Contributing factors. According to HUD, a “fair housing contributing factor” is a factor that creates, contributes to, perpetuates or increases the severity of one or more fair housing issues. The fair housing issues include:

- segregation,
- R/ECAPs,
- disparities in access to opportunity,
- disproportionate housing needs,
- disability and access issues, and
- fair housing education, outreach and resources.

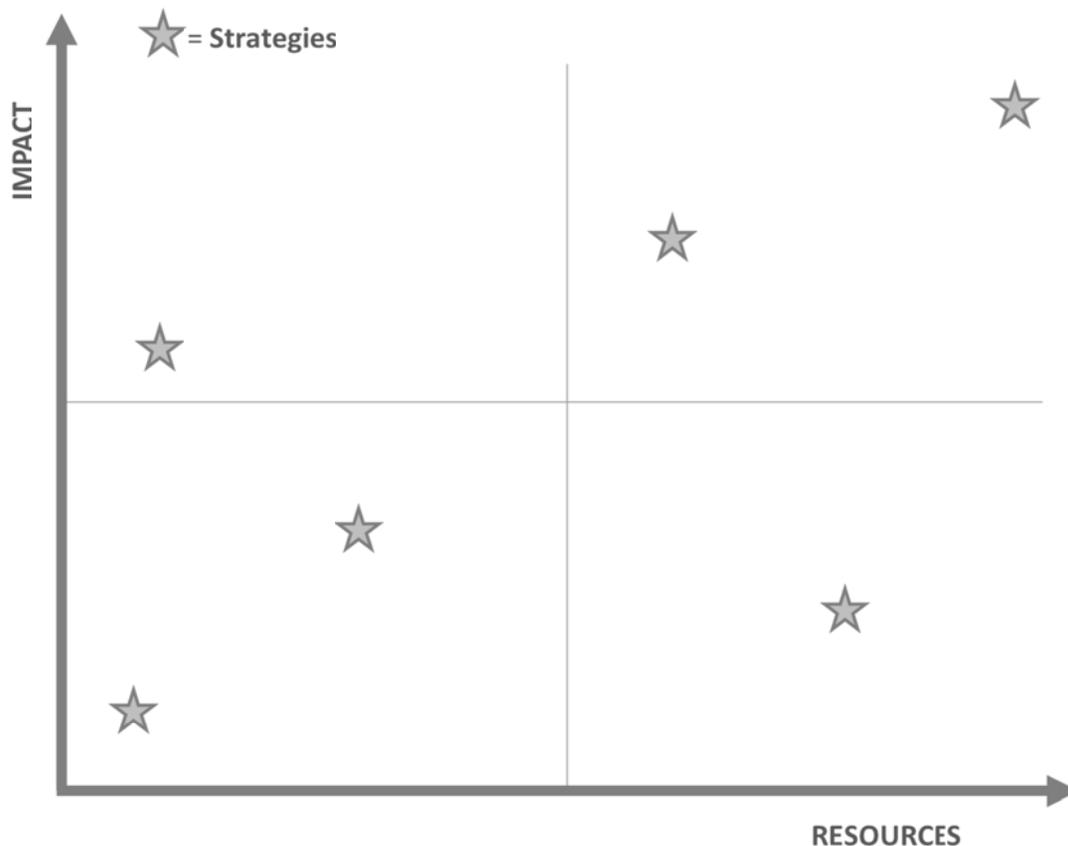
Priorities. Contributing factors require prioritization, and prioritization determines the fair housing goals and strategies. According to 24 C.F.R. Section 5.154(d)(4)(ii), in prioritizing contributing factors, states/counties/cities should give “highest priority to those factors that limit or deny fair housing choice or access to opportunity, or negatively impact fair housing or civil rights compliance.”

¹ Also referred to as “action steps.”

² <http://www.gpo.gov/fdsys/pkg/FR-2015-07-16/pdf/2015-17032.pdf>

HUD allows discretion in prioritizing contributing factors and does not require a specific method for prioritization. The Grantees used a prioritization method that balanced the significance of the contributing factor in affecting housing choice and access to opportunity (“impact”) and the ability of the state to affect change (“resources”).³ This method is illustrated in the following graphic.

Idaho Contributing Factors Prioritization Diagram



Fair Housing Issues and Contributing Factors

The following fair housing issues were identified through the quantitative analysis in Sections I (Demographic Summary), II (Housing Choice Analysis), III (Access to Opportunity), IV (Disability and Access), V (Regulatory Analysis) and VI (Fair Housing Environment).

The state-level maps and data in Section I were presented to stakeholders and residents in roundtable meetings in March and April 2016. Contributing factors were discussed, in addition to solutions to addressing the fair housing issues.

³ These agencies cannot lobby for or introduce changes to Idaho State Statutes. Instead, it is incumbent on advocacy and fair housing organizations in Idaho to facilitate such change.

Stakeholders also contributed to identification of contributing factors through the fair housing survey and in roundtable discussions. The findings from the roundtable discussions and survey are discussed in Sections III (Access to Opportunity) and IV (Disability and Access). A total of 354 stakeholders and residents participated in the development of the AFH through attendance at roundtables and through completion of the survey. The survey generated 393 open ended comments about fair housing issues, all of which were considered in drafting this AI.

Altogether, **more than 400 comments** informed the development of the contributing factors and Goals and Strategies in this AI.

Primary fair housing issues. The primary fair housing issues in Idaho's nonentitlement areas in 2016, and the quantitative or qualitative source of the issue, include the following (with the source of the qualitative data noted):

- Disproportionately high levels of cost burden and lower levels of homeownership for minority populations other than Asian residents and some elderly residents.
 - HUD data report higher levels of housing problems among Hispanic households across all income levels and for single, elderly owners and renters.
 - The homeownership of Hispanic households in Idaho is a 50 percent; for Native Americans, 49 percent, and for African Americans, 24 percent. This compares to 69 percent for Idahoans overall.
- Higher use of publicly-supported housing by minority residents. Minorities have disproportionately high participation rates in publicly subsidized housing in Ada, Blaine, Cassia, Minidoka, Nez Perce, Power, Teton, Valley and Washington counties.
- Affordable housing stock in rural areas that is in poor condition. (Stakeholder identification)
- Housing choice for residents with disabilities restricted by the lack of available, affordable, accessible housing. (Stakeholder identification)
- Overall gaps in 4th grade educational achievement for students with disabilities; African American, Native American and Hispanic students; LEP students; students in transition; and at-risk and economically disadvantaged students (children of migrant workers, students who are homeless). In the 2014-2015 school year, 31 percent of White 4th graders scored proficient compared to 18 percent of African American students and 16 percent of Hispanic students. One in four economically disadvantaged students are proficient, compared to 34 percent of those who are not economically disadvantaged.
- Challenges in accessing jobs that pay a living wage in rural areas where jobs are limited and unemployment is high. According to the Idaho Department of Labor, compared to peer states with Idaho's level of job growth, new hires in Idaho earn less than their neighbors: Idaho new hires earned over \$1,000 a month less than new hires in Washington, \$436 a month less than new hires in Oregon, and \$237 a month less than new hires in Utah. This is because job growth in Idaho has mostly been in low paying industries such as accommodation and food services, arts, entertainment and recreation, administrative services, educational services, and other services.

- Inaccessible public buildings and commercial establishments and infrastructure (e.g., lack of or non-compliant sidewalks) in many communities. (Stakeholder identification)
- Challenges with moving persons with disabilities into integrated settings (Stakeholder identification, supported by Money Follows the Person service trends)
- Challenges with housing persons with criminal backgrounds (emerging issue nationally; review of Section 8 policy in light of recent HUD guidance)

The **factors contributing** to these issues are:

- Historically high levels of poverty, which:
 - Contributes to housing cost burden, and
 - Affects access to opportunity, disproportionately for children, who have the highest levels of poverty in Idaho.
- Very high housing costs in resort areas.
- Local policies that limit or have the effect of limiting group homes.
- Insufficient resources for services to support independent, integrated community living for seniors and persons with disabilities.
- Landlords not complying with and/or not understanding fair housing laws, particularly reasonable accommodations.
- Limited economic development and job growth in lower paying service industries— affecting both jobs and housing availability and quality—in some rural areas.
- Lack of public transportation in rural areas, impacting persons with disabilities, residents who need access to services, and job-seekers who do not have vehicles and/or cannot drive.
- Insufficient resources to fund ADA improvements to public buildings and infrastructure, particularly in rural areas.

Not including familial status as a protected class in state fair housing law may also be a contributing factor in mitigating fair housing issues. However, as long as residents have access to pursue such complaints at the federal level (through organizations like IFHC and HUD), and until state law offers stronger awards and remedies, the effect of this contributing factor is likely minimal.

Prioritization. The state’s prioritization of contributing factors considered the following:

- Geographic focus: Is the issue isolated to a handful of counties? Entitlement areas only? Rural areas only? Or a statewide concern?

- The significance of the factor in contributing to fair housing and access to opportunity barriers: How will addressing the factor affect housing and opportunity?
- The ability of the Grantees address the factor: Do the Grantees have the authority to address the issue? Adequate resources, now and in the future?
- The effect of addressing the factor on affected protected classes: Will addressing the issue affect the protected classes who are facing the most barriers to housing choice and access to opportunity?

Goals and Action Steps

According to HUD, a fair housing goal is designed to overcome one or more contributing factors and related fair housing issues. Goals must have metrics, milestones, and a timeframe for completion. For the purpose of this AI, these are called “Action Steps.”

The action steps that the state will use to meet its fair housing goals in the next five years will be reported in the Annual Action Plan and Consolidated Annual Performance and Evaluation Report (CAPER).

The action steps, as demonstrated in the Goal Setting Table, are:

- Are strategic in approach,
- Are specific, measurable and establish a responsible party, and
- Identify the resources that are needed to address the goals.

GOAL SETTING TABLE, STATE OF IDAHO AI (Note: IHFA and Commerce can only address action items within the scope of their respective grant authority and missions)

GOAL	FAIR HOUSING ISSUES and CONTRIBUTING FACTORS ADDRESSED	METRICS/MILESTONES/TIMEFRAME	RESPONSIBLE PARTY
<p>A. Support residents with disproportionate housing needs living in non-entitlement areas: 1. Continue preferences for deeply subsidized rental housing. 2. Support tenant preferences that target priority housing needs populations as identified in the 5-Year Consolidated Plan. 3. Support partner efforts to develop a recurring source of state funding for the Idaho Housing Trust Fund, emphasizing the unique needs of non-entitlement communities. 4. Require affordable rental housing projects to be located in communities that are committed to Affirmatively Furthering Fair Housing Choice.</p>	<p>Higher housing needs of Hispanic, Native American, disabled and elderly residents.</p>	<p>1. Encourage development of up to 10 rental housing units annually that target priority housing needs populations (disabled, elderly, ≤30% AMI)†. Encourage affirmative marketing by developers to target populations least likely to apply. (2017-2021) 2. Retain current preferences in QAP for 2017 and 2018; evaluate effectiveness of income targeting during subsequent years based on applications received in 2017 and 2018. 3. Encourage efforts to provide state support for housing trust fund. 4. Encourage development of up to five multifamily housing rental projects per year in communities committed to affirmatively furthering fair housing.† (2017-2021)</p>	<p>IHFA</p>
<p>B. Help qualified renters attain homeownership: Support credit counseling and homeownership readiness through affirmative marketing.</p>	<p>Disproportionately low homeownership rates among Hispanic, Native American and African American households.</p>	<p>1. Continue Finally Home!® Homebuyer Education classes in Moscow, Sandpoint, Coeur d Alene, Idaho Falls, Twin Falls, Nampa, Boise (7 classes in 2017) and online classes to reach 5,000 or more potential homebuyers. Continue bilingual outreach, training and customer service efforts.</p>	<p>IHFA</p>
<p>C. Increase fair housing knowledge: 1. Continue current fair housing capacity building and educational outreach activities, particularly among landlords and persons with disabilities. 2. Continue to provide information about and support expansion of state fair housing protections to include familial status. 3. Continue to award preference points to CDBG applicants with fair housing protections that include familial status. 4. Require affordable rental housing projects to be located in communities that are committed to Affirmatively Furthering Fair Housing Choice and that have adopted a Fair Housing Plan.</p>	<p>Landlord lack of fair housing awareness resulting in fair housing complaints and higher use of publicly subsidized housing by minority residents.</p>	<p>1. With Idaho Fair Housing Forum partners, support two to 10 fair housing training events annually (2017-2021) with landlord groups. 2. Support efforts to add familial status to state protections as opportunities arise. 3. Retain HOME and federal Housing Trust Fund (HTF) written agreements that specify federal fair housing and nondiscrimination laws, including familial status as a protected class in accordance with Title VIII of the Civil Rights Act of 1968 (2017-2021). During 2017-2021, continue to award preference points to CDBG applicants with fair housing protections for familial status. 4. Encourage development of up to five completed multifamily housing rental projects per year in communities committed to affirmatively furthering fair housing.† (2017-2021)</p>	<p>IHFA 1-3</p>

<p>D. Increase accessible, affordable housing options:</p> <ol style="list-style-type: none"> 1. Continue HOME and LIHTC preference points for acquisition of land and new construction of housing that benefits elderly and persons with disabilities. 2. Explore ways to incent visitable housing. 3. Continue educational efforts to inform local jurisdictions of best practices and legal risks associated with land use and zoning laws, including requiring conditional use permits for group homes. 4. Encourage use and completion of Transition Plans and prioritize CDBG to making identified needed accessibility improvements. 5. Explore creation of a more coordinated and comprehensive effort to address the access needs of persons with disabilities. Not addressed,. Suggested language to make consistent with 5 Action Item: Achieve Section 504 requirements for accessibility in new multifamily construction. 	<p>Housing in rural areas developed without visitable/accessible features due to limited development in rural areas and when housing was developed. Local policies that limit group homes. Both impact elderly and persons with disabilities living in rural areas.</p>	<ol style="list-style-type: none"> 1. Retain current preferences in QAP and Administrative Plan (2017-2021). 2. Provide HOME funds for visitable single-family rental and homebuyer housing activities.(2017-2019) Encourage regional partners to make use of Avenues for Hope and other private funding options for accessible home modification in rural communities (2017-2021)†. 3. Coordinate annual training on best practices in land use and zoning, focusing on group homes. 1-3 statewide or regional training events/year. (2017-2021). 4a. Continue to market ADA improvements as eligible activities for CDBG - Complete 15 projects that improve ADA accessibility (average of 3 per year) during 2017-2021 assuming national objectives are being met. b. Ensure all CDBG grantees (cities and counties) have updated their ADA Transition Plans prior to project closeout. c. Increase CDBG application priority ranking points for projects that focus on the removal of architectural barriers or improve ADA accessibility. 5. Five percent of all new construction (HOME and HTF) multifamily rental housing will be handicap accessible; two percent will accommodate persons living with sensory impairments. 	<p>IHFA, 1–3. 5 Commerce-4</p>
<p>E. Help address education proficiency gaps: 1. Consider Utah's best practice of adding preferences for LIHTC location in areas with high proficiency schools*</p>	<p>Gaps in educational achievement for students with disabilities; African American, Native American and Hispanic students; LEP students; and students in transition and at-risk and economically disadvantaged students.</p>	<ol style="list-style-type: none"> 1. Explore effectiveness of Utah's LIHTC program in 2019 and 2021, after it has been utilized for three years 	<p>IHFA</p>
<p>F. Increase employment in economically disadvantaged communities: Continue to allocate CDBG to job creation activities in rural communities.</p>	<p>Low wages in economically disadvantaged rural areas due to limited economic growth and growth in low wage industries (e.g., service jobs).</p>	<ol style="list-style-type: none"> 1. Use CDBG to leverage the creation of 30 moderate to high paying jobs created or retained annually, 2017 through 2021 	<p>Commerce</p>
<p>G. Dedicate additional federal support to increasing employment and accessibility in non-entitlement areas: 1. Support federal efforts to expand infrastructure redevelopment in rural areas and ensure that these include creating more accessible environments. 2. Educate rural communities about the importance of access to compliance and economic opportunity.</p>	<p>Inaccessible (pre-ADA) public buildings, commercial establishments, and infrastructure. Lack of funding for—and high cost of—accessibility improvements to streets, sidewalks, and other public infrastructure.</p>	<ol style="list-style-type: none"> 1. Activities to be determined in future action plans depending upon federal activities to improve infrastructure. 2. Using stakeholder networks and events such the Idaho Community Review and NW Community Development Institute, promote community accessibility practices such as Ramp Up Idaho to increase awareness of access and opportunity (2-5 events per year). (2017-2021) 	<p>Commerce-1 IHFA-2</p>

<p>H. Dedicate additional federal support to increasing employment and accessibility in non-entitlement areas—contingent on participation of Idaho Transportation Department (ITD) and Federal Highway Administration (FHWA): 1. Encourage local government grantee's ability to play a role in transportation planning at the state and regional levels. 2. Through AAAs, roundtable discussions, public-private partnerships, explore the demand to expand and create formal rideshare programs in rural communities with need.</p>	<p>Insufficient transportation services to support independent, integrated community living for seniors and persons with disabilities. Lack of public transportation in rural areas.</p>	<p>1. Ensure CDBG grantees (cities and counties) located in resort communities or college towns have completed the transportation component of their comprehensive plan (as per Idaho's Local Land Use Planning Act). At a minimum, the transportation component should assess bicycle and pedestrian circulation and the existing (or feasibility of) public transportation - bus or van. Further, the city or county should address the transportation factors that are contributing to limiting opportunities for its residents in their fair housing assessment. (2017-2021) 2. Convey the importance of transportation alternatives in integrated community living to the Idaho Transportation Department's Public Transportation Interagency Working Group by providing materials to coordinators. (2017-2021)</p>	<p>Commerce-1, IHFA-2, ITD, Federal Highway Administration (FHWA)</p>
<p>I. Explore programs to provide housing options for persons with criminal backgrounds, particularly those who are disproportionately represented by certain protected classes: 1. Explore best practices (e.g., Sponsors, Inc. in Oregon) to assist men and women in corrections re-integrating into communities. 2. Educate PHAs and other housing partners statewide on appropriate language on criminal backgrounds in rental agreements.</p>	<p>Challenges housing persons with criminal backgrounds who cannot qualify for publicly supported housing and for whom private sector may be reluctant to provide housing.</p>	<p>1. Publish annual updates and information in Cornerstones and Rent Sense newsletters; include best practice information in correspondence to affordable housing providers. 2. Work with PHA partners and IHFA Compliance Dept. to convey information on tenant selection and screening criteria via correspondence. (2017-2021)</p>	<p>IHFA</p>
<p>*Utah uses a "high opportunity" areas indicator †Dependent on developer applications and market factors</p>			
<p>Note: Goals and Strategies focus on non-entitlement areas which are covered by this AFH.</p>			

APPENDIX A.

HUD AFFH Tool Maps

APPENDIX A.

HUD AFFH Tool Maps

This appendix to the 2016 State of Idaho AFH provides data and maps that were recently developed by HUD in its Affirmatively Further Fair Housing, or AFFH, data and mapping tool. HUD developed this tool to help communities assess fair housing barriers. Although only available for the largest incorporated cities in the state, these maps are included because they help demonstrate housing patterns and preferences of Idaho residents.

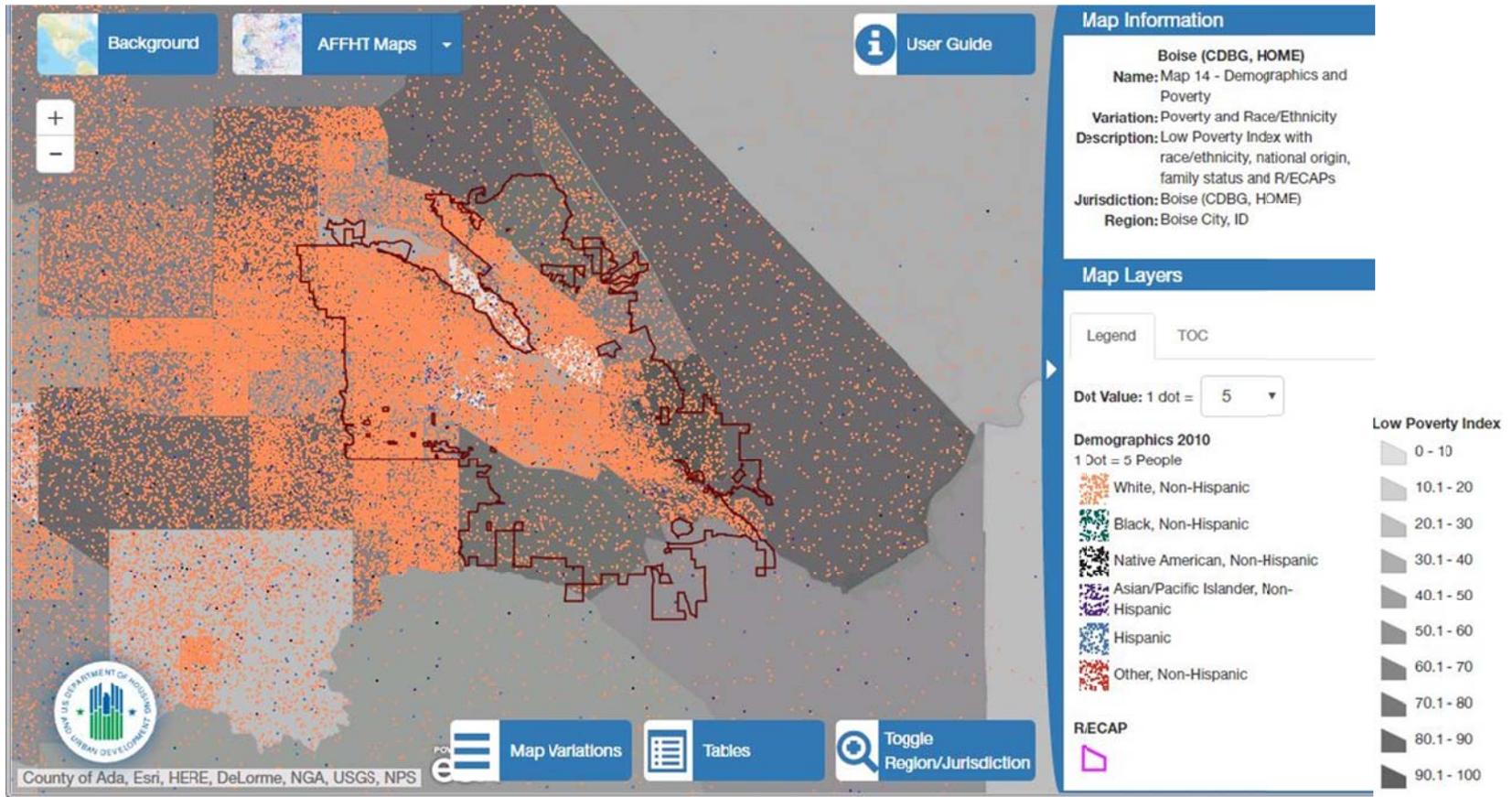
These maps also demonstrate that, other than persons with disabilities, the vast majority of the state's neighborhoods with concentrated poverty and racial and ethnic concentrations are in entitlement areas.

This appendix includes maps for: Boise, Coeur d'Alene, Idaho Falls, Lewiston, Meridian, Nampa and Pocatello.

Poverty, race and ethnicity. The first set of maps shows poverty and race and ethnicity overlays. In these maps, **low poverty** is indicated by darker grey shading; high poverty, light shading. Each dot is equivalent to five people and is based on 2010 Census data.

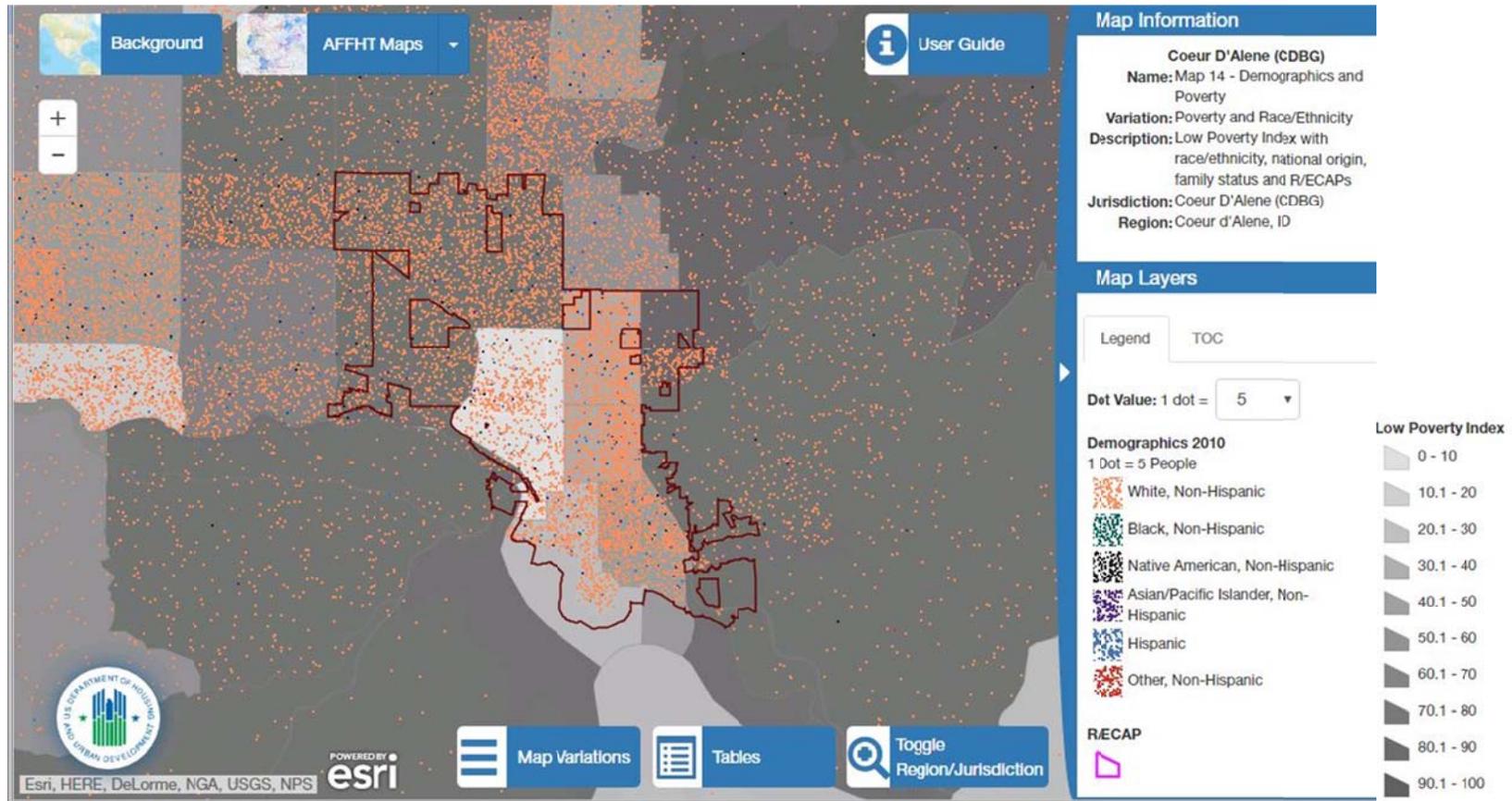
In general, the maps indicate that high-poverty neighborhoods have slightly more residents who are non-White and Hispanic than in low-poverty neighborhoods.

Figure A-1.
HUD AFFH Tool Jurisdiction Map of Boise, Map 14, Demographics and Poverty, Poverty and Race/Ethnicity, 2010



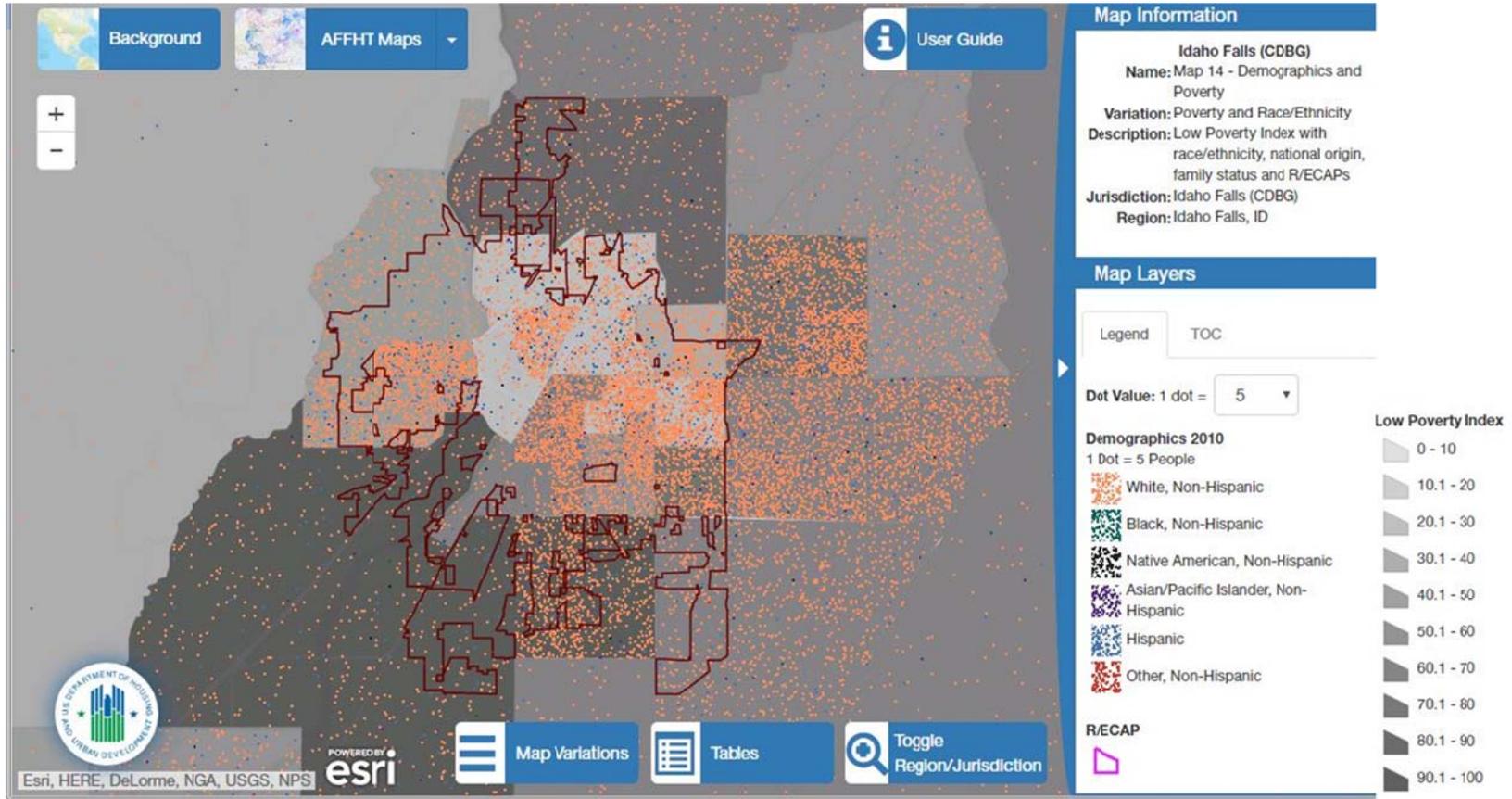
Source: HUD AFFH Data and Mapping Tool. <https://egis.hud.gov/affht/>.

Figure A-2.
HUD AFFH Tool Jurisdiction Map of Coeur d'Alene, Map 14, Demographics and Poverty, Poverty and Race/Ethnicity, 2010



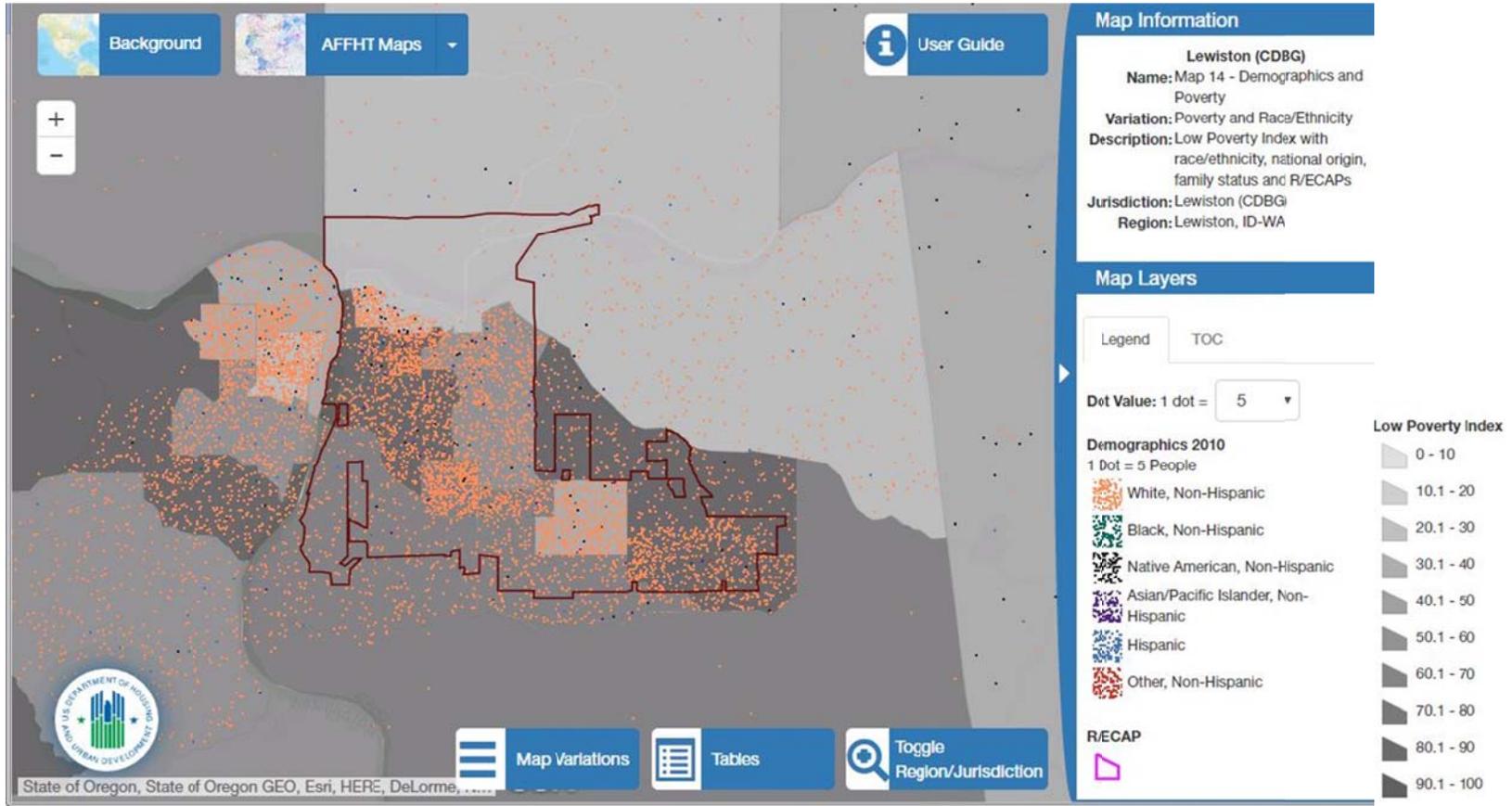
Source: HUD AFFH Data and Mapping Tool. <https://egis.hud.gov/affht/>.

Figure A-3.
HUD AFFH Tool Jurisdiction Map of Idaho Falls, Map 14, Demographics and Poverty, Poverty and Race/Ethnicity, 2010



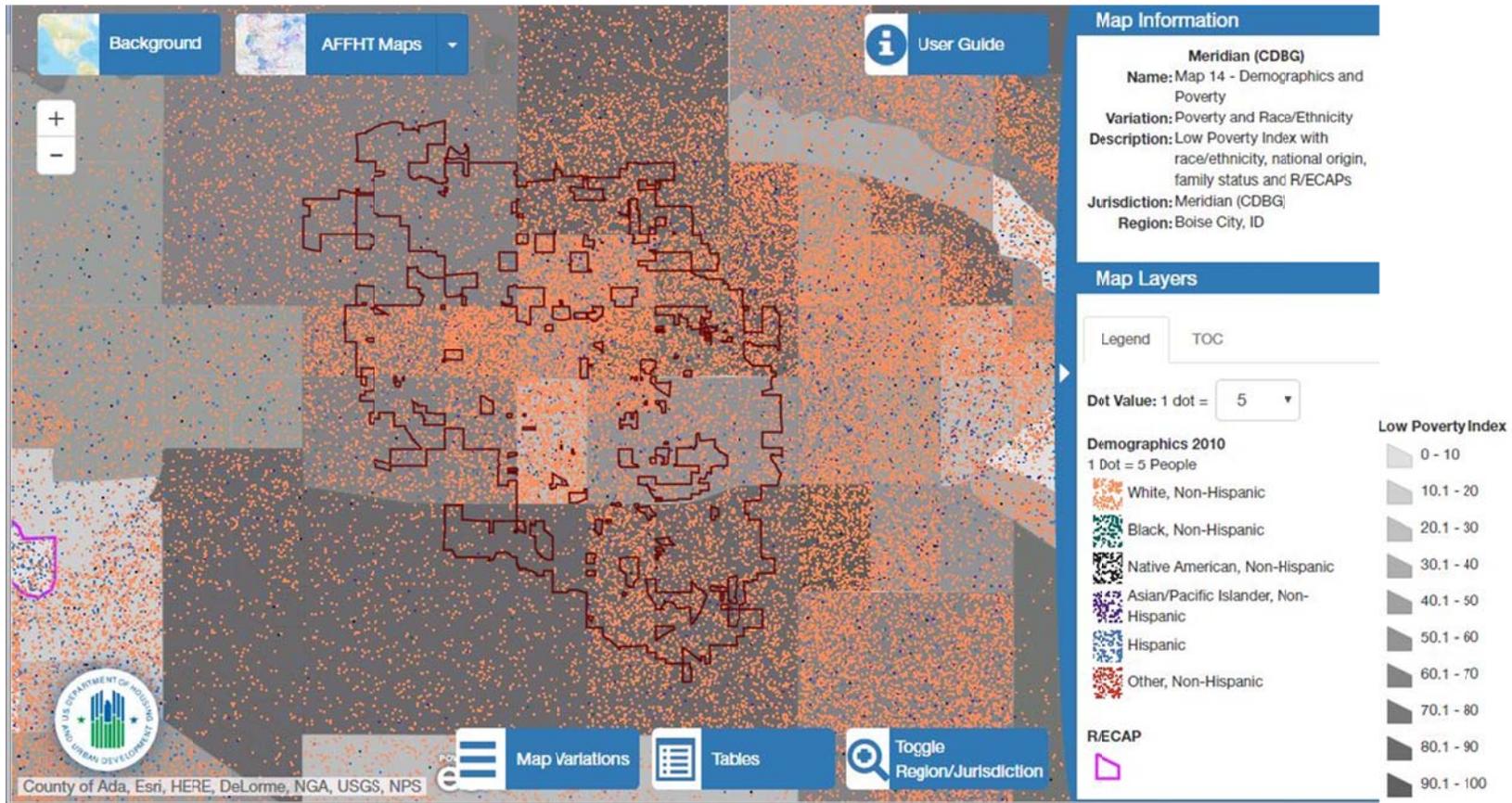
Source: HUD AFFH Data and Mapping Tool. <https://egis.hud.gov/affht/>.

Figure A-4.
HUD AFFH Tool Jurisdiction Map of Lewiston, Map 14, Demographics and Poverty, Poverty and Race/Ethnicity, 2010



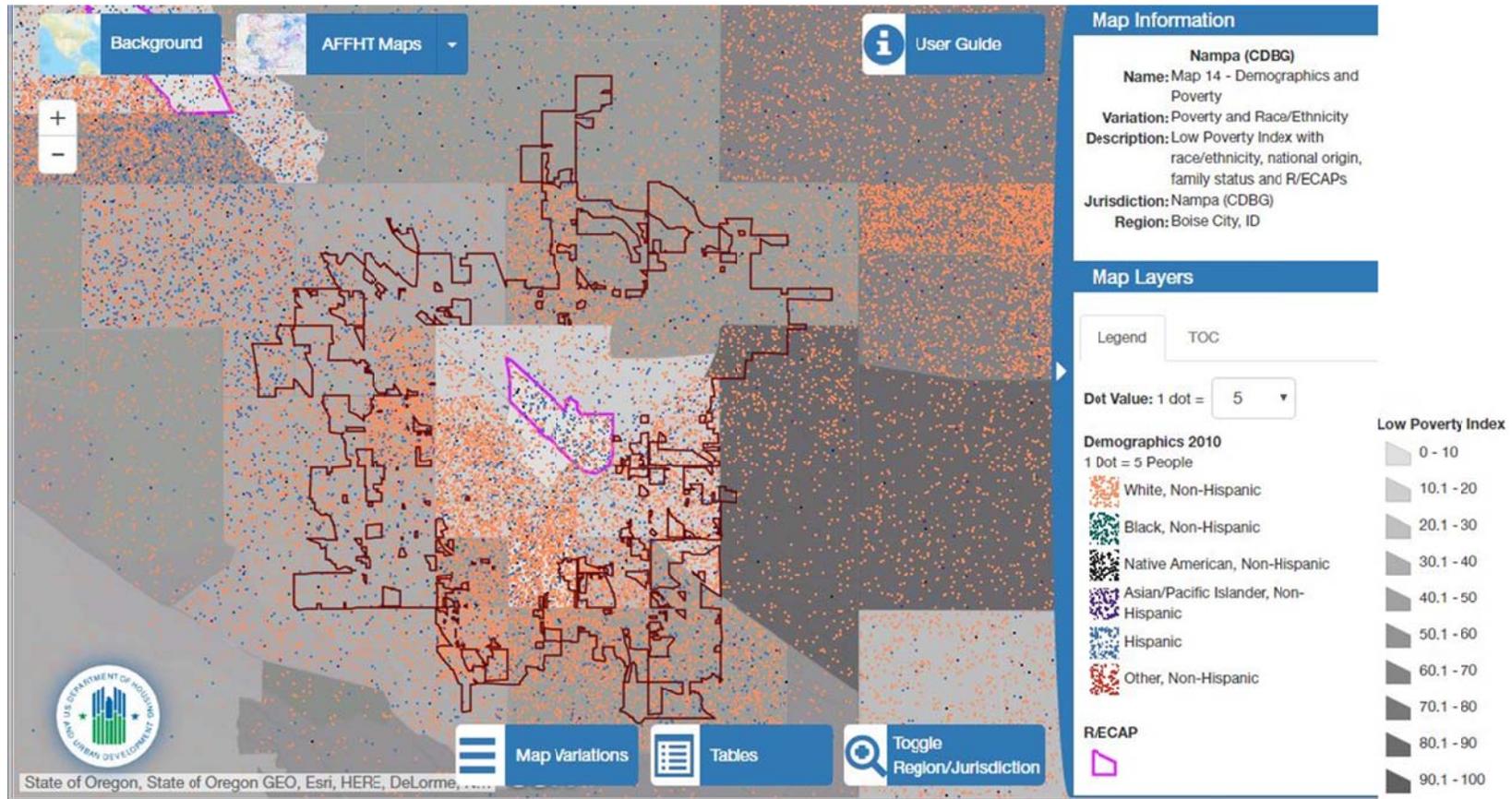
Source: HUD AFFH Data and Mapping Tool. <https://egis.hud.gov/affht/>.

Figure A-5.
HUD AFFH Tool Jurisdiction Map of Meridian, Map 14, Demographics and Poverty, Poverty and Race/Ethnicity, 2010



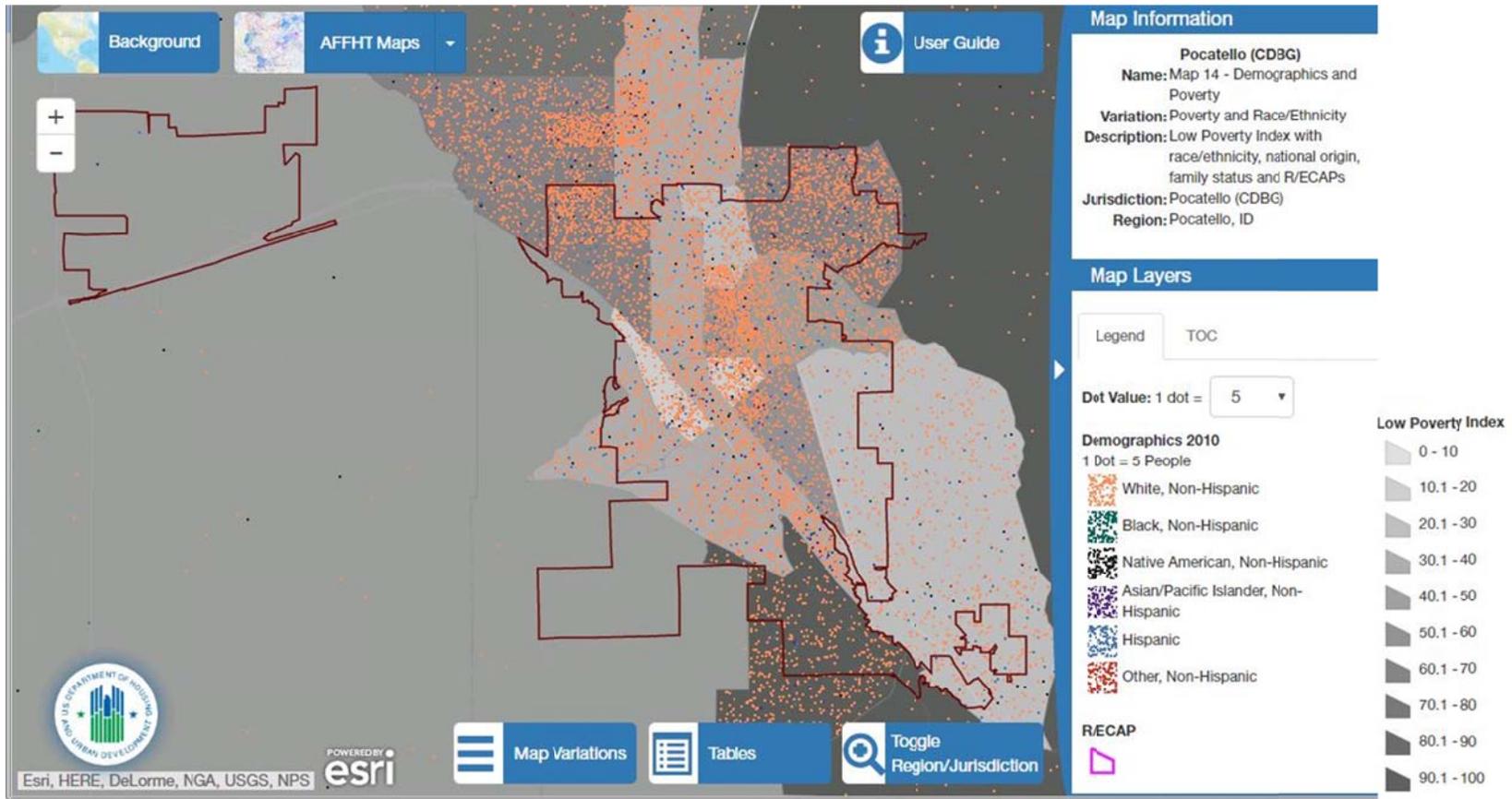
Source: HUD AFFH Data and Mapping Tool. <https://egis.hud.gov/affht/>.

Figure A-6.
HUD AFFH Tool Jurisdiction Map of Nampa, Map 14, Demographics and Poverty, Poverty and Race/Ethnicity, 2010



Source: HUD AFFH Data and Mapping Tool. <https://egis.hud.gov/affht/>.

Figure A-7.
HUD AFFH Tool Jurisdiction Map of Pocatello, Map 14, Demographics and Poverty, Poverty and Race/Ethnicity, 2010



Source: HUD AFFH Data and Mapping Tool. <https://egis.hud.gov/affht/>.

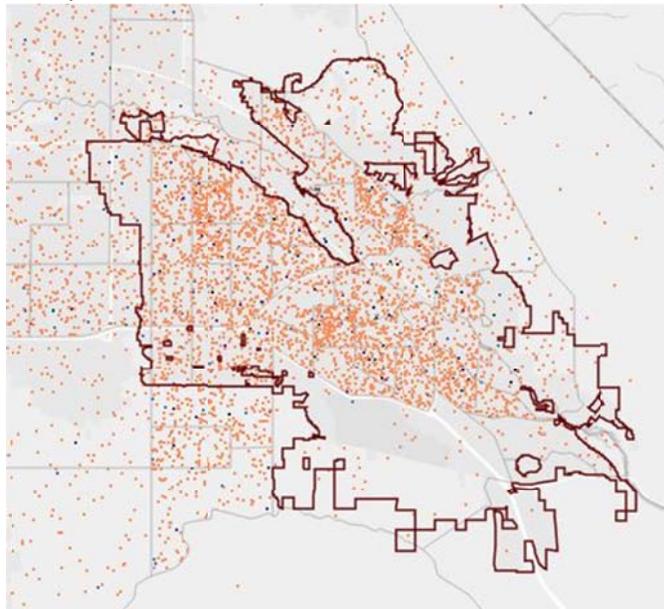
Changes in race and ethnicity. Maps A-8 through A-14 show the change in racial and ethnic distribution between 1990 and 2000. In these maps, each dot is equivalent to 25 people.

The maps show that much of the jurisdictional growth has been White, non-Hispanic residents, in many cases along and on the periphery of city boundaries.

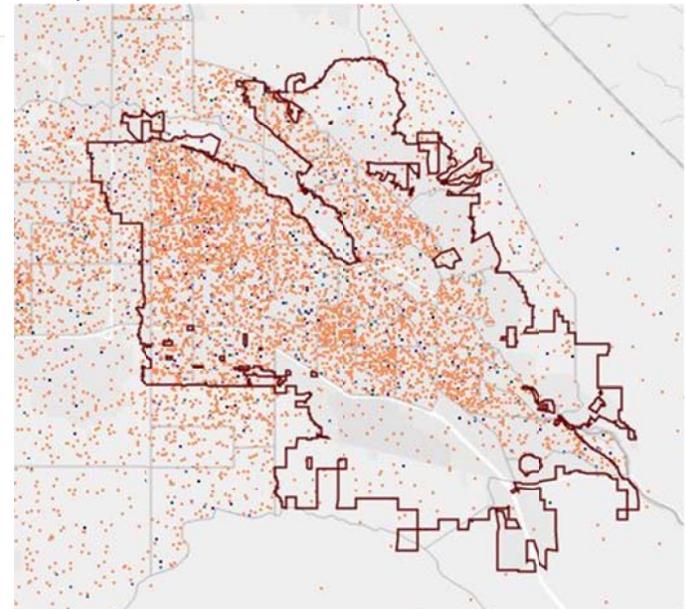
The 1990-2000 maps also show that the R/ECAP in Nampa appeared between 2000 and 2010. As discussed below, this is also an area of significant concentration of foreign-born residents.

Figure A-8.
HUD AFFH Tool Jurisdiction Map of Boise, Map 2, Race/Ethnicity Trends, 1990 and 2000

Boise, 1990



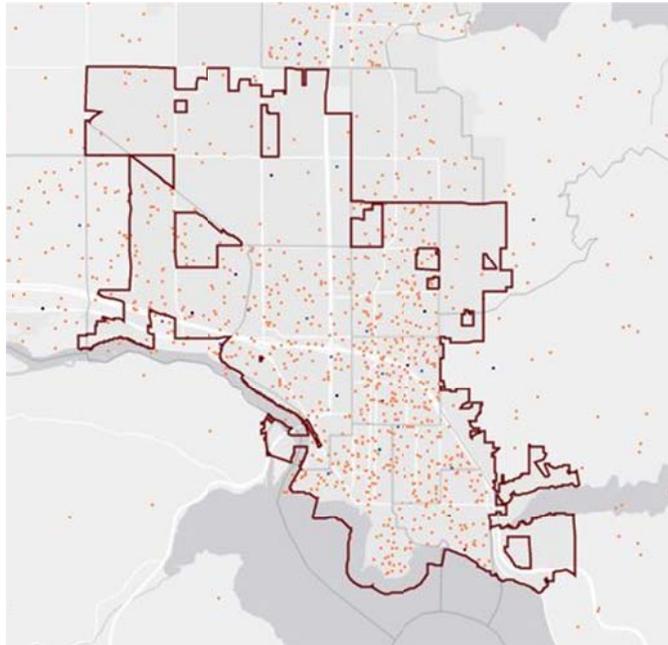
Boise, 2000



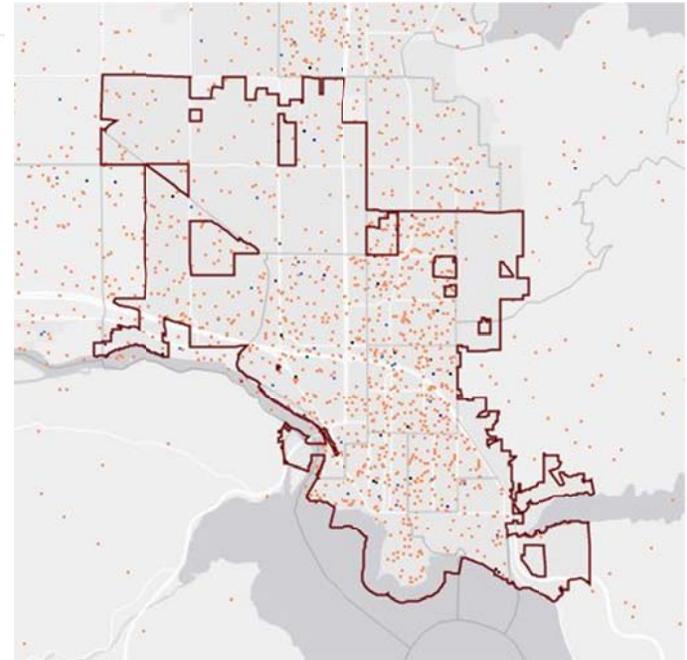
Source: HUD AFFH Data and Mapping Tool. <https://egis.hud.gov/affht/>.

Figure A-9.
HUD AFFH Tool Jurisdiction Map of Coeur d'Alene, Map 2, Race/Ethnicity Trends, 1990 and 2000

Coeur d'Alene, 1990



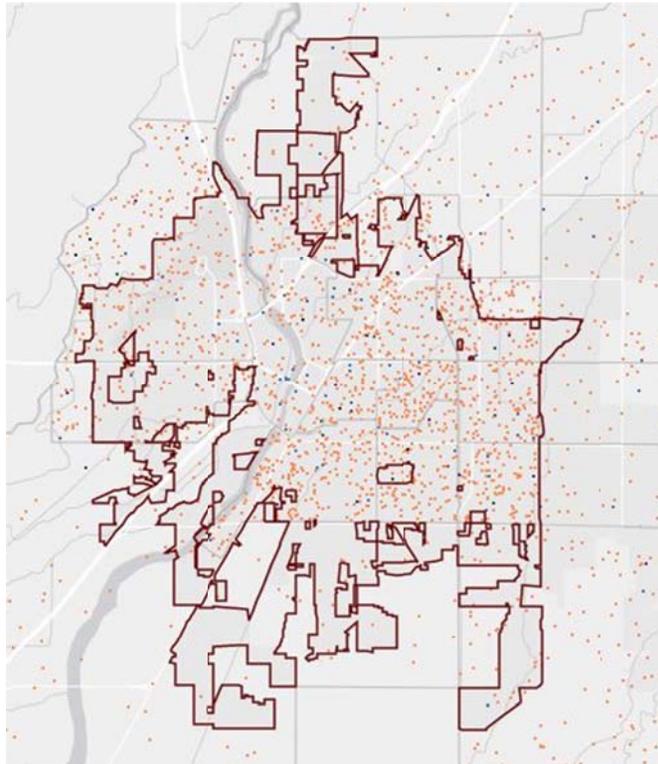
Coeur d'Alene, 2000



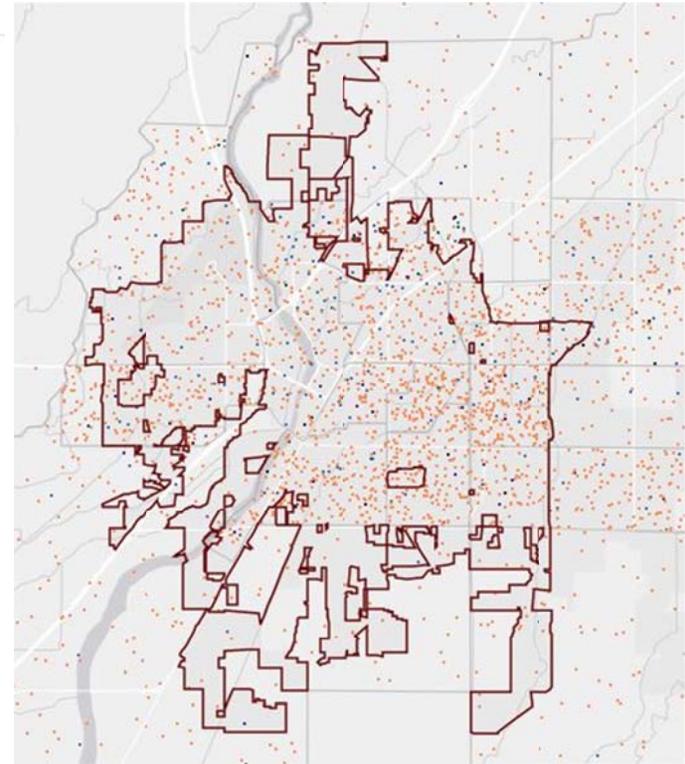
Source: HUD AFFH Data and Mapping Tool. <https://egis.hud.gov/affht/>.

Figure A-10.
HUD AFFH Tool Jurisdiction Map of Idaho Falls, Map 2, Race/Ethnicity Trends, 1990 and 2000

Idaho Falls, 1990



Idaho Falls, 2000



Legend TOC

Dot Value: 1 dot = 25

Demographics 2000
1 Dot = 25 People

- White, Non-Hispanic
- Black, Non-Hispanic
- Native American, Non-Hispanic
- Asian/Pacific Islander, Non-Hispanic
- Hispanic

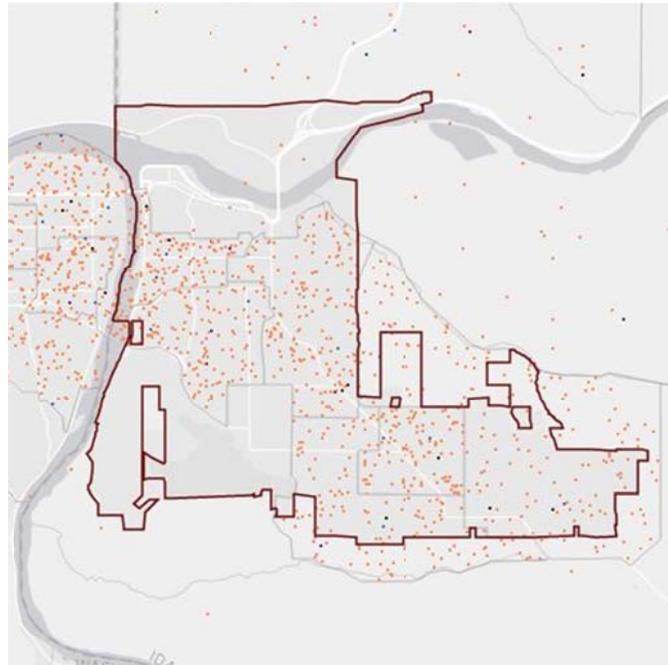
TRACT

R/ECAP

Source: HUD AFFH Data and Mapping Tool. <https://egis.hud.gov/affht/>.

Figure A-11.
HUD AFFH Tool Jurisdiction Map of Lewiston, Map 2, Race/Ethnicity Trends, 1990 and 2000

Lewiston, 1990



Legend TOC

Dot Value: 1 dot = 25

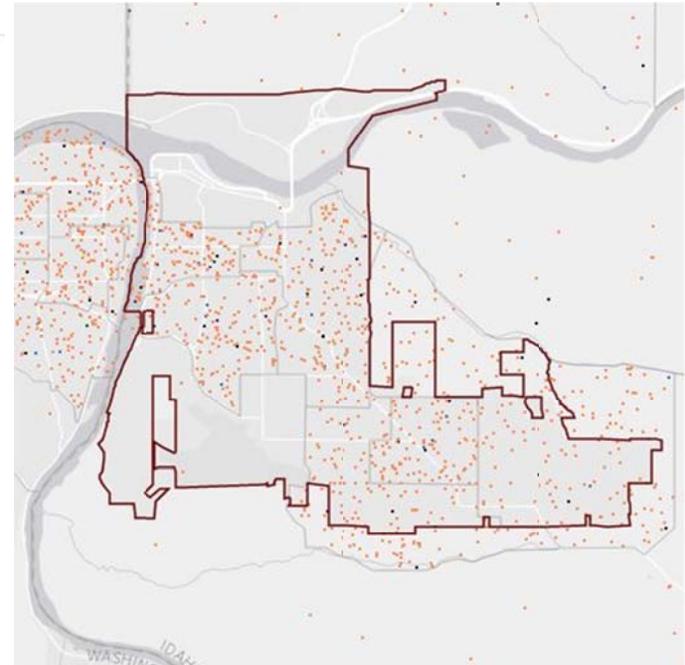
Demographics 2000
1 Dot = 25 People

- White, Non-Hispanic
- Black, Non-Hispanic
- Native American, Non-Hispanic
- Asian/Pacific Islander, Non-Hispanic
- Hispanic

TRACT

R/ECAP

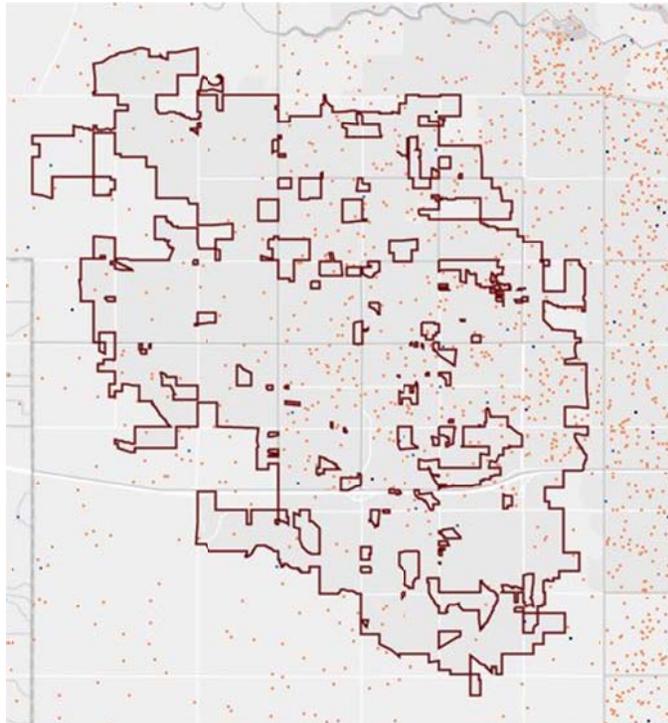
Lewiston, 2000



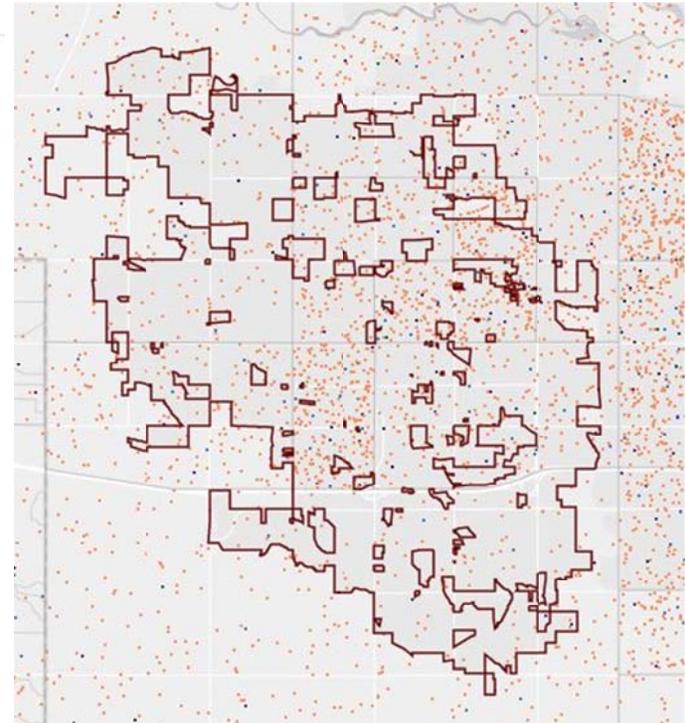
Source: HUD AFFH Data and Mapping Tool. <https://egis.hud.gov/affht/>.

Figure A-12.
HUD AFFH Tool Jurisdiction Map of Meridian, Map 2, Race/Ethnicity Trends, 1990 and 2000

Meridian, 1990



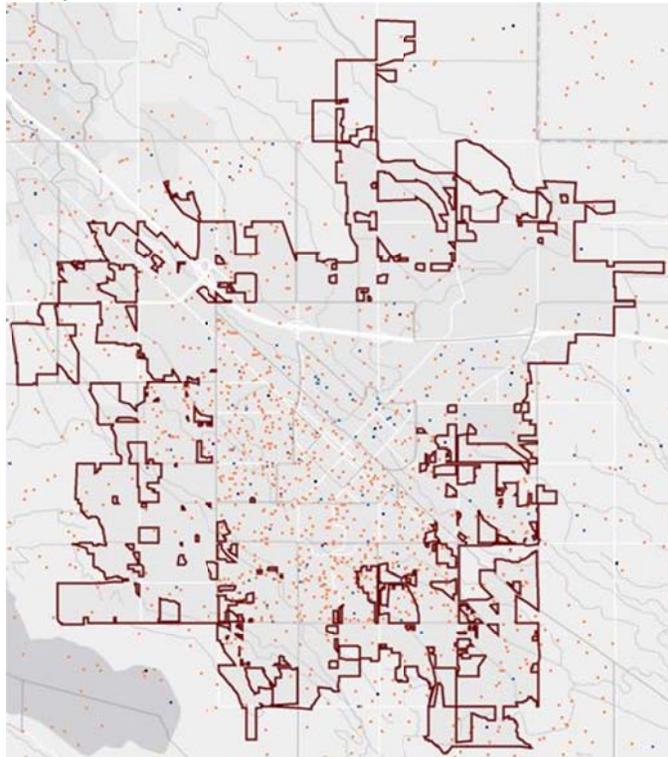
Meridian, 2000



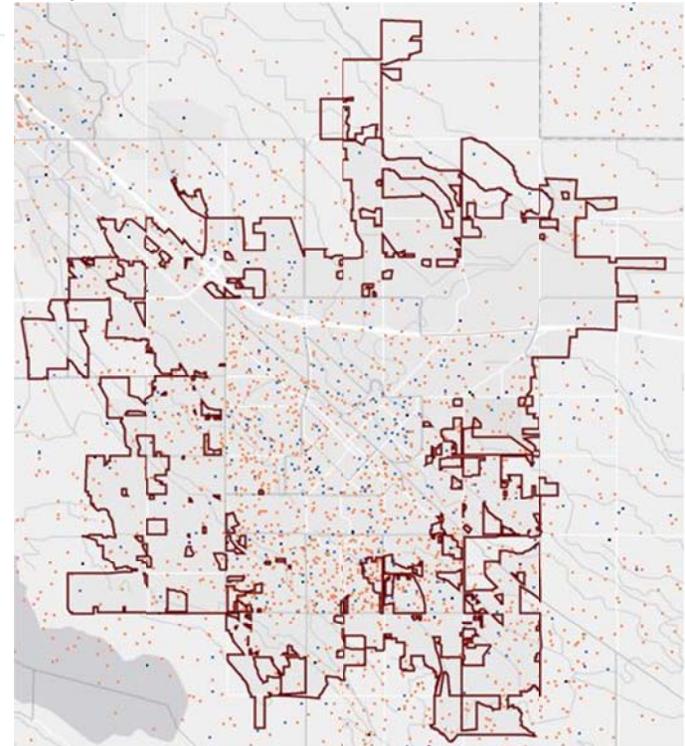
Source: HUD AFFH Data and Mapping Tool. <https://egis.hud.gov/affht/>.

Figure A-13.
HUD AFFH Tool Jurisdiction Map of Nampa, Map 2, Race/Ethnicity Trends, 1990 and 2000

Nampa, 1990



Nampa, 2000



Legend TOC

Dot Value: 1 dot = 25

Demographics 2000
1 Dot = 25 People

- White, Non-Hispanic
- Black, Non-Hispanic
- Native American, Non-Hispanic
- Asian/Pacific Islander, Non-Hispanic
- Hispanic

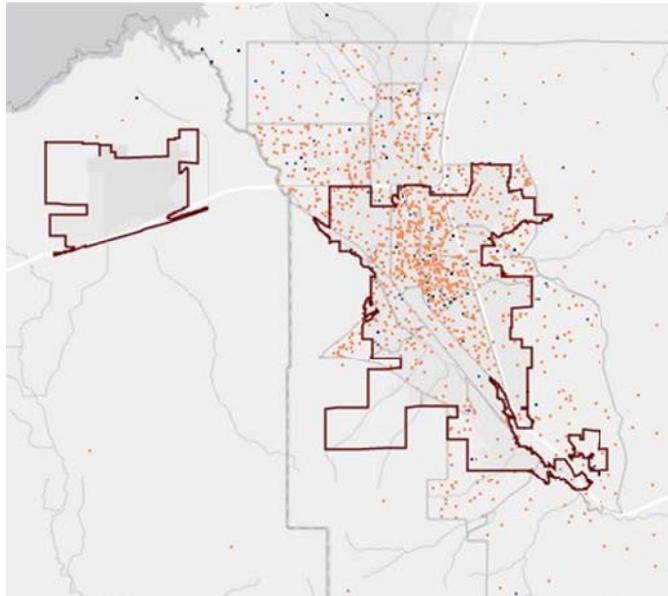
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R/ECAP

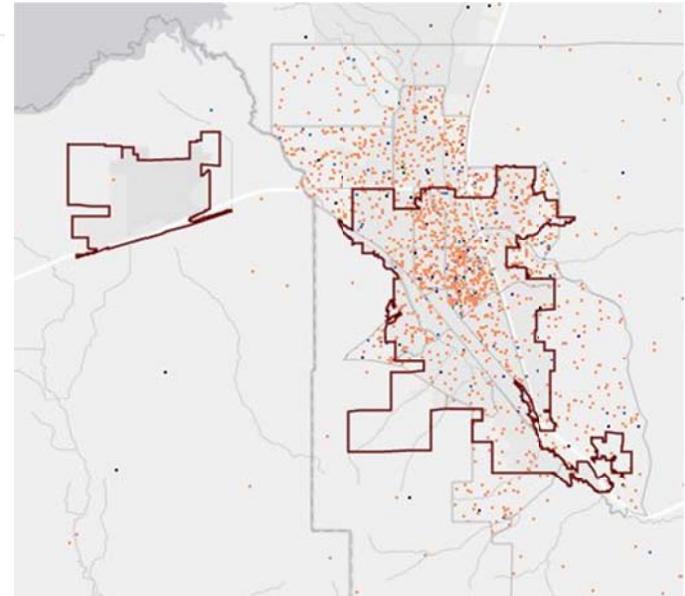
Source: HUD AFFH Data and Mapping Tool. <https://egis.hud.gov/affht/>.

Figure A-14.
HUD AFFH Tool Jurisdiction Map of Pocatello, Map 2, Race/Ethnicity Trends, 1990 and 2000

Pocatello, 1990



Pocatello, 2000

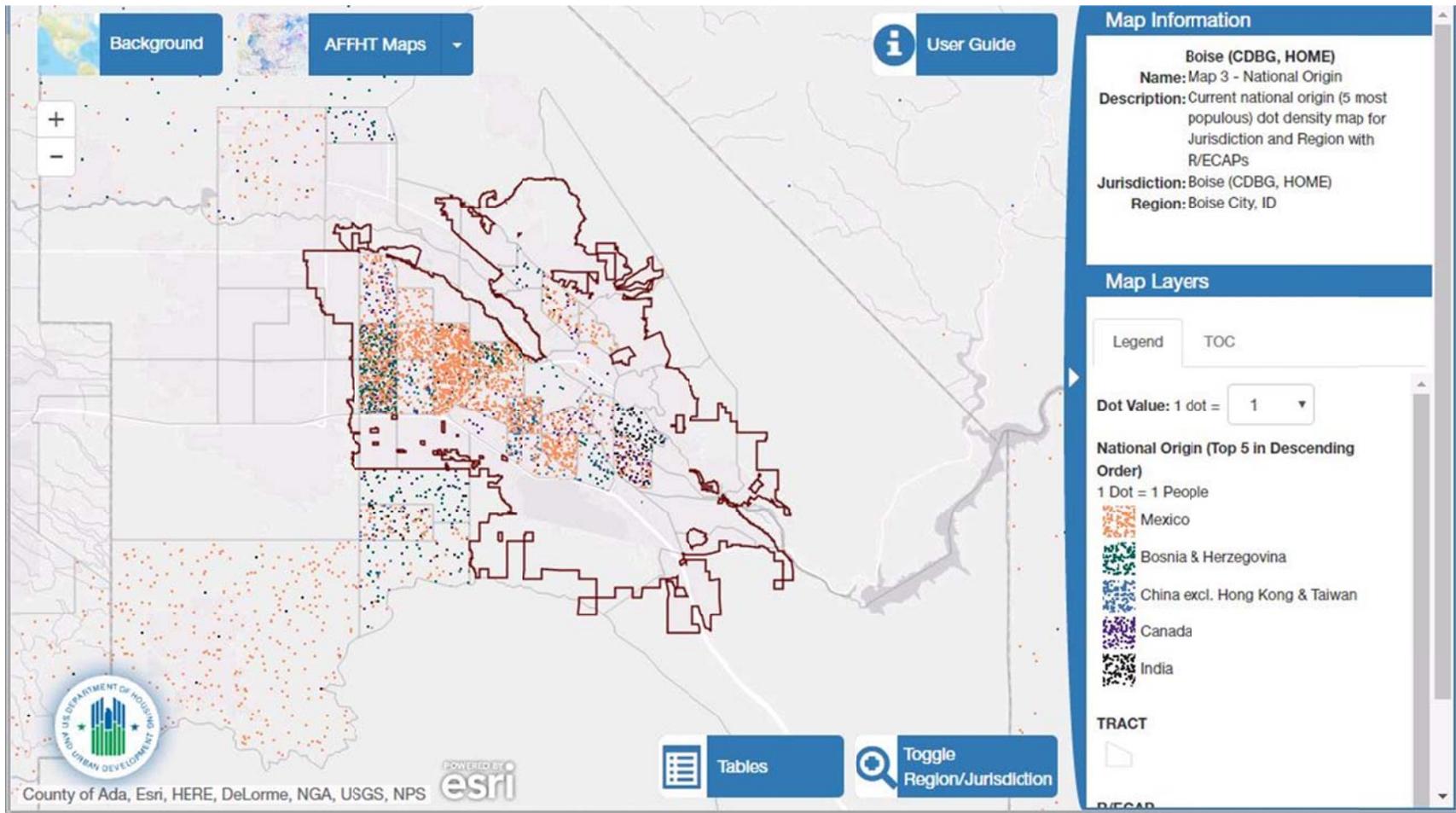


Source: HUD AFFH Data and Mapping Tool. <https://egis.hud.gov/affht/>.

National origin or foreign-born residents. The next set of maps show the location of foreign-born residents by jurisdiction. The maps show the top five most populous countries of origin. In these maps, each dot is equivalent to one person. Data are from the Census' American Community Survey sample occurring annually between 2009 and 2013.

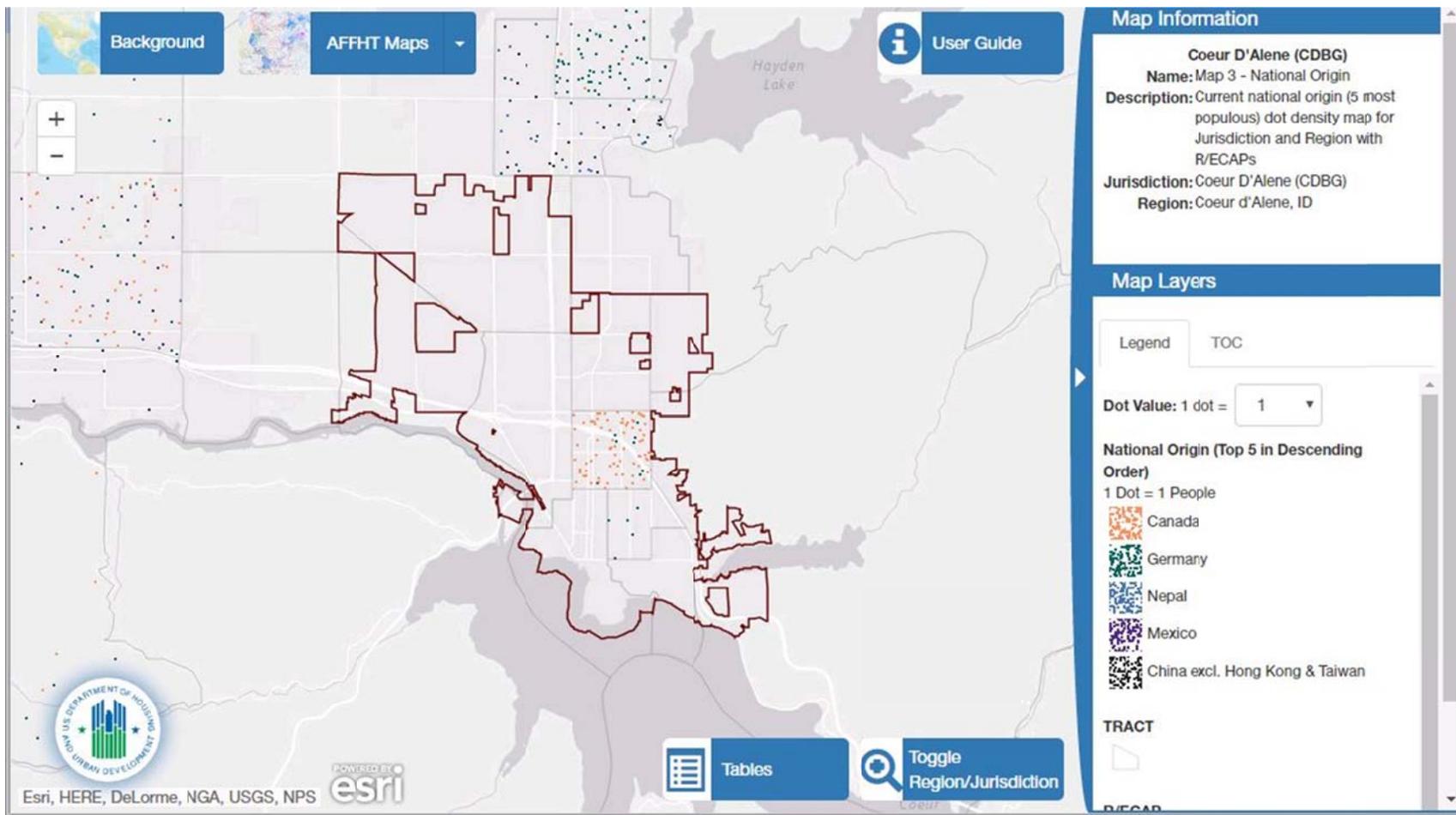
Foreign-born residents are most prominent in Boise, Nampa, Pocatello and Idaho Falls. Foreign-born residents are clustered in a handful of Census tracts in all of the jurisdictions with relatively large numbers of foreign-born residents. In Nampa's case, there is a significant concentration of residents born in Mexico in the city's R/ECAP.

Figure A-15.
HUD AFFH Tool Jurisdiction of Boise, Map 3, National Origin, 2009-2013



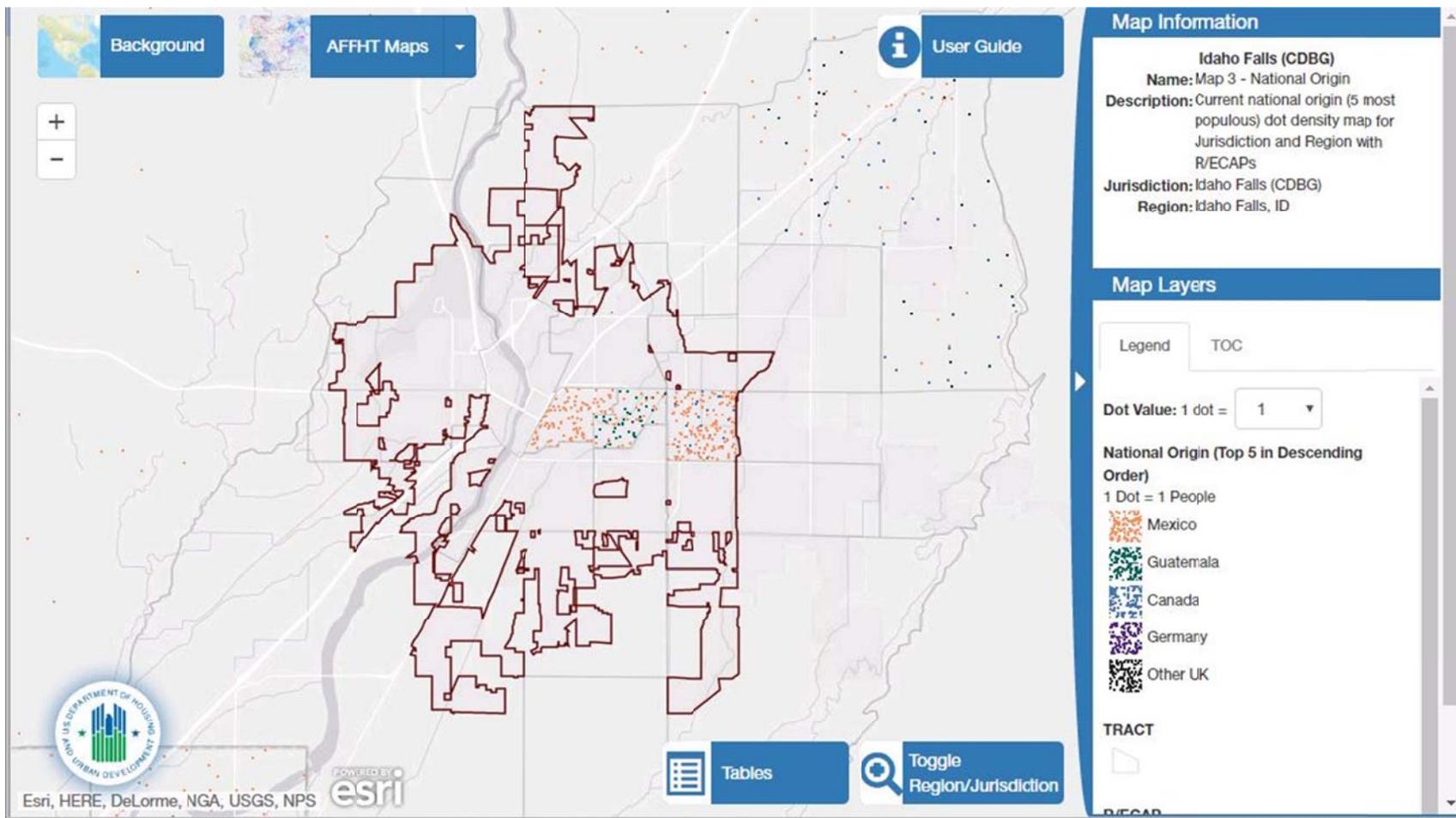
Source: HUD AFFH Data and Mapping Tool. <https://egis.hud.gov/affht/>.

Figure A-16.
HUD AFFH Tool Jurisdiction of Coeur d'Alene, Map 3, National Origin, 2009-2013



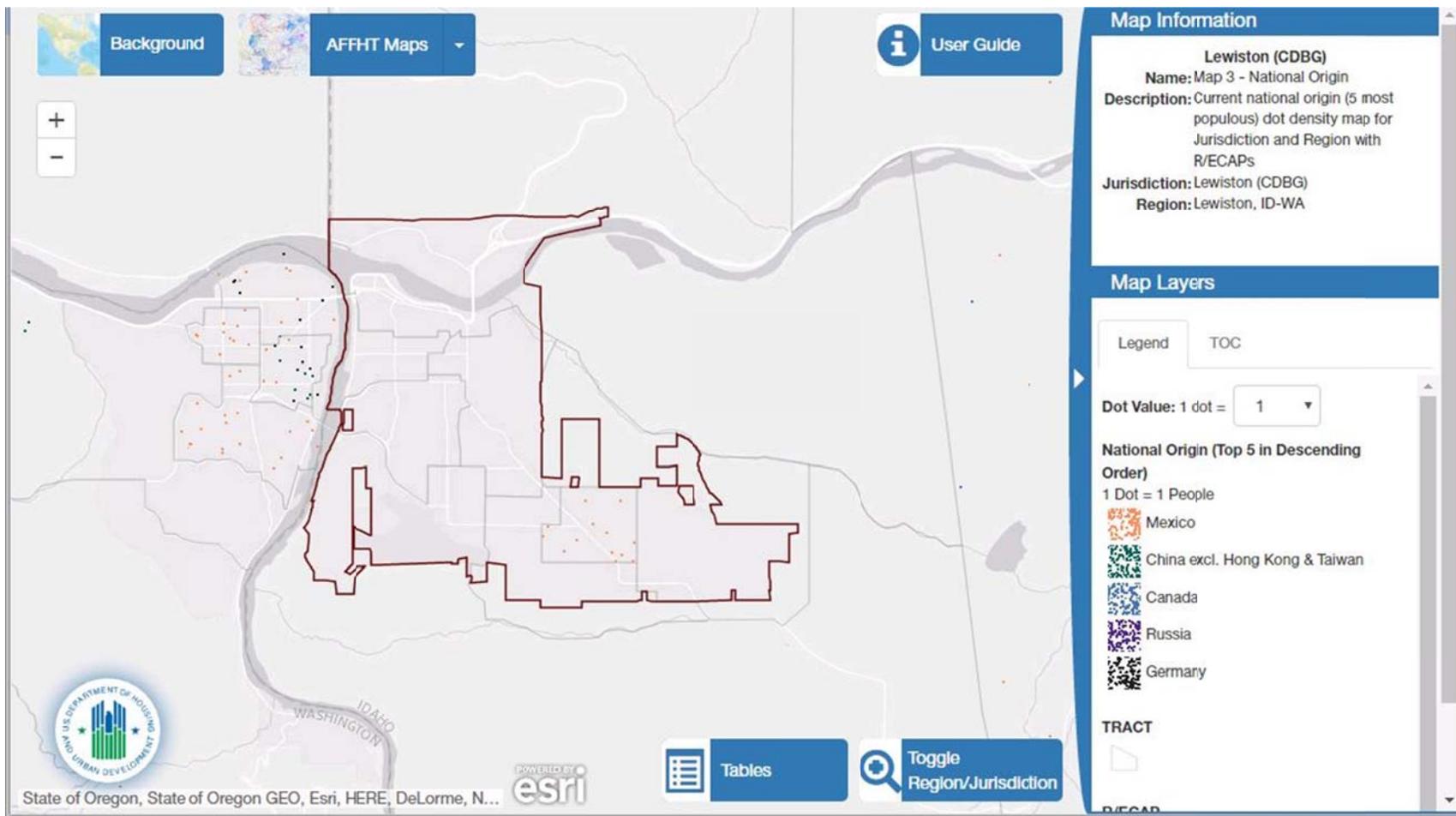
Source: HUD AFFH Data and Mapping Tool. <https://egis.hud.gov/affht/>.

Figure A-17.
HUD AFFH Tool Jurisdiction of Idaho Falls, Map 3, National Origin, 2009-2013



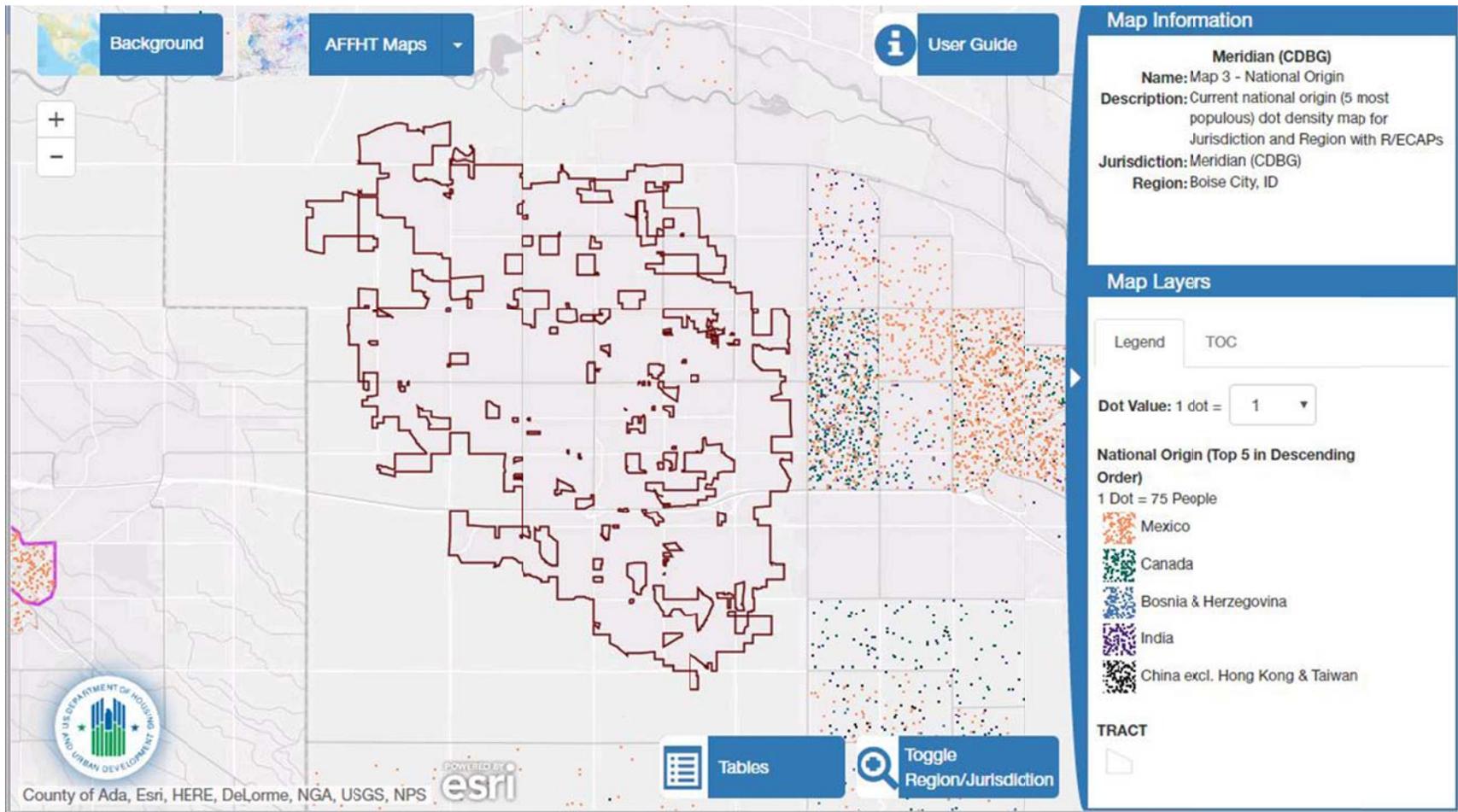
Source: HUD AFFH Data and Mapping Tool. <https://egis.hud.gov/affht/>.

Figure A-18.
HUD AFFH Tool Jurisdiction of Lewiston, Map 3, National Origin, 2009-2013



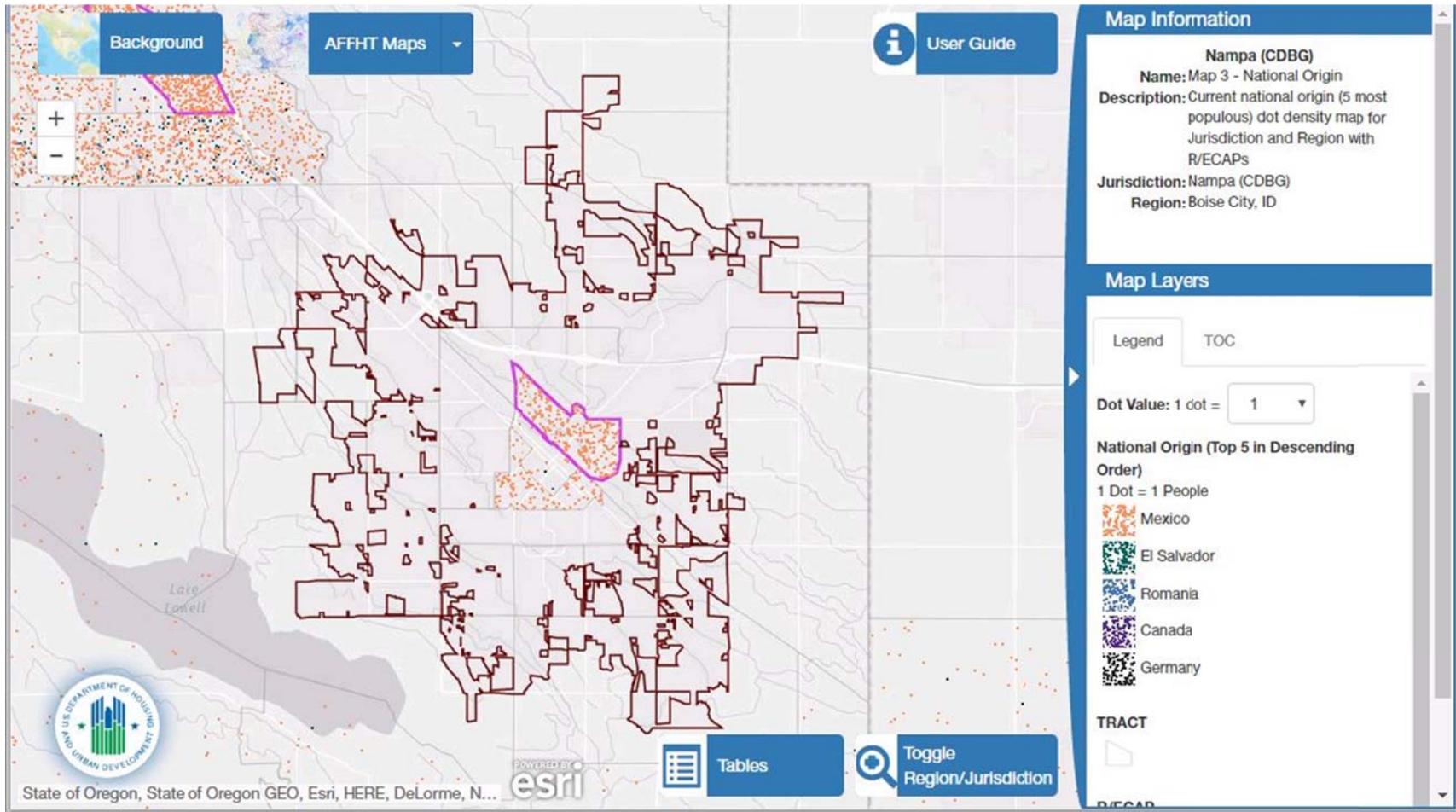
Source: HUD AFFH Data and Mapping Tool. <https://egis.hud.gov/affht/>.

Figure A-19.
HUD AFFH Tool Jurisdiction of Meridian, Map 3, National Origin, 2009-2013



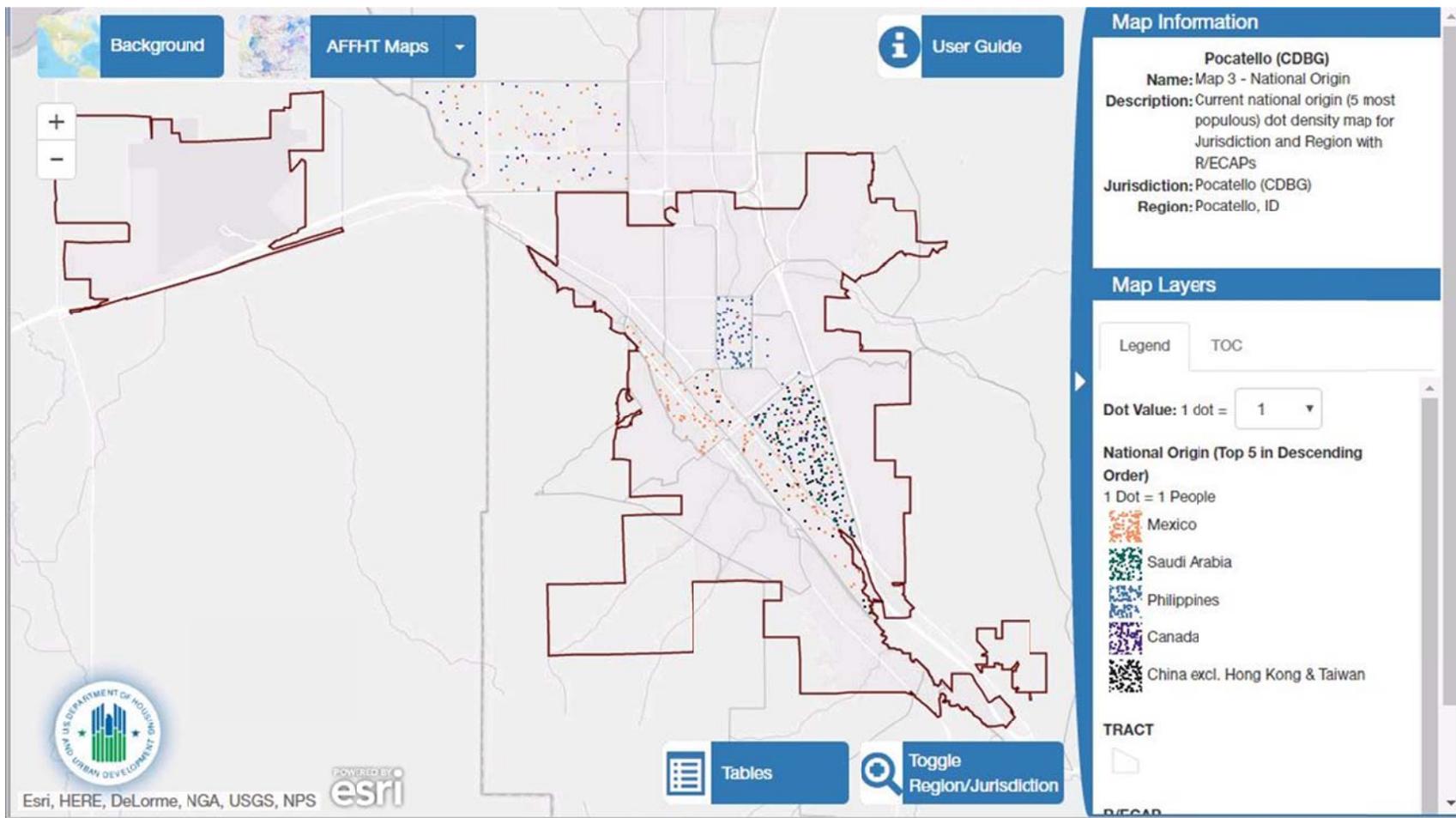
Source: HUD AFFH Data and Mapping Tool. <https://egis.hud.gov/affht/>.

Figure A-20.
HUD AFFH Tool Jurisdiction of Nampa, Map 3, National Origin, 2009-2013



Source: HUD AFFH Data and Mapping Tool. <https://egis.hud.gov/affht/>.

Figure A-21.
HUD AFFH Tool Jurisdiction of Pocatello, Map 3, National Origin, 2009-2013

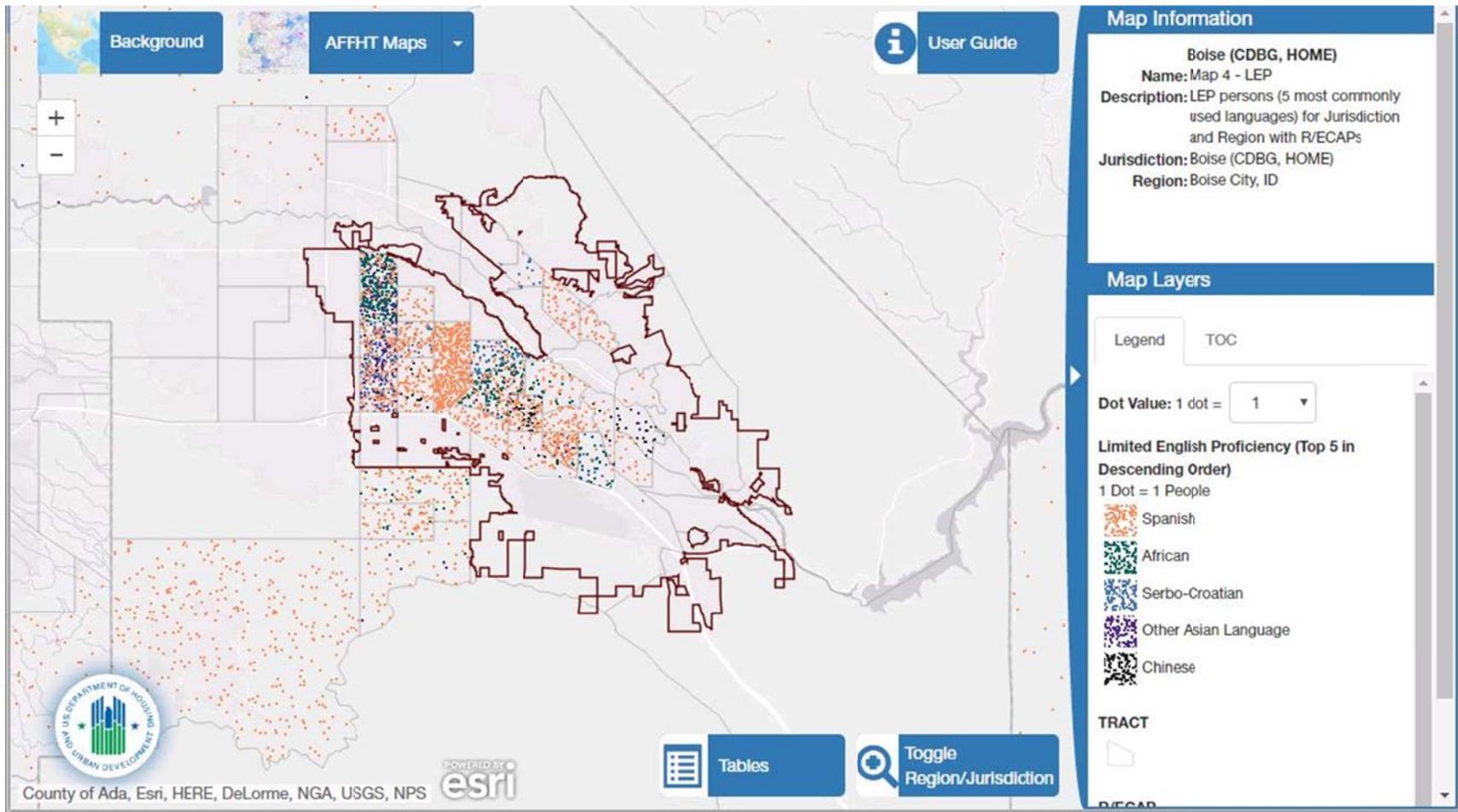


Source: HUD AFFH Data and Mapping Tool. <https://egis.hud.gov/affht/>.

Limited English populations (LEP). The final set of maps show the location of residents with limited English by jurisdiction. Again, each dot is equal to one resident and the data are from the 2009-2013 American Community Survey sample.

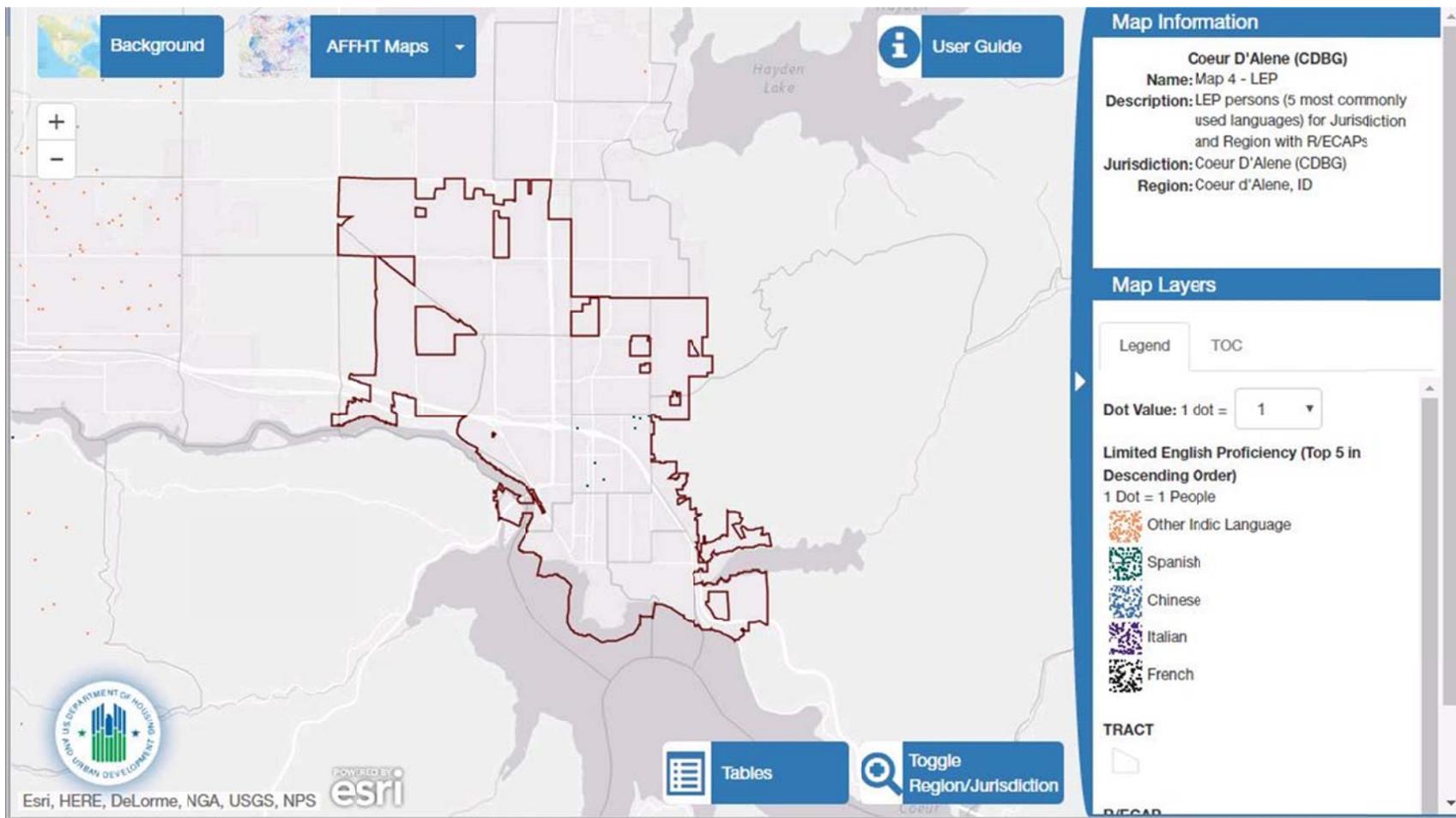
Boise, Nampa and Pocatello have the most LEP residents and these residents appear to cluster by the language they speak. In Nampa's case, LEP residents speaking Spanish are most likely to reside in the city's R/ECAP.

Figure A-22.
HUD AFFH Tool Jurisdiction of Boise, Map 4, LEP, 2009-2013



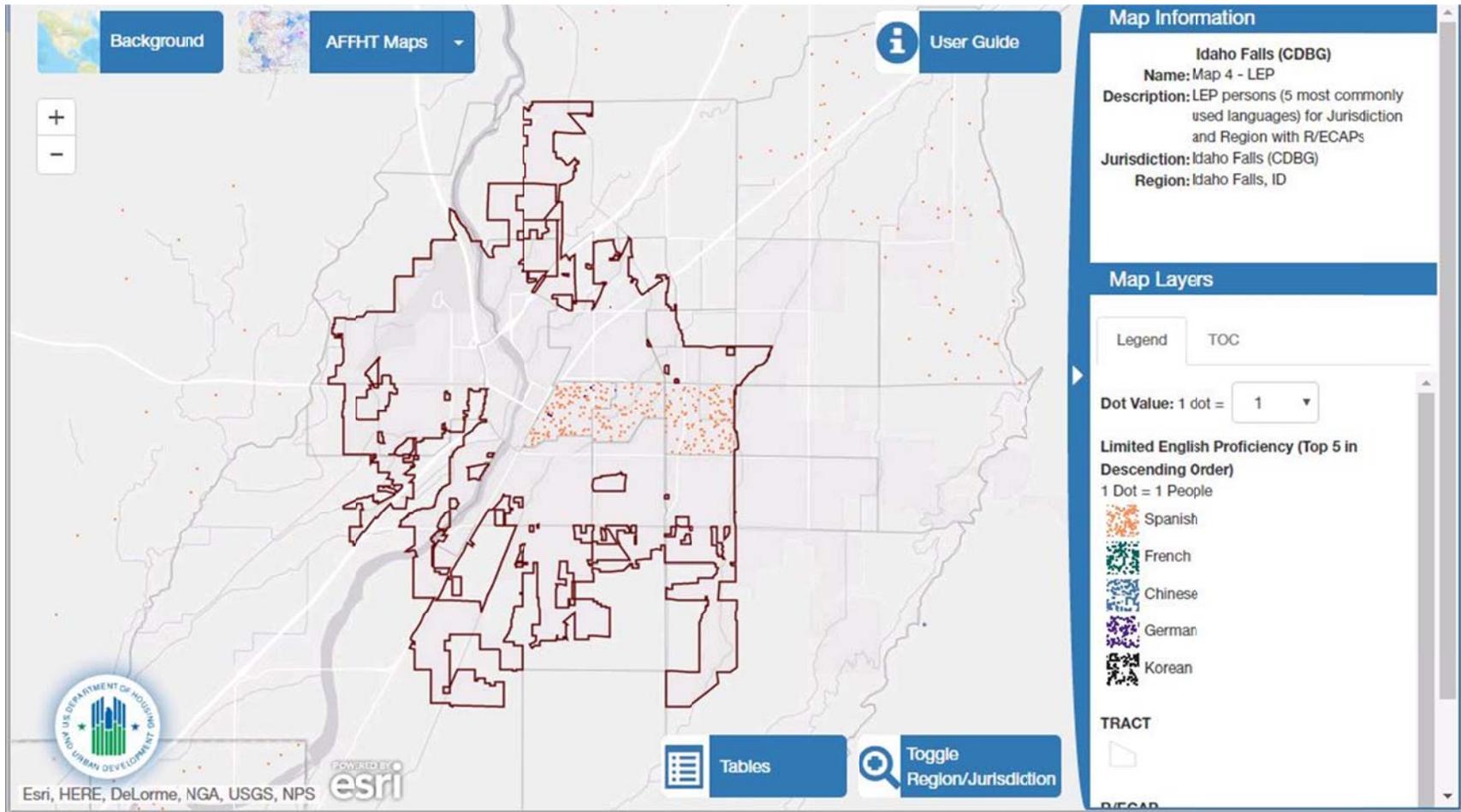
Source: HUD AFFH Data and Mapping Tool. <https://egis.hud.gov/affht/>.

Figure A-23.
HUD AFFH Tool Jurisdiction of Coeur d'Alene, Map 4, LEP, 2009-2013



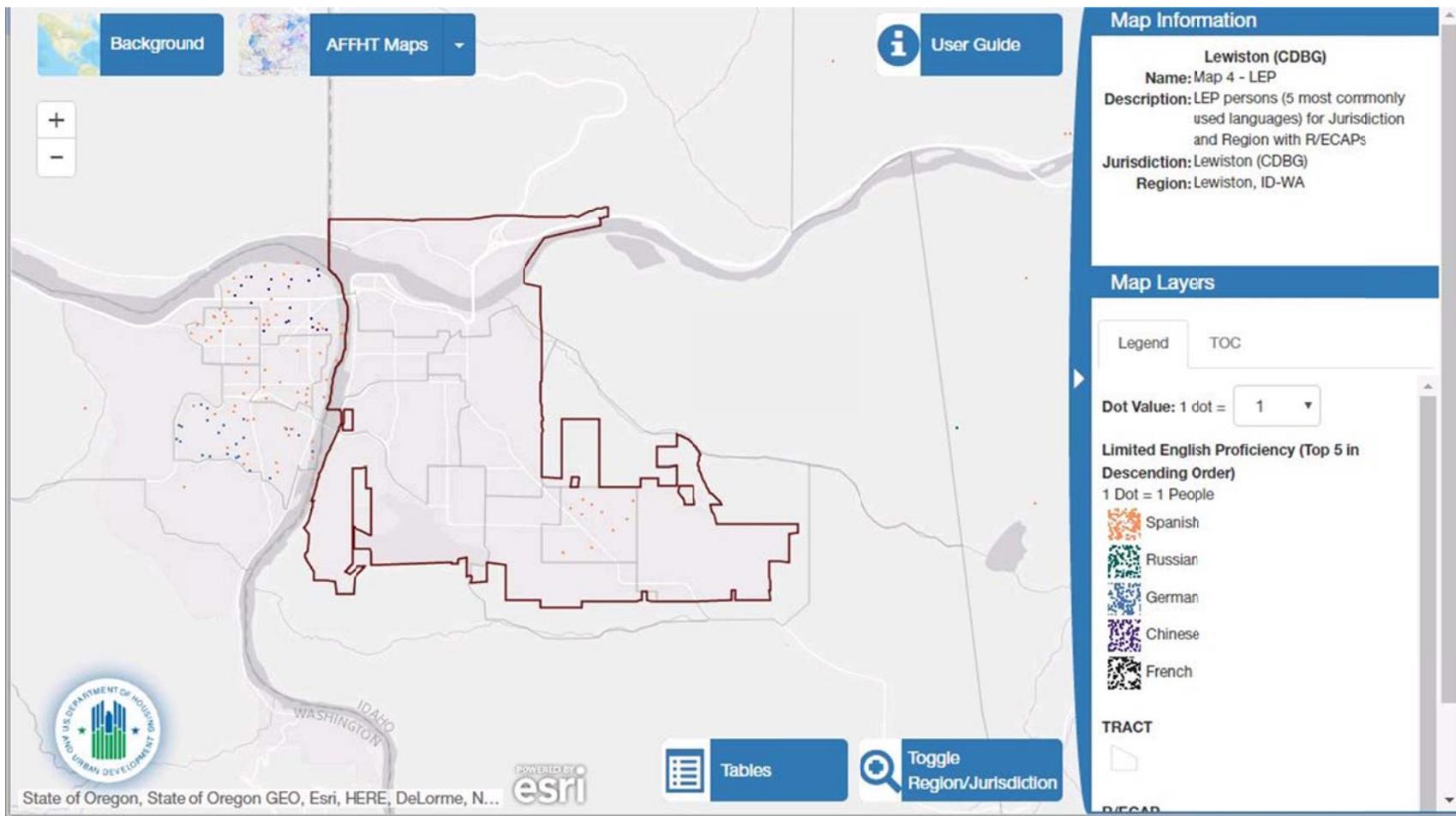
Source: HUD AFFH Data and Mapping Tool. <https://egis.hud.gov/affht/>.

Figure A-24.
HUD AFFH Tool Jurisdiction of Idaho Falls, Map 4, LEP, 2009-2013



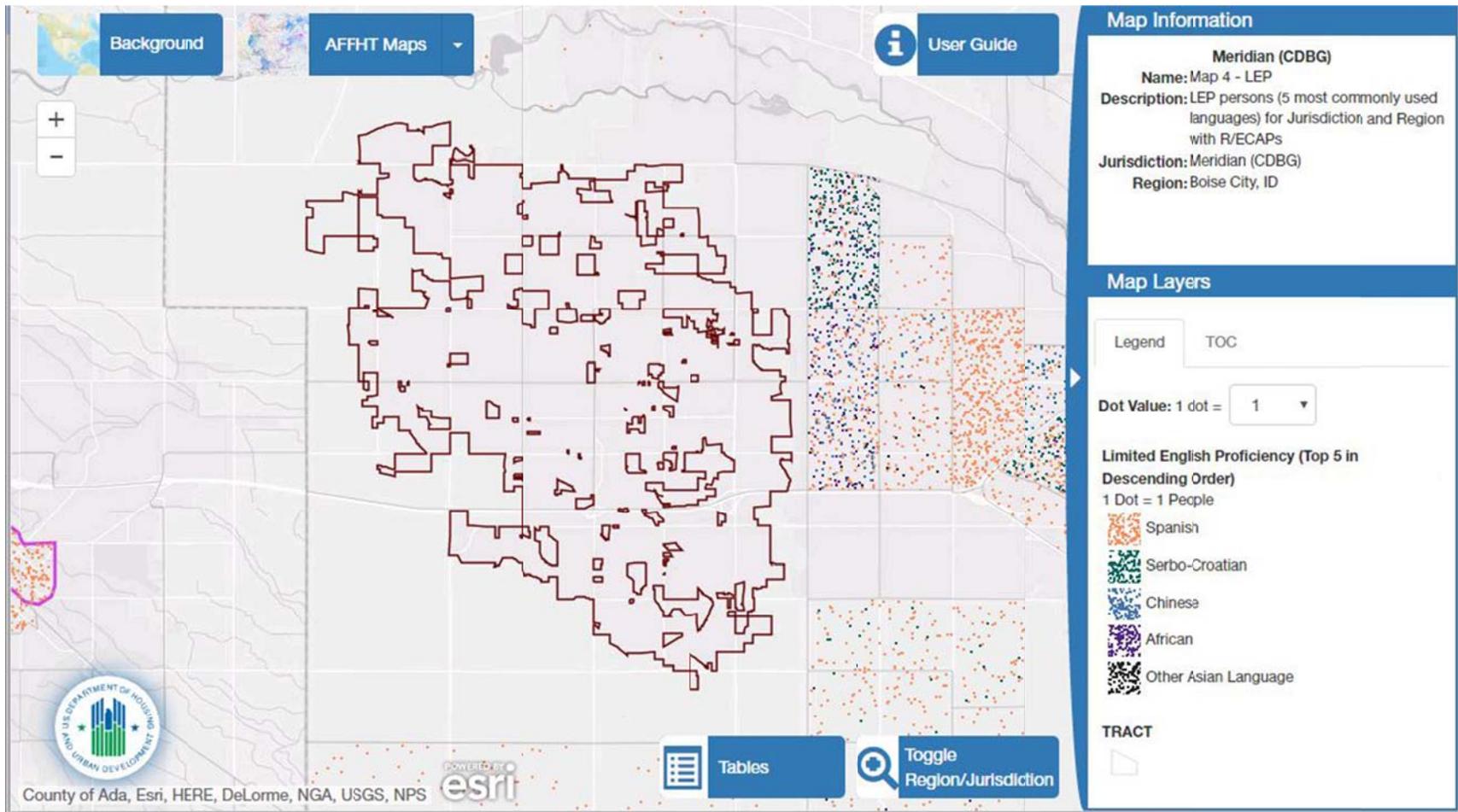
Source: HUD AFFH Data and Mapping Tool. <https://egis.hud.gov/affht/>.

Figure A-25.
HUD AFFH Tool Jurisdiction of Lewiston, Map 4, LEP, 2009-2013



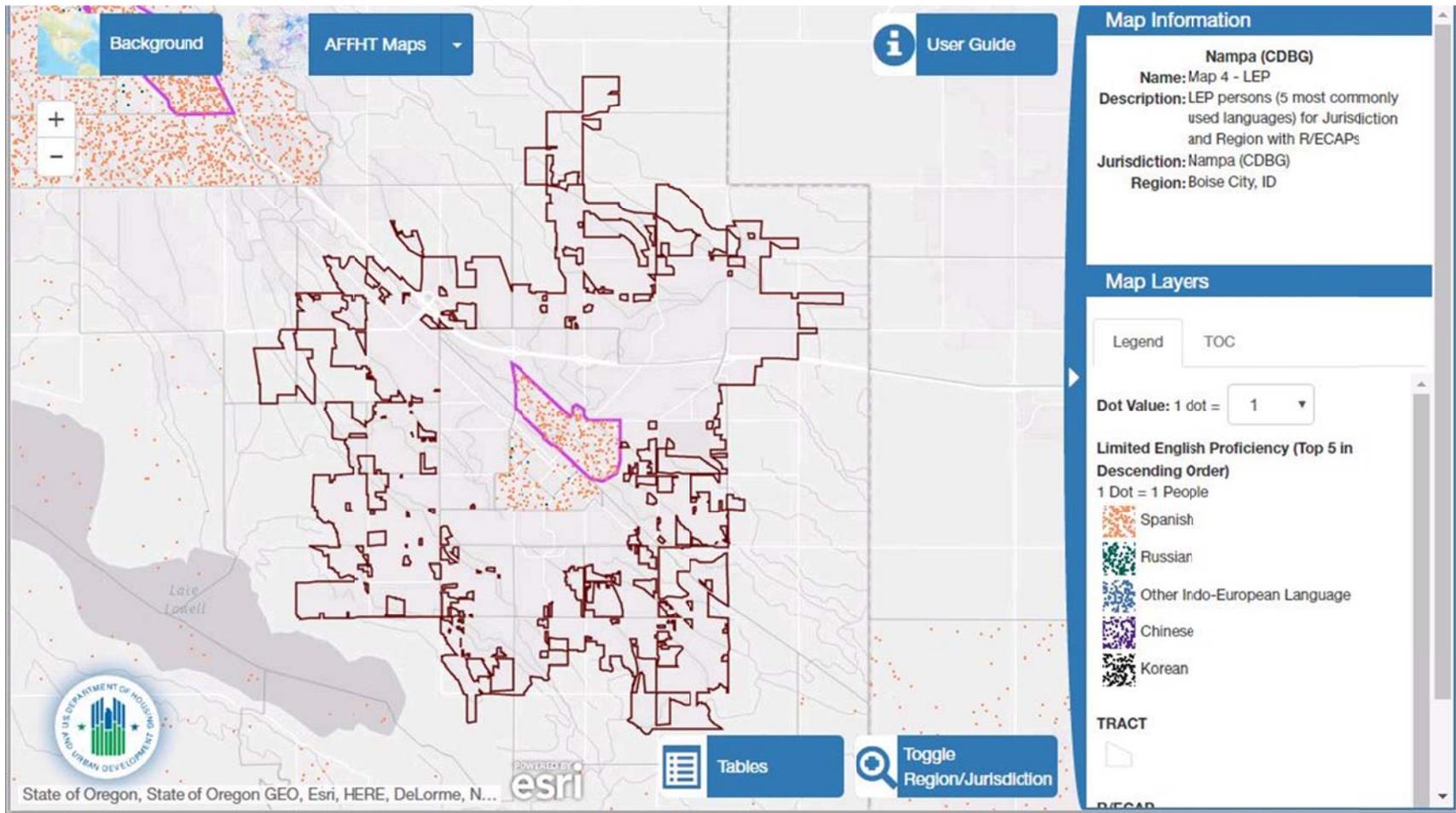
Source: HUD AFFH Data and Mapping Tool. <https://egis.hud.gov/affht/>.

Figure A-26.
HUD AFFH Tool Jurisdiction of Meridian, Map 4, LEP, 2009-2013



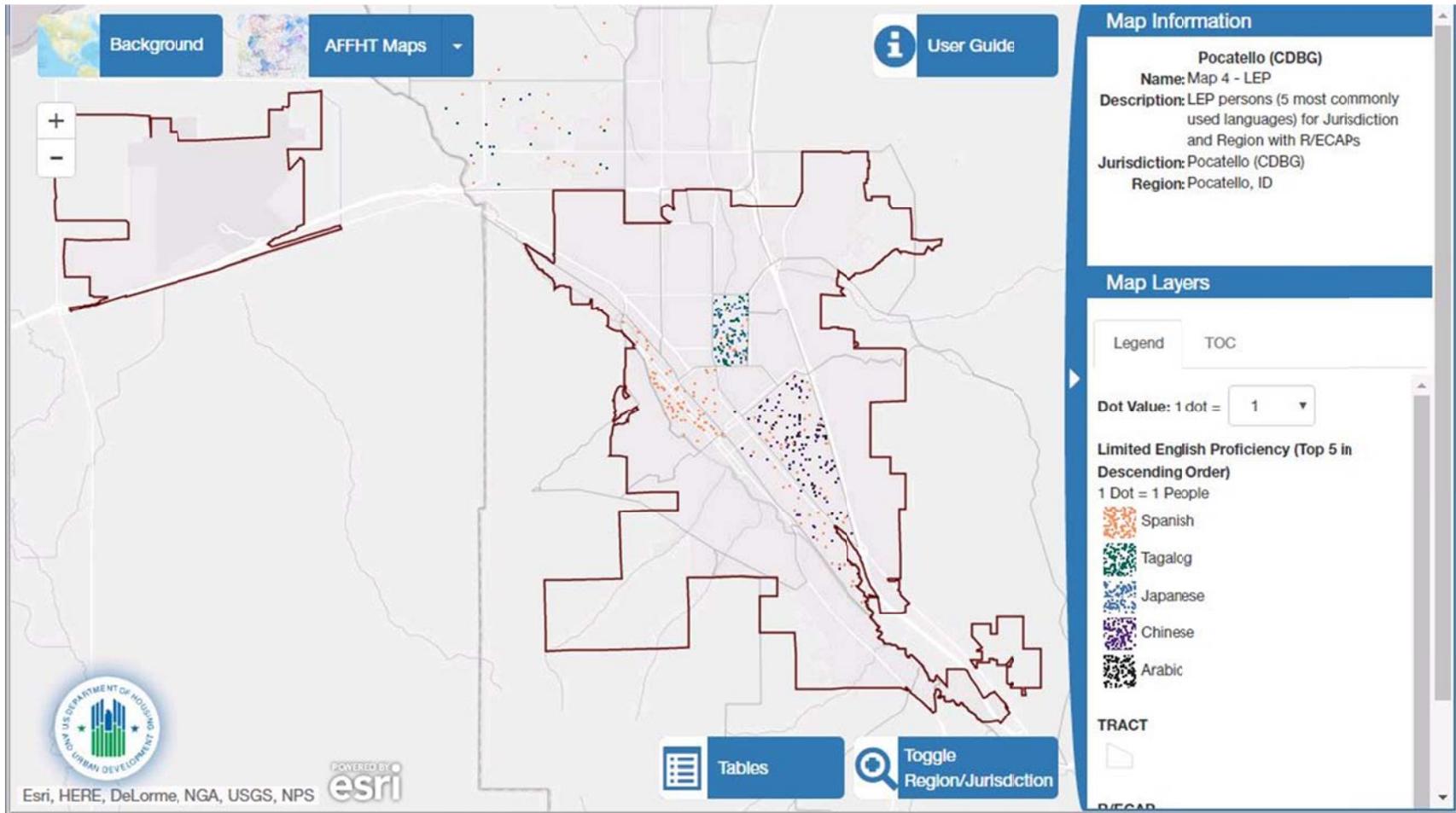
Source: HUD AFFH Data and Mapping Tool. <https://egis.hud.gov/affht/>.

Figure A-27.
HUD AFFH Tool Jurisdiction of Nampa, Map 4, LEP, 2009-2013



Source: HUD AFFH Data and Mapping Tool. <https://egis.hud.gov/affht/>.

Figure A-28.
HUD AFFH Tool Jurisdiction of Pocatello, Map 4, LEP, 2009-2013



Source: HUD AFFH Data and Mapping Tool. <https://egis.hud.gov/affht/>.

APPENDIX B.

Glossary

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Glossary

This appendix defines the fair housing terms and indicators used throughout the State of Idaho fair housing study. It also includes commonly used fair housing terms.

Disclaimer

Laws involving fair housing and accessibility are complex and dynamic. Depending on the type of housing, the funding source and the tenants involved, several different laws and codes may be involved. There are also several terms used to refer to a built environment that is usable by people of all abilities. **Please note.** *This information is merely provided as a starting point; it is not a substitute for current professional legal advice. Terms and definitions are subject to change and interpretation.*

Fair Housing Terms

Accessible – This term applies to a program, service, built environment or event that can be used by persons of all abilities. Examples would include a courthouse or restroom that can accommodate wheelchair users, a public hearing that provides assistive listening devices for the hearing impaired, or a program offering outreach materials in alternate formats. In housing, the term is generally used in reference to multifamily or senior housing complexes, homeless shelters, etc.

Adaptable – Built environments that may or may not include finished accessible features such as ramps, grab bars, etc, but that can be easily adapted or modified to accommodate a variety of tenants. Examples include buildings with extra structural blocking in bathroom walls to allow future installation of grab bars in toilet and tub areas; wider hallways, entry ways and door openings; adjustable counter or cabinet elevations, removable cabinet doors under sinks to allow wheelchair access, etc.

Affirmatively Furthering Fair Housing (AFFH) – Beyond a commitment to avoid discrimination, HUD-funded recipients are required to *affirmatively further fair housing*, which means actively promoting wider housing opportunities for all persons while maintaining a nondiscriminatory environment in all aspects of private and public housing.

Americans with Disabilities Act (ADA) – This act was signed into law July 26, 1990. The ADA primarily covers access to public spaces, programs and events. The Act covers employment, state and local government, public accommodations, telecommunications and transportation. ADA laws and design requirements also apply to certain public or common areas of multifamily housing complexes.

Assistance Animals – An animal needed because of a person’s disability that allows that person to have equal access and enjoyment of the housing. ‘Assistance animal’ is a broad term that is

sometimes used interchangeably with *companion, support or service animal* (although technically, a ‘service animal’ may be trained to perform a specific task (see ‘service animal’)). The following points should be kept in mind:

- The animal does **not** have to be a dog
- The animal does **not** have to be trained or certified
- A landlord or provider **may** impose rules on assistance animals related to the health and safety of other tenants
- A landlord or provider **shall not** charge a pet deposit for the animal
- A landlord or provider **shall not** ask about the nature or severity of a disability
- There is not a **specific limit** as to the number of assistance animals per household; there must, however, be a nexus between the existence of a disability and the need for the specific animal(s), and the ‘reasonableness’ standard may still apply (ask HUD/FHEO how this is defined).
- Where the number of animals exceeds **local kennel ordinances**, part of the reasonable accommodation may involve a request to local government to allow a variance.
- Any issue involving a request for **reasonable accommodation** (such as those involving assistance animals) can be complex, and deserves thoughtful consideration to comply with the law while protecting the interests of all parties involved. Seek professional guidance from HUD/FHEO, local enforcement contractors, or civil rights defense experts if you are uncertain about a situation.

Concentration. The term “concentration” is used in analysis of geospatial patterns to identify potential areas of segregation. In fair housing studies, concentrations are typically examined by protected class category.

For racial and ethnic analysis, concentrations are defined as:

- In urban areas, Census tracts that are more than 50 percent minority. Minority residents are defined as those residents identifying as Hispanic/Latino and/or a non-White race.
- In rural areas, Census tracts in which the proportion of a protected class is 20 percentage points higher than that in the county or state overall. This definition helps “norm” the distribution of residents by race and ethnicity to the distribution that exists county- or statewide. It helps identifying concentrations in majority non-Hispanic White areas.

For other protected classes, the 20 percentage points threshold is commonly used in both urban and rural areas.

Disability – The Fair Housing Act defines disability or ‘handicap’ with respect to a person as:

1. a physical or mental impairment which substantially limits one or more of such person's major life activities,
2. a record of having such an impairment, or
3. being regarded as having such an impairment, but such term *does not include current, illegal use of or addiction to a controlled substance* (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)).

Discrimination – Discrimination is defined in the [Federal Fair Housing Act](#) under:

- Sec. 804. [42 U.S.C. 3604] Discrimination in sale or rental of housing and other prohibited practices
- Sec. 805. [42 U.S.C. 3605] Discrimination in Residential Real Estate-Related Transactions
- Sec. 806. [42 U.S.C. 3606] Discrimination in provision of brokerage services
- Sec. 807. [42 U.S.C. 3607] Religious organization or private club exemption

Disparate Impact – This term describes the idea that an action or policy that is applied equally to all persons (and that appears neutral) may have an unintended but 'disparate' or unequal impact on members of a protected class. In June 2015, the U.S. Supreme Court found that disparate impact was intended as part of the Federal Fair Housing Act.

Dissimilarity Index . This is a statistical measure of segregation. It measures the evenness of the distribution of a minority population group (race, ethnicity, disability, etc) across Census tracts in a county.

Fair Housing Act – Congress passed [The Fair Housing Act](#) on April 11, 1968. The original Act prohibited discrimination in all housing transactions on the basis of race, national origin, sex, color and religion. It was later amended to protect persons with disabilities and 'familial status' (i.e., households with/without children). Fair Housing Accessibility 'design and construction standards' apply to multifamily housing consisting of four or more units and ready for first occupancy after March 13, 1991.

Foreign born residents. Residents born outside of the U.S.

Large households. Households with five and more related people.

LEP/LAP –Limited English Proficiency (LEP) defines residents who do not speak English well. Some LEP populations are refugees (pushed from their home country through war, famine or political oppression), and some are immigrants (pulled to the U.S. or Idaho by perceived opportunity or family connections). Under Title VI of the Civil Rights Act of 1964 – National Origin Discrimination Against Persons With Limited English Proficiency (LEP Guidance), it is illegal to discriminate in access to programs or services that involve use of federal funds. Organizations that receive federal funds must create, implement and follow a Language

Assistance Plan (LAP) that effectively accommodates the needs of all customers. Keep in mind that ‘customer service is welcome in any language.’ For more information, see <http://lep.gov>

Protected Class – This refers to members of populations characterized by race, national origin, sex, color, religion, familial status and disability. Under the Fair Housing Act (see above), persons are protected from discrimination based solely on their membership (or perceived membership) in one or more of these seven protected “classes.”

Racially or Ethnically Concentrated Areas of Poverty (R/ECAP). A Racially Concentrated Area of Poverty or an Ethnically Concentrated Area of Poverty is a neighborhood with significant concentrations of high poverty and majority-minority (non-White) race or Hispanic ethnicity.

HUD’s definition of a Racially/Ethnically Concentrated Area of Poverty is:

- A census tract that has a non-White population of 50 percent or more (majority-minority) or, for a rural areas, 20 percent, AND a poverty rate of 40 percent or more; OR
- A census tract that has a non-White population of 50 percent or more (majority-minority) AND the poverty rate is three times the average tract poverty rate for the county, whichever is lower.

Reasonable Accommodation – Persons with a qualifying disability (see above) may request a reasonable accommodation from a housing provider, employer or government entity in order to participate fully in programs or events, or to occupy housing. The accommodation may involve policy modification such as a designated parking space or nonstandard communication protocol. The requested accommodation should realistically and effectively accommodate the individual’s particular disability (according to a professional third party familiar with the specific disability), and (under certain conditions) may not represent an undue financial or administrative burden.

Reasonable Modification – Persons with a qualifying disability (see above) may also request a reasonable modification from a housing provider, employer or government entity in order to participate in programs or events, or to occupy housing. A physical modification, such as a wheelchair ramp, should realistically and effectively accommodate the individual’s particular disability (according to a professional third party familiar with the specific disability), and (under certain conditions) may not represent an undue financial or administrative burden. View the HUD / Department of Justice Joint Statement on Reasonable Modification [reasonable modifications mar08](#).

Section 3 / Economic Empowerment – This is a provision of the HUD Act of 1968 that promotes local economic development, neighborhood economic improvement, and individual self-sufficiency. The intent of Section 3 is to harness the economic power of HUD investments in housing and community development and to expand economic opportunity for low-income families in the neighborhoods where they live. Section 3 is triggered by a *need for new hires* to work on any covered Section 3 project or activity when the recipient receives \$200,000 or more, or when a contractor receives \$100,000 or more.

Section 504 (of the Rehabilitation Act of 1973) – According to HUD’s definition, Section 504 specifies that *no otherwise qualified individual with a disability shall, solely by reason of his or her disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.* Section 504 design and construction requirements apply to housing developments that are constructed with or receive federal funding, and are generally more rigorous than those required by the Fair Housing Accessibility design and construction standards.

Segregation. According to HUD, “segregation” occurs when concentrations of protected classes are concentrated as a result of fair housing barriers. HUD defines “integrated” geographic areas as those which do not contain high concentrations of protected classes when compared to the representation in a jurisdiction as a whole: “Integration” is a “condition...in which there is not a high concentration.”¹

Self-Assessment – This is an opportunity for housing providers or other covered entities to identify potential violations in policies, procedures or design and construction. They may conduct an internal assessment or contract with a reliable third-party expert to evaluate compliance in policies and procedures. Regardless of how the assessment is performed, providers or covered entities should move quickly to address any and all potential violations uncovered during this process.

Service Animals – The Department of Justice published revised final regulations implementing the Americans with Disabilities Act (ADA) for title II and title III on September 15, 2010, in the Federal Register. In part, these revisions provide some clarity to the definition of ‘service animals.’ (not to be confused with animals variously referred to as ‘companion’/’emotional support’/’assistance’ animals and covered separately under the Fair Housing Act.) The 2010 revisions define service animals as follows:

- “Beginning on March 15, 2011, only dogs* are recognized as service animals under titles II and III of the ADA.
- A service animal is a dog that is individually trained to do work or perform tasks for a person with a disability.
- Generally, title II and title III entities must permit service animals to accompany people with disabilities in all areas where members of the public are allowed to go.”

“Service animals are defined as dogs [*miniature horses are allowed under certain specific conditions enumerated below] that are individually trained to do work or perform tasks for people with disabilities. Examples of such work or tasks include guiding people who are blind, alerting people who are deaf, pulling a wheelchair, alerting and protecting a person who is having a seizure, reminding a person with mental illness to take prescribed medications, calming a person with Post Traumatic Stress Disorder (PTSD) during an anxiety attack, or performing

¹ Affirmatively Furthering Fair Housing Rule Guidebook, Version 1, December 31, 2015, U.S. Department of Housing and Urban Development.

other duties. Service animals are working animals, not pets. The work or task a dog has been trained to provide must be directly related to the person's disability. Dogs whose sole function is to provide comfort or emotional support do not qualify as service animals under the ADA.

This definition does not affect or limit the broader definition of "assistance animal" under the Fair Housing Act or the broader definition of "service animal" under the Air Carrier Access Act.

Universal Design – "Universal Design" refers to general design principles intended to "simplify life for everyone by making products, communications, and the built environment more usable by as many people as possible at little or no extra cost." Accessible residential, commercial and public space (i.e., "built environments") fall under one aspect of universal design.

Visitability – This term differs from "accessibility" only in that it is primarily used to refer to accessible single-family construction as opposed to multifamily housing. Site grading, design and construction reflect universal design principles such as an accessible entrance into and route through the main floor, and at least one accessible bathroom and bedroom. Tenants or owners may or may not require the accessibility features at the time of first occupancy; they may simply wish to accommodate guests with mobility impairments or to anticipate their own future needs as they age in place.

Many homeowners find that these features enhance their home's resale value, reduce tripping hazards and simplify routine activities. Related terms include "no-step construction," "house for life" or "zero-threshold construction." See www.concretechange.org or www.easylivinghome.org for more information.

APPENDIX C.

Fair Housing Legal Case Review

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Fair Housing Legal Case Review

The purpose of the legal summaries below is to highlight, in a non-technical way, recent legal findings that concern fair housing laws. The summaries are provided to help local government leaders and staff, stakeholders, and residents better understand some of the more complex aspects of fair housing laws and be aware of the potential for violations.

An online resource for such cases is available at the Fair Housing Forum site:
<http://fairhousingforum.org/law/idaho-fair-housing-cases-chronology/>

All of these cases occurred in Idaho and have been resolved or settled. The vast majority of cases were related to disability. The most common fair housing violations include:

- 1) Failure to comply with the design and construction requirements of the FHA, and
- 2) Failure to make reasonable accommodations.

The majority of the cases occurred in the state's urban areas. Eight of the 19 cases occurred in nonentitlement areas.

It is important to note that, in some cases, an out-of-court settlement, conciliation, or consent order was reached without an independent determination liability on the part of the defendant. It is understood that some defendants make a business decision to settle out of court to avoid additional costs of defense. Unless otherwise specified, inclusion of complaints or cases is not intended to imply otherwise.

Intermountain Fair Housing Council v. Rafter Square, L.L.C. (Disability). This Lewiston case involved a disabled tenant with a service animal who was denied a reasonable accommodation by an owner and manager of an apartment complex. After her therapist called the apartment owner to inform him of reasonable accommodation rights, management said: "I don't believe in service animals, I think that it is just an excuse to have a pet." The case was settled in 2011 without trial. The defendant paid monetary damages to the IFHC of \$10,250 and an additional \$3,500 to the original complainant.

Alamar Ranch LLC v. Boise County (Disability). This case involved a proposed residential treatment center in Boise County. The center alleged that the county violated the FHA by changing a conditional use permit (CUP) to mandate unfeasible design elements—i.e., a limit of 24 beds (the original permit was for 72 beds), a fire truck kept on site, and a helicopter landing pad. Based on these elements, which made the development prohibitively expensive, the plaintiff alleged that the defendant denied reasonable accommodation to handicapped persons.¹

¹ Handicapped is the wording used in the FHA.

The case went to jury trial in December 2010. Plaintiffs alleged three separate violations of the FHA: (1) failure to make reasonable accommodations, (2) disparate treatment of the handicapped, and (3) intentional interference with the construction of handicapped housing. The jury ruled in favor of plaintiff on all counts and returned a verdict awarding \$4 million in damages.

United States v. Stealth Investments, LLC, et al. (Disability). This Idaho Falls case was brought after telephone testing found denial of service animals to meet a reasonable accommodation request. The 2008 consent decree required the defendant to pay \$24,500 to compensate victims of discrimination at the apartment complex, establish a \$12,500 victim fund, pay a \$25,000 civil penalty to the United States, follow non-discriminatory procedures, and undergo fair housing training.

United States v. Hallmark Homes, et al (Disability). This case involved the failure of an apartment complex in Coeur d'Alene to meet the design and construction requirements of the FHA. Specifically, the complaint alleged that: (1) the public use and common use portions were not readily accessible to and usable by individuals with disabilities, (2) doorways to the bedrooms and the master bathrooms within the ground floor units were not sufficiently wide to allow passage by persons with disabilities who use wheelchairs, and (3) the ground floor units had the following deficiencies of adaptive design.² The 2006 consent decree ordered defendants to pay \$115,000 to retrofit the areas.

United States v. Riverwalk Condominiums, LLC (Disability). This case was another design and construction lawsuit in Boise. Under the consent decree, the defendant paid \$13,500 to an individual with a disability who inquired about housing at the complex. The defendants were also required to retrofit the complex to make it more accessible and pay \$5,000 in civil penalties.

United States v. S-Sixteen Limited Partnership (Disability). This case also involved design and construction violations in an apartment complex in Boise. The 2005 consent order required defendants to retrofit the common use areas of the complex and 76 ground-floor apartments, pay \$2,000 in damages, and to establish a fund of \$40,000 to compensate victims of the defendants' discriminatory practices. Defendants are also required to inform regulatory agencies of future development and design work in which they become involved and obtain statements that design plans comply with the FHA; have all supervisory employees and agents participate in fair housing training and certify that they have read the order; post signs describing their policy of nondiscrimination in housing; and meet reporting and record-keeping obligations.

United States v. Pacific Northwest Electric, Inc., et al (Disability). This case is a design and construction violation of five Boise apartment complexes. The 2003 consent decree required defendants to retrofit the complexes by removing steps; reconfiguring kitchens and bathrooms to provide added maneuvering space; widening doorways; leveling sidewalks; and adding

²Adaptive design includes: the entrance doorways are inaccessible in that there is a 3/4 inch, unbeveled threshold at the primary entrance door to each covered unit; the thermostats are mounted too high (61 inches above) the finished floor; the bathroom walls lack reinforcements to allow later installation of grab bars; and the bathrooms are not usable by persons with disabilities because the clear floor space at the lavatory in the hall bathroom is not centered at the centerline of the basin, and the lavatory is located in a vanity cabinet that is non-removable.

accessible parking and curb ramps at an estimated cost of approximately \$300,000. In addition, the defendants were required to pay damages of \$34,000.

United States v. Thomas Development Co., et al (Disability). This design and construction case involved 17 apartment complexes located throughout Southern Idaho in the cities of Boise, Meridian, Nampa, Shelly, Rexburg, Caldwell, Rigby, Lewiston, and Jerome. The complaint also alleged that some of the defendants retaliated against a tenant family at one of the complexes by attempting to evict the family after one of the family members requested a reasonable accommodation for their disability. The 2005 consent decree required injunctive relief and monetary payments totaling \$125,000.

United States v. City of Payette, Idaho (Disability). This case involved denial of a Conditional Use Permit (CUP) for a group residence to house and counsel persons recovering from alcohol and drug dependency in Payette. The Payette Planning and Zoning Commission denied Ms. Keith's application for a CUP. At the public hearings to consider the request, area residents made numerous comments indicating opposition to the proposed group home based on the fact that the prospective residents of the home would be persons with disabilities. The city claimed that the group home was a "commercial" entity that didn't belong in a residential neighborhood, although the city had previously allowed other commercial businesses to open in residential neighborhoods. The 2003 consent decree required that the city allow the group home to open at its originally requested location; comply with the provisions of the FHA; notify the United States of any applications for permits and zoning requests relating to group homes; and train city employees and officials on the requirements of the FHA. The defendant also paid \$15,000 to the owner/operators of the facility, and a civil penalty of \$5,000 to the United States.

United States v. Taigen & Sons, Inc. (Disability). This design and construction complaint occurred in Post Falls. The court ordered retrofits to be made in one year and \$58,000 paid to compensate aggrieved individuals, including residents who experienced difficulties living at the complex and persons who were unable to live there, due to its non-compliance.

Garcia v. Brockway (Disability). This case involved a physically disabled tenant of an apartment complex in Boise. The tenant filed a complaint because the apartment complex lacked curb cuts from the parking lot to the sidewalk, didn't have a ramp to the front entrance door, and the doorways were too narrow to allow clear passage of his wheelchair. In addition, plaintiff sued the original builder and architect.

The defendants argued that because they no longer owned the building (which they sold in 1994), their liability was time-barred by the statute of limitations in the FHA. The plaintiff countered, arguing that the failure to remodel the apartments constituted a continuing violation and that the statute of limitations takes effect upon discovery of the alleged violations and the failure to make modifications constituted new violations.

The court ruled that the continuing accessibility issues were an effect of a prior discriminatory act but not a continuing violation. The original developer was not found to be liable for refusal to make modifications while current management company was found at fault. Claims against the current owners and management were settled out of court.

United States v. Canal Street Apartments, et al (Disability). This case involved design and construction violations at an apartment complex in Boise. In 2002, defendants were required to retrofit the ground floor units and public and common areas to make them accessible to persons with disabilities; submit to periodic inspections and record-keeping; and pay \$3,300 in monetary damages, \$5,000 to the Accessibility Improvement Program (AIP) of the Idaho Housing and Finance Association to promote handicap accessible housing construction and fair housing in the City of Boise and Ada County area, and a \$6,500 civil penalty.

The five-year consent order also required the defendants notify HUD if they again design or construct multifamily dwellings and provide a written statement from any architect involved with the project that the plans include design specifications that comply with the requirements of FHA Accessibility Guidelines.

United States v. Allan Horsley and Horsley Construction (Disability). This case involved design and construction violations at an apartment complex in Pocatello. In 2002, defendants were required to pay \$10,000 to compensate an individual using a wheelchair who sought to live at the apartment complex and was unable to do so; \$4,000 to IFHC; \$14,000 to compensate additional victims of discrimination; \$10,000 to increase the availability of accessible housing in Idaho for people with disabilities; \$4,000 to the United States in civil penalties; and build 16 units of accessible housing in Pocatello, Idaho.

United States v. Madsen (Disability). This case involved discrimination based on mental illness and disability of a potential buyer (adult son of the applicant) of a mobile home in a park in Weiser, Idaho. The owners of the park rejected the plaintiff's application upon learning that he had schizophrenia, bipolar disorder, manic depression, or a mental condition or illness.

The consent order required a payment of \$30,000, implementation of nondiscriminatory policies, informing all residents and applicants of these policies and of their rights under the FHA and Idaho state law, and attendance at fair housing training.

United States v. Vanderpool, et al (Disability). This is a design and construction case in Caldwell. The defendants agreed to settle the lawsuit by retrofitting an 18-unit apartment complex to make it accessible to persons with disabilities and by paying up to \$48,000 in damages and penalties. The defendants also agreed to modify common areas and individual apartment units within one year to make them accessible to persons with disabilities; pay up to \$30,000 to compensate persons harmed by the lack of accessible features, \$3,000 in damages, \$5,000 to a nonprofit organization to increase accessible housing for persons with disabilities in Idaho, \$5,000 to the United States in civil penalties, and \$5000 to the current owner of the complex to compensate her for the lost rent and inconvenience resulting from the modifications.

United States v. Milton (Familial Status). This case involved discrimination based on familial status. In January, 2008, a father and his two children were told they could not rent an upstairs apartment in Idaho Falls due to liability issues with children living upstairs. In April 2009 a consent decree required the defendants to pay \$600 to the plaintiff and comply with standard injunctive provisions including: refraining from committing future fair housing violations; posting an "Equal Housing Opportunity" poster in their rental units; and acknowledging that

they committed a fair housing violation after attending training which discussed discrimination on the basis of familial status.

United States v. Blue Meadows Apartments, et al (Familial Status). In July 1995, a Boise apartment complex stated, adopted, and enforced a policy that imposed a limitation on the use of facilities by persons under the age of 18 years. Defendants incorporated these rules into an addendum to the lease that tenants were required to sign. The 2002 consent decree required defendants to delete the current restriction on persons under 17 from using the pool unless accompanied by a parent; limit any future age restrictions governing unaccompanied children using the pool to those under age 13; and refrain from instituting any other rules that restrict the use of common areas at by persons under 18, except those that apply to all persons, regardless of age. Defendants were also required to pay one of the plaintiffs \$1,200 in damages.

United States v. Cherrywood & Associates, LP, et al (Familial Status). In this case, a pregnant woman inquired about the availability of two-bedroom apartments at an apartment complex in Idaho Falls for herself, her husband, the couple's two-year old son, one-year old daughter, and their unborn child. The applicant was told she was ineligible for a two-bedroom unit because the two young children were of different genders and management policy also precluded children of different genders from sharing bedrooms. The consent decree required defendants to pay the family \$6,250 in damages, modify their occupancy policy to be non-discriminatory, and comply with FHA regulations.

United States v. Hall, et al. (Gender). This case involved a response to a newspaper advertisement offering a property for rent in Idaho Falls. A landlord would not rent to an applicant because their definition of "family" meant a "husband, wife, and kids." The landlord required an adult male to be in the home to take care of the yard. The applicant was a single mother, her children, and a female friend.

The 2005 consent decree required that defendants pay \$5,000 to the aggrieved persons, and admit their conduct violated the FHA. The agreement also required the defendants to amend their application materials so that they no longer sought "husband's employment" and "wife's employment." The revised applications may seek "applicant's employment" and "if appropriate, spouse's employment."

Intermountain Fair Housing Council, Janene Cowles, and Richard Chinn vs. Boise Rescue Mission Ministries and Boise Rescue Mission, Inc. (Religion and Sex). This case involved the requirement that homeless persons residing in a shelter participate in Christian religious activities in order to continue to reside in the facility and receive meals of a certain quality. Plaintiffs filed this action against the Rescue Mission alleging the Rescue Mission violated the FHA by engaging in religious and sexual discrimination as prohibited by 42 U.S.C. 3604(a) (otherwise make unavailable a dwelling), 3604(b) (discriminate in terms, conditions, or privileges) and 3617 (interference in exercise or enjoyment of fair housing rights). The Rescue Mission has moved the court for summary judgment on all claims raised by Plaintiffs.

In 2009 the case was dismissed by the court. The court held that the homeless shelter is not a dwelling unit and is not, therefore, subject to the requirements of the FHA.