

# Analysis of Impediments to Fair Housing Choice for Minot, North Dakota



CITY OF MINOT, NORTH DAKOTA



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# 1. Executive Summary

## Purpose and Process

The city of Minot, North Dakota has received \$102 million in Community Development Block Grant Disaster Relief funding from the U.S. Department of Housing and Urban Development to help mitigate damage caused by the catastrophic flooding of the Mouse River in June 2011. As a recipient of these funds, the city must comply with HUD requirements that it affirmatively further fair housing choice. According to the *HUD Fair Housing Planning Guide*, funding recipients must

- complete an Analysis of Impediments to Fair Housing Choice
- take actions to overcome the effects of any impediments identified
- maintain records reflecting the actions taken in response to the analysis

The *Fair Housing Planning Guide* defines impediments to fair housing as:

***“Any actions, omissions, or decisions taken because of race, color, religion, sex, disability, familial status, or national origin which restrict housing choices or the availability of housing choices.”***

This analysis is intended to inform policy makers, city staff, housing providers, and others about fair housing in Minot, and to increase awareness of fair housing requirements so that all residents have the right to own, sell, purchase, or rent housing without discrimination.



*City of Minot, North Dakota*

This analysis relies on demographic, labor, income, and housing data from the U.S. Census Bureau, Bureau of Labor Statistics, Bureau of Economic Analysis, the Council on Community and Economic Research, and other sources. Additional information was provided by the City of Minot Planning Office, Office of the Assessor, Engineering and Inspections, and other city departments. Local organizations such as the Minot Housing Authority, Minot Area Development Corporation, and Minot Chamber of Commerce were also helpful in compiling this report, as were representatives of the Minot Air Force Base and Minot State University.

Data on fair housing complaints was provided by HUD's regional office in Denver for the period from January 2006 through June 2013, and Karen Clark of the Denver office helped clarify information to be included in this study.

## Minot Overview

Minot is the county seat for Ward County and the fourth largest city in the state. It serves as the trade center for northwestern North Dakota and the southern parts of the Canadian provinces of Manitoba and Saskatchewan. Minot Air Force Base is important to the city's economy, and many of its 5,500 military personnel and 700 civilian employees seek housing in the city. Minot is also the gateway to the Bakken shale formation, and oil drilling there has had a major impact on population, employment, and housing in Minot since the recent oil boom began in 2008.

In the summer of 2011 the Mouse River flooded the central part of the city. Heavier than usual snowfall and higher than normal rainfall caused the river to overtop levees, and portions of Minot and the surrounding area were inundated with up to fifteen feet of water which did not recede for several weeks. Approximately 4,100 structures in Minot were damaged along with roads and bridges, water and sewer infrastructure, schools, businesses, parks, and the city zoo. FEMA provided more than 2,000 temporary housing units for residents who were displaced by the flood.

Recovery and redevelopment efforts have progressed and many residents have returned to their homes. Only 120 temporary housing units remained by July 2013. Efforts are underway to repair and rebuild damaged infrastructure, and new housing and commercial space throughout the city will promote new economic development opportunities for Minot.

Thanks to the booming oil industry and the growth it continues to generate, as well as the flood recovery effort, Minot has the opportunity not only to recover, but to meet the future needs of a growing population.

*Minot has the opportunity not only to recover, but to meet the future needs of a growing population.*



## Socioeconomic Context

Information on demographic, economic, and housing conditions in Minot provide context for the factors that influence housing market behavior and housing choice.

### Demographics

Minot's population increased from 32,843 in 1980 to 36,567 in 2000. By 2010 the city had 40,888 residents. The population was estimated at 44,318 in 2012,<sup>1</sup> and it is expected to reach 46,519 in 2013 and 49,141 in 2014.<sup>2</sup>



The largest age group in Minot according to 2000 and 2010 Census figures is 20-24 year olds. The fastest growing group is 55-59 year olds, followed by 25-29 year olds, then 60-64 year olds. The number of seniors 65 and over is increasing overall, making up 15 percent of the total Minot population in 2010. Among this group those 85 and older saw the greatest growth.

Most Minot residents are of German and Scandinavian ancestry and 90.2 percent of residents are white. The largest non-white group is Native Americans, at 3.2 percent of the total. The greatest growth, however, occurred among blacks, at 92 percent, followed by Asians at 62 percent and Hispanic or Latino residents at 51.3 percent growth. The rapid increase in the non-white and Latino population may be driven by Minot Air Force Base and the Bakken oil boom, which draw workers from across the United States.

Analysis of household composition showed that singles 65 and older make up 11.7 percent of Minot households, a significant group. Single-person households comprise 34.9 percent of all households, a higher ratio than the state (at 31.5 percent) and the country (at 27.6 percent). The greater prevalence of singles may be due in part to the presence of Minot State University and to the influx of oil industry and supporting employees who have come to Minot in recent years because of its booming economy.

Minot has 5,192 residents who are disabled, a slightly higher proportion than the U.S. as a whole – 13.29 percent versus 12.08 percent. Most of Minot's disabled population falls in the 35-64 year old group, and this is also higher than in the U.S. as a whole (47.38 percent versus 42.12 percent). A disability is defined by the U.S. Census Bureau as a lasting physical, mental, or emotional condition that hampers an individual's ability to conduct activities

<sup>1</sup> Minot Affordable Housing Strategy Supply and Demand Analysis, December 2012

<sup>2</sup> Ibid.



of daily living, or impedes him or her from leaving home alone or going to work.

The educational attainment level of Minot residents compares favorably with that of the U.S. More than 92 percent of Minot's population has at least a high school diploma, whereas for the U.S. population the figure is 85.4 percent. Slightly more Minot residents have at least a bachelor's degree than in the state of North Dakota overall, though the number is slightly lower than for the U.S. as a whole.

### Economic Conditions

Minot's unemployment rate has been significantly lower than the rest of the U.S. in recent years; in April 2013 it was 3.3 percent. Jobs are not hard to find, thanks to the oil boom and the supporting jobs it continues to generate; in fact, many businesses have a hard time finding workers. The mean family income for 2013 is \$61,300. Wages for oil workers are high, and other Minot employers must pay more as well in order to compete. Three quarters of families with children under 6 years of age relied on dual incomes.

In 2011, 13.7 percent of all Minot residents and 23.9 percent of children under 18 were living below the poverty level. Almost twenty percent of families with children under 18 had incomes below the poverty level. Families headed by a woman with no husband present were most likely to fall in this category. Of families with only a female head of household and children under 18, 56.4 percent lived below the poverty level. For sole female heads of households with children under 5 years, the figure rose to almost 72 percent.

### Housing Overview



Based on the 2011 American Community Survey, 61 percent of Minot households owned their homes. Single family homes predominate, and most of these are detached single family houses. Approximately 23 percent of homes in Minot are multifamily, and most of these are apartments. Much of the older and most affordable housing was in the city's core, which was hit hardest by the flooding in June 2011.

Both Minot State University and the Minot Air Force Base impact Minot's housing situation. Many university students as well as faculty and staff seek housing in the city, and such housing was in short supply due to the oil boom even before the flooding in the summer of 2011. An estimated 90 percent of the housing for Minot Air Force Base personnel must be met by off-base rental or owner-occupied units, and much of it is within Minot city limits.



New home construction has increased significantly in Minot in the past two years, due in part to the population increase driven by the oil industry. In 2011 the city granted 1,121 building permits and this number increased to 1,419 in 2012. More than half were for apartments and just over a quarter were for single family homes.

Affordability is a serious issue, as household incomes have not kept up with skyrocketing housing costs driven by the increasing population and resulting housing demand. According to city assessment data, the median single family home value increased almost twenty percent in just three years between 2009 and 2012. In 2010 most single family homes in Minot were assessed at \$200,000 or more. The average sale price of a single family home in 2012 was \$256,842, and for new homes the average sale price was \$278,388. These home prices were out of reach for most Minot households. In fact, 49 percent of Minot's households could not afford the median single family home price of \$146,300.



Rental costs have also increased dramatically. By late 2012, 48 percent of Minot households were paying more than 30 percent of their income for housing. Twenty-eight percent of all households are cost burdened for housing, meaning that nearly 11,900 residents are living in housing they cannot afford.<sup>3</sup> The high cost of housing affects the overall cost of living, as well. In the first quarter of 2013 the cost of living index for Minot was 104.7, or 4.7 percent higher than the national average. The housing index was 120.8, more than twenty percent higher than the U.S. as a whole and higher than Denver (at 113.4 percent) and Minneapolis (at 119.8 percent).<sup>4</sup>

The Minot Housing Authority (MHA) provides housing and rental assistance for low and moderate income residents of Minot. MHA owns or manages 858 units of housing that are contractually affordable to such residents, including apartments where seniors and disabled applicants have priority as well as duplexes and single family homes. The first phase of the new Washington Townhomes development opened in the spring of 2013 with sixteen affordable units, and MHA anticipates the second phase, with another sixteen units, will be ready for occupancy in 2014. MHA also manages the HUD Section 8 program for Minot and Ward County. In September 2012 the agency aided 475 households under this program, and could help another 20 to 25 families each month if units were available at the maximum monthly rents set by HUD. A recent study by HUD's Gas and Oil Task Force noted that many public housing agencies in North Dakota are having trouble using their vouchers due to rapidly rising rents. Also, owners of Section 8



<sup>3</sup> Ibid.

<sup>4</sup> Council for Community and Economic Research

properties are leaving the program in order to receive higher returns from market rate rents.<sup>5</sup>

## Fair Housing Legal Status and Complaints

A review of laws, studies, and cases related to fair housing choice provides an understanding of the situation for the U.S., the state of North Dakota, and the city of Minot. North Dakota's Human Rights Act of 1983 prohibits discrimination in employment, housing, public accommodation, public services, and credit transactions or lending due to race, sex, religion, or disability. The North Dakota Housing Discrimination Act of 1999 offers protection in housing transactions based on race, color, religion, sex, disability, age, familial status, national origin, and marital status. HUD has deemed North Dakota's Housing Discrimination Act to be substantially equivalent to the federal Fair Housing Act. The North Dakota Housing Discrimination Act allows the North Dakota Department of Labor to process charges of housing discrimination that do not meet federal jurisdiction, including issues related to age, marital status, and receipt of public assistance.

Of the 76 housing discrimination complaints closed by the North Dakota Department of Labor from 2009 to 2011, 44 were found to have probable cause. By far the most common basis for the complaint was disability, followed by familial status which covers families with children under 18 and pregnant women. Six of the 76 complaints were from Ward County.

A review of fair housing complaints filed for Minot from January 2006 through June 2013 was obtained from HUD's Denver regional office. Of the 23 complaints noted, physical disability was the most often cited basis, with ten cases, followed by mental disability and familial status with eight cases each. The most common issue was failure to make reasonable accommodation for a person's disability. Discrimination was determined to have occurred in nine of the 23 cases. Seven of these were filed prior to 2009 and none were filed after 2011. Again, disability and familial status were the most commonly cited bases, and failure to make reasonable accommodation was most often listed as an issue.

Minot residents who wish to file a fair housing complaint can do so by contacting the HUD offices in Washington, D.C., HUD's regional office in Denver, or the North Dakota state field office in

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<sup>5</sup> *New Oil and Gas Drilling Technologies Bring Significant Changes and Challenges to Housing Markets*. U.S. Dept. of Housing and Urban Development, Gas and Oil Task Force, 2013.



Fargo. Intake specialists from HUD or the appropriate agency review the complaint and contact the complainant for more information, if necessary. The case is then sent to the alleged violator for a response. An investigator seeks to determine the circumstances of the alleged discrimination, and if discrimination is determined to have occurred, the investigator attempts to settle the case by conciliation. If no reasonable cause for discrimination is found the case is closed. If reasonable cause is found and conciliation is not possible, the case is heard by a federal judge or HUD administrative judge who determines damages.

As mentioned previously, the North Dakota Department of Labor Human Rights Division accepts cases of housing discrimination from within the state. Residents may file a complaint by completing the intake form and mailing or delivering it to the office in Bismarck. The information is reviewed to determine whether there is basis for a formal complaint. If so, the department will conduct a thorough and impartial investigation, emphasizing conciliation to settle the complaint where possible. If no settlement occurs and the complaint is determined to be valid, an administrative hearing will be held to determine the remedy.

Anyone who is aware of activity that violates North Dakota's human rights laws may report the suspected noncompliance to the department. Instructions for doing so can be found on the department's web site.

## Fair Housing in the Public Sector



Minot updated its Comprehensive Plan in 2012. The Plan recommends ways to expand housing options, noting that "condition, affordability, and availability of housing affect the social and economic health of every city." Goals and policies for housing aim to ensure housing development is compatible with existing and adjacent land use, while providing access to public infrastructure, key community features, and natural amenities; provide a variety of housing types, densities, and choices to meet residents' work force and life cycle housing needs, especially senior housing; and maintain existing housing to ensure quality in all residential neighborhoods.

The city of Minot offers public transit via bus service to much of the city on weekdays between 9 a.m. and 5 p.m. Stops include sites important to residents such as the Parker Senior Center, Minot State University, Minton Young Towers and Henry Towers, the civic center, and major shopping areas. Souris Basin Transportation also offers service for those who require specially equipped vehicles with one day's notice. The city has undertaken a transit study to identify potential improvements.



## Impediments and Recommended Actions

This analysis indicates that Minot has avoided systematic impediments to fair housing choice; however, some barriers to fair housing do occasionally exist. The most common complaint in recent years was failure to make reasonable accommodation for disabled persons, to enable a person with a disability equal opportunity to use and enjoy a dwelling unit or common space. It should be noted, however, that housing providers are not required to make changes that create an undue financial or administrative burden.

It is important to realize that the City of Minot is limited in its ability to implement some of the recommendations contained within this report. Some impediments, such as lack of education or job skills, lack of credit history, inadequate incomes, and similar factors may affect access to housing, but are well beyond the city's control.

### 1. Housing Discrimination

Based on HUD complaint data, housing discrimination may be occurring on a very, very limited basis related to disabled persons and a lack of understanding and awareness about reasonable accommodation requirements, conditions and privileges for rental property, and some discriminatory terms.

*Recommended actions:*

- A. The City of Minot will distribute 12,000 copies of a North Dakota Department of Labor Human Rights Division flyer, "How to File a Discrimination Complaint in North Dakota," in September 2013. (A copy of the flyer is included in the Appendix.) In addition, the Minot Housing Authority and other groups should increase awareness and understanding of fair housing.
- B. The Minot Housing Authority will make fair housing information available at its office.

### 2. Housing Affordability

The supply of affordable housing has been affected by the flooding of 2011, the housing needs of the Minot Air Force Base and Minot State University, and the increase in population and housing demand resulting from oil and gas drilling activities.<sup>6</sup> This increased demand has caused housing prices to rise significantly in

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<sup>6</sup> "New Oil and Gas Drilling Technologies Bring Significant Changes and Challenges to Housing Markets," U.S. Housing Market Conditions, 2<sup>nd</sup> Quarter 2012, HUD Office of Policy Development and Research.



some cases. There is an ongoing need for additional housing units that are affordable for many residents including low and moderate income households, large families, persons with disabilities, the elderly, and those with special needs.

*Recommended actions:*

- A. The City of Minot is encouraging the development and preservation of affordable housing by directing grants and incentives to support affordable housing through the Disaster Recovery Action Plan.
- B. The City of Minot has developed new comprehensive planning and zoning policies that promote a mix of housing types in existing neighborhoods and in new development. This is an on-going action.
- C. The City of Minot is developing an Affordable Housing Plan to continue to address the need for affordable housing in the community. A Technical and Community Advisory Committee is meeting to provide historic context and insight into the housing situation in Minot to aid in developing this plan.
- D. The City of Minot continues to support affordable housing activities through the Minot Housing Authority, and through partnerships with non-profit housing developers and work with local organizations and churches, area financial institutions, and other groups to promote more affordable housing in the city.

### 3. Gap in Fair Housing Infrastructure in North Dakota

The State of North Dakota dissolved the fair housing organization, Fair Housing of the Dakotas. The City of Minot was not involved in this decision.

*Recommended actions:*

- A. The State of North Dakota is investigating options for coordinating fair housing activities with the Human Rights Division of the Department of Labor and the North Dakota Housing Finance Agency.



## 2. Introduction

### Why Assess Fair Housing in Minot?

The U.S. Department of Housing and Urban Development requires jurisdictions that receive HUD funds to complete an Analysis of Impediments to Fair Housing to ensure that the receiving entity affirmatively furthers fair housing for its residents. The City of Minot has received \$102 million in CDBG Disaster Relief funds for recovery efforts following the catastrophic flooding of the Mouse River in June 2011. The city's Office of Finance has, therefore, authorized this report in compliance with HUD requirements, as stated in the *Fair Housing Planning Guide*, to

- Complete an Analysis of Impediments to Fair Housing
- Take actions to overcome the effects of any impediments identified
- Maintain records reflecting the actions taken in response to the analysis

The Federal Fair Housing Act of 1968 first made it illegal to discriminate in housing matters on the basis of race, color, religion, or national origin. Sex was added as a protected class in the 1970s, and in 1988 the Fair Housing Amendment Act added family status and disability. The *Fair Housing Planning Guide* defines impediments to fair housing as:

*"Any actions, omissions, or decisions taken because of race, color, religion, sex, disability, familial status, or national origin which restrict housing choices or the availability of housing choices, and any actions, omissions, or decision that have [this] effect."<sup>1</sup>*

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<sup>1</sup> U.S. Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity, *Fair Housing Planning Guide*. Vol. 1, p. 2-8.



The Analysis of Impediments report is intended by HUD to serve as a comprehensive review of the city's laws, regulations, policies, procedures and practices related to fair housing in Minot; an assessment of how the above laws, regulations, policies, and procedures affect the location, availability, and accessibility of housing; and an assessment of public and private sector conditions that affect fair housing choice.

The Analysis of Impediments is to serve as the logical basis for fair housing planning, and to provide essential information to policy makers, administrative staff, housing providers, lenders, and fair housing advocates. It also increases public awareness of fair housing requirements and promotes the goal of ensuring that every person has the right to own, sell, purchase, or rent housing of his or her choice without fear of unlawful discrimination.



## Research Methodology

The Analysis of Impediments to Fair Housing represents a thorough examination of available sources concerning fair housing and the protected classes of housing consumers as defined above. The study team engaged in primary research, collecting and analyzing raw data, as well as secondary research involving the review of previously collected data and prior studies. Data was obtained from the U.S. Census, Bureau of Labor Statistics, Bureau of Economic Analysis, the Council on Community and Economic Research, and other sources regarding demographics, labor force statistics, income, and housing costs. Information on housing vacancy rates, building permits, and other local data were provided by the City of Minot Planning Office, Office of the Assessor, and other city departments.

Fair housing complaint data for Minot provided by HUD's regional office in Denver covering the period from January 2006 to June 2013 were examined to understand possible discrimination in housing rental or sales activities. Additional information on potential local issues related to housing and housing choice was obtained from the Minot Housing Authority, Minot Chamber of Commerce, and other organizations and agencies. A list of data sources is included in the Appendix.

The City of Minot is committed to fair housing choice. The floods in the summer of 2011 affected more than 4,100 structures. In fact, the neighborhoods most affected by the flood contained many of the older and more affordable homes in the city. The city is focused on recovery and on rebuilding these neighborhoods to repair, replace, and augment its housing stock.



### 3. Jurisdictional Background

The information presented in this section describes the underlying demographic, economic, and housing conditions in Minot, providing context for the factors that influence residents' housing market behavior and housing choices. Data on a range of socioeconomic characteristics such as population growth, race and ethnicity, age, household composition, employment, poverty rates, disability, and housing trends was gathered from various reliable sources including the U.S. Census Bureau, Bureau of Labor Statistics, and Bureau of Economic Analysis.

Minot is located in north central North Dakota, and is the county seat for Ward County. It is the fourth largest city in the state, and serves as the trade center for much of northwestern North Dakota as well as southern parts of the Canadian provinces of Manitoba and Saskatchewan. Minot Air Force Base, with more than 5,500 airmen and 700 civilian personnel, is located just 13 miles north of the city. The base has played an important role in the city's economy since it was established in 1957. Minot is also the gateway to the Bakken shale formation, and the oil drilling there has significantly impacted population, employment, and housing in Minot since the most recent oil boom began around 2008.

In the summer of 2011 the center of Minot was impacted by catastrophic flooding of the Souris River, also known in North Dakota as the Mouse River. Officials were concerned about flooding as early as January 2011 due to heavier than usual snowfall in Canada and northern North Dakota. This was exacerbated by greater than normal rainfall in the spring and summer of 2010 that saturated the ground. The river rose in the Minot area throughout



April and May, and thousands of Minot residents were evacuated. The river crested lower than expected and the immediate crisis was averted, but the river continued to rise. Evacuations were again ordered and on June 22 water overtopped levees. Just south of the Canadian border the river peaked at 29,700 cubic feet per second (cfs), far surpassing the old record of 14,800 cfs. Large portions of Minot and the surrounding valley were inundated with up to fifteen feet of water. Over 4,100 structures in Minot were damaged as well as roads and bridges, water and sewer infrastructure, schools, businesses, parks, and even the city's zoo. To make matters worse, the water did not recede for several weeks. In response to the flooding FEMA provided more than 2,000 temporary housing units at designated group sites and on private property next to damaged homes.



Since that time recovery and redevelopment efforts have progressed, allowing many residents to return to their homes. As of July 23, 2013, only 120 temporary housing units remained in use in Minot. The group site on 55<sup>th</sup> Street has 114 units, and the remaining units were on private property next to damaged homes. In the flood-impacted area that runs east-west through the center of the city, at least 185 severely damaged homes have been demolished and more than 80 percent of those most heavily damaged have been repaired.<sup>1</sup> The Ramstad Middle School, which is being rebuilt due to extensive flood damage, will house 720 students instead of 550 and will open in January 2014. An addition at Longfellow Elementary will accommodate students who attended Lincoln Elementary, which was destroyed. The Roosevelt Park Zoo held its grand reopening on May 4, 2013. A downtown revitalization strategy will not only repair damaged infrastructure but will add housing and commercial space to promote new economic development opportunities in Minot.

Other areas of town are undergoing new development as well. A proposed new sewer trunk line will open up land for housing in the northeast part of town, and both single and multifamily housing is going up in the northwest and southern parts of the city. A new retail, commercial, and housing complex, the Market at North Hill, will include a grocery store, hardware store, and additional retail spaces plus outparcels for restaurants and other commercial buildings. The mixed-use development will also include apartments and twin homes, adding 150 housing units. On the south side of the city new development is also taking place. A Home Depot is planned for southeast Minot, and the retail chain will contribute to sewer and roadway upgrades in this area.

The 55<sup>th</sup> Street Crossing residential development, which will include an apartment complex and an estimated 300 houses, will

<sup>1</sup> "City Survey: Repairs Done on Most Flooded Homes," Minot Daily News, Nov. 30, 2012



be built on part of the Virgil Workman Village site which once housed more than 600 FEMA temporary housing units (THUs). FEMA is allowing displaced residents to purchase THUs they are living in as one option for permanent housing, and a mobile home park to house such units is included in the 55<sup>th</sup> Street Crossing development. FEMA is also working with the Minot Housing Authority to transfer units housing current residents that would qualify for MHA housing programs.<sup>2</sup> The city of Minot is working with the developer of the 55<sup>th</sup> Street Crossing project to provide up to \$5 million for infrastructure, which will enable at least 51 percent of the development's housing to be designated for low and moderate income residents.

Thanks to the booming oil industry and the growth it continues to generate, as well as the flood recovery effort, Minot has the opportunity to not only recover but to meet the future needs of a growing population. The challenge is to accomplish this in a way that offers access to affordable and reasonable housing choices for all of its residents.

## Demographics

### Population Growth

Minot experienced population growth of 5.2 percent between 1980 and 1990 and 5.9 percent from 1990 to 2000, in contrast to the surrounding area of the state where population declined by as much as 20 percent. Between 2000 and 2010 Minot's population grew by 11.8 percent, and it has increased substantially since then.

The *Minot Affordable Housing Strategy Supply and Demand Analysis*,<sup>3</sup> conducted in December 2012, estimated the city's population would reach 46,519 in 2013 and 49,141 in 2014, and would continue to grow. These projections are based on IMPLAN<sup>4</sup> econometric multipliers that use employment projections derived from an assessment of the impact of local changes in economic activity – in this case, primarily the oil and gas industry.

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<sup>2</sup> "FEMA Extends Flood Housing Program until September," Minot Daily News, May 10, 2013

<sup>3</sup> Minot Affordable Housing Strategy: Supply and Demand Analysis, December 2012

<sup>4</sup> IMPLAN is a software and database developed by the Minnesota IMPLAN Group, Inc.



**Table 3-1: Minot Population 1980-2010**

Year	Population	Population change
1980	32,843	-
1990	34,544	1,701 (5.2%)
2000	36,567	2,023 (5.9%)
2010	40,888	4,321 (11.8%)

Source: US Census Bureau

**Table 3-2: Estimated Minot Population 2011-2015**

Year	Population	Population change
2011	42,461	1,573 (3.8%)
2012	44,318	1,857 (4.4%)
2013	46,519	2,201 (4.9%)
2014	49,141	2,622 (5.6%)
2015	52,372	3,231 (6.6%)

Source: CDM Smith and IMPLAN multipliers

### Population by Age

Table 3-3 shows the population of Minot according to the 2000 and 2010 Census, broken down by age group. The largest group is 20-24 year olds, at 9.4 percent of the total. The 55-59 year old segment grew most, by 66.2 percent, far outpacing all other age groups. The 25-29 year old group was next, with 42 percent growth, followed by 60-64 year olds at 37 percent.

Overall Minot's elderly population (those 65 and older) is increasing. The greatest increase in this group was seen in those 85 and older, followed by 80 to 84 year olds. Those in their seventies saw the least growth. Residents aged 65 and older made up nearly 15 percent of the total population in 2010.



**Table 3-3: Population of Minot, by Age, and Growth by Age Group 2000-2010**

Age Cohort	2000	2010	Change 2000-2010
Under 5 years	2,418 (6.6%)	2,984 (7.3%)	566 (23.4%)
5-9 years	2,227 (6.1%)	2,297 (5.6%)	70 (3.1%)
10-14 years	2,314 (6.3%)	2,104 (5.1%)	-210 (-9.1%)
15-19 years	2,837 (7.8%)	2,662 (6.5%)	-175 (-6.2%)
20-24 years	3,571 (9.8%)	4,417 (10.8%)	846 (23.7%)
25-29 years	2,717 (7.4%)	3,867 (9.5%)	1,150 (42.3%)
30-34 years	2,182 (6.0%)	2,756 (6.7%)	574 (26.3%)
35-39 years	2,512 (6.9%)	2,176 (5.3%)	-336 (-13.4%)
40-44 years	2,617 (7.2%)	2,122 (5.2%)	-495 (-18.9%)
45-49 years	2,602 (7.1%)	2,480 (6.1%)	-122 (-4.7%)
50-54 years	2,054 (5.6%)	2,589 (6.3%)	535 (26.0%)
55-59 years	1,505 (4.1%)	2,501 (6.1%)	996 (66.2%)
60-64 years	1,393 (3.8%)	1,910 (4.7%)	517 (37.1%)
65-69 years	1,289 (3.5%)	1,422 (3.5%)	133 (10.3%)
70-75 years	1,357 (3.7%)	1,311 (3.2%)	-46 (-3.4%)
75-79 years	1,107 (3.0%)	1,132 (2.8%)	25 (2.3%)
80-84 years	927 (2.5%)	1,071 (2.6%)	144 (15.5%)
85 years +	938 (2.6%)	1,177 (2.9%)	239 (25.5%)
<b>Total</b>	<b>36,567 (100%)</b>	<b>40,888 (100%)</b>	<b>4,321 (11.8%)</b>

Source: US Census Bureau

### Population by Race and Ethnic Origin

Minot's residents are largely of German and Scandinavian ancestry, and today the white population is by far the largest racial group at 90.2 percent. However, the white population grew by only 8.24 percent between 2000 and 2010, while other groups – though still a small percentage of the total – grew at a much faster pace. The black population grew by 92 percent, and non-white groups made up 9.8 percent of the total population in 2010, up from 6.82 percent in 2000. The number of Hispanic or Latino residents increased by 51.3 percent during the same ten-year period. The largest non-white group in Minot is Native Americans, at 3.2 percent. The Asian population is 0.9 percent, but it grew by 62 percent.

The increase in non-white residents and those of Hispanic ethnicity may be driven by the Minot Air Force Base and the Bakken oil fields, both of which have attracted workers (and in some cases, their families) from all across the United States.



**Table 3-4: Population by Race and Ethnicity, 2000 and 2010**

Race	Population in 2000	Population in 2010	Percent change 2000-2010
White	93.18%	90.2%	8.24%
Black	1.34%	2.3%	92%
American Indian	2.76%	3.2%	29.6%
Asian	0.62%	0.9%	62.1%
Native Hawaiian/ Pacific Islander	0.07%	0.1%	57.7%
Other	0.49%	0.6%	36.9%
Multiracial	1.54%	2.7%	49%
<b>Total</b>	<b>100%</b>	<b>100%</b>	-
Hispanic/Latino	1.47%	2.7%	51.3%

Source: US Census Bureau

### Household Composition

Household composition has a significant impact on a community's housing demand. Changes in the proportion of different household types can result in shifting demand for various types of homes.

Singles 65 years of age or older living alone accounted for 11.7 percent of the households in Minot, making this a significant group. The average household size for Minot was 2.2 and the average family size was 2.86. People in their late twenties may be starting families, so in terms of housing this trend could mean increased demand for affordable single family homes.

As shown in Table 3-5, 34.9 percent of all Minot households are single-person households. Minot has a higher ratio of single households than the county, the state, or the nation as a whole. This may be influenced by the 3,400 students at Minot State University and the influx of oil industry and supporting employees who have come to Minot in the past few years as a result of its booming economy. The oil industry has also brought another household type to Minot: single workers, who may have temporarily left their families in pursuit of good jobs.

**Table 3-5: Household Types in Minot, Ward County, North Dakota, and the U.S. in 2010**

Household Type	City of Minot	Ward County	North Dakota	United States
Married with children	2,864 (16%)	5,292 (21.1%)	52,438 (18.6%)	23,588,268 (20.2%)
Married w/o children	4,665 (26.1%)	7,187 (28.7%)	84,084 (29.9%)	32,922,109 (28.2%)
Other family	2,449 (13.7%)	3,118 (12.5%)	34,394 (12.2%)	21,027,919 (18%)
Single	6,234 (34.9%)	7,518 (30%)	88,563 (31.5%)	32,204,909 (27.6%)
Other	1,651 (9.2%)	1,914 (7.6%)	21,713 (7.7%)	6,973,087 (6%)
<b>Total</b>	<b>17,863 (100%)</b>	<b>25,029 (100%)</b>	<b>281,192 (100%)</b>	<b>116,716,292 (100%)</b>

Source: US Census Bureau



### Disabled Population

According to the U.S. Census, a disability is a lasting physical, mental, or emotional condition that hampers a person's ability to conduct daily activities of living, or impedes him or her from leaving home alone or going to work. In Minot 5,192 persons, or 13.29 percent of total residents, were classified as disabled in 2011. In comparison, the disabled population of the United States makes up 12.08 percent of the total population. Almost 36 percent of the disabled population in Minot is age 65 or older; for the U.S. as a whole, the percentage of disabled persons over 65 is higher, at more than 39 percent. The largest group of residents with disabilities in Minot is between 35 and 64 years old, at just over 47 percent. In the U.S., only 42 percent of disabled persons are in this age group.

**Table 3-6: Disabled Persons in Minot and the U.S. by Age**

Age Group	Minot: Number of disabled	Minot: % of disabled in this age group	United States: % of disabled in this age group
< 5 years	0	0	< 1%
5-17 years	526	10.13%	7.48%
18-34 years	338	6.51%	10.31%
35-64 years	2,460	47.38%	42.12%
65-74 years	580	11.17%	15.25%
> 75 years	1,288	24.8%	24.42%
<b>Total</b>	<b>5,192</b>	<b>100%</b>	<b>100%</b>

Source: US Census Bureau, 2009-2011 American Community Survey

### Education

The Minot Public Schools system, which serves the city of Minot as well as Minot Air Force Base, includes 13 elementary schools, three middle schools, and one high school with two separate campuses – one for grades 9 and 10, and the other for grades 11 and 12. Minot Public Schools also offers an alternative high school, the Souris River Campus. Enrollment is shown in Table 3-7.



**Table 3-7: End of Year Enrollment for Minot Public Schools**

Grade	May 2003	May 2004	May 2005	May 2006	May 2007	May 2008	May 2009	May 2010	May 2011	May 2012
Kindergarten	566	537	498	530	489	560	595	619	659	651
1st grade	513	526	537	507	507	485	533	569	598	627
2nd grade	509	511	487	519	491	474	499	545	606	563
3rd grade	479	495	505	474	504	473	475	503	545	561
4th grade	507	463	465	480	460	476	474	488	527	529
5th grade	480	483	443	456	467	456	499	497	496	518
6th grade	451	478	447	411	432	426	474	505	487	478
Elem. Special Ed	144	135	106	127	107	121	139	124	149	131
7th grade	474	449	481	451	436	438	443	462	498	479
8th grade	472	468	442	460	454	416	447	439	471	456
MS Special Ed	9	9								
9th grade	516	513	533	431	478	487	455	466	468	491
10th grade	501	498	488	494	450	490	455	459	458	462
11th grade	519	486	450	443	471	455	435	427	440	444
12th grade	486	485	458	420	400	415	389	404	425	414
HS Special Ed	26	26	24	36	47	44	45	41	40	24
<b>Total</b>	<b>6,652</b>	<b>6,562</b>	<b>6,364</b>	<b>6,239</b>	<b>6,193</b>	<b>6,216</b>	<b>6,357</b>	<b>6,548</b>	<b>6,867</b>	<b>6,828</b>

Source: Minot Public Schools

Minot Public Schools' Adult Learning Center offers GED classes, English as a second language, classes for displaced homemakers and single parents, and workforce training for specific industries such as call centers.

Private Catholic and Protestant schools are available within the city for elementary through high school students. Churches and church-affiliated groups also sponsor preschool and day care programs. Minot Public Schools offers Head Start programs for qualifying low income preschool children at centers in Minot and at the Minot Air Force Base.

Minot is home to Minot State University, North Dakota's third largest state university, with just under 3,500 students. MSU offers undergraduate and graduate programs in three colleges: Arts and Sciences, Business, and Education and Health Sciences.

Minot's educational attainment levels, shown in Table 3-8, compare favorably with those of the state and the country. Significantly more Minot residents, by percentage, have at least a high school diploma compared to the national population. A slightly higher percentage of Minot residents have at least a bachelor's degree compared to the rest of the state, though the number is slightly less than for the United States as a whole.



**Table 3-8: Educational Attainment in Minot, North Dakota, and the United States in 2011**

Highest level of education	Minot	North Dakota	United States
High school graduate	27.6%	27.4%	28.6%
Some college	25.9%	23.7%	21.0%
Associate's degree	11.0%	12.3%	7.6%
Bachelor's degree	20.8%	19.6%	17.7%
Graduate/professional degree	6.9%	6.9%	10.5%
High school graduate or higher	92.2%	90.0%	85.4%
Bachelor's degree or higher	27.6%	26.5%	28.2%

Source: US Census Bureau, 2007-2011 American Community Survey 2011

## Economics

### Family and Household Income

The median household income in Minot in 2012 was \$46,687, and the median per capita income was \$26,538. The mean family income for 2013 is \$61,300. Among families with children under 6 years of age, 75 percent relied on two incomes. Both parents were employed in 77.2 percent of families with children between 6 and 17 years old.

Information on incomes in Minot indicates that 13.7 percent of all individuals – including 23.9 percent of all children younger than 18 years – were living below the poverty level in 2011. Families with incomes below the poverty level accounted for 10.6 percent of all families and 19.9 percent of families with children under 18 years. Families headed by a female with no husband present were most likely to have incomes below the poverty level – 42.4 percent of such families were in this category. Of families with only a female head of household and children under 18 years old, 56.4 percent lived below the poverty level. The number rose to 71.8 percent for sole female heads of households with children under 5 years old.

### Employment

In April 2013 the unemployment rate in Minot was 3.3 percent, up from 2.4 percent in December 2012. Thanks to the oil boom in the Bakken Formation, jobs are plentiful in Minot; in fact, businesses often have a hard time finding workers.

Table 3-9 shows employment in Minot by industry sector. The education, health care, and social assistance category has the most jobs, followed by retail; arts, entertainment, recreation, and food



and lodging; and construction. This reflects Minot's role as the regional trade and services center for the area, and also indicates the number of service jobs generated by the influx of oil industry workers.

**Table 3-9: Employment by Industry Sector in Minot, 2011**

Sector	Number of jobs	Percent of jobs
Agriculture, forestry, fishing and hunting, and mining	820	3.6%
Construction	2,313	10.2%
Manufacturing	882	3.9%
Wholesale trade	917	4.0%
Retail trade	3,476	15.3%
Transportation, warehousing, and utilities	985	4.3%
Information	448	2.0%
Finance and insurance, real estate and rental/leasing	1,370	6.0%
Professional, scientific, management, and administrative	1,140	5.0%
Educational services, health care, and social assistance	5,425	23.9%
Arts, entertainment, recreation, food and lodging	2,453	10.8%
Other services except public administration	1,202	5.3%
Public administration	1,251	5.5%
<b>Total civilian population 16 and over</b>	<b>22,682</b>	<b>100%</b>

Source: US Census, American Community Survey 2011

When Minot's active workforce is broken down by type of job, the leading occupational category is management, business, science, and the arts (28.7 percent), followed by sales and office jobs (24.7 percent). Service occupations also account for a significant number of jobs (22 percent). The remaining workers are employed in natural resources, construction, and maintenance occupations (13.6 percent) and production, transportation, and material moving (11 percent).

Minot has thirteen public and private sector employers with more than 200 employees. Listed in Table 3-10, together they employ nearly 15,000 workers. Minot Air Force Base is by far the largest employer, and Trinity Health is second. Five of these thirteen top employers are in the public sector.



**Table 3-10: Top Employers in Minot, First Quarter 2013**

Employer	Number of employees
Minot Air Force Base	6,700
Trinity Health	2,593
Minot Public Schools	1,545
Cognizant Minot Service Center (insurance)	780
Minot State University	619
Marketplace Foods (grocery stores)	556
KALIX (vocational services for disabled)	400
City of Minot	323
Menards (home and building materials)	315
Wal-Mart Supercenter	300
MLT (travel call center)	298
Ward County	230
SRT Communications, Inc. (phone services)	218

Source: Minot Area Development Corporation

### Employment Services

Job Service North Dakota (also known as Train ND), which provides employment information and services for businesses and individuals, has multiple locations throughout the state including one in Minot at 3416 N. Broadway, just north of the airport. The center is not on a regular Minot City Bus route, but call-ahead, on-demand bus service is available. The Quentin N. Burdick Job Corps, a U.S. Department of Labor Job Corps location, provides free education and training to help low income youth gain the skills they need to transition into the workforce. The center is at 1500 University Avenue NW, near the Minot State University campus, and is on the Minot City Bus line.

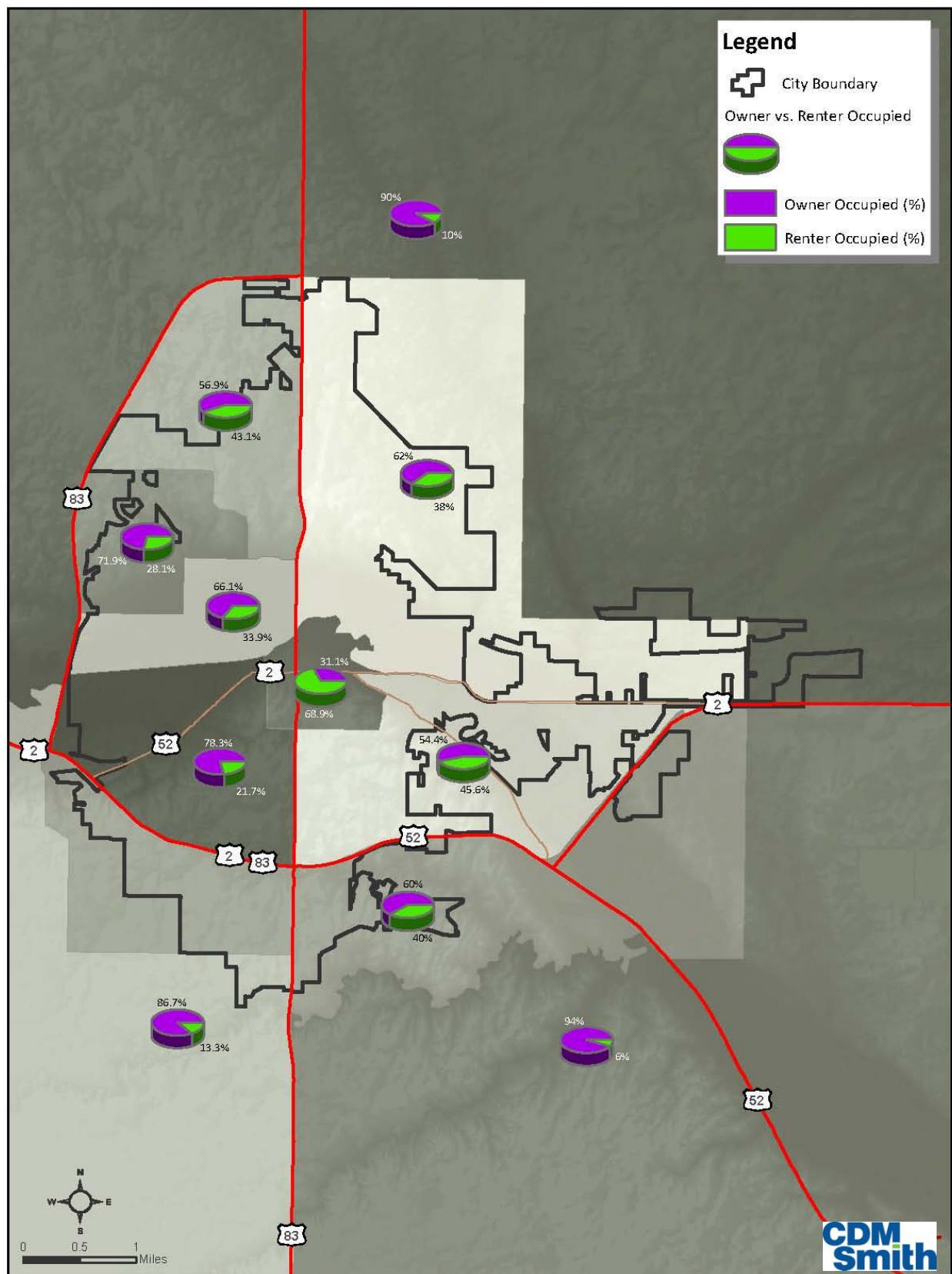
KALIX, formerly known as Minot Vocational Adjustment Workshop, Inc., is a non-profit offering residential and vocational services to people with disabilities, and is licensed by the North Dakota Department of Human Services. KALIX is based in Minot and owns several businesses, apartments, and group homes.

### Housing Overview

According to the City of Minot Assessor's Office, in 2012 there were 17,937 housing units in Minot. Of these, 12,230 were single family units and 4,145 were classified as multifamily. Based on 2011 American Community Survey data, 61 percent of Minot households owned their homes and 39 percent were renters. Figure 3-1 shows the breakdown of owner occupied and rental housing by census tract.



Figure 3-1: Owner Occupied vs. Rental Housing in Minot in 2010, by Census Tract



Source: U.S. Census data and CDM Smith



Housing is located throughout the city of Minot but is more concentrated in the southeastern and southwestern areas. A number of newer homes have been built recently in the northwest quadrant of the city where land is available.



Single family homes have historically made up the majority of the housing stock in Minot, and most of these are detached single homes. These are located in all parts of the city except the far northeast quadrant. Much of the older and more affordable housing is in the city's core, which was hit hardest by the flooding in June 2011. Approximately 4,145 of the city's housing units, or 23 percent, are multifamily units, and most of these are apartments. Apartments and other multifamily housing are dispersed throughout the city, as illustrated in Figure 3-2.

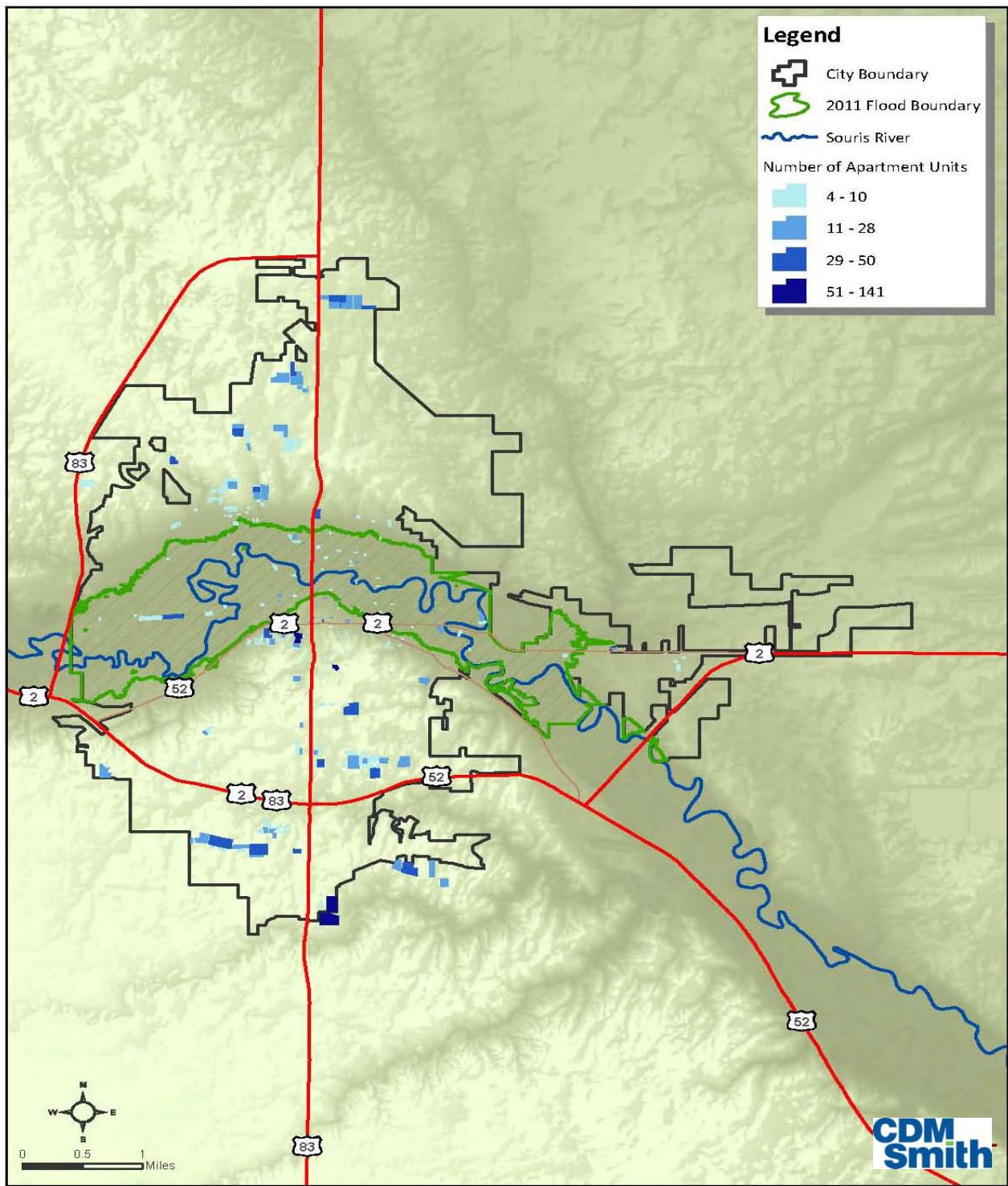
Minot State University provides on-campus housing for 799 students. In the fall of 2012, 54 percent of the student population came from Ward County and a number of these were commuters. However, many students must find housing in the city. MSU employed 465 full time faculty and staff in 2012 as well, plus an additional 290 support staff. Interviews with Dr. Dick Jenkins, Vice President of Student Affairs, and Wes Matthews, Director of Human Resources, indicated that finding housing was a challenge for students, faculty, and staff even prior to the flood due to the oil boom. The university has built additional on-campus student housing in recent years and the University Foundation has opened two new apartment buildings nearby, but the lack of available and affordable housing is still an issue.

Minot Air Force Base, located only 13 miles north of town, provides housing for 1,746 individuals, mostly in dormitories for lower-grade personnel or those assigned on base for short periods. But an estimated 90 percent of the housing need for the approximately 5,500 military personnel stationed there, many of them with families, is met by off-base owner-occupied or rental housing and much of it is within the Minot city limits.

In 2012 there were 1,562 mobile homes or manufactured housing units in Minot. The 12 established mobile home communities in Minot (plus one located within the two-mile planning boundary) saw increased demand after the 2011 floods, and vacancy rates are very low in these developments. Though potential new mobile and manufactured home communities are being discussed, land costs and a lack of utilities present hurdles. A FEMA program allows occupants of temporary housing units to purchase them as an option for permanent housing, and as of June 3, 2012 105 units had been sold. The creation of a mobile home park at the previously



Figure 3-2: Location of Apartments in Minot in 2012



Source: U.S. Census data and CDM Smith



mentioned 55<sup>th</sup> Street Crossing development is expected to result in additional sales of THUs to occupants.<sup>5</sup>

Construction of new homes has increased significantly in Minot in the past two years, partly as a result of the rapidly increasing population generated by the oil industry. In 2011, 1,121 new residential building permits were issued. In 2012 there were 1,419, an increase of 298. More than half of these permits were for apartment units, and just over a quarter were for single family homes as shown in Table 3-11.

**Table 3-11: Residential Building Permits in Minot, 2011 and 2012**

Residential type	Permits in 2011	Permits in 2012	Permits 2011-2012	Change in number of permits, 2012 vs. 2011
New single family homes	286	363	649	+77
New townhouses	170	222	392	+ 52
New condominium units	52	72	124	+ 20
New apartment units	613	762	1,375	+ 149
<b>Total new residential permits</b>	<b>1,121</b>	<b>1,419</b>	<b>2540</b>	<b>+ 298</b>

Source: Minot Dept. of Planning



<sup>5</sup>“FEMA Closes Burlington Group Site,” Minot Daily News, June 18, 2013.

### Assisted Affordable Housing

The Minot Housing Authority provides housing and rental assistance for low income residents. The agency currently owns or manages 858 housing units that are contractually affordable to low and moderate income households. The authority owns Milton Young Towers, where elderly and disabled applicants are given priority, as well as 40 duplexes and single family homes. MHA also manages housing units owned by others, including the Manor Apartments complex and Henry Towers, which is available to low-income seniors. Locations of MHA properties are shown in Figure 3-3, and Table 3-12 lists the units by bedroom size.

The Minot Housing Authority manages the HUD Section 8 program for Minot and Ward County. As of September 2012, MHA estimates they were assisting 475 households in Ward County under the Section 8 program, and could help another 20 to 25 families if units were available at the maximum monthly rent set by HUD of \$857. According to Tom Pearson, Executive Director of Minot Housing Authority, since the flood they have issued about fifty Section 8 vouchers per month to qualified households, but fewer than five families found housing that meets HUD criteria.

A recent article by the HUD Office of Policy Development and Research's Gas and Oil Task Force, formed in 2011 to analyze the effect of gas and oil exploration and development on housing markets, notes that many public housing agencies in North Dakota are having a hard time using their vouchers because of rising rents. The seven North Dakota housing authorities nearest to the oil production area leased only 56 percent of their vouchers due to funding constraints and lack of available affordable housing.<sup>6</sup>

The same article confirms that owners of Section 8 properties are also leaving the program to receive higher returns from market rate rents. A 96-unit project in Ward County opted out of its Section 8 rental assistance contract in 2011. Under the Section 8 program a two-bedroom unit had been renting at \$485 per month. After the shift to market rates, the same unit was rented for \$1,100 per month. The renters previously participating in the subsidized program could not pay the higher rents and were forced to move.

Washington Townhomes, Minot Housing Authority's newest property, broke ground on August 14, 2012 and welcomed its first residents – chosen by lottery – in the spring of 2013. There were 250 applicants for the 32 units. By the end of July 2013 the development will be more than fifty percent occupied, according to Tom Pearson of MHA. The project includes 18 two-bedroom units, 12 three-bedroom units, and two four-bedroom homes with rents from \$398



<sup>6</sup> *New Oil and Gas Drilling Technologies Bring Significant Changes and Challenges to Housing Markets.* U.S. Dept. of Housing and Urban Development, Gas and Oil Task Force, 2012



to \$930 per month, depending on residents' income and family size. The project received CDBG funding as well as federal HOME funds and low income housing tax credits. Phase II, which will offer an additional 32 units, is expected to break ground in August or September 2013 and house its first residents in April or May 2014.

**Table 3-12: Housing Owned or Managed by MHA, by Number of Bedrooms**

	Total units	Number of 1 bedroom	Number of 2 bedroom	Number of 3 bedroom	Number of 4 bedroom
<b>Owned and managed by</b>					
Milton Young Towers	219	213	6	0	0
Duplex and single-family, various locations NE and SW	40	10	18	10	2
<b>Managed by MHA:</b>					
Manor Apartments	96*	24	60	12	0
Henry Towers (for seniors)	83	81	2	0	0
Various apartments	160	7	116	36	1
<b>Totals:</b>	<b>598</b>	<b>335</b>	<b>202</b>	<b>58</b>	<b>3</b>

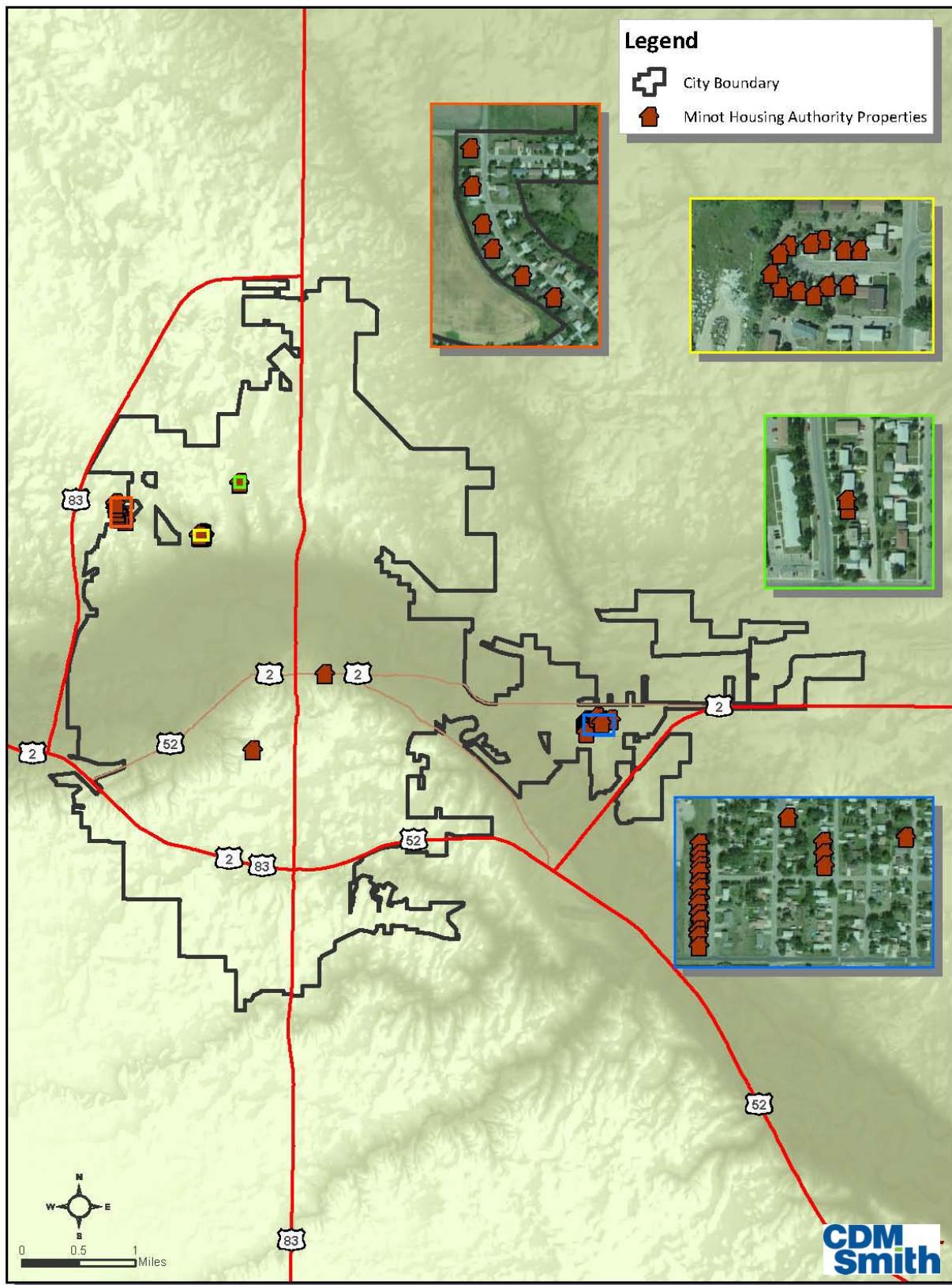
\*45 of these are rented at market rates and are not included in the total of assisted affordable housing.

Source: Minot Housing Authority

Elderly and disabled applicants have priority at Milton Young Towers, though residence there is not limited to those populations. When interviewed in the fall of 2012, however, MHA Director Tom Pearson noted that in the past eight to ten months the only new tenants at Milton Young Towers have been elderly or disabled. Six to eight of the units at Milton Young Towers are handicapped accessible. Henry Towers, which MHA manages, is reserved for seniors and nine units there are handicapped accessible.



Figure 3-3: Location of Minot Housing Authority Units



Source: Minot Housing Authority and CDM Smith



City of Minot, North Dakota

## Cost of Housing

The North Dakota Housing Finance Agency reported in 2012 that both homeownership and housing rents are becoming less affordable throughout the state,<sup>7</sup> primarily due to the inability of household incomes to keep pace with skyrocketing housing prices driven by the increased population and the demand for housing. This is especially true in Minot, where the issue is compounded by the flooding in June 2011 that damaged many of the city's older, more affordable homes.



The *Minot Affordable Housing Strategy Supply and Demand Analysis*, submitted to the city in December 2012, reported that in 2009 the median value of a single family home was \$118,000. Based on 2012 city assessment data, the median single family home value increased to \$146,300, an almost 20 percent rise in only three years. In 2010 most single family homes in Minot were assessed at \$200,000 or more. Figure 3-4, which shows the 2010 assessed value of single family homes by census tract, clearly illustrates that much of the affordable housing was in the area affected by the 2011 flood.

Between January 1 and October 23, 2012, 412 single family homes, townhomes, and condominium units were sold in Minot. The 319 existing homes sold for an average of \$256,842, while the average sale price of the 193 new homes was \$278,388. Households that spend more than 30 percent of household income for housing are considered to be cost-burdened. Based on that guidance, 49 percent of households in Minot cannot afford to own a house priced at the 2012 median single family home value of \$146,300.<sup>8</sup>

Rental prices have seen the same dramatic increase. According to the 2011 American Community Survey, 40 percent of households in Minot were paying more than 30 percent of their incomes for housing, and that percentage had increased to 48 percent in late 2012.<sup>9</sup> Not only have monthly rental rates risen; most rental property owners offer only short-term leases. Table 3-13 provides a snapshot of rental conditions in October 2012, utilizing listings of available rental units at that time from the Minot Air Force Base Housing Database and the FEMA Housing Portal.

HUD Fair Market Rents for Minot for 2013 are as follows: for a one-bedroom unit, \$825; two-bedroom, \$1,087; three-bedroom, \$1,602; and for a four-bedroom, \$1,667.

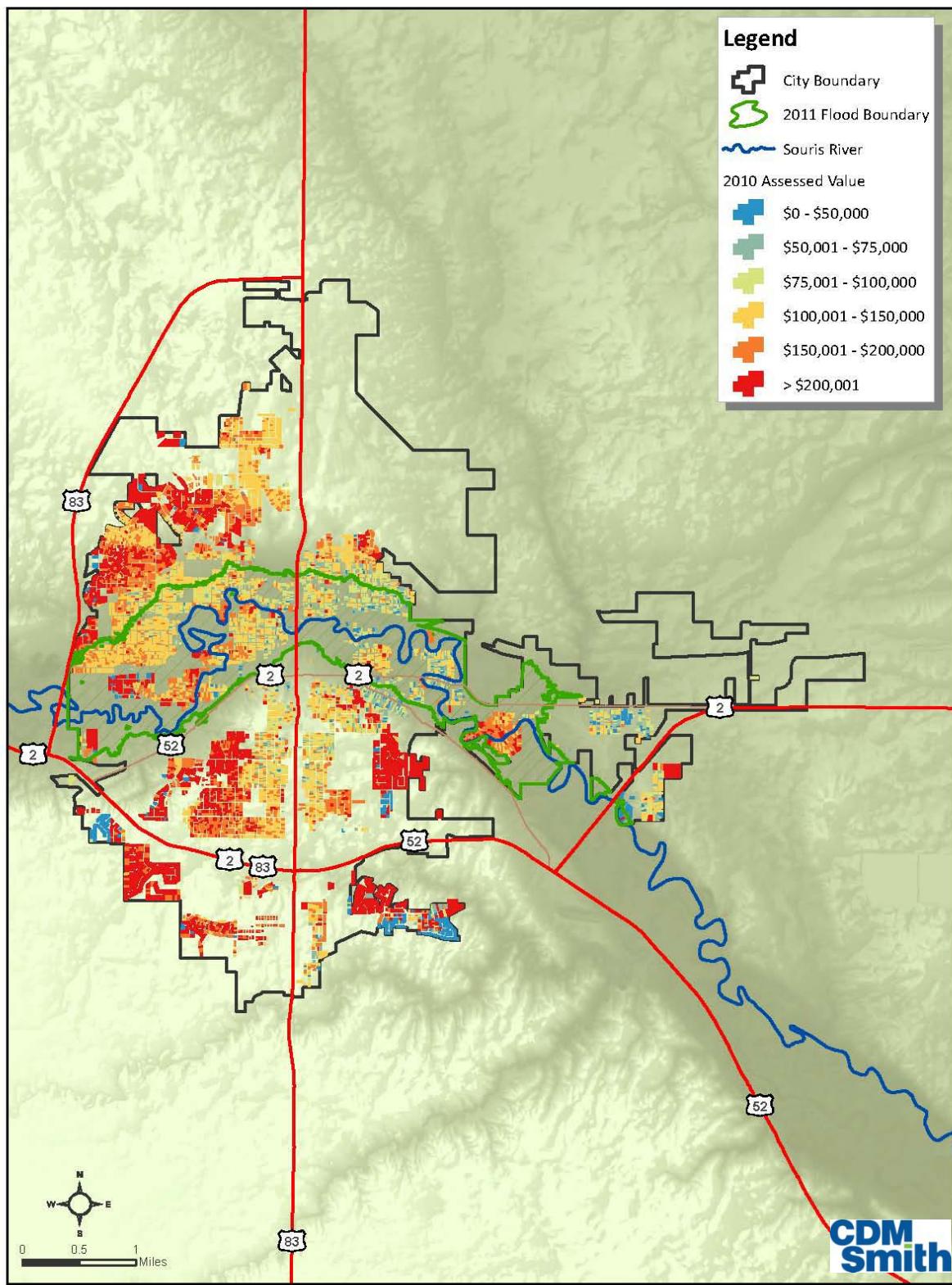
<sup>7</sup> Report on the State of Affordable Housing in North Dakota, North Dakota Housing Finance Agency, 2012

<sup>8</sup> Minot Affordable Housing Strategy Supply and Demand Analysis, for the City of Minot, December 2012

<sup>9</sup> Ibid



Figure 3-4: Assessed Value of Single Family Homes in 2010



**Table 3-13: Rental Housing Supply and Affordability in October 2012**

Percent of total rental units	Number of bedrooms	Number of units available	Median rent	Gross income required	Not affordable to x % of Minot households*
28%	1 bedroom	1,967	\$750	\$29,999	30.0%
52%	2 bedroom	3,653	\$1,150	\$45,999	48.1%
15.4%	3 bedroom	1,082	\$1,800	\$72,499	70.0%
4.5%	4 bedroom	316	\$2,195	\$87,749	79.5%
<b>Total</b>		<b>7,026</b>			

\*Based on 2012 household incomes.

Source: FEMA Housing Portal and Minot AFB Housing Database

More than 5,309 households in Minot, or 28 percent of all households, are cost burdened for housing. This means almost 11,900 residents are living in housing they cannot afford.<sup>10</sup> This burden affects a significantly larger proportion of the low and moderate income households. Recent construction is focused on providing market rate housing to meet the needs of the rapidly increasing population.

The high cost of housing in Minot impacts the overall cost of living. In the first quarter of 2013 the cost of living index in Minot was 104.7 percent. In other words, the cost of living in Minot was 4.7 percent higher than the national average. The housing component of the cost of living index for Minot was 120.8, meaning that housing in Minot was 20.8 percent above the national average. Comparisons with other cities in the region are shown in Table 3-14 below.

**Table 3-14: Cost of Living, First Quarter 2013**

	Composite Index	Housing
Minot, ND	104.7	120.8
Fargo/Moorhead, ND/MN	93.5	84.2
Denver, CO	103.2	113.4
Minneapolis, MN	108.6	119.8
Pierre, SD	102.5	117.6

Source: Council for Community and Economic Research (C<sup>2</sup>ER)

<sup>10</sup> Minot Affordable Housing Strategy Supply and Demand Analysis, submitted to the City of Minot in December 2012



## Quality and Age of Housing

Table 3-15 describes the condition of housing in Minot, using 2010 U.S. Census data.

**Table 3-15: Condition of Housing in Minot in 2010**

Age of housing units	Owner-occupied	Rental units
Built 1980-present	2,252 (21.2%)	992 (15.4%)
Built 1940-1979	4,591 (43.1%)	3,694 (57.2%)
Built prior to 1940	798 (35.7%)	1,770 (27.4%)
Lacking adequate plumbing	32 (0.3%)	0 (0%)
Lacking adequate kitchen	32 (0.3%)	84 (1.3%)
Overcrowded units	49 (0.5%)	116 (1.8%)

Source: 2012 North Dakota Statewide Housing Needs Assessment, NDHFA



## 4. Fair Housing Legal Status

### Fair Housing Laws

#### Federal Fair Housing Laws

A number of federal laws form the foundation for U.S. fair housing regulations. Together these laws, listed below, prohibit discrimination on the basis of race, color, religion, gender, national origin, mental or physical disability, or family status in the sale or rental of housing, home mortgage lending, and the purchase of homeowners' or renters' insurance. It is also illegal to refuse to make reasonable accommodations in housing for those with disabilities, or to harass or interfere with anyone exercising his or her fair housing rights.

- **Fair Housing Act:** Title VIII of the Civil Rights Act of 1968 (also known as the Fair Housing Act), as amended, prohibits discrimination in the sale, rental, and financing of dwellings, and in other housing-related transactions, based on race, color, religion, sex, national origin, family status (including children under 18 living with parents or legal custodians, pregnant women, and people securing custody of children under the age of 18), and handicap status (disability).<sup>1</sup>
- **Fair Housing Amendments Act of 1988:** This amendment provides federal anti-discrimination protection for people with disabilities. It mandates that every multifamily apartment building containing four or more units and built

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<sup>1</sup> U.S. Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity, *Fair Housing Planning Guide*, Vol. 1.



for first occupancy after March 13, 1991 is subject to design and construction requirements. All ground floor units must comply with the requirements, and all must be served by an elevator.<sup>2</sup>

- **Civil Rights Act of 1964:** Title VI prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving federal financial assistance.
- **Rehabilitation Act of 1973:** Section 504 prohibits discrimination based on disability in any program or activity receiving federal financial assistance.
- **Housing and Community Development Act of 1974:** Section 109 prohibits discrimination on the basis of race, color, national origin, sex, or religion in programs and activities receiving financial assistance from HUD's Community Development Block Grant program.
- **Americans with Disabilities Act of 1990:** Title II prohibits discrimination based on disability in programs, services, and activities provided or made available by public entities. HUD enforces Title II when it relates to state and local public housing, housing assistance, and housing referrals.
- **Architectural Barriers Act of 1968:** The Architectural Barriers Act requires that buildings and facilities designed, constructed, altered, or leased with certain federal funds after September 1969 must be accessible to and usable by handicapped persons.
- **Age Discrimination Act of 1968:** The Age Discrimination Act prohibits discrimination on the basis of age in programs or activities receiving federal financial assistance.
- **Education Amendments Act of 1972:** Title IX prohibits discrimination on the basis of sex in education programs or activities that receive federal financial assistance.<sup>3</sup>

### State Fair Housing Laws

- **North Dakota Human Rights Act of 1983:** This act prohibits discrimination in employment, housing, public accommodations, public services, and credit transactions

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<sup>2</sup> HUD, Title VII: Fair Housing and Equal Opportunity.  
[http://portal.hud.gov/hudportal/HUD?src=/program\\_offices/fair\\_housing\\_equal\\_opp/progdesc/title8](http://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp/progdesc/title8)

<sup>3</sup> HUD Fair Housing Laws and Presidential Executive Orders.  
[http://portal.hud.gov/hudportal/HUD?src=/program\\_offices/fair\\_housing\\_equal\\_opp/FHLaws](http://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp/FHLaws)



or lending. Discrimination refers to treating a person differently than any other because of a particular characteristic such as race, sex, religion, or disability. In the case of disability, discrimination also means refusing to make an accommodation to allow a person with a disability equal access to employment, housing, or services.

- North Dakota Housing Discrimination Act of 1999: This law offers protection in housing transactions based on the classes of race, color, religion, sex, disability, age, familial status, national origin, and status with respect to marriage or public assistance. In addition, this act permits the North Dakota Department of Labor to process charges of housing discrimination that do not meet federal jurisdiction, such as issues related to age, marital status, and receipt of public assistance. The federal Department of Housing and Urban Development has deemed the North Dakota Housing Discrimination Act as “substantially equivalent” to the federal Fair Housing Act.



North Dakota Senate Bill 2278 was introduced in early 2009 and proposed to add sexual orientation, gender identity, and gender expression to existing anti-discrimination laws. The bill stated that:

“A person may not refuse to sell or rent, after the making of a bona fide offer, refuse to negotiate for the sale or rental of, or in any other manner make unavailable or deny a dwelling to an individual because of race, color, religion, sex, disability, age, familial status, national origin, sexual orientation, or status with respect to marriage or public assistance. Also, a person may not discriminate against an individual in the terms, conditions, or privileges of sale or rental of a dwelling or in providing services or facilities in connection with the sale or rental of a dwelling because of race, color, religion, sex, disability, age, familial status, national origin, sexual orientation, or status with respect to marriage or public assistance.”

The Human Rights Campaign worked closely with the North Dakota Human Rights Coalition (NDHRC) to help build support for the legislation, and on February 18, 2009 the Senate voted 27 to 19 to pass the bill. However, on April 3, 2009 the House voted 34 to 54 against the bill, and the anti-discrimination classes have remained static.<sup>4</sup>



<sup>4</sup> <http://www.legis.nd.gov/assembly/61-2009/bill-text/JARS0100.pdf>

## Fair Housing Studies

### National Fair Housing Studies

In 2000 the U.S. Department of Housing and Urban Development released the publication *Discrimination in Metropolitan Housing Markets*, which measured the prevalence of housing discrimination based on race and ethnicity in the U.S. This was the third nationwide effort to measure discrimination against minorities seeking homes since 1977. The study was conducted in three phases.

#### **Phase 1 – Black and Hispanic Populations**

The study, based on 4,600 paired tests in 23 metropolitan cities, found significant decreases in levels of discrimination against blacks and Hispanics seeking to rent or purchase homes between 1989 and 2000. Rental markets saw a moderate decrease in discrimination toward black individuals, who still experienced adverse treatment more often than the white population. Hispanic individuals were more likely to face discrimination in the rental market than both blacks and whites. Many blacks and Hispanics seeking to rent were told that apartments were unavailable, although the same units were available to whites, and the black and Hispanic potential renters were also shown and told about fewer units. In addition, Hispanic individuals were more likely in 2000 than in 1989 to be quoted a higher rent than white persons seeking to rent the same apartment.

#### **Phase 2 – Asian and Pacific Islander Populations**

This study, conducted in 2000 and 2001 and based on 889 paired tests in 11 metropolitan areas, shows that Asian and Pacific Islander individuals who sought to rent a unit experienced adverse treatment compared to white individuals in 21.5 percent of tests, similar to the rate for black and Hispanic renters. The study also showed that Asian and Pacific Islander prospective homebuyers experienced adverse treatment compared to white prospective buyers in 20.4 percent of cases. This discrimination occurred in the availability of housing, inspections, assistance with financing, and encouragement by real estate agents.

#### **Phase 3 – American Indian Population**

The last phase of HUD's nationwide effort to measure housing discrimination measured the level of discrimination experience by American Indian individuals in their search for housing in metropolitan areas in Minnesota, Montana, and New Mexico. The finding showed that this population experienced adverse treatment compared to whites in 28.5 percent of tests concerning housing rentals. White individuals were consistently told about advertised units, similar units, and more units overall than American Indians with similar qualifications. The high level of discrimination experienced by the American Indian population in these areas



surpassed rates seen by Hispanic, black, and Asian individuals in the rental markets nationwide.<sup>5</sup>



In April 2002 HUD released a national study that assessed public awareness of and support for fair housing law titled *How Much Do We Know?* The study found that only half the population was able to identify most scenarios as describing illegal conduct. In addition, 14 percent of the nationwide survey's adult participants believed they had experienced some form of housing discrimination in their lives. However, only 17 percent of those who believed they had experienced housing discrimination did something about it.<sup>6</sup>

HUD released a follow-up story in February 2006 called *Do We Know More Now? Trends in Public Knowledge, Support, and Use of Fair Housing Law*. The study found that overall public knowledge of fair housing laws had not improved between 2000 and 2005. Only half of the public knew what the law says regarding six or more illegal housing activities. Some participants claimed to have experienced discrimination when seeking housing, but it was determined that only about eight percent of the situations might be covered by the Fair Housing Act. Four out of five individuals who felt they had been victims of discrimination did not file a fair housing complaint.

In 2004 the U.S. General Accounting Office (GAO) released a report title *Fair Housing: Opportunities to Improve HUD's Oversight and Management of the Enforcement Process*. The GAO report also identified the following trends between 1996 and 2003:

- The number of fair housing complaints filed each year had steadily increased since 1998. An increasing proportion of grievances alleged discrimination based on disability, and a declining proportion alleged discrimination based on race, although race was still the most-cited basis for housing discrimination.
- Over this time period an increasing percentage of investigations closed without finding reasonable cause to believe discrimination occurred.<sup>7</sup>

In 2006 the University of Southern California and Oregon State University collaborated to study rental discrimination and race.

<sup>5</sup> Discrimination in Metropolitan Housing Markets: National Results from Phase 1, Phase 2, and Phase 3 of the Housing Discrimination Study (HDS). <http://www.huduser.org/portal/publications/hsgfin/hds/html>

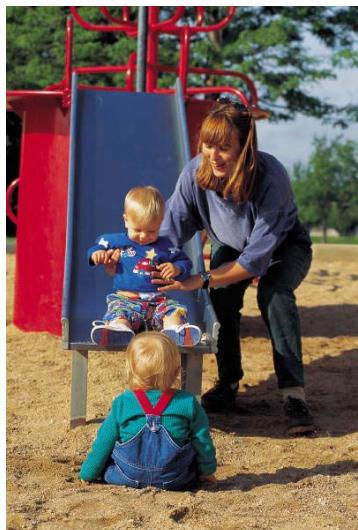
<sup>6</sup> *How Much Do We Know?* U.S. Department of Housing and Urban Development, Office of Policy Development and Research, 2002. Document available at <http://www.huduser.org/Publications>

<sup>7</sup> *Fair Housing: Opportunities to Improve HUD's Oversight and Management of the Enforcement Process*, United States General Accounting Office, Report to Congressional Requesters, April 2004



Researchers responded by email to 1,115 advertisements for apartment vacancies in Los Angeles County and signed the bottom of each email with either Tyrell Jackson, a traditionally black name, Patrick McDougall, a traditionally white name, or Said Al-Rahman, a traditionally Arab name. Analysis indicated that individuals who were perceived as black were four times more likely to be discouraged from viewing an apartment than those perceived as white, and individuals perceived as Arab were three times more likely to be discouraged from viewing an apartment than those believed to be white. Applicants perceived to be black were more likely to receive negative responses, such as that the apartment was no longer available, for market rate or above market rate apartments.<sup>8</sup>

Released by the Poverty & Race Research Action Council in January 2008, *Residential Segregation and Housing Discrimination in the United States* asserts that many current government efforts to further fair housing actually result in promoting unfair housing practices across the U.S., and fair housing efforts can cause residential segregation. For example, if the majority of public housing residents are non-white and most public housing accommodations are grouped in the same census tracts, residential segregation is the result. The report recommends dispersing public housing developments throughout cities and communities and providing greater incentives for landlords with several properties to accept Section 8 coupons.<sup>9</sup>



Published in 2009 by the National Fair Housing Alliance, *For Rent: No Kids!: How Internet Housing Advertisements Perpetuate Discrimination* presented research on the prevalence of discriminatory housing advertisements on popular websites such as Craigslist. While newspapers are prohibited from publishing discriminatory housing advertisements, no such law exists for websites. While individual landlords who post discriminatory ads may be held responsible, there are no such standards for companies such as Craigslist that post the discriminating ads. Advertisements that could be viewed as discriminatory may include phrases such as "no children," which violate provisions of the Fair Housing Act because familial status is federally protected.<sup>10</sup>

In May 2010 the National Fair Housing Alliance published a report, *A Step in the Right Direction*, which indicated that recent years have brought progress in furthering fair housing. In response to the

<sup>8</sup> *Rental Discrimination and Ethnicity in Names*, Adrian G. Carpisor and William E. Loges, Journal of Applied Science, 2006

<sup>9</sup> <http://www.prrac.org/pdf/FinalCERDHousingDiscriminationReport.pdf>

<sup>10</sup><http://www.nationalfairhousing.org/LinkClick.aspx?fileticket=zgbukJP2rMM%3D&tabid=2510&mid=8347>



recent foreclosure crisis many credit institutions have implemented tactics to reduce risk, but the report suggests policies that tighten credit markets, such as requiring larger cash reserves, higher down payments, and better credit scores, may disproportionately affect lending options for those of color and women. The report offers examples of ways to further improve the fair housing situation, such as addressing discriminatory internet advertisements and adding gender identity, sexual orientation, and source of income as federally protected classes.<sup>11</sup>

## Fair Housing Cases

### National Cases

Westchester County, New York was ordered to pay more than \$50 million to resolve allegations of misusing federal funds for public housing projects and falsely claiming their certification of furthering fair housing. The 2007 lawsuit alleged the county failed to reduce racial segregation of public housing projects in larger cities and failed to provide affordable housing options in its suburbs. The county accepted more than \$50 million from HUD between 2000 and 2006, with promises to address these problems. In a summary judgment in February 2009 a judge ruled the county did not properly factor in race as an impediment to fair housing and did not accurately represent its efforts toward integration in its Analysis of Impediments to Fair Housing. Westchester County will pay the federal government more than \$30 million, of which \$20 million may be returned to the county for public housing projects. The county must also set aside \$20 million to build public housing units in suburbs and areas with mostly white populations.

In 2008 the Texas state government received \$3 billion of federal disaster aid to provide relief from damage caused by hurricanes Ike and Dolly. The storms ravaged homes in coastal communities, many of them owned by low-income families that could not afford to rebuild. Instead of directing the funds to the areas most affected by the storms, the funds were spread across Texas and local planning agencies spent at will. Two fair housing agencies filed a complaint with HUD stating that the plan violated fair housing laws as well as federal aid requirements that specify half the funds must be directed to lower-income residents. HUD withheld \$1.7 billion in CDBG funds until a settlement was reached in June 2010. The state was required to redirect 55 percent of the original funds to aid poorer families who lost their homes, to rebuild public housing units that were destroyed by the storms, and to offer programs to aid minority and low-income residents in relocating to



less storm-prone areas or areas with greater economic opportunities.

### North Dakota Cases

The U.S. Department of Justice (DOJ) pursues lawsuits referred by HUD for individuals with fair housing complaints under the following circumstances:

- Where there is reason to believe a person or entity is engaged in a “pattern or practice” of discrimination, or where a denial of rights to a group of people raises an issue of general public importance
- Where force, or threat of force, is used to deny or interfere with fair housing rights
- Where individuals who believe they have been victims of a prohibited housing practice file a complaint with HUD, or file a lawsuit on their own in federal or state court<sup>12</sup>

In 2010 a lawsuit was filed alleging that the North Dakota-based property owner and management company for a 24-unit apartment building in Moorhead, Minnesota violated the Fair Housing Act by prohibiting service animals of certain sizes and breeds. The lawsuit followed a complaint filed with HUD by Fair Housing of the Dakotas. HUD's investigation led to a discrimination charge, and one of the respondents subsequently elected to have the case heard in federal court. The consent decree required the defendants to remove the size and breed limitations from their policy, attend fair housing training, and pay \$3,000 to Fair Housing of the Dakotas.

As of June 2013, no more recent settled fair housing cases for the State of North Dakota were identified on the Department of Justice web site at <http://justice.gov/crt/about/whatnew.php>.

The North Dakota Department of Labor Human Rights Division is responsible for receiving and investigating complaints of housing discrimination under the state's Housing Discrimination Act (N.D.C.C. Chapter 14-02.5), which prohibits discrimination in the sale or rental of housing due to race, color, religion, sex, disability, age, familial status, national origin, marital status, or receipt of public assistance. The state law also allows the North Dakota Department of Labor to pursue charges of housing discrimination that do not fall under federal jurisdiction, such as alleged discrimination based on age, marital status, or receipt of public assistance. HUD has deemed North Dakota's Housing Discrimination Act “substantially equivalent” to the federal Fair Housing Act; therefore the state Human Rights Division can conduct investigations for the federal agency as well. Cases filed with either the state or the federal agency that meet applicable

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<sup>12</sup> [http://www.justice.gov/crt/about/hce/housing\\_coverage.php](http://www.justice.gov/crt/about/hce/housing_coverage.php)



jurisdictional requirements are filed under both state and federal laws, and North Dakota's Human Rights Division then conducts a single investigation.

According to the North Dakota Department of Labor 2009-2011 Biennial Report, 75 new housing complaints were filed between July 1, 2009 and June 30, 2011. During the same period 76 complaints were closed, and as of June 30, 2011, 13 complaints were pending resolution. Of the 76 complaints closed, 41 were settled through a conciliation process; 22 were determined to have no probable cause; six were dismissed and four were withdrawn by the claimant; two were determined to have probable cause and one was settled after probable cause. The basis of complaint for the 76 closed complaints is shown in Table 4-1. Of the closed complaints, six were from Ward County.

**Table 4-1: Housing Discrimination Complaints Closed in North Dakota, 2009-2011, by Basis of Complaint**

Basis	Number of Complaints
Age	4
Color	4
Disability	49
Familial Status	16
Marital Status	1
National Origin	3
Receipt of Public Assistance	9
Race	11

Source: North Dakota Dept. of Labor, 2009-2011 Biennial Report

### Local Cases

The Department of Housing and Urban Development keeps records of fair housing complaints filed with their agency. Records of housing complaints were requested for Minot from the HUD regional office in Denver for January 2006 through June 2013. During this period a total of 23 complaints were filed for Minot. The greatest number of complaints filed in a single year, six, occurred in 2008, while 2012 saw the lowest number of complaints – only one. Two complaints were filed in the first half of 2013. Table 4-2 shows complaints per year by basis, or protected class. More than one basis can be cited for a single complaint, so the total number of bases exceeds the total number of complaints. The most common basis over the entire period was physical disability, followed by mental disability and familial status. Familial status covers families with children under 18 living with parents or legal custodians, pregnant women, and people securing custody of children under 18. Illegal actions could include refusing to rent to families with children, charging them higher rent, or restricting them to one area of a building.



**Table 4-2: Complaints Filed in Minot with HUD 2006-2013, by Basis**

Basis	2006	2007	2008	2009	2010	2011	2012	2013*	Total
Familial Status		1	3	1	1			1	1
Disability - Physical	3	3	2	1		1			10
Disability - Mental	1	2	1	2	1	1			8
Color				1	1				2
Race - Black				1	1			1	3
<b>Total Bases</b>	<b>4</b>	<b>6</b>	<b>6</b>	<b>6</b>	<b>4</b>	<b>2</b>	<b>1</b>	<b>2</b>	<b>31</b>
<b>Total Complaints</b>	<b>3</b>	<b>5</b>	<b>6</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>1</b>	<b>2</b>	<b>23</b>

\* through June 2013

Source: HUD Regional Office in Denver

HUD records also note the issue, or alleged discriminatory action, associated with each complaint. As with bases of discrimination, each complaint may include more than one issue. Most often cited was a failure to make reasonable accommodation for disabled persons, defined as a change in rules, policies, practices, or services to enable a person with a disability equal opportunity to use and enjoy a dwelling unit or common space. Providers are not required to make changes that create an undue financial or administrative burden. The second most commonly cited issue was discrimination in terms, conditions, privileges, or services and facilities.

**Table 4-3: Complaints Filed in Minot with HUD 2006-2013, by Issue**

Basis	2006	2007	2008	2009	2010	2011	2012	2013*	Total
Discriminatory advertising, statements, and notices	1	2		1	1			1	6
Discriminatory terms, conditions, privileges, or services and facilities	1	2	2	1	1			2	9
Discrimination in terms, conditions, or privileges <u>relating to rental</u>	2	2		1					5
Discriminatory refusal to rent		1	2	1			1		5
Failure to make reasonable accommodation	2	3	2	2	1	2			12
Discriminatory acts under Section 818 (coercion etc.)		3	1	1					5
Failure to permit reasonable accommodation		1	1						2
False denial or representation of availability				1					1
<b>Total Issues</b>	<b>6</b>	<b>14</b>	<b>8</b>	<b>8</b>	<b>3</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>45</b>
<b>Total Complaints</b>	<b>3</b>	<b>5</b>	<b>6</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>1</b>	<b>2</b>	<b>23</b>

\* through June 2013

Source: HUD Regional Office in Denver



Fair housing complaints by closure status are shown in Figure 4-4. In ten of the 23 cases, the investigation found no cause for discrimination. In three cases the person alleging discrimination either withdrew the complaint before it could be addressed or failed to cooperate with the investigation, so it could not be determined whether any discrimination took place. In nine cases the complaint was found to be valid. In seven of these cases the parties settled via conciliation, and two were settled by judicial consent order, meaning that the parties negotiated a voluntary settlement either independently or through an appointed judge.

Of the nine cases where discrimination was determined to have occurred, seven were filed prior to 2009; none were filed after 2011.

**Figure 4-4: Complaints Filed in Minot with HUD 2006-2013, by Closure Status**

Basis	2006	2007	2008	2009	2010	2011	2012	2013*	Total
No cause determined	1	2	1	2	1	1	1	1	10
Complaint withdrawn by complainant without resolution	1								1
Complaint withdrawn by complainant after resolution			2						2
Complainant failed to cooperate								1	1
Conciliation or settlement successful	1	1	3		1	1			7
FHAP judicial consent order		2							2
<b>Total Complaints</b>	<b>3</b>	<b>5</b>	<b>6</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>1</b>	<b>2</b>	<b>23</b>

\* through June 2013

Source: HUD Regional Office in Denver

The nine complaints that were settled successfully are shown by bases cited in Table 4-5. Three of these cases cited more than one basis, or protected class. Of the 14 bases stated by the nine complainants, eight involved either physical or mental disability. In four cases discrimination was due at least in part to familial status, and in one case color and race were at least part of the basis for the discrimination complaint.



**Figure 4-5: HUD Complaints Found with Cause in Minot 2006-2013, by Basis**

Basis	2006	2007	2008	2009	2010	2011	2012	2013*	Total
Familial Status		1	2		1				4
Disability - Physical	1	3	1						5
Disability - Mental	1	1				1			3
Color					1				1
Race - Black					1				1
<b>Total Bases</b>	<b>2</b>	<b>5</b>	<b>3</b>		<b>3</b>	<b>1</b>			<b>14</b>
<b>Total Complaints</b>	<b>1</b>	<b>3</b>	<b>3</b>	<b>0</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>9</b>

\* through June 2013

Source: HUD Regional Office in Denver

Finally, the complaints found to be with cause are listed according to the issue, or alleged discriminatory action, in Table 4-6. Of the twenty total issues cited in cases determined to be valid, failure to make reasonable accommodation for disabilities was the most common, with five instances. Discriminatory advertising and discriminatory terms, conditions, privileges, or services and facilities were each cited four times.

**Figure 4-6: HUD Complaints Found with Cause in Minot 2006-2013, by Issue**

Basis	2006	2007	2008	2009	2010	2011	2012	2013*	Total
Discriminatory advertising, statements, and notices	1	2			1				4
Discriminatory terms, conditions, privileges, or services and facilities		2	1		1				4
Discrimination in terms, conditions, or privileges <u>relating to rental</u>	1								1
Discriminatory refusal to rent		1	2						3
Failure to make reasonable accommodation		3	1			1			5
Discriminatory acts under Section 818 (coercion etc.)		2							2
Failure to permit reasonable accommodation		1							1
<b>Total Issues</b>	<b>2</b>	<b>11</b>	<b>4</b>		<b>2</b>	<b>1</b>			<b>20</b>
<b>Total Complaints</b>	<b>1</b>	<b>3</b>	<b>3</b>	<b>0</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>9</b>

\* through June 2013

Source: HUD Regional Office in Denver



## 5. Fair Housing Structure

### Fair Housing Agencies

#### **Federal Agencies**

##### **U.S. Department of Housing and Urban Development**

The U.S. Department of Housing and Urban Development oversees, administers, and enforces the Fair Housing Act. Housing, community development, and fair housing enforcement for North Dakota, South Dakota, Montana, Utah, Wyoming, and Colorado are covered by HUD's regional office in Denver, Colorado. The Office of Fair Housing and Equal Opportunity (FHEO) in the Denver office enforces the Fair Housing Act and other civil rights laws that prohibit discrimination in housing, mortgage lending, and related activities. HUD also offers education and outreach, ensures agencies that receive HUD funding comply with civil rights laws, and works with state and local agencies under the Fair Housing Assistance Program and the Fair Housing Initiative Program.

##### ***Fair Housing Assistance Program***

Many agencies throughout the U.S. receive funding directly from HUD through the Fair Housing Assistance Program (FHAP). An ordinance or law must be in place empowering a state or local government agency to enforce state or local fair housing laws, and if HUD determines the local entity can provide enforcement that is "substantially equivalent" to what is provided by the federal agency, HUD will then contract with that agency to process fair housing complaints. The agency is reimbursed on a per-case basis. FHAP grants are given only to public agencies and are awarded on a non-competitive annual basis to these state and local fair housing enforcement agencies.



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In order to create a substantially equivalent agency, a state or local jurisdiction must first enact a fair housing law that is substantially equivalent to federal law. The local jurisdiction must also have both the administrative capacity and the fiscal ability to carry out the law. Once these elements are in place, the jurisdiction can apply to HUD for substantially equivalent status. The federal government will then determine whether the state or local law is substantially equivalent to federal law.



Once substantially equivalent status is granted, any complaints regarding housing discrimination are filed with the state or local agency and with HUD. The state or local agency investigates the complaints, unless federally subsidized housing is involved; HUD typically investigates those complaints. The state or local agency is reimbursed for intake and investigation of complaints, and HUD also awards funds for fair housing education and training. FHAP agencies are not required to make documentation of their activities available either to HUD or to the public.

The North Dakota Department of Labor is a substantially equivalent FHAP agency. Its services are described later in this section.

#### ***Fair Housing Initiative Program***

FHIP participants may be public agencies, private non-profits, or for-profit organizations. They are funded via a competitive grant program that provides funds for organizations to carry out projects and activities to enforce and enhance compliance with fair housing laws, including education and outreach to the public and the housing industry regarding fair housing rights and responsibilities, and enforcement (including testing and litigation) in response to fair housing complaints.<sup>1</sup>

The following FHIP initiatives provide funds and competitive grants to eligible organizations:

- “The Fair Housing Organizations Initiative (FHOI) provides funding that builds the capacity and effectiveness of non-profit fair housing organizations by providing funds to handle fair housing enforcement and education initiatives more effectively. FHOI also strengthens the fair housing movement nationally by encouraging the creation and growth of organizations that focus on the rights and needs of underserved groups, particularly persons with disabilities...”



“[Eligible Grantees:] Applicants must be qualified fair housing enforcement organizations with at least two years of experience in complaint intake, complaint investigation, testing for fair housing violations, and meritorious claims in the three years prior to the filing of their application...”

“[Eligible Activities:] Grants may be used flexibly to support the basic operation and activities of new and existing non-profit fair housing organizations.”<sup>2</sup>

- “The Private Enforcement Initiative (PEI) offers a range of assistance to the nationwide network of fair housing groups. This initiative funds non-profit fair housing organizations to carry out testing and enforcement activities to prevent or eliminate discriminatory housing practices...”

“[Eligible Grantees:] Fair housing enforcement organizations that meet certain requirements related to the length and quality of previous fair housing enforcement experience may apply for FHIP-PEI funding...”

“[Eligible Activities:] Funds such activities as conducting complaint-based and targeted testing and other investigations of housing discrimination, linking fair housing organizations in regional enforcement activities, and establishing effective means of meeting legal expenses in support of fair housing litigation.”<sup>3</sup>

- “The Education and Outreach Initiative (EOI) offers a comprehensive range of support for fair housing activities, providing funding to state and local government agencies and non-profit organizations for initiatives that explain to the general public and housing providers what equal opportunity in housing means and what housing providers need to do to comply with the Fair Housing Act...”

“[Eligible Grantees:] State or local governments, qualified fair housing enforcement organizations (those with at least two years of experience), other fair housing organizations, and other public or private non-profit organizations representing groups of persons protected by the Fair Housing Act may apply for FHIP-EOI funding...”

“[Eligible Activities:] Funds a broad range of education activities that can be national, regional, local, or community-based in scope. Activities may include developing education materials, analyzing local



<sup>2</sup> Ibid

<sup>3</sup> Ibid

impediments to housing choice, providing housing counseling and classes, convening meetings that bring together the housing industry with fair housing groups, developing technical materials on accessibility, and mounting public education campaigns. National projects that demonstrate cooperation with the real estate industry or focus on resolving the community tensions that arise as people expand their housing choices may be eligible to receive preference points.”<sup>4</sup>

- “The Administrative Enforcement Initiative (AEI) helps state and local governments who administer laws that include rights and remedies similar to those in the Fair Housing Act implement specialized projects that broaden an agency’s range of enforcement and compliance activities. No funds are available currently for this program.”<sup>5</sup>



Fair Housing of the Dakotas was a FHIP grant recipient from 2006 through 2009. The organization used its funding for complaint intake, investigation, mediation, referral services, and workshops for housing providers and consumers in North and South Dakota. It also conducted rental and mortgage lending tests, reached out to underserved communities, and worked with other organizations on issues related to fair housing. In 2011 Fair Housing of the Dakotas, which had provided fair housing services in North Dakota since 1995, was dissolved and the state has since depended only on the North Dakota Department of Labor’s Human Rights Division to address fair housing concerns or accept fair housing complaints.<sup>6</sup>

## State Agencies

### North Dakota Department of Labor

The North Dakota Department of Labor (NDDOL) Human Rights Division in Bismarck is responsible for receiving and investigating complaints alleging unlawful housing discrimination under the North Dakota Housing Discrimination Act. The Act prohibits discrimination in the sale or rental of housing because of race, color, religion, sex, disability, age, familial status, national origin, or status regarding marriage or public assistance. The North Dakota Housing Discrimination Act also permits NDDOL to process charges of housing discrimination that are not covered

<sup>4</sup> Ibid

<sup>5</sup> Ibid

<sup>6</sup> 2011 North Dakota Analysis of Impediments to Fair Housing Choice, Volume I Final Report, March 2012



under federal jurisdiction, such as issues related to age, marital status, and receipt of public assistance.

In 2012 the NDDOL was awarded a HUD grant for its partnership with Legal Services of North Dakota (LSND) in conducting fair housing education and outreach across the state, focused especially in western North Dakota. The \$165,000 grant will help combat housing discrimination through education aimed largely at landlords and tenants. These efforts include public service announcements, new brochures and promotional materials, and public speaking events. An event was held in Minot on September 21, 2012.<sup>7</sup>

To further raise awareness of the importance of fair housing and ensure residents understand the complaint process, the City of Minot will distribute 12,000 copies of "How to File a Discrimination Complaint in North Dakota," a trifold brochure created by the North Dakota Department of Labor Human Rights Division. The brochure will be enclosed with Minot utility bills sent out in September 2013. A copy of the brochure is included in the Appendix of this report.

## Complaints Process

### U.S. Department of Housing and Urban Development

According to the HUD web site, any person who feels his or her housing rights have been violated may submit a complaint to HUD's main office in Washington via phone, mail, or the internet.

Individuals who wish to file a complaint can also do so through the HUD regional office in Denver, or the North Dakota state field office located in Fargo. Contact information for all of these locations is shown in the sidebar at left.

When a complaint is submitted, intake specialists review the information and contact the complainant to gather additional information and determine whether the case qualifies as possible housing discrimination. Complaints that are specific to a state or locality that is part of HUD's FHAP organization are referred to the appropriate agency, which has 30 days to address the complaint. If HUD is handling the case, the formal complaint is sent to the complainant for review and is then sent to the alleged violator for review and response.

Next, the circumstances of the complaint are investigated through interviews and by examining relevant documentation. During this phase the investigator seeks to rectify the situation through



*City of Minot, North Dakota*

<sup>7</sup>[5-5](http://portal.hud.gov/hudportal/HUD?src=/states/north_dakota/news/HUD>No.2012-02-09</a></p>
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conciliation. The case is closed if conciliation is achieved, or if the investigator determines there is no reasonable cause for discrimination. If reasonable cause is found, however, then either a federal judge or a HUD administrative law judge hears the case and determines any damages. A respondent may be ordered to compensate for actual damages, including humiliation, pain, and suffering; provide injunctive or other equitable relief to make the housing available; pay a civil penalty to the federal government to vindicate the public interest; pay a maximum penalty of \$10,000 for the first violation and \$50,000 for an additional violation within seven years; and/or pay reasonable attorney's fees and costs.<sup>8</sup>

**NORTH DAKOTA  
DEPARTMENT OF LABOR**  
600 East Boulevard Ave.  
Dept. 406  
Bismarck, ND 58505-0340

701.328.2660  
1.800.582.8032

TTY 1.800.366.6888 or  
1.800.366.6889

Fax 701.328.2031

[labor@nd.gov](mailto:labor@nd.gov)  
[humanrights@nd.gov](mailto:humanrights@nd.gov)  
<http://www.nd.gov/labor/humanrights/index.html>

## Department of Labor Human Rights Division

The North Dakota Department of Labor Human Rights Division accepts housing discrimination complaints from within the state. Contact information is shown at left. As noted on the agency's web site, an individual may initiate a complaint by completing the appropriate intake form and mailing or delivering it to the department office. Investigative staff will assess the information provided to determine whether there is a basis for filing a formal complaint. If a formal complaint is filed, the department will conduct a thorough, impartial investigation into the allegations stated in the complaint. The department will emphasize conciliation to resolve complaints, and the parties may agree to settle a complaint at any time.

If the parties do not agree to settle, and the department determines that a discriminatory practice has occurred, the department will establish an administrative hearing to determine a remedy for the aggrieved party. If the department determines that no discriminatory practice occurred, it will promptly dismiss the complaint.

Also, individuals who are aware of activity that may violate North Dakota's human rights laws but do not wish to seek a personal remedy may report the suspected noncompliance to the department using the complaint inquiry process outlined on the department's web site.<sup>9</sup>



*City of Minot, North Dakota*

<sup>8</sup> [http://hud.gov/offices/fheo/complaint\\_process.cfm](http://hud.gov/offices/fheo/complaint_process.cfm)

<sup>9</sup> <http://nd.gov/labor/human-rights/index.html>

## 6. Fair Housing in the Public Sector

### Zoning and Site Selection

The City of Minot Comprehensive Plan was updated in 2012. Pointing out that “condition, affordability, and availability of housing affect the social and economic health of every city,”<sup>1</sup> the Plan recommends ways to expand housing options as Minot continues to grow. Based on community input, five goals and policies for housing were proposed:

***Goal 1: Ensure housing development is compatible with existing and adjacent land uses while providing accessibility to public infrastructure, key community features, and natural amenities.***

Policies to carry out this goal include establishing development guidelines regarding connections to parks, trails, and sidewalks for all residential developments, and promoting mixed-use development throughout the city.

***Goal 2: Provide a variety of housing types, densities, and choices to meet the life cycle housing needs of residents.***

In the past Minot’s housing stock has been fairly balanced, providing opportunities for all stages of life: young singles, young families, those seeking “move up” housing, empty nesters, retirees, active seniors, and those requiring some form of assisted living. The flooding in 2011 and the recent oil boom have contributed to rising housing costs, so that longtime residents now have a hard time finding suitable places to live.

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<sup>1</sup>City of Minot Comprehensive Plan, by Stantec for the City of Minot, 2012



To maintain a thriving city center, the Plan proposes additional housing in or near downtown. Both new development and renovation of existing warehouse buildings into apartments or condos are options. Safe parking and streetscape enhancements will make the area more attractive to those who live, work, and shop downtown. The Plan also proposes defining zoning districts and standards to conform to the land use plan, and promotes creative and flexible approaches to site planning, building design, and use of infill and brownfield lots to offer varied housing choices.

***Goal 3: Improve opportunities for workforce and life cycle housing.***

Entry-level housing is in short supply in Minot, and the Plan suggests working with developers to identify incentives and strategies for its creation. Redevelopment tools, funded by federal, state, nonprofit, or city activities, could revitalize aging residential properties. Creating and preserving opportunities, through such programs as housing trust funds, for renting and owning affordable housing should be a priority. Federal, state, local government, and nonprofit programs may also be available to increase housing ownership.

***Goal 4: Increase opportunities for senior housing.***

Nonprofit groups, churches, and private sector organizations may partner in creating senior housing and providing services that support aging-in-place. Development of housing near restaurants, shops, and other daily destinations can also help seniors.



***Goal 5: Maintain existing housing to ensure a high-quality environment in all residential neighborhood.***

Existing housing, in good condition, maintains neighborhood values and offers moderately priced and affordable housing. The city should continue to promote improvement of existing housing, encourage rehabilitation or redevelopment of substandard housing, and encourage infill residential development where appropriate.

## Compact Development

The 2012 Minot Comprehensive Plan identified the North Sanitary Sewer System as vital to the city's growth and economic development. Following the displacement of residents from central parts of the city due to the 2011 flood, this became even more critical. The North Minot Sanitary Sewer System extends sewer trunk lines to serve east, north, and northwest parts of the city to support new housing development, and city leaders are committed to building this infrastructure.

The Plan proposes narrower building lots for single family homes to accommodate more housing units. Even more cost-effective, from an infrastructure standpoint, is building infill housing on



vacant land within the city. Redevelopment in areas affected by the flooding – where it is determined safe to do so – would also be a wise use of funds as infrastructure is already in place.

The Future Land Use section of the Comprehensive Plan outlines five residential land use categories of varying densities, from 2-3 units per acre to 12-24 units per acre plus manufactured home parks. Much of the potential new housing is expected to be medium to high density, which will allow for the development of more affordable housing in the city.

## Employment, Housing, and Transit

Minot is a relatively compact city, so home-to-work distances are not generally an issue. Commutes are fairly short, since driving from one side of town to the other rarely takes more than fifteen minutes. For those who do not have a car, however, access to public transit is important.

Public transit in Minot is provided by city buses, which run on weekdays between 9 a.m. and 5 p.m. Routes cover much of the city, and stops are located near many sites important to residents such as Parker Senior Center, Minot State University, Milton Young Towers, Henry Towers, the Civic Center, and major shopping areas.

Souris Basin Transportation provides complimentary transit service for those requiring specially equipped vehicles with one day's advance notice. Eligibility is established by filling out a form and returning it to the Minot Commission on Aging; an outreach worker can come to the resident's home if needed.

The City of Minot is undertaking a comprehensive transit study to identify potential improvements to the transit system, with a presentation to the city council planned for late 2013.<sup>2</sup>

## The Minot Housing Authority

As mentioned in Section 3, the Minot Housing Authority owns or manages 858 units of housing that are contractually affordable to low and moderate income households. Units include duplex and single family homes and apartments, with one to four bedrooms, and some apartments are set aside for seniors and people with disabilities (see Table 3-12). The Washington Townhomes Phase I development, which as of July 31, 2013 will be at least fifty percent occupied, adds another 32 units.

MHA procedures for determining eligibility and selecting who will occupy the properties it owns or manages are designed to ensure that applicants are treated fairly.

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<sup>2</sup> <http://minotbusstudy.com>



For Section 8 housing certificates, applications are stamped with the time and date when they are submitted. Applicants join a waiting list, which in July 2013 had over 350 names. MHA makes an exception for those who were displaced by the flood and provide proof, such as a utility bill, lease agreement, or FEMA documents. These applicants are immediately placed at the top of the list. Otherwise, according to Tom Pearson, MHA executive director, it can take a year or eighteen months for an applicant to reach the top of the waiting list. Once that happens, applicants undergo a background check and their income is verified before the Section 8 voucher is issued.

MHA does not maintain a waiting list for its family housing sites. When the agency learns a unit will be vacant they place an ad in the newspaper inviting interested families to apply. Families that include a disabled person are given highest priority, with elderly applicants next. Other applications are stamped with the time and date and are considered in that order.

Milton Young Tower apartments, which are mostly one-bedroom units, had a waiting list of 300 in July 2013. Elderly applicants have top priority and disabled persons are next in line. Consideration of other applications is based on the time and date of application.

For the new Washington Townhomes, MHA used a lottery to select residents. A front-page newspaper article announced the lottery and explained the application process, and local television stations also broadcast the information. Two application periods of one week each were held – one when the first 16 units were ready for occupancy and another when the remaining units were completed. MHA then confirmed that prospective residents chosen in the blind drawing were qualified. MHA expects to use the same process for leasing Phase II in the spring of 2014.

## Property Taxes

The Minot City Assessor's office is assigned responsibility for fairly and uniformly appraising all properties in the city, and assessing them for tax purposes. All real estate transactions are documented and a computer system is used to maintain an inventory, which helps ensure a fair estimate of a property's true value. Appraisal staff verify information via field inspections, and each property is inspected every seven or eight years. Property sales and purchase records are used to adjust values, as well.

Once a property's value has been determined, taxes are calculated based on the tax rates established by the City Council. The mill levy is applied to each parcel, resulting in the tax liability for that property.

According to its web site, the Minot assessor's office offers the following tax exemptions that are applied uniformly.



- A two-year tax credit has been available for up to \$75,000 on new residential building construction for two years after the home is occupied. However, this credit is available only for homes that were under construction as of January 1, 2013.
- A three-year exemption is available for major renovations to residential properties more than 25 years old, and for major renovation of commercial buildings. However, these exemptions do not apply to buildings that were destroyed or damaged by fire, flood, or tornado. The assessor's office has further guidelines for these exemptions.
- Blind and wheelchair-bound persons can obtain an exemption with a signed form from a physician.
- Charitable organizations also qualify for tax exemptions.
- Disabled persons with incomes less than \$26,000 per year are exempt from property taxes if they provide a signed form from a physician indicating they are permanently and totally disabled.
- Veterans who are fifty percent or more disabled due to their service can obtain an exemption if they file the necessary forms.

## Planning and Zoning



The city of Minot's planning department is staffed by a city planner and assistant city planner. The role of the department is to guide both public and private development and to fairly administer city ordinances related to new development and construction. The department carries out these responsibilities under the direction of the Planning Commission and City Council, and is directed by the city's Comprehensive Plan. The department's web site states its commitment to fair treatment of community members and those impacted by planning decisions, and pledges that all will have the opportunity to be heard and to be treated with respect.

The Planning Commission is made up of ten members appointed by the mayor, for a term of five years (or until a successor is named). The Board of County Commissioners also appoints three representatives. The commission meets monthly, on the last Monday of the month, at 6:30 p.m.

Revisions to the city's zoning ordinances were adopted by the Planning Commission on May 28, 2013 and were approved by City Council in July. The new provisions were developed by a nine-member Zoning Ordinance Committee made up of real estate professionals, developers and builders, members of the Planning Commission and an advisory committee from the 2012 Comprehensive Plan, and representatives of the general public.



Zoning updates related to housing address flexibility of lot sizes, requirements for greater variety of elevations in certain types of developments, a new planned unit development zoning, setback and parking requirements for new manufactured home districts, and requirements for new mixed use districts to ensure pedestrian-friendly design.

## Building Codes and Accessibility

The city of Minot has adopted the 2009 versions of the International Building Code, International Residential Code, International Fire Code, and International Mechanical Code as well as the 2009 North Dakota State Plumbing Code. The city employs a building official and two building inspectors, a fire marshal, a plumbing and accessibility official, two electrical inspectors, two mechanical inspectors, and a health inspector.

Inspections are performed to ensure building codes are met, including accessibility under ADA requirements. For new buildings, inspections are scheduled at certain points during construction. Remodeling and renovation projects or additions that require a building permit are also inspected during construction. Inspectors also determine whether abandoned or damaged structures are safe and habitable, according to Minot's codes and ordinances.

## Mortgage Lending

Several laws at the federal level aim to promote fair lending practices by the banking and financial services industry. These include:

- The Fair Housing Act of 1968, which prohibits discrimination in housing based on race, color, religion, or national origin; sex, familial status, and disability were later added. It is illegal to discriminate against any of the protected classes in the following residential real estate transactions: making loans to buy, build, or repair; selling, brokering, or appraisal; and selling or renting.
- The Equal Credit Opportunity Act of 1974 prohibits discrimination in lending based on race, color, religion, national origin, sex, marital status, age, receipt of public assistance, and the exercise of any right under the Consumer Credit Protection Act.
- The Community Reinvestment Act of 1977 requires each federal financial supervisory agency to encourage financial institutions to help meet the credit needs of their community, including low and moderate income neighborhoods.



- The Home Mortgage Disclosure Act of 1975 (and later amendments) requires financial institutions to publicly disclose the race, sex, ethnicity, and household income of mortgage applicants by the census tract in which the loan is proposed and the outcome of the loan application.

HMDA data, as described above, is available online for the three entitlement districts in North Dakota (Fargo, Bismarck, and Grand Forks) but not for Minot, as the city is not an entitled jurisdiction. Karen Clark, a representative of HUD's Denver office, advised that where such data was not readily available it need not be included in the Analysis of Impediments to Fair Housing Choice.



## 7. Impediments and Suggested Actions

The U.S. Department of Housing and Urban Development has a long-standing commitment to affirmatively further fair housing across the U.S. As a condition for receiving federal funding from HUD, communities and states certify they have undertaken an analysis of impediments to fair housing choice, will take action to remedy impediments if they are identified, and will maintain records of the analysis and the actions taken. The City of Minot, North Dakota is not an entitlement jurisdiction and therefore does not receive HUD formula funds on a regular basis. However, the city has received HUD Disaster Recovery funds and has taken the necessary steps to analyze impediments to fair housing choice that may exist in Minot. It should also be noted that the State of North Dakota annually prepares an Analysis of Impediments to Fair Housing Choice for the areas of the state that do not receive entitlement funding from HUD.

The goal of fair housing is to offer greater housing choice for protected classes and for all citizens. HUD defines impediments to fair housing choice as:

***“Any action, omissions, or decisions taken because of race, color, religion, sex, disability, familial status, or national origin which restrict housing choices or the availability of housing choices,” and***

***“Any actions, omissions, or decisions that have the effect of restricting housing choices or the availability of housing choices on the basis of race, color, religion, sex, disability, familial status, or national origin.”<sup>1</sup>***

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<sup>1</sup> <http://www.HUD.GOV/offices/cpd/about/conplan/fairhousing>



This analysis indicates that Minot has avoided systematic impediments to fair housing choice; however, some barriers to fair housing do occasionally exist. A review of local cases of fair housing complaints found only 23 complaints filed in the HUD Regional Office in Denver from January 2006 through June 2013. Only one complaint was filed in 2012, the lowest number of complaints in any of the years examined. Six complaints were filed in 2008, which was the highest number of complaints in a single year.

The most common complaint over the entire period was failure to make reasonable accommodation for disabled persons, to enable a person with a disability equal opportunity to use and enjoy a dwelling unit or common space. It should be noted, however, that housing providers are not required to make changes that create an undue financial or administrative burden.

Of the total number of complaints filed in Minot with HUD, seven were successfully reconciled or settled, one was closed because the complainant failed to cooperate, two complaints were withdrawn by the complainant after resolution, and two complaints involved a judicial consent order.

It is important to realize that the City of Minot is limited in its ability to implement some of the recommendations contained within this report. Some impediments, such as lack of education or job skills, lack of credit history, inadequate incomes, and similar factors may affect access to housing, but are well beyond the city's control.

## Impediments to Fair Housing Choice

### 1. Housing Discrimination

Based on HUD complaint data, housing discrimination may be occurring on a very, very limited basis related to disabled persons and a lack of understanding and awareness about reasonable accommodation requirements, conditions and privileges for rental property, and some discriminatory terms.

*Recommended actions:*

- A. The City of Minot will distribute 12,000 copies of a North Dakota Department of Labor Human Rights Division flyer, "How to File a Discrimination Complaint in North Dakota," in September 2013. (A copy of the flyer is included in the Appendix.) In addition, the City of Minot Housing Authority and other groups should increase awareness and understanding of fair housing.
- B. The City of Minot Housing Authority will make fair housing information available at its office.



## 2. Housing Affordability

The supply of affordable housing has been affected by the flooding of 2011, the housing needs of the Minot Air Force Base and Minot State University, and the increase in population and housing demand resulting from oil and gas drilling activities.<sup>2</sup> This increased demand has caused housing prices to rise significantly in some cases. There is an ongoing need for additional housing units that are affordable for many residents including low and moderate income households, large families, persons with disabilities, the elderly, and those with special needs.

*Recommended actions:*

- A. The City of Minot is encouraging the development and preservation of affordable housing by directing grants and incentives to support affordable housing through the Disaster Recovery Action Plan.
- B. The City of Minot has developed new comprehensive planning and zoning policies that promote a mix of housing types in existing neighborhoods and in new development. This is an on-going action.
- C. The City of Minot is developing an Affordable Housing Plan to continue to address the need for affordable housing in the community. A Technical and Community Advisory Committee is meeting to provide historic context and insight into the housing situation in Minot to aid in developing this plan.
- D. The City of Minot continues to support affordable housing activities through the Minot Housing Authority, and through partnerships with non-profit housing developers and work with local organizations and churches, area financial institutions, and other groups to promote more affordable housing in the city.

## 3. Gap in Fair Housing Infrastructure in North Dakota

The State of North Dakota dissolved the fair housing organization, Fair Housing of the Dakotas. The City of Minot was not involved in this decision.

*Recommended actions:*

- A. The State of North Dakota is investigating options for coordinating fair housing activities with the Human Rights Division of the Department of Labor and the North Dakota Housing Finance Agency.



<sup>2</sup> "New Oil and Gas Drilling Technologies Bring Significant Changes and Challenges to Housing Markets," U.S. Housing Market Conditions, 2<sup>nd</sup> Quarter 2012, HUD Office of Policy Development and Research.

# Appendix

## List of Resources

The following articles, studies, websites, and reports were helpful in compiling this Analysis of Impediments to Fair Housing for Minot, North Dakota:

“City Survey: Repairs Done on Most Flooded Homes,” Minot Daily News, Nov. 30, 2012

*Community Development Block Grant Disaster Recovery Action Plan.* City of Minot, June 26, 2012

Council for Community and Economic Research (C<sup>2</sup>ER), Cost of Living, First Quarter 2013

*Discrimination in Metropolitan Housing Markets: National Results from Phase 1, Phase 2, and Phase 3 of the Housing Discrimination Study.*

<http://www.huduser.org/portal/publications/hsgfin/hds/html>

*Fair Housing: Opportunities to Improve HUD’s Oversight and Management of the Enforcement Process*, United States General Accounting Office, Report to Congressional Requesters, April 2004

*Fair Housing Planning Guide. Vol. 1.* U.S. Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity

*Fair Housing Trends Report.*

<http://nationalfairhousing.org/Portals/33Fair%20Housing%20Trends%20Report%202010.pdf>

“FEMA Closes Burlington Group Site,” Minot Daily News, June 18, 2013

“FEMA Extends Flood Housing Program until September,” Minot Daily News, May 10, 2013

Job Services North Dakota (Train ND). <http://jobsnd.com>

*How Much Do We Know?* U.S. Department of Housing and Urban Development, Office of Policy Development and Research, 2002.



KALIX vocational adjustment workshop, <http://www.kalixnd.org>

*Minot Affordable Housing Strategy: Supply and Demand Analysis*, CDM Smith for the City of Minot, December 2012

*Minot Comprehensive Plan 2012*. Stantec for the City of Minot, June 2012

*New Oil and Gas Drilling Technologies Bring Significant Changes and Challenges to Housing Markets*. U.S. Dept. of Housing and Urban Development, Gas and Oil Task Force, 2012

*North Dakota Analysis of Impediments to Fair Housing Choice, Volume I Final Report*. North Dakota Department of Commerce, March 9, 2012

North Dakota Department of Labor, *Biennial Report 2009-2011*.

North Dakota Senate Bill No. 2278. <http://www.legis.nd.gov/assembly/61-2009/bill-text/JARS0100.pdf>

“Rental Discrimination and Ethnicity in Names,” Adrian G. Carpisor and William E. Loges, *Journal of Applied Science*, 2006

*Report on the State of Affordable Housing in North Dakota*, North Dakota Housing Finance Agency, 2012

U.S. Bureau of Labor Statistics. <http://www.bls.gov>

U.S. Census, Demographic Characteristics and American Community Survey Demographic and Housing Estimates. <http://census.gov>

U.S. Department of Commerce Bureau of Economic Analysis, <http://www.bea.gov>

U.S. Department of Housing and Urban Development, Fair Housing/Equal Opportunity. <http://portal.hud.gov/portal>

U.S. Department of Justice, Fair Housing Act. <http://www.usdoj.gov/crt/housing/title8.htm>

U.S. Department of Justice. [http://www.justice.gov/crt/about/hce/housing\\_coverage.php](http://www.justice.gov/crt/about/hce/housing_coverage.php)

In addition, the following departments, agencies, and organizations provided important information:

City of Minot Assessor's Office

City of Minot Public Schools

City of Minot Planning Office

City of Minot Public Transit

City of Minot Engineering and Inspections Department

Minot Air Force Base

Minot Area Development Corporation

Minot Chamber of Commerce

Minot Housing Authority



S. Department of Housing and Urban Development, Denver Regional Office

*City of Minot, North Dakota*

## May I File My Discrimination Complaint Directly In Court If I Prefer?

Yes. You have the right to file a discrimination complaint directly in state court instead of with the Human Rights Division. You do not have to file your complaint with the Human Rights Division first. If you decide to bring an action in district court, any pending action in the division will be immediately dismissed.

## How Much Time Do I Have To File A Discrimination Complaint?

You have limited time to file a discrimination complaint from the date the alleged discrimination occurred or ended. The length of time you have to file a complaint depends upon the type of discrimination you feel you have experienced:

- Discrimination in Employment or Credit Transactions = 300 Days
- Discrimination in Housing = One Year
- Discrimination in Business or Governmental Services = 180 Days

If a complaint is filed with the Human Rights Division, you have ninety days from the date the division dismisses the action or issues a written probable cause determination to file in court. In addition, if your complaint is against the State of North Dakota or a state employee and you wish to seek monetary relief, you must provide written notice of your injury and the amount of relief demanded to

the Director of the Office of Management and Budget within 180 days of the date the alleged discrimination occurred.

## How Do I Contact The Human Rights Division?

The Human Rights Division is located within the North Dakota Department of Labor on the 13th Floor of the State Capitol. The division's regular business hours are Monday through Friday from 8:00 A.M. to 5:00 P.M. CST.

Contact information for the Human Rights Division is as follows:

**North Dakota Department of Labor Human Rights Division 600 East Boulevard Ave, Dept. 406 Bismarck, ND 58505-0340**

**Phone** – (701)328-2660 locally or 1-800-582-8032 toll-free in ND

**TTY (Relay ND)** – 1-800-366-6888 or 1-800-366-6889

**Fax** – (701)328-2031

**E-Mail** – [humanrights@nd.gov](mailto:humanrights@nd.gov)

**Web Site** – [nd.gov/humanrights](http://nd.gov/humanrights)



The work that provided the basis for this publication was supported by funding under a cooperative agreement with the U.S. Department of Housing & Urban Development. The substance and findings of the work are dedicated to the public. The North Dakota Department of Labor is solely responsible for the accuracy of the statements and interpretations contained in this publication. Such interpretations do not necessarily reflect the views of the U.S. Government.

# How to File a Discrimination Complaint in North Dakota

**A Guide for Those Who Believe They Have Been Discriminated Against**

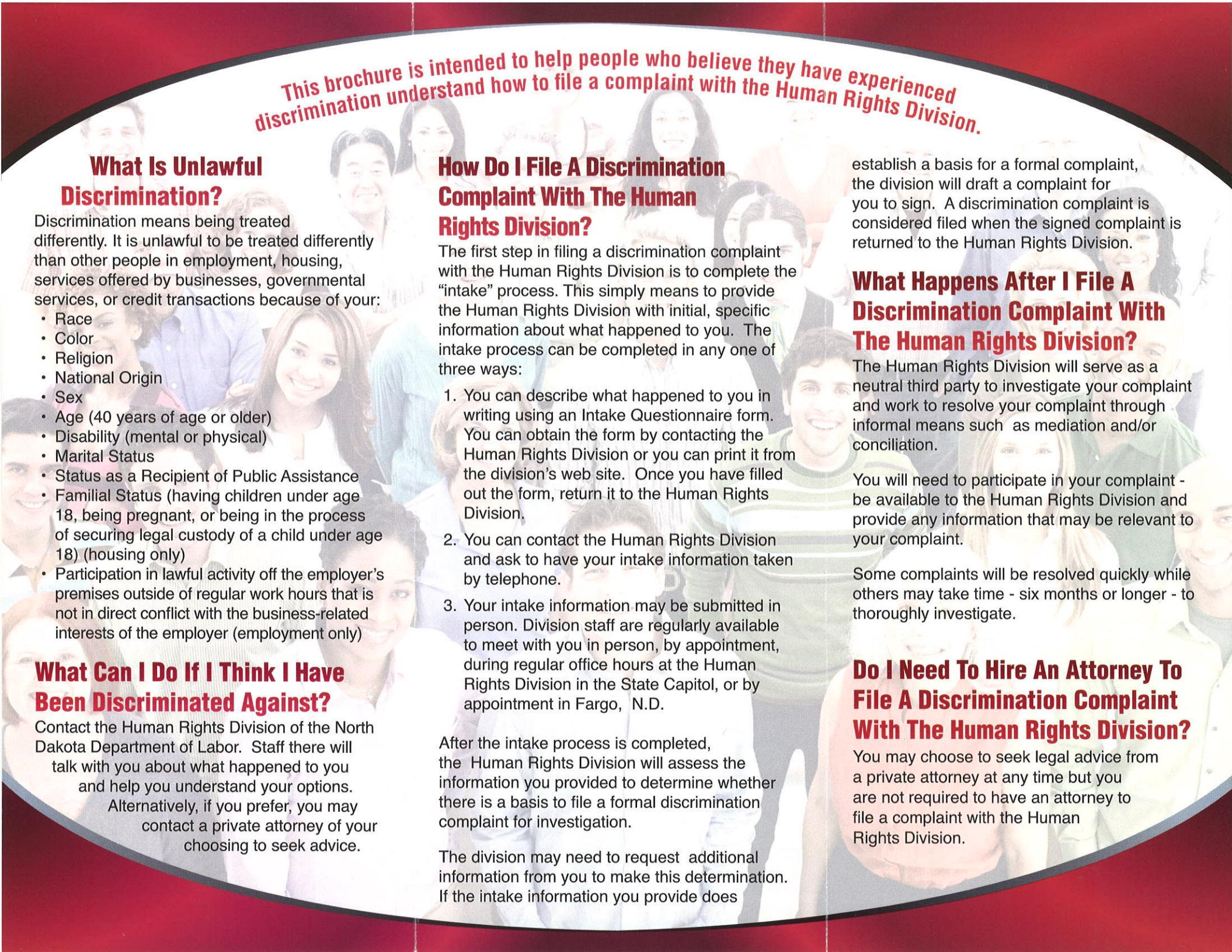


**NORTH DAKOTA**  
**Department of**  
**LABOR**

## **HUMAN RIGHTS DIVISION**

Jack Dalrymple ~ Governor

Tony J. Weiler ~ Commissioner of Labor



This brochure is intended to help people who believe they have experienced discrimination understand how to file a complaint with the Human Rights Division.

## What Is Unlawful Discrimination?

Discrimination means being treated differently. It is unlawful to be treated differently than other people in employment, housing, services offered by businesses, governmental services, or credit transactions because of your:

- Race
- Color
- Religion
- National Origin
- Sex
- Age (40 years of age or older)
- Disability (mental or physical)
- Marital Status
- Status as a Recipient of Public Assistance
- Familial Status (having children under age 18, being pregnant, or being in the process of securing legal custody of a child under age 18) (housing only)
- Participation in lawful activity off the employer's premises outside of regular work hours that is not in direct conflict with the business-related interests of the employer (employment only)

## What Can I Do If I Think I Have Been Discriminated Against?

Contact the Human Rights Division of the North Dakota Department of Labor. Staff there will talk with you about what happened to you and help you understand your options.

Alternatively, if you prefer, you may contact a private attorney of your choosing to seek advice.

## How Do I File A Discrimination Complaint With The Human Rights Division?

The first step in filing a discrimination complaint with the Human Rights Division is to complete the "intake" process. This simply means to provide the Human Rights Division with initial, specific information about what happened to you. The intake process can be completed in any one of three ways:

1. You can describe what happened to you in writing using an Intake Questionnaire form. You can obtain the form by contacting the Human Rights Division or you can print it from the division's web site. Once you have filled out the form, return it to the Human Rights Division.
2. You can contact the Human Rights Division and ask to have your intake information taken by telephone.
3. Your intake information may be submitted in person. Division staff are regularly available to meet with you in person, by appointment, during regular office hours at the Human Rights Division in the State Capitol, or by appointment in Fargo, N.D.

After the intake process is completed, the Human Rights Division will assess the information you provided to determine whether there is a basis to file a formal discrimination complaint for investigation.

The division may need to request additional information from you to make this determination. If the intake information you provide does

establish a basis for a formal complaint, the division will draft a complaint for you to sign. A discrimination complaint is considered filed when the signed complaint is returned to the Human Rights Division.

## What Happens After I File A Discrimination Complaint With The Human Rights Division?

The Human Rights Division will serve as a neutral third party to investigate your complaint and work to resolve your complaint through informal means such as mediation and/or conciliation.

You will need to participate in your complaint - be available to the Human Rights Division and provide any information that may be relevant to your complaint.

Some complaints will be resolved quickly while others may take time - six months or longer - to thoroughly investigate.

## Do I Need To Hire An Attorney To File A Discrimination Complaint With The Human Rights Division?

You may choose to seek legal advice from a private attorney at any time but you are not required to have an attorney to file a complaint with the Human Rights Division.



prepared by:

**CDM  
Smith**  
cdmsmith.com