

Putting Our Communities on the Map:

The Road to Economic Recovery for Latinos and Other Communities of Color

Presented at:

"The Silent Depression: How Are Minorities Faring In the Economic Downturn?"

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Good morning. My name is Janet Murguía. I am the President and CEO of the National Council of La Raza (NCLR)—the largest national Hispanic¹ civil rights and advocacy organization in the United States. For the last four decades, NCLR has been committed to improving opportunities for the nation's nearly 47 million Latinos. To this end, NCLR conducts research, policy analysis, and advocacy on a variety of issues that impact the ability of Latinos to access quality jobs and build and maintain wealth. I would like to thank Chairman Towns and Ranking Member Issa for inviting me to participate in this timely and important hearing.

NCLR is gravely concerned that the economic downturn is disproportionately impacting communities of color. Together, Latino, Black, Asian, and Native communities make up a significant portion of the economy and are among the hardest-hit. Congress and the administration must work together to establish tailored strategies that will help communities of color realize financial security and long-term sustainability. NCLR is dedicated to these issues and we look forward to working with you.

Since NCLR was founded in 1968, the body of NCLR's Affiliate Network has grown to nearly 300 community-based organizations. Together, NCLR and these organizations provide services to millions of Hispanic Americans. For example, the NCLR Homeownership Network (NHN) is a network of 52 community-based housing counseling providers working with more than 38,000 families annually. The NHN produced more than 25,000 first-time homebuyers in its first decade. These families were matched with safe and affordable mortgages and are much less likely to be at risk of foreclosure then families who did not receive housing counseling prior to purchasing their home. NCLR also has a network of Affiliates that work to reduce the education and skills gap to advance Latino workers from low-wage, low-skill occupations to more advanced, upwardly mobile careers. One of our workforce development Affiliates, Instituto del Progreso Latino in Chicago, received a Recognition of Excellence Award from the U.S. Department of Labor in 2008 for its Health Care Career Pathways Initiative, which uses a collaborative model to help Latinos at various educational levels advance to higher-paying jobs in the health care field. Through these programs and partnerships, NCLR has developed specialized knowledge and understanding of how to connect community members to local employers, direct service providers, and safe financial products.

Working with our partners and Affiliates, NCLR has moved quickly to respond to the economic and financial crisis. NCLR has invested nearly \$10 million in community-based organizations (CBOs) to expand foreclosure prevention counseling services. Last year we provided foreclosure prevention advice to more than 7,500 families and we estimate that this year we will double that number. We joined forces with the National Urban League (NUL) and the National Coalition for Asian Pacific American Community Development (National CAPACD) to host dozens of Home Rescue Fairs² nationwide and distribute a tool kit of resources on foreclosure prevention strategies.³ NCLR has also partnered with other think tanks, civil rights, and worker

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¹ The terms "Hispanic" and "Latino" are used interchangeably by the U.S. Census Bureau and throughout this document to identify persons of Mexican, Puerto Rican, Cuban, Central and South American, Dominican, Spanish, and other Hispanic descent; they may be of any race.

² A Home Rescue Fair is a one-day outreach event that offers individuals facing foreclosure the opportunity to receive free advice and resources from housing counselors, attorneys, and loan servicers.

³ Community Responses to the Foreclosure Crisis: An NCLR Tool Kit may be found at http://www.nclr.org/content/publications/detail/59463.

rights organizations such as Center for American Progress, Economic Policy Institute, and NAACP to draw attention to the persistent disparities in employment facing communities of color. Finally, we plan to expand our collaborative efforts to target communities in need with improved access to broadband and green jobs.

We urge Congress and the administration to move swiftly to provide relief to families in financial distress and advance strategies that will help communities of color emerge from these tough economic times. Market forces alone will not correct inequality, end discrimination, and close gaps in service and access to services experienced by minority and underserved communities. The federal government has a responsibility to develop and administer public services in a way that is fair and provides equal access to all Americans. Without a specific strategy, we are in danger of widening racial and ethnic gaps in wealth and income.

In my testimony today, I will discuss how the federal government's response to the economic and financial crisis has impacted Latinos. Specifically, I will provide recommendations to improve recovery programs and put Latinos and other underserved communities back on the path to middle class security.

Background

Despite positive signs that our overall economy is emerging from the deepest recession since the Great Depression, the socioeconomic status of Latino families and workers has not improved and continues to lag behind that of other Americans. More than one million Latino workers have lost their jobs, and Latinos have experienced the largest increase in unemployment of any group since the recession began in December 2007.⁵ Still, the worst is yet to come; it is estimated that more than 400,000 Latino families may lose their homes to foreclosure in 2009 alone.⁶ NCLR, along with a number of experts and advocates, has long warned of the consequences of ignoring the structural flaws in the mortgage markets⁷ and the lack of investment in the low-wage labor market.⁸

The recession hit Latino families and workers just as they appeared to be on the brink of an economic breakthrough. Employment and homeownership trends were on the rise. However, perverse market incentives led to Latinos being steered toward the mortgage products most likely to run the risk of foreclosure. In fact, Latino homebuyers were 30% more likely than

⁴ National Council of La Raza "Minority Workers: Recession, Stimulus, Recovery" (teleconference, National Council of La Raza, June 18, 2009); National Council of La Raza, "Increasing Job Quantity Without Improving Job Quality Won't Fix Rising Latino Unemployment," news release August 10, 2009; National Council of La Raza, "Record-High Unemployment More Drastic for Minority Workers," news release, July 7, 2009.

⁵ U.S. Bureau of Labor Statistics, "Data Retrieval: Labor Force Statistics," *Current Population Survey*, Table A-2 and Table A-3, http://www.bls.gov/webapps/legacy/cpsatab2.htm (accessed September 2009).

⁶ Projected Foreclosures to Latinos by State (Durham, NC: Center for Responsible Lending, 2009).

⁷ Janis Bowdler, *Challenges to Building Sustainable Homeownership in Latino Communities* (Washington, DC: National Council of La Raza, 2007), http://www.nclr.org/content/publications/download/45391 (accessed September 2009).

⁸ For relevant publications and information from NCLR's Employment and Economic Policy Project, please visit www.nclr.org/wfd.

Whites to receive a high-cost loan when purchasing their home. Latino workers saw employment gains, but the erosion of job quality in the low-wage labor market left millions without basic health or retirement benefits or even sufficient income to keep a family of four out of poverty. Few low-skilled and limited-English-proficient workers were unable to improve their career prospects because they were not well-served by public workforce development programs.

The failure of regulators and Congress to respond to the housing and job market inefficiencies in a timely manner has produced unsettling results. The national unemployment rate stands at 9.7% and is expected to reach double digits by the end of the year. Yet Black unemployment has already been in the double digits for nearly one full year and the Latino unemployment rate passed the 10% mark in February 2009, the same month President Obama signed the American Recovery and Reinvestment Act (ARRA) into law. Record-high foreclosure rates are projected to cost Black and Hispanic households between \$164 and \$200 billion of wealth. Nearly 70 million families will see their homes lose value, even if they make their mortgage payments on time. Cities and states will lose billions in local taxes, putting the squeeze on budgets that pay for teachers, fire and police departments, and other community services.

The federal government must act to stop the steady unraveling of Latino economic security and pave the path to economic success for the next generation. An economic recovery that leaves out minority communities robs all Americans of prosperity and widens racial and ethnic disparities in economic and financial security. Together, Hispanics and Blacks make up more than 25% of the population and nearly \$2 trillion in buying power. Latinos alone make up 15.4% of the population and will reach a purchasing power of 1.2 trillion by 2012. Any initiatives to revive the economy must also be paired with deliberate efforts to rebuild the crumbling foundation of protections that American workers and consumers have come to expect: decent wages, safe working conditions, and fair and safe financial products. In the next section, I will discuss four

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⁹ Debbie Gruenstein Bocian, Keith S. Ernst, and Wei Li, *Unfair Lending: The Effect of Race and Ethnicity on Price of Subprime Mortgages* (Durham, NC: Center for Responsible Lending, 2006).

Maude Toussaint-Comeau, Thomas Smith, and Ludovic Comeau Jr., *Occupational Attainment and Mobility of Hispanics in a Changing Economy* (Washington, DC: report to the Pew Hispanic Center, 2005), http://pewhispanic.org/files/reports/59.1.pdf (accessed September 2008).

¹¹ Make the Workforce Investment Act Work for Latinos: Principles for WIA Reauthorization (Washington, DC: National Council of La Raza, 2009), http://www.nclr.org/content/publications/detail/57826 (accessed September 2009).

¹² U.S. Bureau of Labor Statistics, "Data Retrieval: Labor Force Statistics," *Current Population Survey*, Table A-2 and Table A-3, http://www.bls.gov/webapps/legacy/cpsatab2.htm (accessed September 2009).

¹³ Amaad Rivera et al., *Foreclosed: State of the Dream 2008* (Boston, MA: United for a Fair Economy, 2008).

¹⁴ Center for Responsible Lending, *Soaring Spillover: Accelerating Foreclosures to Cost Neighbors \$502 billion in 2009 alone; 69.5 million homes lose \$7,200 on Average* (Durham, NC: Center for Responsible Lending, 2009).

¹⁵ Reuters, "Hispanics Are the Largest Minority in the U.S. with Purchasing Power Projected to Exceed...," news release, March 31, 2008, http://www.reuters.com/article/pressRelease/idUS124765+31-Mar-2008+BW20080331 (accessed January 9, 2009).

¹⁶ For more information on how Latinos have been marginalized from these basic worker and financial protections, see National Council of La Raza, *Fractures in the Foundation: The Latino Worker's Experience in an Era of Declining Job Quality* (Washington, DC: National Council of La Raza, 2009), www.nclr.org/fractures (accessed September 2009).

major federal relief initiatives and their progress in improving the economic conditions for Latino families and workers.

Federal Initiatives to Improve the Economy

Well into the decline of the mortgage, credit, and job markets, Congress and the administration created four major programs designed to improve conditions, stabilize the housing market, and reduce foreclosures: HOPE for Homeowners, Troubled Asset Relief Program, ARRA, and Making Home Affordable. In each case, the authors intended swift and efficient execution for maximum effect. While each of these programs has solid, positive elements that could help Latino communities, their implementation is fraught with problems that hamstring their success.

HOPE for Homeowners

HOPE for Homeowners (H4H) was designed to offer as much as \$300 billion in government-guaranteed home loans to people whose current mortgages exceed the value of their houses. This program was launched by the Bush administration after its FHA Secure refinance option proved unsuccessful, helping less than 4,000 homeowners. H4H also produced poor outcomes due to issues with the structuring of the program.

Design:

- Restrictions and eligibility criteria are overly burdensome. Onerous requirements for the lender and eligibility criteria for the homeowner have made this program virtually unusable. Latino families face significant barriers to applying for H4H because many have multiple wage earners or some cash income and savings that cannot be used to qualify for H4H.
- Fees and equity sharing are expensive for the homeowner. Homeowners are required to pay costly fees, including an upfront mortgage insurance payment of 3%, a 1.5% annual mortgage insurance premium, and closing costs. In addition, when the property is sold or refinanced, homeowners must pay at least 50% of the equity created by the refinance and 50% of the appreciation accumulated after the refinance.
- Participation by lenders is voluntary. H4H relies on lenders to voluntarily participate and encourages lenders to write down the principal balances, but lenders have been unwilling to do so.

Practice:

• **H4H** has helped only one family save their home from foreclosure. In May 2009, President Obama signed the Helping Families Save Their Homes Act (S. 896) into law, which includes improvements to H4H. The program was estimated to benefit 400,000 homeowners—but it has only helped one family. The Department of Housing and Urban Development has yet to release new program guidelines.

Outcome:

• No Latino families have been able to save their homes from foreclosure using H4H. Foreclosure rates continue to rise in our communities. Even with the proposed legislative improvements, Latino families will face barriers that remain unaddressed in the proposed changes.

Troubled Asset Relief Program

While the overarching purpose of the Troubled Asset Relief Program (TARP) was to stabilize the U.S. financial system, the legislation established two key objectives of critical importance to Latino families: mitigate rising foreclosure rates and increase the flow of consumer credit. We are severely disappointed that while banks seem to be stabilizing, struggling families have not seen the same benefits.¹⁷

Design:

- The Treasury did not require TARP recipients to provide loan modifications to homeowners at risk of foreclosure. Instead, it relied on voluntary loan modification programs that have proven ineffective.
- The Treasury did not require TARP recipients to increase credit flow to hard-hit communities. It could have helped Latino and other underserved communities by increasing access to affordable and safe financial products, which are critical to stabilizing communities and building wealth.

Practice:

- Homeowners continue to face difficulties getting loan modifications. Housing counselors and homeowners report numerous challenges in securing affordable and sustainable loan modifications.
- Consumers continue to face high barriers to accessing credit. Credit card companies have reduced card limits and raised interest rates, student loans are drying up, and flexible mortgage products have disappeared. Flexible mortgage products, such as those that accept nontraditional credit, are critical for Latino homebuyers.

Outcomes:

• TARP has not reduced foreclosures for Latino and other hard-hit communities.

Latino foreclosure rates continue to rise and housing counselors continue to experience difficulties helping families save their homes from foreclosure.

• TARP has not increased the flow of credit to Latino and other impacted communities. This results in less consumer spending overall and prevents qualified homeowners from purchasing excess housing stock, a significant portion of which is in Latino, minority, and modest-income neighborhoods.

¹⁷ Janet Murguía, *Rethinking TARP Implementation: Strategies to Reduce Latino Foreclosures*, presented to 111th Cong., 1st. sess., 2009, http://www.nclr.org/content/publications/detail/55452 (accessed September 2009); National Council of La Raza, "NCLR Urges Congress to Include Homeowners in Bailout Bill," news release, September 23, 2008, http://www.nclr.org/content/news/detail/54073 (accessed September 2009); National Council of La Raza, "Civil Rights Groups Call on Congress to Assist Homeownership in its Economic Recovery Package," news release, September 30, 2008, http://www.nclr.org/content/news/detail/54252 (accessed September 2009).

American Recovery and Reinvestment Act

NCLR is concerned that ARRA is falling short of achieving one of its primary purposes: "to assist those most impacted by the recession." Major flaws in ARRA's design have impeded its effectiveness in the hardest-hit communities, with potentially long-term consequences for Latinos and other communities of color.

Design:

- ARRA did not include specific language to target hard-hit communities. Despite efforts from NCLR and other advocates to incorporate provisions in ARRA for targeting worker training resources and job-generating projects to distressed communities, the final legislation lacked any such targeting. ¹⁸
- "Shovel-ready" and formula-based criteria prevent funds from reaching essential service-providers. For many Latinos facing unemployment or foreclosure, community-based organizations are the first line of defense. Yet just when demand for their services was sky-rocketing, many CBOs were barred from accessing ARRA funding. This was a byproduct of ARRA's design, which gave priority to projects from service providers that were already receiving federal funds or that were well-connected with local and state policymakers.
- ARRA did not include funding for housing counseling. ARRA includes requirements for families to seek housing counseling prior to purchasing properties through the Neighborhood Stabilization Program. However, it failed to create a new funding stream to support this provision.
- ARRA's reporting requirements lack equity metrics. The Office of Management and Budget (OMB), which is in charge of issuing guidance for how recipients of ARRA funds should report the use of their funds, has neglected to require recipients of funds to report demographic data—race, ethnicity, and nativity—of the beneficiaries.

Practice:

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• Hard-hit communities struggle to make the case for ARRA resources. In the absence of specific language directing funds to areas with the highest rates of foreclosure and unemployment, states and local service-providers implementing ARRA programs have had to double their outreach to these communities. Their efforts have been further hampered by inadequate information regarding funding opportunities. ¹⁹

¹⁸ Recommendations for the American Recovery and Reinvestment Act of 2009 (Washington, DC: National Council of La Raza and Mexican American Legal Defense and Educational Fund, 2008), http://maldef.org/employment/public_policy/MALDEF-NCLR%20Stimulus%20Recommendations.pdf (accessed January 2009); Letter from MALDEF and NCLR to ARRA Conferees, February 11, 2009, http://maldef.org/employment/public_policy/Conferees%20Letter.pdf (accessed February 2009).

¹⁹ Despite the progress the Recovery Accountability and Transparency Board has made to track federal ARRA spending and funding opportunities through www.recovery.gov, many NCLR Affiliates and other CBOs remain confused or unaware of requests for proposals and other funding opportunities. This is an indication that federal agencies and state governments do not consistently follow OMB guidance that requires posting of information regarding contracts larger than \$500,000. Memorandum, "Initial Implementing Guidance for the American Recovery and Reinvestment Act of 2009," February 18, 2009, Office of Management and Budget, http://www.whitehouse.gov/omb/assets/memoranda_fy2009/m09-10.pdf (accessed September 2009).

- Service-providers in underserved communities have been largely shut out from accessing ARRA resources. Within NCLR's Affiliate Network, the organizations that have successfully accessed ARRA funds tend to be those already connected to public funding sources. Other national organizations have observed a similar trend. Meanwhile, other equally deserving communities that lack an established and sophisticated nonprofit or economic development infrastructure were left out of recovery efforts. ²⁰
- Housing counseling agencies continue to struggle to meet the high demand for services. Without the monetary support to carry out their services, agencies are struggling to provide foreclosure prevention counseling and homebuying services. Many times counselors are forced to turn families away.

Outcome:

- Some Latino communities have been further marginalized amidst recovery efforts. The aforementioned barriers in design and implementation have prevented several community-based organizations in high-need areas from accessing the resources they need to meet the demands of their constituents, which is turning back the clock on economic and financial progress in communities of color.
- Inadequate performance measures prevent stakeholders from assessing ARRA's impact or abuse in communities of color. Decision-makers and service-providers are at a loss for assessing whether ARRA-funded programs have moved the needle on unemployment, foreclosure, poverty, food insecurity, and a host of other indicators of economic distress. Lack of demographic data also mires any efforts to root out discrimination in employment or service provision.

Making Home Affordable

In March 2009, the Obama administration introduced the Making Home Affordable (MHA) loan modification program, which created a series of incentives for servicers to provide loan modifications to troubled borrowers. While we applaud the administration for its efforts in developing the most comprehensive response to the foreclosure crisis to date, design flaws in the program²¹ are forcing eligible homeowners to lose their homes to foreclosure.

National Council of La Raza, "The Economic Recovery Act: What's in it and What Did we Learn?" (presentation at MAFO (National Partnership of Rural and Farmworker Organizations of Rural and Farmworker Organizations) Conference, March 30, 2009); National Council of La Raza, "Impact of State Budget Deficits on Organization Operations" (conference call with NCLR Affiliates, April 3, 2009); National Council of La Raza, "Future Forecast: Latino Priorities in the 2010 Federal Budget" (special presentation and discussion with NCLR Affiliates at the 2009 NCLR Annual Conference, Monday, July 27, 2009).

²¹ Letter from NCLR to Timothy Geithner, U.S. Department of the Treasury, Shaun Donovan, U.S. Department of Housing and Urban Development, and Lawrence Summers, National Economic Council, July 28, 2009, http://www.nclr.org/content/publications/download/59288 (accessed September 2009).

Design:

- MHA allows servicers to start <u>foreclosure proceedings</u> on eligible homeowners. Regulations prohibit lenders from sending families to <u>foreclosure sale</u> if they have applied for a loan modification but they do not stop foreclosure proceedings, which allow struggling homeowners to incur thousands of dollars in legal fees.
- Servicers do not face consequences for violations of MHA. TARP recipients are required to participate in MHA. Fannie Mae- and Freddie Mac-owned and guaranteed mortgages are also subject to MHA. However, the Treasury has not implemented the enforcement mechanisms necessary to ensure that participants are complying with the rules.
- MHA relies on voluntary principal forgiveness. If the interest rate reduction is not enough to make the mortgage payment affordable, then, at minimum, a portion of the principal will be placed at the end of the loan as a balloon to be paid when the house is sold or the mortgage is paid off. MHA encourages servicers to forgive a portion of the principal but most servicers are not doing so.
- MHA is not streamlined or transparent. Servicers have refused to accept client authorization forms and workout packets electronically, which would make the loan modification process quicker and easier to track.
- No support was included to provide foreclosure prevention counseling services. Provisions require families with debt equal to 55% or more of their income to enter a HUD-certified counseling program as a condition for a modification, but funds were not set aside to assist counseling agencies that were already struggling to meet demands of the community.

Practice:

- **Servicers took months to fully implement MHA.** The program was slow to start and some servicers still say that they need more time to adjust their internal systems.
- Families are being foreclosed on while waiting for applications to be processed. Housing counselors are asked to fax client authorization forms and workout packets to servicers multiple times and documents are often lost by servicers. In the meantime, families are racking up late payments and legal fees, many are turning to foreclosure rescue scammers, and many are losing their homes while in the loss mitigation process—a clear violation of MHA.
- Servicers are not offering loan modifications with principal forgiveness. NHN counselors report that they have not been able to secure any loan modifications with principal forgiveness.
- Latino families and other families with limited English proficiency have difficulties securing loan modifications. Our families turn to counseling services that are provided by trusted community-based organizations in Spanish and other languages, which are critical to helping them reach out to their lenders and secure loan modifications. Funding is not available for these agencies to hire and train more staff to meet the growing demand.

Outcome:

• Latino and other communities of color continue to suffer record rates of foreclosure. Delays in processing applications, lack of additional counseling services, and lack of true consequences for violations of MHA are allowing eligible homeowners to lose their homes to foreclosure.

Recommendations

NCLR recognizes that revitalizing the economy is no small task. The rapid decline of credit and housing markets followed by record-high foreclosure and unemployment rates created a sense of urgency and demanded action from Congress and two administrations. The programs established in response to the crisis contain strong elements that could provide much-needed relief to millions of families and workers of color. However, design or implementation flaws prevent these initiatives from reaching as many families, workers, and neighborhoods—especially those of color—as would otherwise be possible.

NCLR has offered detailed recommendations to Congress and the federal agencies charged with implementing these programs, which have been cited throughout this written statement. Summarized below are four recommendations common to all of the programs.

- Include the needs of Latino families, workers, and homeowners in federally funded relief programs. Members of Congress should urge their state ARRA Recovery Boards to convene a diverse cross-section of stakeholders at the state and local levels to help identify local needs. Members should also urge Treasury officials and servicers to meet with housing counseling intermediaries that provide language services and jointly develop strategies to provide foreclosure prevention information to minority and underserved communities.
- Support community-based organizations involved in recovery and foreclosure prevention efforts. Not only should community-based service providers be involved in local needs assessments, they must also be considered legitimate and necessary candidates for funding under ARRA. Some federal agencies, such as the Department of Labor, have made reasonable efforts to prioritize funding for partnerships that include CBOs. However, there must be adequate oversight of awardees to ensure that CBOs are actually funded, rather than simply consulted. Moreover, the Department of the Treasury must ensure that housing counseling providers are more fully integrated into efforts to secure loan modifications. This can be accomplished straightforwardly by paying counseling agencies for their work in a similar fashion as they pay servicers for loan modifications.
- Hold federal programs publicly accountable for spending and performance. Given the significant investment of taxpayer funds in each of the four programs discussed, there must be appropriate enforcement and oversight mechanisms to ensure that homeowners and workers do not fall through the cracks and that recipients of funds are implementing programs in a manner that equitably serves all eligible participants. As part of the Coalition for an Accountable Recovery, NCLR has joined with other national

organizations to offer recommendations for improving access to information and reporting requirements for ARRA.²² These metrics should be bolstered by efforts to measure changes in key indicators of economic distress, including public assistance caseloads, and unemployment, foreclosure, and poverty rates. Similarly, mortgage servicers are required to provide data on loan modification approvals and denials by race and ethnicity to U.S. Department of the Treasury. At the request of the servicers, however, the Treasury has agreed to not publicly release disaggregated performance data. This decision must be reversed.

• Restore stability to financial and labor markets through protection and investment. As Congress makes major adjustments affecting both the housing and labor markets, it must capitalize on the opportunity to modernize protections in the areas of home finance, consumer and worker protection, and language access. Policymakers should also support homebuyers and workers by fully funding key federal programs, such as the Housing Counseling Program and the Workforce Investment Act.

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²² The Coalition for an Accountable Recovery was formed to promote accountability policies for both government agencies and companies that contract with or benefit from recovery spending. Coalition for an Accountable Recovery, "Coalition for an Accountable Recovery ," http://www.coalitionforanaccountablerecovery.org (accessed September 2009).

²³ For recommendations on restoring protections to workers, see National Council of La Raza, *Fractures in the Foundation: The Latino Worker's Experience in an Era of Declining Job Quality* (Washington, DC: National Council of La Raza, 2009), www.nclr.org/fractures (accessed September 2009).