



**Financial Services Committee Hearing to Examine Federal
Housing Response to Hurricane Katrina**

**Prepared Statement of
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Co-Director, Advancement Project
February 6, 2007**

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Chairman Frank and members of the Committee, I would like to thank you for the opportunity to testify today on the federal housing response to Hurricane Katrina. I am here on behalf of my clients, the more than 4,000 families who remain displaced from New Orleans more than 17 months after the storm because of the federal housing response, which was to lock them out of their homes and prevent their return to New Orleans. Today joining me are residents of New Orleans public housing who have traveled to Washington, D.C. to represent their families, neighbors, and friends in urging you to support their right to return immediately.¹

My name is Judith Browne-Dianis, I am co-director of and senior attorney at Advancement Project, a racial justice legal action organization that works with grassroots organizations to achieve a just democracy. I am a graduate of Columbia University School of Law and served as managing attorney and director of the Fair Housing Program at the NAACP Legal Defense and Educational Fund. With more than 13 years of civil rights litigation experience in the areas of fair housing, voting rights, education, employment and health care, I have spent the last 17 months protecting the rights of Hurricane Katrina survivors through litigation and advocacy. Advancement Project has filed litigation to stop evictions from rental properties and demolition of homes without due process and to establish out-of-state satellite voting for displaced voters. We have also advocated for financial resources for renters who have no remedy under Louisiana's Road Home program and for low-income families. Lastly, we have exposed the exploitation of immigrant workers in New Orleans and the exclusion of African-American workers from reconstruction jobs in the city.

Prior to Hurricane Katrina, there were 5,146 families living in public housing.² On August 29, 2005, these families were among those ordered to evacuate New Orleans in the immediate wake of Hurricane Katrina. Like the other predominately vulnerable – elderly, children, and disabled – evacuees, they took only what they could carry and were stranded for days before government assistance found its way to them. Like thousands of other evacuees, public housing residents expected to return when the mandatory evacuation order was lifted six weeks later. The basis for their expectation was eminently reasonable: Most of their homes sustained little or no damage. Today, most of these families are still waiting to come home.

In the context of a humanitarian crisis unseen before on U.S. soil, HUD's response was to shutter habitable public housing and to shut citizens out of their homes. In the backdrop of a colossal crisis of affordable housing in New Orleans, HUD's response is to embark upon a

¹Attached are letters supporting the residents' right to return submitted by: Amnesty International USA; Robert R. Elliott, concerned citizen and former General Counsel to HUD; the Greater New Orleans Fair Housing Action Center; and Advocates for Environmental Human Rights. See Attachment A.

²There were an additional 3,000 units that the Housing Authority of New Orleans (HANO) kept vacant, despite having a waiting list of more than 8,000 families, who had applied but did not yet receive public housing, and despite the fact that many families were not even able to get placed on the waiting list. See Exhibit A, *HANO Annual Plan for Fiscal Year Beginning 10/2003*, pgs. 8-9.

scheme, without an interim plan to bring residents back home, to re-design public housing – a design that will shrink the number of affordable units and take years to complete.

But as Congress recognized right after the storm, this is a crisis, not an opportunity. Congress mandated that HUD preserve all public housing to the extent possible and made available funds that HUD could and should have used to re-open undamaged or minimally damaged units immediately. HUD, however, ignored Congress' mandate. Most of New Orleans' public housing continues to be locked up. And in June 2006, instead of welcoming families home, Secretary Alphonso Jackson unveiled a plan to demolish four of the biggest developments – approximately 5,000 units in total – and to create far fewer housing units for low-income families in New Orleans. Under this plan, most residents will remain displaced for another three to five years, if not forever.

For months prior to that announcement, Advancement Project heard from residents that they wanted to return. Thus in late June, along with attorneys Bill Quigley of Loyola Law School, Tracie Washington, and the law firm of Jenner & Block, LLP, we filed a federal class action lawsuit to secure their right to return. This action, *Anderson v. Jackson*, is currently pending and is in the process of being scheduled for trial.

We cannot ignore the role that race has played in the overall federal response to Hurricane Katrina. For days, tens of thousands of African Americans were left stranded by all levels of government as the floodwaters in New Orleans rose. Many public housing residents were among those left behind. Many of them stayed in the sturdy, elevated, brick buildings of Lafitte, St. Bernard, C.J. Peete, and B.W. Cooper, where they felt safe. Days passed and the federal government slowly came to the rescue. As many Americans watched this tragedy unfold, they could not deny that race still matters. On the one-month anniversary of the storm, HUD Secretary Alphonso Jackson wrote the script for what was to come when he stated that New Orleans "is not going to be as black as it was for a long time, if ever again."³ Congressman Richard Baker (R-LA) all but applauded the tragedy, stating that "[w]e finally cleaned up public housing in New Orleans. We couldn't do it, but God did."⁴ No one expected that they would not be welcomed home quickly after the trauma they suffered. But race, unfortunately, has been front and center in the federal response to the housing crisis in New Orleans.

Our clients want to return to their homes now. The cruel, unjust, and illegal actions of federal and local housing agencies are incomprehensible. Residents of public housing want to return to work, their communities, and be reunited with their families. They want to have a voice in discussions about the future of their homes and their neighborhoods. These families have a right to return and should be able to do so immediately.

The Congressional Housing Response

Congress' mandate concerning affordable housing in New Orleans after Hurricane Katrina was responsive to the magnitude of the crisis. Hundreds of thousands were displaced in the aftermath of the storm. New Orleans' affordable housing stock took a huge hit from

³Lori Rodriguez, et al., *New Orleans' Racial Making in the Air: Some Black Areas May Not be Rebuilt HUD Chief Says*, THE HOUSTON CHRONICLE (Sept. 29, 2005) at B1, available at <http://www.chron.com/disp/story.mpl/front/3374480.html>.

⁴Charles Babington, *Some GOP Legislators Hit Jarring Notes in Addressing Katrina*, THE WASHINGTON POST (Sept. 10, 2005), at A04, available at <http://www.washingtonpost.com/wp-dyn/content/article/2005/09/09/AR2005090901930.html>

Hurricane Katrina. Of the city's approximately 142,000 units that were damaged or lost, an estimated 112,000 – 79 percent – were affordable to low-income households.⁵

In this context, Congress directed HUD to preserve, to the extent possible, all public housing in areas affected by Hurricanes Katrina and Rita.⁶ Moreover, Congress appropriated funds for this mandate, permitting fungibility between public housing and voucher funds through Section 901 of the December 2005 supplemental bill (and by extending fungibility every year since). The key purpose of Section 901 was to give agencies the funding and flexibility needed to make these immediate repairs to public housing units that had not been severely damaged or destroyed. Congressional intent was clear: to allow as many families as possible to return home quickly.

HUD has, for the most part, not only ignored this mandate in the context of New Orleans but has in fact done the exact opposite. HUD was slow to issue notices implementing Section 901. The Housing Authority of New Orleans (HANO), whose recovery and redevelopment plans are directed by the HUD receivership team,⁷ still has not made repairs to and has not reopened most of the units that they had deemed after the storm habitable or repairable. Furthermore, HUD is moving swiftly to implement plans to destroy perfectly habitable housing that would keep thousands of public housing families displaced for years.

HUD's response to Hurricane Katrina in New Orleans

HUD's plans in New Orleans has transitioned over time from promises of welcoming families home quickly to plans of re-development over a period of several years, with no interim plan of bringing home all of the families who not only want to return but have a right to return.

In its initial assessment after the hurricane, HANO determined that most developments had units that could be reopened with some work. Specifically, HANO found that:

- St. Thomas and Fischer developments experienced only minor damage;
- Iberville, Guste, C.J. Peete, Lafitte, and BW Cooper experienced minor to moderate damage (though around 300 units in BW Cooper experienced no flooding and little wind damage); and
- St. Bernard, Florida, and Desire sustained some severe damage.⁸ (But even in these cases, the presence of damage often was restricted to first floors, not upper floors where the flooding did not reach.)⁹

⁵NLIHC *Estimates 71% of Units Lost in Gulf Coast Were Low Income*, National Low Income Housing Coalition, available at http://www.nlihc.org/detail/article.cfm?article_id=2670&id=48.

⁶Act of Dec. 30, 2005, P.L. 148; 119 Stat. 2680.

⁷In 2002, HUD placed HANO in receivership. As a result, through its management team, HUD is responsible for managing the day-to-day operations of the housing authority, including the assessment of damages to HANO's public housing units and redevelopment plans. *HUD Names New Recovery Advisor and Receiver to Advance Current HANO Hurricane Recovery Efforts* (Apr. 14, 2006), available at <http://www.hud.gov/news/release.cfm?content=pr06-043.cfm>. For this reason, this Statement refers to the actions taken by HANO as those taken by HUD.

⁸*Housing Authority of New Orleans Post-Katrina Frequently Asked Questions*, available at <http://www.hano.org>.

⁹Bill Sasser, *Locking Out New Orleans' Poor* (June 12, 2006), available at http://www.saion.com/news/feature/2006/06/12/nola_housing/index_np.html.

HANO announced that they intended to clean, repair and open Iberville first, followed by C.J. Peete, then a quadrant of about 300 units at B.W. Cooper, and finally, Lafitte.¹⁰

As the one-year anniversary of Hurricane Katrina approached, these promises remained unfulfilled and appeared to be retracted. During the months following the storm, HANO boarded up and fenced off several developments. Steel plates were mounted on the doors and windows of Lafitte. Fences were erected, topped with razor wire, around St. Bernard, Florida, and B.W. Cooper. Although HANO claimed they were securing the buildings, residents accurately perceived that they were being kept out of their homes. Moreover, the buildings were not uniformly secured; C.J. Peete, for example, was left wide open and therefore the homes and infrastructure in that development were damaged from vandalism.

Then HUD made known its objective. On June 14, 2006, Secretary Jackson announced a plan to demolish four of New Orleans' largest developments, with more than 5,000 units among them: C.J. Peete, B.W. Cooper, Lafitte, and St. Bernard.¹¹ The plan would constitute the largest demolition in the city's history,¹² destroying more than 70 percent of New Orleans public housing stock, which totaled 7,100 units.

HUD rationalized its decision to raze these affordable housing units by stating that they "endured moderate to severe damage,"¹³ despite the prior acknowledgment that some of these units suffered only minor water damage and many could be habitable again once repaired.¹⁴

Furthermore, HUD and HANO moved forward with plans for redevelopment despite the fact that it is much cheaper to repair units than to demolish and rebuild them. HUD estimated:

- The cost to repair Lafitte public housing development is \$20 million. The cost to completely overhaul the development \$85 million. The estimated cost for demolishing and rebuilding Lafitte is more than \$100 million.
- The cost to repair St. Bernard public housing development is \$41 million. The cost to substantially modernize the development is \$130 million. The estimated cost to demolish and rebuild St. Bernard is \$197 million.
- The cost of substantially renovating B.W. Cooper public housing development is \$135 million. The estimated cost to demolish the development is \$221 million.¹⁵

Even these estimates of demolition and redevelopment are questionable. Subsequent HUD documents indicate that HUD may not know how much redevelopment will cost.¹⁶

¹⁰ See Exhibit B, *Housing Authority of New Orleans Post-Katrina Frequently Asked Questions* (Apr. 2006).

¹¹ See Exhibit C, *HUD Outlines Aggressive Plan to Bring Families Back to New Orleans' Public Housing* (June 14, 2006).

¹² Susan Saulny, *5,000 Public Housing Units in New Orleans Are to Be Razed*, THE NEW YORK TIMES (June 15, 2006), available at <http://www.nytimes.com/2006/06/15/us/15housing.html?ex=1308024000&en=7e1599e4112fed5d&ei=5088&partner=rssnyt&>.

¹³ See *supra* note 11.

¹⁴ *Four N.O. Housing Developments Will Be Demolished*, THE TIMES-PICAYUNE (June 15, 2006), available at <http://www.nola.com/news/t-p/frontpage/index.ssf?/base/news-5/1150356990188590.xml&coll=1>.

¹⁵ Exhibit D, *Housing Authority of New Orleans: Preliminary Recovery Plan for the Redevelopment and Repair of Public Housing Properties: Summary*, pgs. 18,22,24.

Furthermore, the current redevelopment plans will further exacerbate the affordable housing crisis by eliminating 3,200 public housing units:

- St. Bernard will go from 1,400 apartments to 465 apartments, only 160 of which will be public housing units for very low-income families. There will be 160 tax-credit, mixed-income and 145 market-rate units.
- C.J. Peete will go from 723 units to 410, 154 will be public housing eligible, 133 tax-credit, mixed-income and 123 market-rate units.
- B.W. Cooper will go from 1546 to 410, 154 will be public housing eligible, 133 tax-credit mixed-income, and 123 market-rate units.¹⁷

The justification proffered for the demolition is questionable. Documents obtained from HANO indicate that HUD and HANO misled the public to justify their plans. As officials were drafting talking points about their plan, William Thorson, the HANO receiver (a HUD employee appointed by HUD to run the day-to-day operations of HANO), recommended that staff “tak[e] photos of the worst of the worst ... Pictures are worth a 1,000 words,” and to check for the presence of lead apparently not to evaluate safety, but to justify its demolition plans even though “the per unit cost [of repairs] is relatively low.”¹⁸ Thorson also directed staff to use scare tactics by using news articles about murders at another development, “the idea being that reopening Lafite as before would create another Iberville.”¹⁹ In another instance, HUD admits that the interior damage in C.J. Peete is minimal and overall it was moderate, but makes note that since Hurricane Katrina, the vacant property has “become a prime location for retail and residential development.”²⁰ HUD’s plan is clearly not about habitability and cost of repairs. Nor is HUD concerned about the immediate affordable housing crisis or the despair of displaced survivors of Hurricane Katrina. Many observers believe this is about race, class and prime land.

To date, HUD has failed to make good on the little it has promised to residents. HUD promised to open 2,000 units by August 2006. This date was moved back to September; it was again delayed to December. To date, only 1,100 units have been re-opened since Hurricane Katrina. While HUD and HANO have moved slowly to bring families home, they have aggressively pursued their plans for demolition and disposition. HANO abbreviated consultation with residents and has sought to shorten the timeline of review of its demolition plan. In addition, Requests for Qualifications have been published and qualifications were received on January 5, 2007, for the St. Bernard, C.J. Peete, and B.W. Cooper developments. HUD is presently reviewing these applications. While plans for redevelopment are being fast-tracked, plans for the return of residents are at a standstill.

¹⁶See Exhibit E, Email from William C. Thorson to Kedrin T. Simms, copied to Kevin Gallagher, Patricia Arnaudo, Dominique G. Blom, Jeffrey Riddel, Donald Babers, Justin R. Ormsby, re: Public housing (Aug. 2, 2006) (“The issue of rebuilding costs is somewhat of a premature issue for HANO at the moment.”)

¹⁷Requests for Qualifications for B.W. Cooper, C.J. Peete, and St. Bernard, *available at* <http://www.hano.org/contractors.htm>

¹⁸Exhibit F, Email from William C. Thorson to Jeffrey Riddel, copied to Dominique G. Blom, C. Donald Babers, and Justin Ormsby, re: working draft of talking points (Aug. 4, 2006).

¹⁹*Id.*

²⁰Exhibit G, *HANO Preliminary Recovery Plan, C.J. Peete Housing Development* (Apr. 24, 2006).

Residents' Right to Return and Right to a Voice

For months after Hurricane Katrina, residents of public housing attempted to return home but were unsuccessful. When the mandatory evacuation was lifted, many public housing residents returned with the masses of other New Orleanians hoping to clean up and resume their lives. But residents of public housing were not welcomed. Residents reported being forced by police officers to leave their perfectly habitable units. Other residents, happy to find that their homes untouched by the flood waters, were told by HANO that they could not re-occupy them; HANO staff told them they would let them know when they could move back in but they heard nothing. Most public housing residents have lived in limbo in far away places, uncertain about their futures and never getting answers from HANO.

Although time has passed, a majority of public housing residents still want to come home. In October 2006, HUD reported that an estimated 65 to 70 percent of the families want to return to New Orleans.²¹ We believe the number is higher. In fact, according to a recent survey conducted by Providence, one of the agencies with whom HUD contracted to redevelop the Lafitte development, 90 percent of the Lafitte residents want to return.

Many residents are in fact, desperate to return home. The reasons are clear. They have been separated from their homes and the surrounding communities and are dispersed throughout other parts of Louisiana, in Texas, Georgia, Florida and other states. For many of them, this is their first time outside of their beloved New Orleans. They have been separated from their families or forced to live in cramped and inadequate conditions in the homes of friends and family members. As displaced persons, many have encountered stigmatization and discrimination. Many have been unable to find employment in their new cities, a problem that the statistics have confirmed is pervasive: In September 2006, the Bureau of Labor Statistics estimated that the unemployment rate for Hurricane Katrina evacuees who remain displaced is triple that of those who have returned.²² Many are falling deeper into poverty as they struggle to pay utilities and other expenses associated with displacement. In addition to the trauma they underwent in the days and weeks after Katrina, they now suffer from the strain of displacement.²³

Uncertain as to their future and suffering severely in their present circumstances, HUD's June 2006 demolition announcement came as another devastating blow to residents. On June 27, 2006, we filed *Anderson v. Jackson*, on behalf of all New Orleans public housing residents, all of whom are African American, who were displaced from their units in the aftermath of Hurricane Katrina and who want to return to their homes and to New Orleans. The action was filed against Secretary Alphonso Jackson, HUD, HANO, C. Donald Babers (HUD appointee as HANO Board of Commissioners), and William C. Thorson (HUD appointee as Executive Administrator), in the U.S. District Court for the Eastern District of Louisiana. Motions for a preliminary injunction and summary judgment are pending, as well as a motion to dismiss in which HUD claims it is not responsible for the actions taken.

²¹See Exhibit H, Letter from Secretary Alphonso Jackson to the Honorable Barney Frank (Oct. 3, 2006), pg. 8.

²²See Katy Reckdahl, *Razing a Community: Second in a two-part series*, GAMBIT WEEKLY, Oct. 31, 2006, available at http://www.bestofneworleans.com/dispatch/2006-10-31/news_feat.php

²³For a thorough discussion of the deleterious impact of displacement and community dismemberment, see Mindy Thompson Fullilove, *Root Shock: How Tearing Up City Neighborhoods Hurts America, and What We Can Do About It* (2004).

The *Anderson v. Jackson* lawsuit alleges that, by failing to re-open public housing and subsequently proceeding to destroy the residents' homes, the defendants have violated federal and state laws. First, defendants' refusal to permit the return of these 4,000 families has an adverse impact on African-Americans and thus is unlawful under the Fair Housing Act (Title VIII of the Civil Rights Act of 1968). Statements of officials such as Secretary Jackson and actions taken also violate the Fair Housing Act by denying housing on the basis of race. Second, the defendants' actions and inaction constitute violations of the U.S. Housing Act of 1937. By failing to repair units leaving them to further deterioration, defendants have effected a *de facto* demolition in violation of the U.S. Housing Act. In addition, defendants' failed to consult with residents about the demolition as legally required. Third, plaintiffs assert that by denying them their homes without notice or an opportunity to be heard, defendants' actions violate the Due Process Clause of the U.S. Constitution. Fourth, plaintiffs make various state claims derived from their rights under their valid leases.

Lastly, plaintiffs have placed their right to return in the larger context of international human rights. For several years, the United States has been a co-sponsor of the United Nations' resolution that adopted the "Guiding Principles on Internal Displacement." According to this document, which has been endorsed and expounded upon by the U.S. State Department,²⁴ the victims of Katrina are "internally displaced persons" because they were displaced within their own country as a result of a natural disaster. By not permitting displaced residents to return, and by not making special efforts to ensure their full participation in the planning and management of their return or reintegration, HUD is violating international law.

Residents of public housing were marginalized and neglected by HUD and HANO prior to Hurricane Katrina – nothing has changed. Federal law requires that residents be consulted prior to demolition of public housing ostensibly so that they may participate in decisions about their homes and communities. HUD and HANO wanted to short-circuit this process. As HUD's appointed receiver to HANO, William Thorson, admitted: "The public/Resident portion of the process is the most controversial not to mention time consuming. It would be nice if we could by pass the public portion of the PHA plan process... If there was a way to do that, it would be swell."²⁵

Accordingly, HANO paid lip service to the consultation process by hosting one consultation meeting to address demolition of all four developments more than five months after HUD's June 14, 2006 demolition announcement. In fact, it was not until Judge Ivan Lemelle (E.D. LA) pressured the *Anderson* defendants to consult residents that they made a minimal attempt to do so. HANO finally convened one *en masse* resident consultation meeting on November 29, 2006. Even if one is to believe in theory that true "consultation" was intended in these circumstances, HANO convened the meeting to ensure that minimum consultation could in fact occur. For example, HANO held only one meeting in New Orleans (when the majority of residents are displaced outside of the city), provided no transportation, held the meeting on a week night when residents previously stated that a weekend was far better, and held it at a location that was not handicap accessible and where the public transportation stopped running before the meeting ended. Several residents reported that they never received notice of the meeting.

²⁴See Exhibit I, Advocates for Environmental Human Rights, *Recommendations for Preventing Human Rights Abuses in the Reconstruction of the Hurricane-Damaged Gulf Coast Region of the United States*.

²⁵Exhibit J, Email from William Thorson to Orlando Cabrera, copied to Donald Babers re: Demo Game Plan (July 21, 2006).

Despite these significant barriers, resident participation at the November 29, 2006 meeting was overwhelming, illustrating residents' profound interest in having input into decisions concerning their homes and city. An estimated 350 people attended the meeting, including residents who traveled from Texas, to oppose the demolition. About 50 individuals provided comments on HANO's demolition and disposition plans. Approximately 30 residents and four elected officials provided comments; the balance was community stakeholders. The residents who provided oral comments represented each public housing development and some scattered sites. Each and every speaker voiced opposition to HANO's plan. Not one person spoke in favor of demolition. Their message loud and clear – they do not want their homes demolished.²⁶

In addition to questioning the consultation process, the *Anderson* litigation challenges defendants' assertions that thousands of units of New Orleans public housing are uninhabitable.²⁷ In October of 2006, we sent an architecture expert from MIT and a mold expert (who has conducted many post-Katrina reviews) to assess a sample of the units in each of the four developments. The experts found that:

- The "great majority of the units ha[ve] no visible mold growths" and the work necessary to remove mold "would be minimal consisting mainly of housecleaning and sanitizing the room surfaces."²⁸
- Damage at Lafitte is "minor" and "easily repaired."²⁹
- C.J. Peete is "substantially intact and recoverable," and [m]any units are in good condition."³⁰
- First-floor units at B.W. Cooper received "minor damage commensurate with the level of flooding," and only minor repairs are required in the upper units.³¹
- Second and third floor units at St. Bernard are also in good condition.³²

The architecture expert found no structural or nonstructural damage was found that would reasonably warrant any cost-effective building demolitions. He concluded that demolition is not supported by the evidence. He further stated:

"[R]eplacement with contemporary construction would yield buildings of lower quality and shorter lifetime duration, the original construction methods and materials of these projects are far superior in their resistance to hurricane conditions than typical new construction and, with renovation and regular maintenance, the lifetimes of the buildings in all four projects promise decades of continued service that may be extended indefinitely."³³

²⁶An official transcript of the November 29, 2006 HANO resident consultation meeting is available at <http://www.justiceforneworleans.org/index.php?module=article&view=71&c2ffc9a09089e409f6a701be34f2d1a3=a78f55e0dfe0ef647df64343e8324eb5>.

²⁷See Attachment B for photographs of the interior of sample Lafitte, B.W. Cooper, C.J. Peete, and St. Bernard apartments.

²⁸Exhibit K, Declaration of David Martinez, at ¶¶ 6-7.

²⁹Exhibit L, Declaration of John Fernandez, at ¶ 7.

³⁰*Id.* at ¶ 8.

³¹*Id.* at ¶ 9.

³²*Id.* at ¶ 10.

³³*Id.* at ¶ 12.

These expert assessments, as well as historic preservation concerns, confirm what the residents themselves already knew: The New Orleans public housing developments are amongst the most valuable, durable, and solid buildings in New Orleans.³⁴

HUD Worsens Affordable Housing Crisis

Since 1996, the number of public housing units in New Orleans has been drastically reduced. In 1996 there were 13,600 units; only 7,100 units were left at the time of Hurricane Katrina, of which only 5,146 were occupied. Hundreds of units were vacant, slated for demolition prior to Hurricane Katrina but the need for affordable housing was immense. Approximately 18,000 families (approximately 8,000 for public housing and 10,000 for Section 8 vouchers) were on HANO's waiting list in 2005. Hurricane Katrina and HUD exacerbated this crisis of affordable housing.

As noted previously, out of the 142,000 units that were damaged or lost in New Orleans due to Katrina, 112,000 – 79 percent – were affordable to low income households. The rebuilding of these units or new affordable housing has been painstakingly slow. The Louisiana Hurricane Housing Task Force in December 2006 stated that there is an “urgent need” for 45,000 affordable rental units in Louisiana, 30,000 in New Orleans alone.³⁵ With this severe dearth of affordable housing, and damage to other housing, rents have skyrocketed. While 32 percent of renters in New Orleans paid less than \$500 per month pre-Katrina, average rents have increased more than 70 percent from slightly under \$800 to \$1,357 a month.³⁶ Arguably, rents at the lower end of the market have increased more drastically.

In this stark scenario, it is nothing short of shocking that HUD would be opting for the least swift, most costly way to deal with public housing in New Orleans. A number of displaced public housing residents have been receiving vouchers through the Disaster Voucher Program, which provides up to \$1,490 a month for rental assistance. In the own words of HANO's counsel, this is “a very generous governmental housing benefit.” But the residents are not looking for a generous government solution. What they need is an expeditious, effective solution that will help them return home to New Orleans.

Furthermore, these vouchers, and other housing vouchers, are useless in New Orleans. With an occupancy rate of nearly 100 percent, residents cannot find available housing upon which to utilize vouchers. In the rare instance in which a vacancy exists, landlords will not accept housing vouchers. For a snapshot assessment of housing available to voucher recipients, we conducted a survey in partnership with Common Ground Collective. Of the 238 apartment complexes called, five were immediately available to voucher recipients, of which one was exclusively for elderly renters. Approximately 16 apartments reported to accept vouchers but were not accepting recipients at the time – these apartments had wait lists ranging from

³⁴In addition to the issue of habitability, the historic preservation community has raised concerns about the demolition plans. See Exhibit M, Letter from the National Trust for Historic Preservation to the Honorable Alphonso Jackson (Dec. 6, 2006). See also Nicolai Ouroussoff, *All Fall Down*, THE NEW YORK TIMES (Nov. 19, 2006), available at <http://www.nytimes.com/2006/11/19/weekinreview/19ouroussoff.html?ei=5088&en=e2951eb8880134d5&ex=1321592400&partner=rssnyt&emc=rss&pagewanted=print>.

³⁵Deon Roberts, *Unaffordable Problem: N.O. Needs 30,000 Low-Income Rental Units*, NEW ORLEANS CITYBUSINESS (Dec. 4, 2006), available at <http://www.neworleanscitybusiness.com/viewStory.cfm?recID=17465>.

³⁶Jeffery Meitrodt, *Rising Rent*, THE TIMES-PICAYUNE (Oct. 15, 2006), available at <http://www.nola.com/archives/t-p/index.ssf?/base/news-6/116089224652770.xml&coll=1>.

three months to two years; one apartment had 1,200 applicants on a waiting list; others reported that their waiting list was closed indefinitely.

HUD defends its plan to demolish most of New Orleans' public housing stock at a time when the city still cannot house the majority of its residents by claiming that its plan to replace the existing stock with privately-owned, mixed-income developments is a way to deconcentrate poverty and build better housing. But as a *New York Times* architecture reporter noted, "[t]his argument seems strangely disingenuous in New Orleans."³⁷ The reporter went on: "Built at the height of the New Deal, [New Orleans'] public housing projects have little in common with the dehumanizing superblocks and grim plazas that have long been an emblem of urban poverty. Modestly scaled, they include some of the best public housing built in the United States."³⁸

Landmark and preservation groups concur. In its letter to Secretary Alphonso Jackson, the National Trust for Historic Preservation reminded the Secretary of a process created by law that mandates HUD to consider the impacts upon historic resources of any redevelopment plans. In its letter, the Trust urges Secretary Jackson to utilize this process to "explore the benefits of re-using these buildings as a cost-effective means of providing affordable housing in a timely fashion to the citizens of New Orleans."³⁹ The Trust cautions that while wholesale demolitions may be the first impulse, "Hurricanes Katrina and Rita already have caused the loss of thousands of homes, and we are threatened with the loss of thousands more unless we carefully explore alternatives."⁴⁰

Residents' Demands

New Orleans public housing residents want to return home. They are tired of living dispersed throughout the United States with no indication of when they can return. They want to resume their lives in New Orleans and to be a part of the rebuilding of their city, their communities, and their homes.

Residents want the immediate return of public housing families to their habitable pre-Katrina units. In addition, they seek to have a genuine consultation process regarding any redevelopment plans prior to the issuance of Requests for Qualifications and Requests for Proposals and thus, prior to the execution of any contracts for redevelopment. They want to ensure that every family that resided in public housing pre-Katrina has the right to return to a public housing unit in New Orleans. Lastly, they seek to increase the number of affordable housing units in New Orleans to accommodate the overwhelming need.⁴¹

On behalf of displaced and locked out public housing families of New Orleans who want to return to New Orleans, I urge Congress to take all steps necessary to expeditiously return residents to their homes and to ensure that they may participate in decisions about the future of their communities.

³⁷ See *supra* note 34 Nicolai Ouroussoff, *All Fall Down*, THE NEW YORK TIMES.

³⁸ *Id.*

³⁹ See *supra* note 34 Letter from the National Trust for Historic Preservation to the Honorable Alphonso Jackson.

⁴⁰ *Id.*

⁴¹ As in the case of HUD's response in Mississippi, there must be a mandate of one-for-one replacement in New Orleans. See *Jackson Approves \$100 Million Program to Help Five Mississippi Public Housing Authorities to Recover from Hurricane Katrina* (Aug. 17, 2006) available at <http://www.hud.gov/news/release.cfm?content=pr06-098.cfm>

