

**Congressional Testimony of James Perry, Executive Director of the Greater New Orleans Fair Housing Action Center – 2/6/07**

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**Introduction**

Good afternoon, my name is James Perry, I am executive director of the Greater New Orleans Fair Housing Action Center (FHAC). Chairman Franks, Ranking Member Spencer Bachus, and members of the Committee, I would like to thank you for inviting me to speak with you today about fair housing issues facing New Orleans.

FHAC is an 11-year-old private, non-profit civil rights organization established to eradicate housing discrimination throughout the greater New Orleans area. FHAC promotes fair competition and equal opportunity in rental, sales, home lending, and provision of housing-insurance. FHAC is dedicated to fighting housing discrimination not only because it is illegal, but also because it is a divisive force that perpetuates poverty, segregation, ignorance, fear, and hatred.

FHAC is the only full service fair housing center in the state of Louisiana. This means that we are the only group in the state of Louisiana that does both enforcement and outreach about housing discrimination laws.

**Zoning and Policy Discrimination by Local Governments**

Since the last time I spoke before members of this Committee, a new trend in discrimination has revealed itself – discrimination through zoning and policy by local governments. In the fall of 2006, St. Bernard Parish passed an ordinance that required owners of single-family homes, 93 percent of whom are White in St. Bernard Parish, to rent only to blood relatives. The result, it would be nearly impossible for non-whites to rent in the Parish.

After attempting amicable resolution, GNOFHAC filed a lawsuit against St. Bernard Parish in U.S. District Court, Eastern District of Louisiana in order to prevent the enforcement of its blood relative ordinance. St. Bernard agreed to GNOFHAC's motion for preliminary injunction, and a judge signed the order for the injunction on November 14, 2006. Since then, the Parish has repealed the ordinance, but passed a stricter ordinance in its place that is no longer facially discriminatory, but may have comparable discriminatory effects.

Other cities and parishes in Louisiana have attempted to zone particular groups out of housing as well. For instance, Slidell has worked on a zoning ordinance to limit multi-family development in its borders. Jefferson Parish passed a resolution calling for a limitation on low-income housing in its borders.

I would not that in the case of Jefferson Parish, a Parish council person has made repeated attacks on poor people and all but proclaimed poverty as illegal in the Parish. The actions by the Parish suggest the need for an 8<sup>th</sup> protected class under the Federal Fair Housing Act – income.

### Public Housing

This is particularly obvious when one considers the activities surrounding public housing in New Orleans.

As many of you may know, the Housing Authority of New Orleans (HANO) is in receivership and therefore, run by the United States Department of Housing and Urban Development (HUD). I would submit to you that the HUD receive must be deaf.

Even today, more than one and a half years after Hurricane Katrina, public housing residents complain that they have never been allowed to even enter their apartments to retrieve their belongings – even in complexes like the Lafitte Public Housing Development, that by HUD's estimates, suffered little damage.

I would further note, that in its efforts to demolish public housing in New Orleans, HUD has made it extremely difficult if not impossible for the majority of residents of public housing (most of whom are African-American) to return to New Orleans. As such, we request that you use your authority to force HUD to reconsider and redevelop its plan for providing public housing in New Orleans. Its goal in its new plan should be a process that allows for the immediate return of all public housing residents to New Orleans.

Prior to Hurricane Katrina, HANO provided housing to approximately 14,000 families (49,000 individuals) through its public housing and housing choice voucher programs. HANO managed 7,379 public housing rental units, 5,146 of which were occupied. HANO had an allocation of 9,400 Housing Choice Vouchers pre Katrina, with 8,981 vouchers utilized and another 700 issued to individuals searching for units.<sup>1</sup> 10,873 families were on HANO's voucher waiting list.<sup>1</sup> More than 95 percent of HANO's clients are African American.

Since the storm, a mere 1,300 families have returned to public housing units. Only 2,900 families received emergency vouchers, and out of that number, only 1,297 families have been able to secure an apartment through the use of a voucher.<sup>1</sup>

Organization, has been forced to file suit against the HUD led Housing Authority because in one complexes known as River Gardens, HANO moved its employees into units explicitly reserved for public housing residents. I am on record in the past as calling the St. Thomas River Garden HOPE VI Redevelopment a failure. I would reiterate that concern and note that HUD has stated that this failure is the model for the future of public housing in New Orleans and America. I call on you to reverse this effort immediately.

### Internet Advertising Cases

As previously noted, I testified before this Committee twice in 2006. In each instance, I told you about discriminatory advertisements on the Internet after Hurricane Katrina. I quoted ads that said:

- “I would love to house a single mom with one child, not racist but white only”
- “Not to sound racist but because we want to make things more understandable for our younger child we would like to house white children”
- “Provider would provide room and board for \$400, prefers 2 White females.”
- Please excuse my bigotry, but whites are preferred.

At that time, I told you that we had filed complaints against the web sites and that there was comparable litigation against Craigslist. Working with your staffers, we agreed to wait on the outcome of the litigation before moving towards legislative change of the Communications Decency Act. Well, I regret to inform you that our complaints are at a standstill and the Craigslist won at the district court level. That is, it was ruled in Court that Craigslist is not liable for racist advertisements placed on its website. Were the Washington Post or New York Times to do the same, they would be held liable and forced to remove the discriminatory ads under the force of law. I urge Committee members to work immediately and aggressively to change the Communications Decency Act so that web site providers are not exonerated from liability when discriminatory ads are posted on their websites.

#### Accessibility for People with Disabilities

It is important to note that the same issues that I raised with regards to people with physical disabilities remain. FEMA, who has required many homeowners to raise their homes in order to qualify for assistance and Flood Insurance, has made no clear cut plan for making raised homes accessible for wheelchair users. What is good is a renovated, flood proof home with 10 feet of stairs, to a wheel chair user.

Another concern that makes clear, the states lack of commitment to wheel chair users is that the state gutted the safe harbor portions from its newly passed building code. That is, the portions of the building code that insure that buildings are accessible for people with disabilities were completely removed from the code.

#### Closing

These and many issues confront and confound the rebuilding process. I respectfully request that to the extent possible, your Committee and members of Congress work to confront these issues. With that regard, I submit the following recommendations.

Recommendations:

#### **Make Fair Housing a Primary Component in the Rebuilding Process**

Federal, state and local governments should demonstrate their dedication to fair housing by assuring integration in the rebuilding process and implementing fair housing programs. The redevelopment of communities that are integrated in terms of race, national origin, and economic class must be a priority. Municipalities that receive Community Development Block Grant funds are required to affirmatively further fair housing. They should utilize a portion of these funds to fund the education and enforcement programs of local fair housing organizations.

### **Fund Fair Housing Enforcement**

Fair housing enforcement is important for both detecting discrimination and holding accountable those who commit violations. The federal agencies that should enforce the Fair Housing Act include HUD, the Justice Department and the US Department of Agriculture. As the primary agency charged with fair housing enforcement, HUD should fund a national enforcement testing project to uncover the nature and extent of housing discrimination against people displaced by the recent hurricanes and people rebuilding in the Gulf Coast region. It should also take steps to identify predatory lending and home repair schemes. Local fair housing organizations in the Gulf Coast region should receive additional funding from HUD and other entities for their enforcement programs.

### **Fund Fair Housing Education**

Congress should approve funding for a fair housing education campaign, specific to victims of Katrina, to be developed and run in print and electronic media outlets. Resources should be allocated to address the needs of those who respond to the campaign.

### **Provide Accessible Housing for Persons with Disabilities**

In order that they meet accessibility standards and fulfill their obligations to affirmatively further fair housing, FEMA and HUD should incorporate the perspective of disabled citizens in all stages of rebuilding. They should construct shelters and trailers with accessible entrances and place these trailers on pavement easily navigable by standard wheelchairs; train staff on disability rights and assistance in order to more ably provide accommodations such as Braille, closed captioned information and other assistive devices; and assure that FEMA trailers and FEMA and HUD housing be integrated with the larger community.

Government agencies at all levels should ensure that rehabilitated and newly constructed housing meet the highest standards of accessibility.

### **Hold Federal Agencies Accountable for Upholding the Fair Housing Act**

Congress should hold all federal agencies involved in rebuilding, including HUD and FEMA, accountable for meeting the requirements of the Fair Housing Act, the Housing and Community Development Act, and all other civil rights, disability rights and housing laws that apply.

### **Dedicate Resources to Preserving and Expanding Affordable Rental Housing**

The lack of affordable rental housing is acute on the Gulf Coast and prevents many evacuees from returning. Congress and HUD should facilitate their return by providing funds for housing construction and providing rent subsidies in the form of Section 8 vouchers to assist with the high cost of housing. They should increase funding for the Low Income Housing Tax Credit program to induce builders to construct affordable rental units on the Gulf Coast, while requiring that those units help form integrated communities rather than perpetuating segregation. State governments should utilize their funding and target resources to preserve affordable rental housing.