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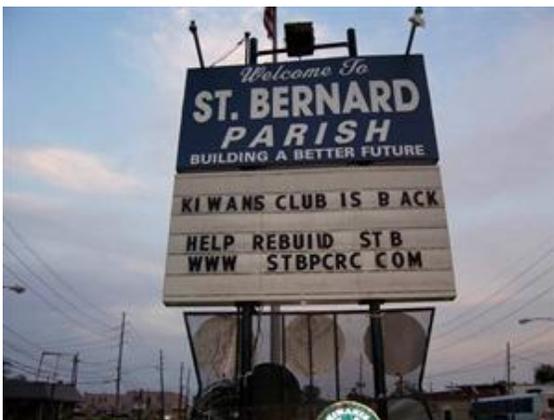
New Orleans' St. Bernard Parish Project Nears Approval

The Louisiana community's fight to halt multifamily construction is emblematic of post-Katrina NIMBYism attitudes throughout the New Orleans region.

By: [Rachel Z. Azoff](#)

Dallas-based Provident Realty Advisors is hopeful that its epic struggle to get a mixed-income apartment community approved in Louisiana's St. Bernard Parish will finally come to an end with the issuance of building permits late this week or early next week.

On Sept. 11, a federal judge granted a third motion for contempt against St. Bernard Parish for its continued interference with routine re-subdivision applications from Provident and for ignoring ongoing earlier rulings on its discrimination practices. The judge's [ruling](#) represents the fifth win for the Greater New Orleans Fair Housing Action Center (GNOFHAC) against the parish in a lawsuit that includes successful defeats of moratoriums on the construction of multifamily housing, an ordinance that restricted the rental of single-family homes to blood relatives, and several motions for contempt based on the Parish's failure to comply with the Fair Housing Act.



Louisiana's St. Bernard Parish continues to push against multifamily housing.

Specifically, in March 2009, the U.S. District Court for the Eastern District of Louisiana issued its [ruling](#)

that St. Bernard Parish violated the Fair Housing Act and a prior consent decree of the court in enacting a moratorium on apartment development in response to a developer proposing low-income housing tax credit complexes. The ruling points out that the moratorium was passed with the intent of (and had the effect of) discriminating against potential minority residents of St. Bernard, which is only 7.6 percent African-American, compared to neighboring Orleans Parish, which is 63.7 percent African-American.

Most recently, the judge listed a handful of items that both the parish and the developer need to do before the building permits can be issued. “We’ve done 98 percent of those issues, and it’s down to some minor civil engineering issues. Permits will likely be issued at the end of this week or early next week,” says Robert H. Voelker, a partner at the Dallas-based law firm Munsch Hardt Kopf & Harr, which is representing Provident.

Provident’s ongoing battle to get a tax-credit project off the ground is emblematic of the “not-in-my-backyard” (NIMBY) sentiments that have slowed down or even halted projects seeking to provide much-needed affordable housing throughout the New Orleans region in the wake of Hurricane Katrina. Across the New Orleans area, nearly 228,000 homes were damaged or destroyed, of which approximately 60 percent were rental units, according to GNOFHAC.

“There were problems throughout the region with opposition to multifamily development pre-Katrina, but post-Katrina, billions of dollars in tax-credit financing were allocated for the creation of multifamily housing in an effort to reconstitute the housing stock,” says Morgan Williams, interim general counsel at GNOFHAC. “These Go Zone credits have resulted in a number of projects that have instigated a response of NIMBYism throughout the region.”

Specific examples of the NIMBYism include: On Oct. 18, 2006, Jefferson Parish Council passed a resolution encouraging the Louisiana Recovery Authority and the Louisiana Housing Finance Agency to reject applications for tax credits in Terrytown and Gretna, and on May 16, 2007, the City of Kenner adopted a moratorium halting the construction of multifamily housing for one year while a land-use study was conducted.

Despite such alleged negativity, multifamily housing advocates are hopeful that Provident’s project—four 72-unit complexes throughout the parish—will be approved and serve as a multifamily success story. Currently, the parish only has one multifamily development, a '70s-era, ill-managed property.

“Multifamily housing is something new to the residents of St. Bernard Parish,” says Tammy Sponge, association executive of the Apartment Association of Greater New Orleans. “If they give the company an opportunity to build this, they will be quite satisfied, not to mention it will bring in new residents and more money to the parish.”

That being said, the parish continues to fight against multifamily development. On Sept. 15, the council voted in favor of holding a special election in November to allow voters to decide on another multifamily ban. “They held two emergency parish council meetings within the last two weeks and have gone into executive session to talk about our case but have not taken any action in the public view,” Voelker adds. “We have no idea what is going on behind the scenes.”

Yet Volker remains optimistic. “You have to be,” he says. “People would rather fear what they don’t know than know what they fear. Once they see the building in operation and see the way a good developer runs affordable housing, they will see it is actually a benefit to the community.”

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