



Everything New Orleans

## St. Bernard Parish Council might remove apartment ban from November ballot

Published: Wednesday, October 21, 2009, 8:10 PM Updated: Wednesday, October 21, 2009, 8:22 PM



By **Chris Kirkham, The Times-Picayune**

After advice from lawyers this week, the **St. Bernard Parish Council** might remove from the November ballot a proposal that would let voters permanently ban large apartment complexes in the parish.



St. Bernard Parish President Craig Taffaro met in Washington with officials from the Department of Housing and Urban Development.

The **Greater New Orleans Fair Housing Action Center** filed a motion in court last week that argued parish officials were in contempt of court and in violation of the federal **Fair Housing Act** for the fourth time in a year by calling for the election.

Francis Mulhall, an attorney for St. Bernard, urged the Parish Council this week to rescind the ordinance calling for the apartment ban, which is on the ballot for a Nov. 14 special election.

"It's the opinion of the three lawyers who have been working this case that passage of that ordinance could very well jeopardize the pending appeals and at the same time could jeopardize the (federal) funds and block grants with respect to the projects that are pending in the parish," Mulhall said.

The council introduced a measure to rescind the apartment ban item, but the matter is not up for a final vote until the Nov. 3 council meeting.

U.S. District Judge Ginger Berrigan has ruled against St. Bernard Parish officials **three times this year** because of various attempts to block the construction of four 72-unit mixed-income apartment buildings in Chalmette.

After her latest ruling, the parish granted the building permits necessary for the developers, Provident Realty

Advisors, to begin construction. If voters approved the ban on new apartment complexes of more than six units, it would not apply retroactively to the Provident developments.

Some of the concern about financing for redevelopment projects in the parish came after Parish President **Craig Taffaro** met in Washington with officials from the Department of Housing and Urban Development. HUD controls both the low-income housing tax credits that are financing the Provident developments and the Community Development Block Grant money that is being used to pay for projects such as a new hospital.

Taffaro said this week that after talking with HUD officials, his impression was the agency believed the parish was out of step with federal housing laws and that more could be at stake if the parish continued to thwart multifamily housing.

Parish Councilman Wayne Landry echoed those concerns Wednesday, saying he did not want to risk losing federal block grant money, including \$41 million the Parish Council has earmarked for its hospital project.

"The current situation we're in is we're trying to fight the Provident developments. The vote that's going to happen in November would not have any bearing on the Provident developments," Landry said. "If that is true, then we're not really giving up anything to not do it at this time. I'm just trying to move forward in the smartest way so I do not jeopardize the hospital funding."

Landry said he will seek an attorney general's opinion on whether the council could enact a similar apartment ban by ordinance, instead of putting it to voters. Berrigan earlier this year struck down a previous Parish Council-approved ban on construction of **apartments with more than five units**, ruling that it disproportionately affected African-Americans.

If the council chooses to rescind the apartment ban in two weeks, the item would probably still appear on the Nov. 14 ballot, said Jacques Berry, a spokesman for the secretary of state's office.

Berry said signs would be posted to tell voters not to vote for the rescinded item.

The secretary of state's office would not count any votes on that issue, he said.

. . . . .

*Chris Kirkham can be reached at **ckirkham@timespicayune.com** or 504.826.3321.*

© 2011 NOLA.com. All rights reserved.