



Friday, October 23, 2009
Editorial

Parish backs down

Jarvis DeBerry

Where moral persuasion fails, the threat of financial loss often makes all the difference.

Such is the case in St. Bernard Parish where officials Wednesday night began backing away from their dug-in position that the construction of multi-family housing will essentially destroy the parish.

In September the Parish Council had called for a special election that would have allowed residents to ban all apartment buildings of more than six units. Wednesday night, the council took the first step toward removing the issue from the ballot, not because its members think the idea is bad but because a parish attorney explained that it might ruin their chances to get federal rebuilding money. The council will consider removing the ballot item Nov. 3.

Heretofore, parish officials have complained that the rental properties themselves are bad for the parish. They have refused to be moved by strong arguments that show that waging war against rental properties has a discriminatory effect because they are more likely to be occupied by black people.

Attorney Francis Mulhall also told the council that having a ballot initiative that could ban apartment buildings "could very well jeopardize the pending appeals" the St. Bernard Parish government is pursuing in federal court. The parish government has been repeatedly lectured and held in contempt by U.S. District Judge Ginger Berrigan for trying to arbitrarily derail one apartment developer's plans. So Mulhall is smart to assume that by going through with an ordinance that would ban most every apartment building, government officials would be inviting trouble on themselves during the appellate process.

Which is not to say their chances at appeal were all that great to begin with.

But their court battle against Provident Realty Advisors and the Greater New Orleans Fair Housing Action Center isn't the local government's only concern. Mulhall said their pursuit of an apartment buildings ban could also "jeopardize the (federal) funds and block grants with respect to the projects that are pending in the parish." Parish President Craig Taffaro and Councilman Wayne Landry were more to the point. Taffaro said officials at the U.S. Department of Housing and Urban Development are not happy with the parish's attempts to restrict housing and that the

proposed ordinance could make it impossible for the parish to get Community Development Block Grant money from HUD. Landry said the expected grant money is necessary for the hospital the parish plans to build, and that's why he supports removing the apartment ban from the ballot.

"I'm just trying to move forward in the smartest way so I do not jeopardize the hospital funding," he said. Just more than a month ago, Landry framed the rental property issue in stark philosophical terms. He said the ballot initiative was necessary for the future quality of life for the parish, which implied that he'd hold on to that position come what may. "We're not violating any laws," Landry said then, "we're enacting smart zoning to protect our property values. That's what we're doing. It has nothing to do with low-income, no-income, high-income. It has nothing to do with income, race, class, anything else." Berrigan had urged parish officials to start displaying leadership and put an end to the demagoguery, advice that Landry essentially mocked when he said, "I'm of the opinion that where we ought to be is doing everything legally within our bounds to oppose that judge's decision." Well, maybe not everything. Parish officials apparently are willing to stop openly defying the federal government, but only when they realize that defiance imperils the recovery assistance they seek.

They are doing the right thing -- stopping a ballot initiative certain to establish a discriminatory housing policy -- but they are doing it not out of concern for those who might suffer from that policy. They are nixing a misguided housing policy only because they want the federal government's help.

..... Jarvis DeBerry can be reached at jdeberry@timespicayune.com or 504.826.3355. Follow him at <http://connect.nola.com/user/jdeberry/index.html> or at twitter.com/jarvisdeberrytp.