



Everything New Orleans

Federal judge sets guidelines for contentious St. Bernard Parish rental development permitting

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By **Benjamin Alexander-Bloch, The Times-Picayune**

A federal judge on Monday denied St. Bernard Parish's motion for a cease and desist order against development of **four mixed-income apartment buildings** and laid out a weeklong timetable to potentially resolve any building permit disagreements.

Meanwhile, the St. Bernard Parish Council on Tuesday night could introduce new rental licensing and "noisy party or gathering" provisions that might feed into ongoing legal battles with that very judge, the **U.S. Department of Housing and Urban Development** and the Greater New Orleans Fair Housing Action Center.

In 2009, U.S. District Judge Ginger Berrigan ordered the parish allow the Provident Realty Advisors apartments, stating the opposition to them was racially discriminatory. The parish correspondingly issued permits for the apartments' construction, but those permits expired a year later and the parish denied extensions based on new zoning laws.

Soon after Berrigan's 2009 order, the parish had changed its zoning laws to prohibit multifamily developments in similarly zoned parcels.

After the extension denials, the Greater New Orleans Fair Housing Action Center and Provident, of Dallas, filed another suit and Berrigan in March barred the parish from stopping the development.

In February, the parish **renewed Provident's building permits**. But then in response to a suit filed by residents who said they are fearful the apartments could lower real estate values and increase crime, **St. Bernard Judge Robert Buckley** on March 31 ruled the parish was out of line when it issued that renewal.

In April the Parish Council **repealed the previous zoning law changes**, but the parish and local residents have continued to fight the developments.

And since Buckley's ruling, the permits have been in state of legal limbo between parish, state and federal government.

Berrigan's order on Monday attempts to resolve that by requiring the parish to lay out by Wednesday specific deficiencies preventing Provident's permit applications.

In the interim, the Parish Council tonight is scheduled to introduce rental licensing codes that would generally require landlords to maintain "a quality of character and stability of" rental units and establish conduct standards for the properties.

Also, if a rental unit owner does not live within 60 miles of St. Bernard parish limits - Provident is based in Dallas - then the owner would have to appoint an agent or local property manager who does.

To obtain the rental permit license, all units would have to "be maintained and occupied in such a manner so as not to cause the unit to be disorderly." The license could be enforced and inspections could be carried out by officials from the parish fire department, sheriff's office, health department, office of safety and permits, and the residential services and compliance department. Violations would be determined "upon a fair preponderance of the evidence to support such a determination."

A proposed noise provision would prevent any person from participating in "any party or gathering consisting of two or more people when said party or gathering gives rise to unreasonable noise likely to cause significant discomfort or annoyance to a reasonable person of normal sensitivities present in the area..."

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