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New Orleans Redraws Its Color Line

Lizzy Ratner | August 27, 2008

The stories sound like strange echoes from another era, as if someone had wound up the old Victrola of history and let the Dixie tunes rip. They begin on a half-abandoned street in St. Bernard Parish, an aggressively white community on the southeastern edge of New Orleans. That is where Daphne Clark, 39, an African-American supervisor at a group home, rented a house with help from a rental voucher last year, and that is where the harassment began. First, the Confederate flag hoisted over a neighbor's house followed by stares and sneers; then the official torment by the parish government as it waged a post-Hurricane Katrina crusade against the specter of rental housing. For Clark, this took the form of a series of "notices of violation" warning her that the parish would disconnect her utilities--not because she had done anything wrong but because her landlord had failed to apply for a rental permit, as required by a new parish law. According to Hestel Stout, a white contractor working on Clark's house, the parish official who delivered one of these notices explained to him, "How would you like those types living next to you?"

Around this time, in nearby Jefferson Parish, Leatrice Hollis was enduring her own losing battle with the forces of housing prejudice. The founder and director of People's Community Subsidiary, a nonprofit housing development agency, Hollis had just completed plans for a mixed-income development that would have created forty-nine occupant-owned homes, with twenty-five going to moderate- and low-income "first responders." But just as she was ready to close the deal, Parish Councilman Chris Roberts declared that he wouldn't approve parish funding for any affordable housing in his district. The project was killed.

And then there is the tale of Maria Tejada, 48, a receptionist and janitor who lived in the Redwood Apartments complex--in apartment L, "as in love"--before the storm. Located in Kenner, the Redwood complex was a 400-unit subsidized housing development and longtime anchor for the area's Latino community. But after the storm, the city decided not to rebuild it. And in April, just two weeks after nearly 1,500 poor and mostly black and brown people lined up overnight to apply for affordable housing vouchers, the parish council unanimously passed a yearlong moratorium on the building of multifamily housing--a measure that effectively halts affordable housing construction in Kenner and leaves people like Tejada struggling to pay market-rate rent in New Orleans, miles from her community and 12-year-old son. "Maybe in the future I could find me a nice place for me and my child to live," she sighed.

Such are the stories drifting out of New Orleans and its environs these days, dispatches from a rebuilding effort that often bears an alarming resemblance to a segregation re-enactment. Throughout the region,

historically white suburbs, as well as one African-American neighborhood, have been tightening the housing noose by passing laws that restrict, limit or simply ban the building--and even renting--of homes that traditionally benefit poor and working-class people of color. Couched in the banal language of zoning and tax credits, density and permissive-use permits, these efforts often pass for legal and rarely raise eyebrows outside the small community of fair-housing monitors. But taken together--and accompanied, as they so often are, by individual acts of flagrant racism--they represent one of the most brazen and sweeping cases of housing discrimination in recent history.

"It's been like a wildfire," said Lucia Blacksher, general counsel for the Greater New Orleans Fair Housing Action Center, an advocacy group that has been leading the fight against post-Katrina housing discrimination. "Local governments have been creating legal barriers--legal, in the sense they created laws--to prevent people who are African-American from returning. And I'm saying that because we all know what we're talking about here. Affordable housing or multifamily housing is where African-Americans lived. And if you don't let that kind of housing back, you're not going to give people who are African-American or Latino an opportunity to live [here]."

The intensity of this discrimination has surprised even veteran advocates like Blacksher, who grew up in Mobile, Alabama, with a civil rights attorney father. But in many ways it was foreshadowed--though not necessarily foreordained--by the powerful racial tectonics that have shaped New Orleans and its surrounding parishes for decades. Since as far back as 1960--when New Orleans schools were ordered desegregated and its white majority rioted, resisted and fled to neighboring parishes--the region has been defined by a vigorously maintained bull's-eye shape. At the center was the black-majority city, while the outer ring belonged to the mostly white suburban parishes.

Hurricane Katrina threatened to shake everything up, both within and between parishes. With 80 percent of New Orleans flooded; with much of its poor black population uprooted and blocked from returning (witness the decision to tear down public housing); and with millions of dollars in low-income-housing tax credits flowing into the area, a rare possibility emerged: displaced New Orleanians might try to move into historically white parishes. But these parishes were not about to let that happen.

Among the first and most aggressive to take action was St. Bernard Parish, 84 percent white before the storm and working to rebuild itself that way. Barely two months into the recovery, St. Bernard's governing council passed a twelve-month ban on "the re-establishment and development" of multifamily dwellings, stalling the reconstruction of affordable housing complexes. But the council truly distinguished itself in September 2006 when it passed an ordinance that, critics said, danced about as close to legalized segregation as perhaps any law since 1972, the year Louisiana finally deleted its Jim Crow laws. Known as the "blood relative ordinance," this law prohibited homeowners from renting their properties to anyone who was not a bona fide blood relation without first obtaining a permit--a loaded concept anywhere, but particularly in St. Bernard, where the white majority owned 93 percent of the pre-storm housing.

Ultimately, the parish was forced to remove the offending "blood relative" term and pay more than \$150,000 in attorneys' fees and damages, thanks to a 2006 lawsuit brought under the Fair Housing Act by Blacksher's organization. But even so, the modified law retained much of the toxic thrust. All homeowners wishing to rent their property, either to strangers or blood relatives, were required to submit to an arduous and costly permit process. If they did not, they--and their tenants--would suffer serious consequences, from fines to utility shutoffs, as Clark and others discovered during an enforcement campaign that began this past winter. Among the highlights: the flood of notices warning tenants that their utilities would be disconnected; the visits from officials demanding they vacate their properties; the

spate of utilities cutoffs (the parish denies this); reports of police officers stopping black renters as they drove to their homes in once-white neighborhoods ("Only homeowners should be in this area," one renter recalls being told by a cop); and, in the most egregious incidents, the arrest of a Nigerian-American landlord and the arson that destroyed another black landlord's property. Call it "Louisiana burning."

"They don't want the blacks back," explained Lynn Dean, 84, a quirky, self-styled "mini-mogul" who served for years on the St. Bernard Parish Council and was one of only two council members to oppose the blood relative law. "What they'd like to do now with Katrina is say, We'll wipe out all of them. They're not gonna say that out in the open, but how do you say? Actions speak louder than words. There's their action."

Such race-based "actions" have made St. Bernard notorious in the post-Katrina housing discrimination frenzy. But it has plenty of company--from Lakeview, a white, middle- and upper-income neighborhood, to New Orleans East, where the cruelties of class prejudice, perhaps more than race, have been on bold display. A traditionally middle-income African-American community with pockets of immense wealth and poverty, New Orleans East has been the site of several moratorium efforts as well as other legislative maneuvering to fend off mixed-income housing developments, Section 8 housing and anything else that might allow poor people to live there. Not surprisingly, Confederate flag waving has been absent in New Orleans East. In other ways the situation has been distressingly similar to that in other districts: the same fears of crime and the same angst about property values and blight, all emphasizing the interplay between race and class, with one occasionally trumping the other, but with the two far more often combining and amplifying each other.

Jefferson Parish is a prime case of the latter. Located just west of New Orleans, it was nearly 70 percent white before the storm and is perhaps best known as the old stomping grounds of rabid ex-Klansman David Duke (in 1989, 8,456 parish citizens elected him to the State House of Representatives). From the beginning, it was clear that the parish was going to be a problem. Just three days after Katrina, police officers from the mostly white outpost of Gretna blocked the bridge known as the Crescent City Connection as desperate New Orleanians tried to escape to drier, safer ground. Armed with shotguns, the police fired into the air over the evacuees' heads and demanded they turn back. "The only two explanations we ever received was, one, 'We're not going to have any Superdomes over here,' and 'This is not New Orleans,'" a witness told *60 Minutes*.

Three years later, the Crescent City Connection incident hasn't really ended. It continues in vigilante acts of intimidation like the one visited on Travis and Kiyanna Smith, a young African-American couple who moved into the area in May and were treated to a crude welcome: three crosses and the letters KKK burned into their lawn. And it continues in the moratoriums passed by cities like Kenner and Westwego, as well as the machinations of Councilman Roberts, an ambitious young Republican who has made a hobby of killing affordable housing proposals while mouthing off about the "ignorant" and "lazy" tenants who might live in them. Among Roberts's accomplishments: spiking plans by Volunteers of America, a century-old social service organization, to build a 200-unit housing development for low-income seniors in his district. (Roberts did not return calls seeking comment for this article.)

And yet, for all Roberts's cruel maneuvering, legislators of his ilk, if not bluntness, are disturbingly common in the annals of housing discrimination. Even before Katrina, legislators from New Orleans East and all but one other Orleans Parish district had tried to pass moratoriums on multifamily housing, and the Gulf Coast can hardly claim credit for inventing these tactics. Indeed, in the forty years since Congress passed the Fair Housing Act, which is supposed to prohibit housing discrimination on the basis

of race, color, religion and national origin (as well as sex, disability and family status, thanks to later versions), exclusionary land use policy has become the preferred means of maintaining this country's stark separate-and-unequal housing patterns.

The post-Katrina orgy of ordinances and moratoriums falls squarely within this tradition. But there are some essential differences, beginning with the fact that the post-storm frenzy is fundamentally more: more overt, more excessive, more widespread. "It is extreme," said Milton Bailey, president of the Louisiana Housing Finance Agency. "If we can do away with NIMBYism, we can solve every single housing problem and every single social problem there is in this state. The single most interfering, stick in the mud, big hill to climb is NIMBYism."

Bailey wasn't being melodramatic. Hurricane Katrina damaged as much as 80 percent of the New Orleans area's affordable housing, leaving as many as 12,000 people homeless and tens of thousands unable to return. These people need homes, but even in a best-case scenario, the number of planned affordable housing units is expected to meet only 45 percent of the post-storm need, according to Bailey; the federal government simply didn't cough up cash for more. And now, thanks to the rash of ordinances and moratoriums--coupled with the national housing crisis--even this scenario looks distressingly unlikely.

Part of the reason for this bind goes back to the guidelines set by Congress when it allotted hundreds of millions of dollars in low-income-housing tax credits to Louisiana after the storm. Under the guidelines, the state is required to have all its tax-credit-supported projects in the ground and completed by December 31, 2010, or the government snatches the credits back. But as things stand now, more than one in five tax-credit-backed projects already in the pipeline--roughly 6,100 units--could fall victim to the combined catastrophes of housing discrimination and the capital markets crisis, according to Bailey.

"This is a very valuable resource, and for it to go unused as a result of NIMBYism is a crying shame, because we don't get to carry those tax credits forward," said Bailey. "But [the parishes] don't get it.... They refuse to see it because we are blinded by the fact that we don't want those people in our neighborhoods."

This self-destructive logic is on full display in St. Bernard Parish. With its tax base in tatters and vast swaths still uninhabited, if not uninhabitable, the parish could reasonably give medals of bravery to each person who chooses to return. But, as Okechukwu Okafor, a soft-spoken Nigerian-American, soon learned, some prejudices die harder than the will to recover.

Okafor, 29, purchased three houses in St. Bernard after the storm in the hopes of renovating and renting them. (He had initially hoped to sell them but, like many landlords, got caught in the real estate meltdown and couldn't find buyers.) Two were in the lily-white Lexington Place subdivision and one in the black-friendly neighborhood of Violet. When he began renting them out he was unaware of the rental ordinance, and when he found out he held off applying for permits because he feared the process was not genuine. "I think it was just a deliberate ploy to prevent you from having you rent it out at all," he said.

But woe to the person who defies the parish! In February, a lock was placed on the water meter of one of Okafor's Lexington Place houses, and on March 11 Okafor was arrested after he confessed to telling his water-deprived tenant that it was OK to break the meter if he was desperate. One moment Okafor was sitting in a meeting with parish officials cordially discussing the meter matter, and the next he was handcuffed and hauled off to jail, where he was questioned about whether he was in this country legally and how he got the money to purchase his properties.

Okafor's twenty-four hours behind bars culminated in two charges: theft of a utility and criminal damage to property. But curiously, he was approached shortly after his release by the chief administrative officer for St. Bernard Parish with an offer to amend those charges. According to legal documents, the administrative czar told Okafor the charges would be dropped if he would "empty the houses" of their three tenants, which Okafor obediently did. (The charges, however, have not been dropped, and Okafor is still awaiting his day in court.)

When asked to explain these strange goings-on, Craig Taffaro, the parish president, zealously denied that they were the result of anything less than altruistic impulses. "There has been absolutely zero racial influence for what has taken place," he said, explaining that what has been cast as "prejudice" is simply economic acumen, a desire to prevent out-of-town developers from "destabilizing" the housing market and "changing the face of St. Bernard" from a "predominantly owner-occupied community" to a renters' town.

And yet, who tends to own homes in St. Bernard Parish? And who tends to rent? Certainly there are white renters in St. Bernard, and some of them have been harassed with notices. But for each story of white families caught in the anti-rental onslaught, there are many more anecdotes reeking of racial prejudice, like that of Kiana Alexander. A former Post Office employee with carefully coiffed hair and shy eyes, Alexander, 34, is among the landlords who did apply for a rental permit. She paid her application fees (\$250 apiece for her three St. Bernard Parish properties), mailed notices to neighbors and, on January 22, attended a parish council meeting during which the council was supposed to vote on her application to rent her house in Buccaneer Villa, a historically white enclave. The council ended up tabling the matter--it said she'd applied too soon for the permit because she hadn't completed the renovations--but that didn't quell the group of angry parishioners who'd shown up to express their displeasure.

And then, less than five hours later, Alexander's house was in flames. For Alexander, who had no insurance, there was only one explanation for the fire that destroyed her house. "Somebody at the meeting," she said. "Because the house has been sitting there since September, so why burn it after the meeting? The day of the meeting! Why?"

Alexander is still awaiting an answer, as are dozens of other St. Bernardians who have been burned, literally or figuratively, by the parish's anti-rental campaign. In fact, the drama continues; in July, the planning commission recommended denying eighteen permit applications. And more than seventy property owners have joined a lawsuit brought this past spring by Henry Klein, a New Orleans attorney suing the parish for overregulation of land use. (In a victory for tenants, shortly after the suit was filed the parish agreed to stop threatening them with utility shutoffs.) But even if they win in court--a big question mark--it's hard to imagine much improvement as long as their fellow parishioners refuse to acknowledge even the possibility that racial prejudice has fueled such outrages as the blood relative ordinance or the arson that destroyed Alexander's house.

"Aw, that's bull," growled St. Bernard Parish fire chief Thomas Stone during a phone conversation in which he demanded to know whether *The Nation* was going to write about all the other arson cases that have afflicted the parish. He even suggested that Alexander might have set the fire "to draw attention to herself." And he added, "I don't think there's any problem with race relations at all in St. Bernard Parish--none whatsoever."

Alexander's neighbor, a 35-year-old German-born mechanic with a penchant for Confederate flags, was

even more dismissive of the discrimination theory. Although he refused to share his name, he gladly shared his thoughts on the blood relative ordinance (he approved) and the hype of "racism." "Now everything's 'racist' if they try to do something to keep a neighborhood the way it was, just because it was all whites before," he complained. "I liked the parish before the storm. I don't like the way it's goin' now." Then he shook his head and chuckled. "Ain't no chance for whitey."

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