

James Perry – Greater New Orleans Fair Housing Action Center

Commissioners, thank you for the opportunity to testify before you today. My name is James Perry. I am the Executive Director of the Greater New Orleans Fair Housing Action Center.

I would like you to consider a few quotes. “I would love to house a single mom with one child. I’m not racist but whites only.” Second quote, “Not to sound racist [and we always know that is generally a bad start] but because we want to make things more understandable for our young child, we would like to house white children.” The third quote, “Prefer a white Catholic family, children welcome.” The fourth quote, “Room available to single white mother with child or younger to middle aged white couple.” And finally, “We are a white couple. We prefer a white family due to the neighborhood that we live in.” Now, I think that it is reasonable to assume that these are quotes perhaps from before the time that the Fair Housing Act was passed, before Martin Luther King was assassinated, but, unfortunately, these quotes are not that old. In fact, these are quotes from 2005, from the fall of 2005 and the months directly after Hurricane Katrina. There were five websites that went up shortly after the storm, and the purpose of those websites was exclusively to assist hurricane evacuees who were looking for housing. And it was on those very websites that these advertisements for housing appeared. Those very websites that purported to assist people whom they knew were in dire need for housing, they placed these advertisements. Shortly after the storm, of course, my own office in New Orleans was greatly damaged, and we were working on these very issues, and at first I thought, “Well, maybe I do not really have time to look at these internet ads.” I did not realize how big of an issue it was until someone said this is the exact language in these ads. The day that the ads were brought to my attention, I spent my whole day on the internet looking for ads like this, and I compiled twenty-eight pages of advertisements that had discriminatory statements just like the ones that I have read to you. And they did not just talk about race. They talked about national origin. They talked about people with disabilities. They really ended up offending people from every single protected class under the federal Fair Housing Act. Incredible...in 2005.

One of the websites, DHR Online, which stands for Disaster Housing Relief Online, was particularly egregious. The reason is that the website was set up and funded by FEMA. When hurricane evacuees would go to the FEMA website to apply for FEMA benefits, they would immediately be prompted to the DHR Online website to look for housing opportunities. Now, imagine that you have lost your home, you do not have anything, you are applying to FEMA for some rental assistance and they say, “You know what? We are going to help you find some housing. Continue on to this website.” They send you on to the website, and the first thing that you see is an advertisement saying we have got housing but no kids and you have children, an advertisement saying no African Americans but you are black. It just does not work. So, of course these advertisements are very troubling and very egregious. I think that there are a few things that they demonstrate. The first is just how bad housing discrimination is in America. I think that oftentimes, because we do not see these kinds of ads anymore in the newspaper, in the New York Times or the Washington Post or whatever your local paper is, we assume that this issue is gone, that is dealt with, but what becomes very obvious here is that the issue and the way of thinking has not ended. As a matter of fact, it has survived and survived in a very strong way. It has survived and it has demonstrated that it is willing to evolve and evolve with technology and evolve onto the internet. The second issue is that it shows in some ways the inadequacy of

our ability to enforce these laws, particularly the federal Fair Housing Act, and the reason is that shortly after the storm on December 23 we filed HUD complaints against all five of these websites. And I will be honest I thought that this was going to be an easy straightforward case because the Fair Housing Act says it is illegal to publish discriminatory advertisements, and, if these aren't discriminatory, I don't know what is. So, we file our complaint, and, of course, as I sit before you here today, the cases are still pending with HUD. None of these cases have been resolved. Cases where people said, "I'm not racist but whites only," when providing housing are still pending before HUD and have not been dealt with adequately yet. I think the other thing is that they demonstrate the mind state that people had in dealing with hurricane evacuees, the same way that Cathy Cloud's testimony demonstrated in the National Fair Housing Alliance's testimony that people still had a problem with race even though they saw people having this great need.

Now, when it comes to the Gulf Coast communities, the type of discrimination that we saw occurring was, I think that it occurred in a lot of different ways but there was one type that was particularly troublesome and that was not by individual landlords but instead by government entities, the government entities that were charged to protect the citizens and the communities that they lead actually engaged in discriminatory activities. I will give you a few examples. The first is a community called St. Bernard Parish. It is in Louisiana. It is adjacent to New Orleans. As a matter of fact, it is adjacent to the Lower Ninth Ward. All of the problems that you saw afflicting the Lower Ninth Ward afflicted St. Bernard Parish. St. Bernard Parish is majority white. It is about 89% white. After the storm they passed an ordinance that said that it was illegal to rent your single family home to anyone who was not related to you by blood. Let me repeat that, that it was illegal to rent your single family home to anyone who was not related to you by blood. Now of course, the majority of the owners of single family homes in St. Bernard Parish were white. 93% of single homes in St. Bernard Parish were owned by white folks. What this meant was that Asian Americans, Latinos, African Americans could not rent single family homes in St. Bernard Parish. And consider the devastation in New Orleans and in the metropolitan area. We had the greatest need for housing that a community potentially has ever suffered, but they sought to limit housing again based on race. And it was not just a landlord saying we are not going to allow housing, and that is very bad, do not get me wrong, but this was a law, an actual ordinance, that prohibited people from having equal housing opportunity. Of course, partnering with the Lawyers' Committee for Civil Rights and the Relman and Dane law firm, my organization, the Fair Housing Action Center litigated that case, and we successfully reversed the ordinance. Here is the problem there: private organizations had to step in and take up this fight. Consider that the U.S. Department of Housing and Urban Development and the US Department of Justice are both funded, created, and empowered to take on these very types of fair housing issues, but they were not the groups that took the lead in these issues. Instead, it was the private non-profits that had to step up and take the lead.

In comparable fashion, in Jefferson Parish, which also borders Orleans Parish, the Parish sought to limit affordable housing opportunities. They used zoning mechanisms in order to ensure that affordable housing could not be built. Particularly, they first passed a resolution saying that we do not want Low Income Tax Credit housing used at all within our boundaries. And of course the low income tax credit is the tool that is best used for creating affordable rental housing. In New Orleans, at least, and in the metro area, at least, African Americans, Latinos, families with

children, and people with disabilities heavily rely on low income tax credit housing. Well, Jefferson Parish effectively limited the construction of low income tax credit properties. One example was a building that was going to be built by the Volunteers of America to house low income citizens. They were going to house people who lived in a development that they owned before. The majority of those residents were low income African American elderly residents. Jefferson Parish went out of its way to kill that particular complex, and said even elderly African American residents are not going to be allowed here. We are going to stop this development before it is able to even start.

Again in Jefferson Parish, in Kenner City, Kenner City, after there was talk of renovating a complex that housed mostly Latino residents that was destroyed in the storm, decided to pass a moratorium on the construction of any multi-family housing. Let me say that again, they made it illegal to build any apartment complexes in Kenner City, and we are currently mounting a challenge against Kenner City over that very issue. But of course the issue again is that people with disabilities, Latinos, and families with children rely very heavily upon apartment housing in Kenner City so when they say you cannot build any more apartment housing, they effectively ban these groups from their community. The examples go on and on and on.

I have examples in New Orleans. I think that everyone saw the well publicized destruction of New Orleans public housing, the housing that was relied on by so many low income African American citizens, without a plan to allow for people to return and to have some kind of temporary housing until new housing was built.

Another egregious act by the state, the state, after the storm, said, "We need to revamp our building code. We need to come up with a better building code." And so they adopted a new building code. The building code that they adopted had design and construction standards that were consistent with the federal Fair Housing Act. And what that means is that the new building code would require people to built housing that would be accessible for people with physical disabilities. And of course the state goes in and removes all those requirements, all the design and construction standards, from the building code. So, as it stands in Louisiana, when people build affordable housing, multi-family housing, it still is not required to be accessible under state law.

So, what is the point of going through all of these individual instances of discrimination that have happened and particularly that have been prompted by government agencies because there are more and I could keep going on and on and on? The issue is this: each one of these entities receives Community Development Block Grant funding, CDBG funding, and when you get that funding your municipality, your state has a requirement to affirmatively further fair housing and it is not just that they are not to engage in discrimination but they have to take affirmative steps to make sure that it does not happen. Well, these communities are not just failing to affirmatively further fair housing, they are actually engaging in discrimination. It is my opinion that, if folks are not going play fairly, if they are not going to ensure that there is going to be affordable housing in the community, then they should not be able to continue to receive these Community Development Block Grant funds. And of course the question well becomes in this instance: who looks at this issue who determines whether or not they should continue to receive funding? Well, it is HUD. Then the question becomes what has HUD done to make sure that

these communities are doing the right thing with this Community Development Block Grant money? Well, to date nothing has happened. They have received no penalty, even though they have engaged in these heinous acts of discrimination, no penalty whatsoever.

Now, I do not want to mislead you to think that that is the only type of discrimination that has happened post-storm. We have also had these same types of individual instances of discrimination that Cathy Cloud has described in the National Fair Housing Alliance study. We did our own investigation into housing discrimination in the New Orleans metropolitan area, and what we found was that 57.5% of the time African Americans experienced discrimination when they would go to look for apartment housing as compared to their white counterparts. The real problem here was that, and I think the problem for how people perceive fair housing, a lot of times the discrimination was subtle. It was the type of discrimination that you would not notice unless you had someone to compare your experience to, and so, for instance, not being allowed to apply, being told that the price is \$1000 a month when the price is actually \$800 a month. These are the kinds of things that you just would not know unless there had been testing done in that circumstance. So, we see this discrimination happen over and over and over again, and our study really demonstrates how bad it is.

So, if a person experiences that type of discrimination, they really have one option in Louisiana, and that is to file their complaint with the Louisiana Department of Justice. This is a fair housing assistance program that takes on complaints of housing discrimination. The troubling issue with that program is that they have only found discrimination one time in the past eleven years. They have been around for eleven years, and they have only charged one landlord with housing discrimination in that eleven year period. I do not know about you, but I do not believe that we have gone eleven years in Louisiana and only had one instance of discrimination. The point is this: we have a lot of work to do to make sure that these government entities are able to properly enforce fair housing laws and make sure that we are able to ensure equal housing opportunity for everyone in our community. I have a slew of recommendations on how to deal with these issues, but, because I am out of time, I will not make those recommendations but I will clearly say that the problem is clear and it is time for us to address those problems and to make sure that the next forty years of fair housing truly ensure equal opportunity for our communities.