

U.N. COMMITTEE SAYS POOR, BLACKS HARMED MOST BY KATRINA

by David Hammer, The Times-Picayune

Friday March 07, 2008, 8:32 PM - A United Nations treaty committee ruled Friday that the United States' response to Hurricane Katrina has had a greater negative impact on displaced black residents and called on the federal government to do more to guarantee that they can return to affordable housing in their hometowns.

The U.N. committee also ruled Friday that the U.S. government must make sure displaced residents have a greater say in plans that affect their return.

Housing advocates in New Orleans proclaimed the decision as a victory in their protracted battle with the U.S. Department of Housing and Urban Development, saying the U.N. finding proved that HUD failed to consider alternatives to its plans to demolish four large public housing complexes and replace them with a mixed-income model with fewer total units.

Advocates called on HUD to halt the demolitions and specifically focused on one of the complexes, Lafitte, saying its sturdy buildings are historic and can be easily repaired to increase the supply of affordable housing in the city.

The New Orleans City Council voted unanimously in December to demolish the C.J. Peete, B.W. Cooper, St. Bernard and Lafitte complexes. Before the council vote, Mayor Ray Nagin approved demolition permits for all the complexes except Lafitte.

Unlike a statement from two U.N. experts last week that culled observations of anti-demolition activists to accuse HUD of discrimination, the U.N. committee considered input from both sides of the debate. But in issuing its findings, the committee did not call on HUD to halt demolition plans in New Orleans.

HUD responded to the U.N. committee findings, released Friday in Geneva, Switzerland, by equating them with the ad hoc statements from the two U.N. agents, who acknowledged this week that they had not been to New Orleans since Katrina.

"The view from the Alps is obviously different than the view from the Mississippi," HUD spokeswoman D.J. Nordquist said. "Based on that information, it would seem that this report cannot possibly mean anything. Our plan is a vast improvement over the old paradigm of concentrating families in islands of poverty, a recipe for dependence and despair across generations."

U.S. admonished

The U.N. committee, the International Convention on the Elimination of All Forms of Racial Discrimination, or CERD, was considering whether the United States had complied over the past seven years with the anti-racism treaty the country signed in 1994. It praised the United States for some of the steps the government has made to address racial discrimination, including the reauthorization of the Voting Rights Act in 2006.

But among its concerns, which included admonishing the United States for de facto segregation in public schools, police brutality and permitting life imprisonment of juveniles, the treaty committee singled out housing issues in the wake of Katrina.

"The committee, while noting the efforts undertaken by the (U.S. government) and civil society organizations to assist the persons displaced by Hurricane Katrina of 2005, remains concerned about the

disparate impact that this natural disaster continues to have on low-income African American residents, many of whom continue to be displaced after more than two years after the hurricane," the CERD report said.

The committee recommended that the U.S. government work more aggressively to get displaced residents into "adequate and affordable housing, where possible in their place of habitual residence." It specifically said the government needed to "ensure genuine consultation and participation of persons displaced by Hurricane Katrina in the design and implementation of all decisions affecting them."

The U.N. body then told the 24-member U.S. delegation, comprised mostly of State Department and Justice Department representatives, to report back within a year to show how it had addressed the committee's concerns.

Nordquist said HUD has, in fact, consulted extensively with public housing tenant groups. The tenant groups have held numerous meetings with the developers of new complexes and visited other cities to study similar redevelopment projects. And she said HUD has worked vigorously to help the displaced return home.

"We have gone to extraordinary lengths to bring all citizens home who so choose, with the government not only paying for their relocation costs, but also helping residents break leases wherever they are if they would like to come back to New Orleans," she said.

Battle over Lafitte

At a news conference in New Orleans on Friday, a group of human rights, faith-based and advocacy organizations seized on the U.N. findings to ask city officials to stop HUD-ordered demolition work, particularly at the Lafitte complex, a development in Treme that sustained little damage in the 2005 hurricane.

While there is no permit to demolish Lafitte, contractors have begun asbestos abatement work, which advocates said is a thinly veiled effort to begin demolition complex before Nagin issues a permit.

U.S. Sen. David Vitter, R-La., countered with a letter to Nagin urging him to grant the permit immediately so the city will be able to meet a 2010 HUD funding deadline for completing the replacement projects. Vitter criticized the U.N. committee for not taking a closer, on-the-ground look at the issue.

"I've been working in the Senate to bring about a common-sense resolution to the New Orleans public housing issue," Vitter said. "And even without the input and assistance of the U.N., it is apparent that the old New Orleans public housing system was broken. Recent news reports have noted that the majority of former residents surveyed stated that they have no desire to return to those conditions."

HUD argues that its plans for stick-built houses and mixed-income neighborhoods, some of which are already housing residents, will end the concentrated poverty of traditional housing developments.

On Thursday, HUD came out with a University of Texas at Arlington survey that showed most of the 2,109 residents surveyed didn't want to return to Housing Authority of New Orleans public housing units, findings HUD said proved it will have enough new units for everyone who wants to come back.

But Damon Hewitt, an attorney for the NAACP Legal Defense Fund and a New Orleans native, said HUD is presenting public housing residents with a false choice of "go back to the same old way or just stay away."

"We can have a policy debate about what the housing should look like, but the issue we have moral clarity on is, What about the people who want to come back and have nothing to come home to?" Hewitt said.

Critical of new construction

Julie Andrews, a former resident at the Desire complex, said she much preferred the sturdy old brick buildings to a new stick-built unit she describes as thin-walled and cramped, even if it is more attractive on the outside.

Opponents of the demolitions pointed to a report by John Fernandez, an architecture professor at the Massachusetts Institute of Technology, who inspected the four complexes last year. Fernandez found that the complexes feature heavy masonry buildings that are safer, stronger and cheaper to rehabilitate and bring up to code than building new stick-built units. Robert Tannen, an urban planner from New Orleans, said the HUD plans don't take that into account.

"Unfortunately, we haven't separated the urban policy debate from the hysterical social arguments," he said.

Fernandez, who was paid by housing advocates to provide expert testimony in a lawsuit against HUD, also suggested that the older buildings can better withstand damage from severe storms and hurricanes.

Whatever new buildings HUD constructs must meet a more stringent building code. Commercial buildings in New Orleans, including public buildings and apartment complexes, have been required to meet International Building Code standards since that code was adopted in New Orleans in January 2005, a year before the code was adopted statewide.

That code requires buildings to be built to withstand 130-mph winds and meet other standards to withstand hurricanes.

The state's adoption of International Code Council commercial and residential codes required use of similar International Residential Code standards for single-family and two-family homes, beginning in January 2006.

A big aspect of the U.N. treaty body's ruling is the international shaming that comes with a finding of racial discrimination. The U.N. follows international human rights laws that define racial discrimination based on how minorities are affected by government policies, not the intent of those policies. The U.N. report Friday explicitly criticized the United States for denying discrimination simply because none was intended.

The advocates welcomed the U.N. ruling as a way to hold HUD accountable for the thousands of black New Orleanians who haven't been able to return home, even if the government policies aren't overtly racist.

"People are always looking for smoking guns to prove" racism, Hewitt said. "But we know that's not how racial discrimination works today in this country."

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