

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF LOUISIANA**

GREATER NEW ORLEANS FAIR HOUSING
ACTION CENTER, and
WALLACE RODRIGUE,

Plaintiffs,

vs.

ST. BERNARD PARISH and ST. BERNARD
PARISH COUNCIL,

Defendant.

* CIVIL ACTION
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* NO. 2:06-CV-07185
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* SECTION C
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* JUDGE BERRIGAN
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* MAGISTRATE JUDGE SHUSAN
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**MEMORANDUM OF POINTS AND AUTHORITY IN SUPPORT OF
PLAINTIFFS' APPLICATION FOR A PRELIMINARY INJUNCTION**

Pursuant to Federal Rule of Civil Procedure 65, Plaintiffs Wallace Rodrigue and the Greater New Orleans Fair Housing Action Center respectfully submit this Memorandum in support of their application for a preliminary injunction to enjoin the enforcement and implementation of an ordinance, passed by St. Bernard Parish Council on September 19, 2006, that makes it unlawful for a homeowner to rent or allow occupancy of single-family residences without a permissive use permit to any person except the owner's blood relatives.

INTRODUCTION

In August 2005, Hurricane Katrina devastated the Gulf Coast, leaving tens of thousands of families without housing in the New Orleans area. Although the hurricane's destruction cut across all races, African Americans constituted a substantial and disproportionate percentage of those displaced. The hurricane destroyed much of the housing in the area, and reconstruction of housing units has been slow. With this severe shortage of housing, displaced residents, particularly minorities, have had great difficulty returning to the area. In the New Orleans metropolitan area, nearly 60% of those residents who remain displaced are African American.

Just two months after Hurricane Katrina, and despite the overwhelming need for rental housing by displaced residents in the area, the St. Bernard Parish Council began a concerted effort to restrict the availability of rental housing in the predominantly white parish with the purpose and effect of preventing African Americans and Latinos from moving into the Parish. After passing a succession of ordinances restricting the availability of rental housing in both multi-family developments and single-family residences, on September 19, 2006, the Parish Council, without any justification and over the dissenting votes of two members, passed an ordinance that restricts single-family homeowners' ability to rent, or even to allow someone to use or occupy, their residences in the Parish to only those individuals who are family members directly related by blood (hereinafter "blood relative requirement"). The Council provided no explanation for its decision to limit rentals to this single category of renters.

The Council enacted this ordinance with the clear purpose and effect of perpetuating the historical segregation of St. Bernard Parish and excluding African Americans and Latinos from the Parish. The discriminatory intent behind this ordinance is demonstrated by direct statements of Council members, such as that of Parish Councilman Craig Taffaro, who introduced and voted for all of the restrictive ordinances and explicitly acknowledged their racially exclusionary purpose: "We're not changing the demographics, all we're doing is saying we want to maintain the demographics" One of the dissenting members of the Council has expressly declared that the Council's actions were intentionally taken "to block the blacks from living in these areas." The ordinance's exclusionary and discriminatory effect is obvious. White individuals own 93% of all owner-occupied houses in the Parish. As a result, African Americans and Latinos seeking single-family rentals will be denied the opportunity to rent virtually all single-family residences based on no reason other than their blood lines.

No legitimate governmental purpose justifies these restrictive ordinances. The Parish's