

CHAPTER 11

HOUSING AND HOUSING REGULATIONS*

- Sub-Chapter A -- Low Rent Housing
- Sub-Chapter B -- Parish Home Mortgage Authority
- Sub-Chapter C -- Fair Housing Regulations

Sub-Chapter A

Low Rent Housing

Part I - Parish Housing Authority

SECTION 11:1. DECLARATION OF NEED FOR PARISH HOUSING AUTHORITY

A. The Police Jury of Lafourche Parish hereby determines, finds and declares upon its own initiative in pursuance of the "Housing Authorities Law" of the State of Louisiana, that:

1. Because there are a substantial number of elderly persons in Lafourche Parish who are no longer able to earn sufficient income to rent, purchase, or maintain adequate housing; and that,

2. Because of fixed prices, low earnings, and high expenses, those employers, who had traditionally furnished houses to employees, are unable, despite earnest and concerted efforts, to provide for the employees the adequate standard of housing which they desire that these people have; and that,

3. Because of the depletion of the fur bearing animals, infestation of the area by nutrias, low yield on shrimp and fishery products, and a definite and substantial reduction in oil exploration and industrial activity in the area, all of which reduces the income of considerable proportions of the residents of the Parish to a level which prevents their purchasing, renting, or maintaining an adequate standard of housing, therefore:

a. There exists in several areas of the Parish dwelling accommodations which are unsanitary and unsafe.

b. For the reasons set forth above, there is and will continue to be a lack of safe, sanitary, or adequate dwelling accommodations available to low income families.

c. Some of the areas existing in the Parish could properly be described as "slum" areas, which, if allowed to continue to exist, will affect the safety and welfare of the Parish.

***Comment** -- See LRS 40:381 et seq. for general state laws governing the creation and operation of housing authorities and slum clearance. For building and construction regulations, see Chapter 5, this Code. For zoning regulations, see Chapter 19.

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d. There is a need for the housing authority of Lafourche Parish, to function in order to remedy these conditions which exist despite the concerted, serious efforts of the officials of the Parish, the businessmen, employers, and other persons whose interest is directed to the welfare of the residents of this parish.

(Res. of 8/9/61)

**SECTION 11:2. PRESIDENT OF POLICE JURY AUTHORIZED TO FILE
CERTIFICATE OF APPOINTMENT OF HOUSING
COMMISSIONERS AND CHAIRMAN**

The President of the Police Jury shall be, and he is hereby directed to file the necessary certificate relative to the appointment of the commissioners and designation of the first chairman of the housing authority in the office of the Secretary of the Police Jury of Lafourche Parish. Such appointments shall be presented to the Police Jury by the President for its approval. (Res. of 8/9/61)

Comment -- For procedures to be followed in appointing housing authority boards, terms of office, etc., see LRS 40:401. For provisions governing the operations of such boards, see LRS 40:451 et seq.

SECTIONS 11:3 - 11:19. RESERVED

Comment -- The following is the text of an agreement between the Parish of Lafourche and the Housing Authority of Lafourche Parish, relative to low rent housing units in the Parish. The agreement was adopted by Resolution dated September 13, 1961.

SECTION 11:20. HOUSING AGREEMENT, DEFINITIONS

A. Whenever used in this Part, the following definitions shall apply:

1. The term "*Local Authority*" shall mean the Housing Authority of Lafourche Parish, Louisiana.

2. The term "*Parish*" shall mean the Parish of Lafourche, Louisiana.

3. The term "*Project*" shall mean any low rent housing hereafter developed as an entity by the Local Authority with financial assistance of the United States of America (herein called the "Government"), pursuant to the United States Housing Act of 1937, as amended, and the Department of Housing and Urban Development Act; excluding, however, any low rent housing project covered by any contract for loans and annual contributions entered into between the Local Authority and agencies of the Government prior to the date of this Agreement.

4. The term "*Taxing Body*" shall mean the State or any political subdivision or taxing unit thereof in which a Project is situated and which would have authority to assess or levy real or personal property taxes or to certify such taxes to a taxing body or public officer to be levied for its use and benefit with respect to a Project if it were not exempt from taxation.

5. The term "*Shelter Rent*" shall mean the total of all charges to all tenants of a project for dwelling rents and non-dwelling rents (excluding all other income of such Project), less the cost to the Local Authority of all dwelling and non-dwelling utilities.

6. The term "*Slum*" shall mean any area where dwellings predominate which, by reason of dilapidation, overcrowding, faulty arrangement or design, lack of ventilation, light or sanitation facilities, or any combination of these factors, are detrimental to safety, health or morals.

(Coop. Agreement, 9/13/61)

Comment -- In the actual Cooperation Agreement, the word "Municipality" was used throughout to refer to the Parish. For the convenience of the user, the word "Parish" was, therefore, substituted for the word "Municipality" in this Code so that the meaning could be more easily recognized.

SECTION 11:21. LOCAL AUTHORITY TO APPLY FOR HOUSING ASSISTANCE

The local authority shall endeavor to secure a contract or contracts with the PHA for loans and annual contributions covering one (1) or more projects comprising approximately 1000 units of low rent housing, and, to develop and administer such project or projects, each of which shall be located within the corporate limits of the Parish. The obligations of the parties hereto shall apply to each such project. (Coop. Agreement, 9/13/61)

SECTION 11:22. HOUSING PROJECT PROPERTIES TO BE EXEMPT FROM PROPERTY TAXATION; IN LIEU OF FINANCIAL PAYMENTS REQUIRED; RATE ESTABLISHED; DISTRIBUTION

A. Under the constitution and statutes of the State of Louisiana, all projects are exempt from all real and personal property taxes and special assessments levied or imposed by any taxing body. With respect to any project, so long as either (1) such project is owned by a public body or governmental agency and is used for low rent housing purposes, or (2) any contract between the local authority and the PHA for loans or annual contributions or both, in connection with such project remains in force and effect, or (3) any bonds issued in connection with such project or any monies due to the PHA in connection with such project remain unpaid, whichever period is the longest, the Parish agrees that it will not levy or impose any real or personal property taxes or special assessments upon such project or upon the local authority with respect thereto. During such period, the local authority shall make annual payments (herein called "payments in lieu of taxes") in lieu of such taxes and special assessments and in payment for the public services and facilities furnished from time to time without other cost or charge for or with respect to such project.

B. Each such annual payment in lieu of taxes shall be made after the end of the fiscal year established for such project, and shall be in an amount equal to either (1) ten percent (10%) of the aggregate shelter rent actually collected but in no event to exceed the shelter rent charged by the local authority in respect to such project during such fiscal year or (2) the amount permitted to be paid by applicable state law in effect on the date such payment is made, whichever amount is the lower.

C. The local authority shall distribute the payments in lieu of taxes among the taxing bodies in the proportion which the real property taxes which would have been paid to each taxing body for such year if the project were not exempt from taxation bears to the total real property taxes which would have been paid to all of the taxing bodies for such year if the project were not exempt from taxation; provided, however, that no payment for any year shall be made to any taxing body in excess of the amount of the real property taxes which would have been paid to such taxing body for such year if the project were not exempt from taxation.

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D. Upon failure of the local authority to make any payment in lieu of taxes, no lien against any project or assets of the local authority shall attach, nor shall any interest or penalties accrue or attach on account thereof.

(Coop. Agreement, 9/13/61)

SECTION 11:23. PARISH OBLIGATED TO DEMOLISH SUBSTANDARD DWELLINGS

The Parish agrees that, subsequent to the date of initiation (as defined in the United States Housing Act of 1937, as amended) of each project and within five (5) years after the completion thereof, or such further period as may be approved by the PHA, there has been or will be elimination (as approved by the PHA) by demolition, condemnation, effective closing, or compulsory repair or improvement, of unsafe or insanitary dwelling units situated in the locality or metropolitan area in which such project is located, substantially equal in number to the number of newly constructed dwelling units provided by such project; provided, that, where more than one (1) family is living in an unsafe or insanitary dwelling unit, the elimination of such unit shall count as the elimination of units equal to the number of families accommodated therein; and provided, further, that this section shall not apply in the case of (1) any project developed on the site of a slum cleared subsequent to July 15, 1949, and that the dwelling units eliminated by the clearance of the site of such project shall not be counted as elimination for any other project or any other low rent housing project, or (2) any project located in a rural non-farm area. (Coop. Agreement, 9/13/61)

SECTION 11:24. PARISH REQUIRED TO PROVIDE SERVICES TO LOW RENT HOUSING PROJECTS, VACATE PUBLIC WAYS, COOPERATE WITH HOUSING AUTHORITY, ETC.

A. During the period commencing with the date of the acquisition of any part of the site or sites of any project and continuing so long as either (1) such project is owned by a public body or governmental agency and is used for low rent housing purposes, or (2) any contract between the local authority and the PHA for loans or annual contributions, or both, in connection with such project remains in force and effect, or (3) any bonds issued in connection with such project or any monies due to the PHA in connection with such project remain unpaid, whichever period is the longest, the Parish without cost or charge to the local authority or the tenants of such project (other than the payments in lieu of taxes) shall:

1. Furnish or cause to be furnished to the local authority and the tenants of such project public services and facilities of the same character and to the same extent as are furnished from time to time without cost or charge to other dwellings and inhabitants in the Parish;
2. Vacate such streets, roads, and alleys within the area of such project as may be necessary in the development thereof, and convey without charge to the local authority such interest as the Parish may have in such vacated areas; and, insofar as it is lawfully able to do so without cost or expense to the local authority or to the parish, cause to be removed from such vacated areas, insofar as it may be necessary, all public or private utility lines and equipment;
3. Insofar as the Parish may lawfully do so, (a) grant such deviations from the building code of the Parish as are reasonable and necessary to promote economy and efficiency in the development and administration of such project, and at the same time safeguard health and safety; and (b) make such changes in any zoning of the site and surrounding territory of such project as are reasonable and necessary for the development and protection of such project and the surrounding territory;

4. Accept grants of easements necessary for the development of such project; and

5. Cooperate with the local authority by such other lawful action or ways as the Parish and the local authority may find necessary in connection with the development and administration of such project.

(Coop. Agreement, 9/13/61)

SECTION 11:25. PARISH REQUIRED TO ACCEPT DEDICATION OF NEW STREETS AND PUBLIC WAYS WITHIN HOUSING PROJECTS AND ASSIST IN MAKING IMPROVEMENTS

A. In respect to any project the Parish further agrees that within reasonable time after receipt of a written request therefor from the local authority:

1. It will accept the dedication of all interior streets, roads, alley, and adjacent sidewalks within the area of such project, together with all storm and sanitary sewer mains in such dedicated areas, after the local authority, at its own expense, has completed the grading, improvement, paving, and installation thereof in accordance with specifications acceptable to the Parish.

2. It will accept necessary dedication of land for, and will grade, improve, pave and provide sidewalks for, all streets bounding such project or necessary to provide adequate access thereto (in consideration whereof the local authority shall pay to the Parish such amount as would be assessed under applicable state or local assessment laws against the project site for such work if such site were privately owned); and

3. It will provide or cause to be provided, water mains, and storm and sanitary sewer mains, leading to such project and serving the bounding streets thereof (in consideration whereof the local authority shall pay to the Parish such amount as would be assessed under applicable state or local assessment laws against the project site for such work if such site were privately owned).

(Coop. Agreement, 9/13/61)

SECTION 11:26. FAILURE OF PARISH TO PROVIDE SERVICES AND IMPROVEMENTS

If, by reason of the Parish's failure or refusal to furnish or cause to be furnished any public services or facilities which it has agreed hereunder to furnish or to cause to be furnished to the local authority or to the tenants of any project, the local authority incurs any expense to obtain such services or facilities then the local authority may deduct the amount of such expense from any payments in lieu of taxes due or to become due to the Parish in respect to any project or any other low rent housing projects owned or operated by the local authority. (Coop. Agreement, 9/13/61)

SECTION 11:27. APPLICATION OF COOPERATION AGREEMENT

No cooperation agreement heretofore entered into between the Parish and the local authority shall be construed to apply to any project covered by this agreement. (Coop. Agreement, 9/13/61)

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SECTION 11:28. ABRIGATION OR MODIFICATION OF AGREEMENT PROHIBITED WITHOUT APPROVAL OF FEDERAL AUTHORITY

So long as any contract between the local authority and the PHA for loans (including preliminary loans) or annual contributions, or both, in connection with any project remains in force and effect, or so long as any bonds issued in connection with any project, or any monies due to the PHA in connection with any project remain unpaid, this agreement shall not be abrogated, changed, or modified without the consent of the PHA. The privileges and obligations of the parish hereunder shall remain in full force and effect with respect to each project so long as the beneficial title to such project is held by the local authority or by any other public body or governmental agency, including the PHA, authorized by law to engage in the development or administration of low rent housing projects. If at any time the beneficial title to, or possession of any project is held by such other public body or governmental agency, including the PHA, the provisions hereof shall inure to the benefit of and may be enforced by, such other public body or governmental agency, including the PHA. (Coop. Agreement, 9/13/61)

SECTIONS 11:29 - 11:89. RESERVED

Part II - Miscellaneous Low Rent Housing Provisions

SECTION 11:90. APPLICATION OF FEDERAL RENT SUPPLEMENT PROGRAM FOR PARISH AUTHORIZED

Approval is hereby granted for participation in the Federal Rent Supplement Program by qualified housing owners of property located in the Parish of Lafourche, State of Louisiana. (Res. of 9/13/67, as re-enacted by Res. of 3/13/68)

Comment -- The preamble to the resolution from which the above Section was derived as follows:

"WHEREAS, under the provisions of Section 101 of the Housing And Urban Development Act of 1965, the Secretary of Housing and Urban Development is authorized to enter into contracts to make rent supplement payments to certain qualified housing owners on behalf of qualified low-income families who are elderly, handicapped, displaced, victims of natural disaster, or occupants of substandard housing; and"

"WHEREAS, the provisions of said Section 101 cannot be made available to housing owners in certain localities unless the governing body of the locality has by resolution given approval for such participation in the Federal Rent Supplement Program."

"NOW THEREFORE, BE IT RESOLVED..."

SECTION 11:91. NOTIFICATION OF INTENT TO APPLY FOR GRANTS AND/OR LOAN FUNDS

All boards created by the Lafourche Parish Council must officially notify the Lafourche Parish Council through the Council Secretary by certified mail prior to applying for grants and/or loan funds for the construction of any multi-family housing developments. In the event that grant and/or loan funds are not used, the same notification procedure must be followed. The Council Secretary will then forward this information to all Lafourche Parish Council Members.

(Ord. No. 2716, 1/12/99)

SECTIONS 11:92 - 11:94. RESERVED

SECTION 11:95. APPLICATION OF SECTION 23 OF THE U.S. HOUSING ACT FOR PARISH AUTHORIZED

The application of the provisions of Section 23 of the United States Housing Act of 1937, as amended, to Lafourche Parish, is hereby approved. (Res. of 5/14/69)

Comment -- The preamble to the resolution from which the above Section was derived reads as follows:

"WHEREAS, under the provisions of Section 23 of the United States Housing Act of 1937, as amended, the Department of Housing and Urban Development is authorized to provide financial assistance to local public housing agencies in providing low rent housing by leasing dwelling units in existing privately owned structures, and,"

"WHEREAS, said Section 23 provides that the provisions thereof shall not apply to any locality unless the governing body of the locality has by resolution approved the application of such provisions to such locality."

"NOW, THEREFORE, BE IT RESOLVED..."

SECTIONS 11:96 - 11:199. RESERVED

[RESERVED]

Sub-Chapter B

Home Mortgage Authority

SECTION 11:200. LAFOURCHE PARISH HOME MORTGAGE AUTHORITY CREATED; INITIAL MEMBERS; POWERS AND DUTIES

A. The creation of the Lafourche Parish Home Mortgage Authority (the "Authority") pursuant to that certain Trust Indenture, annexed hereto as Exhibit "A" (see Comment note following this Section) and incorporated herein by reference as if the same were set forth in full herein, be and the same is hereby approved, ratified and confirmed, and all of the terms and provisions of the said Trust Indenture be and the same are hereby approved in all respects.

B. In accordance with the provisions of the said Trust Indenture and the Louisiana Public Trust Law contained in Chapter 2-A of Title 9 of the Louisiana Revised Statutes of 1950, as amended (the "Act"), this Police Jury, on behalf of the Parish of Lafourche, State of Louisiana, hereby accepts the beneficial interest in the Authority, created by virtue of the execution of said Trust Indenture annexed hereto as Exhibit "A", (see Comment note following this Section) and does hereby constitute and establish the Parish of Lafourche, State of Louisiana, as the beneficiary of said Trust. The President of the Police Jury of the Parish of Lafourche, State of Louisiana, is hereby authorized and directed to sign the executed Trust Indenture evidencing the acceptance of such beneficial interest in the Authority by the Parish of Lafourche, State of Louisiana.

C. Application be and the same is hereby formally made to the State Bond Commission for approval of the creation of the Authority; and a certified copy of this ordinance shall be forwarded to the State Bond Commission on behalf of this Police Jury, together with a request for prompt consideration and approval of this application.

D. Certified copies of this ordinance shall be forwarded to the City of Thibodaux, the Town of Lockport and the Town of Golden Meadow, with a request that the governing authority of each of said municipalities, and with a further request that each of said governing authorities adopt an appropriate resolution approving the purpose for which the Lafourche Parish Home Mortgage Authority has been created and consenting to the expenditure of funds by the Trust within the corporate limits of such municipality to provide mortgage financing for properties located within such municipality, within the terms and conditions outlined in the Trust Indenture hereinbefore referred to.

(Ordinance No. 1252, 1/25/79)

Comment -- The "Exhibit A" referred to in the above Section was not included in this codification at the request of the Police Jury because it is very lengthy and dealt mainly with the bond issue to finance the Authority and its operating details. Copies of the Exhibit may be obtained from the Police Jury Office.

Ordinance No. 1252 also contained a roster of the names and addresses of the Trustees; the date, time, and place of its first meeting; and, the following Preface which explains the need and purpose for this legislation:

"WHEREAS, the Police Jury of the Parish of Lafourche, State of Louisiana, has been presented with an executed copy of a Trust Indenture (annexed hereto as Exhibit "A") creating the Lafourche Parish Home Mortgage Authority (the "Authority") pursuant to the Louisiana Public Trust Law contained in Chapter 2-A of Title 9 of the Louisiana Revised Statutes of 1950, as amended (the "Act"), as a public corporation of the Parish of Lafourche, State of Louisiana (the "Parish"), as beneficiary thereof, to generally provide with respect to housing, mortgage finance and related services, activities, facilities and properties, and to promote

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and provide for the development of residential housing, whether single or multi-family dwellings, of every type and character in accordance with the needs of the Parish of Lafourche, State of Louisiana (the "Parish"), its agencies and instrumentalities, in order to promote the health, safety, welfare and economic well-being of the inhabitants of the Parish, including specifically, but not limited to, the issuance of its bonds, notes or other obligations to acquire mortgage notes secured by mortgages on single family residences or two to four unit family residences in the Parish, owned by persons of low or moderate income; and

"WHEREAS, it is necessary and in the best interests of the Parish: (1) to provide for and promote the public health, safety and welfare; (2) to relieve conditions of unemployment and encourage the increase of industry and commercial activities and economic development of the Parish, so as to reduce the adverse effects of unemployment; (3) to provide for efficient and well planned urban growth and development, including the elimination and prevention of slum areas and urban blight, and the proper coordination of industrial facilities with public services, mass transportation facilities, and residential development; (4) to assist low and moderate income persons in acquiring and owning decent, safe and sanitary housing which they can afford; (5) to provide the integration of families of varying economic means; and (6) to preserve and increase the ad valorem tax base of the Parish; and

"WHEREAS, the availability of decent, safe and sanitary housing that most people can afford is essential to promotion of increased productivity of the residents of the Parish, to retaining existing industry and commercial activities in the Parish and thereby relieving conditions of unemployment and encouraging an increase of industry and commercial activities and economic development of the Parish, so as to reduce the adverse effects of unemployment within the Parish; and

"WHEREAS, the present shortage of decent, safe and sanitary housing which most people can afford is not transitory and self-curing, and the cost of financing the construction and rehabilitation of decent, safe and sanitary housing is a major and substantial factor affecting the supply and cost of such housing built or rehabilitated by private enterprise, and the revenue bonds provided for in the Act and the said Trust Indenture creating the Authority will substantially lower the cost of such financing; and

"WHEREAS, it is necessary and desirable to provide for the issuance of revenue bonds by the Authority to finance and provide funds needed in whole or in part for the costs of home ownership and the acquisition, purchase, construction, rehabilitation, improvement, equipping, betterment or extension of decent, safe and sanitary housing, within the Parish, that most people can afford, or to revitalize potentially decadent and blighted urban areas, and financing through the issuance of such bonds is in the public interest and serves a public purpose by providing financing for decent, safe and sanitary housing that most people can afford and is a function pertaining to the government and affairs of the Parish; and

"WHEREAS, this Police Jury now desires to formally approve the creation of the Authority and to further formally accept on behalf of the Parish the beneficial interest in the Authority, and appoint the initial Trustees of the Authority, all in accordance with the provisions of the Act:

NOW, THEREFORE, BE IT ORDAINED...."

SECTIONS 11:201 - 11:299. RESERVED

Sub-Chapter C

Fair Housing Regulations

SECTION 11:300. FAIR HOUSING REGULATIONS, GENERAL POLICY ESTABLISHED

It is the policy of the Parish of Lafourche to provide, within constitutional limitations, fair housing throughout the Parish. (Ord. No. 1878, 5/10/89)

SECTION 11:301. FAIR HOUSING REGULATIONS, DEFINITIONS

A. “*Dwelling*” means any building, structure, or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one (1) or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof.

B. “*Family*” includes a single individual.

C. “*Person*” includes one (1) or more individuals, corporations, labor organizations, partnerships, associations, legal representatives, mutual companies, joint-stock companies, unincorporated organizations, trusts, trustees, trustees in bankruptcy, receivers, and fiduciaries.

D. “*Chief Executive Officer*” means the Parish President.

E. “*To Rent*” includes to lease, to sublease, to let and otherwise to grant for a consideration the right to occupy premises.

F. “*Discriminatory Housing Practice*” means an act that is unlawful under Sections 11:303, 11:304 or 11:305 of this Sub-Chapter.

(Ord. No. 1878, 5/10/89)

SECTION 11:302. FAIR HOUSING REGULATIONS, UNLAWFUL PRACTICES

A. Subject to the provisions of Subsection A(2) and Section 11:306, the prohibitions against discrimination in the sale or rental of housing set forth in Section 11:303 shall apply to:

1. All dwellings except as exempted by Sub-Section A(2);
2. Nothing in Section 11:303 shall apply to:

a. Any single family house sold or rented by an owner; provided, that such private individual owner does not own more than three (3) such single-family houses at any one time; provided further, that in the case of the sale of any such single-family house by a private individual owner not residing in such house at the time of such sale or who was not the most recent resident of such house prior to such sale, the exemption granted by this Subsection shall apply only with respect to one (1) such sale within any twenty-four (24) month period; provided further, that such bona fide private individual owner

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does not own any interest in, nor is there owned or reserved in his behalf, under any express or voluntary agreement, title to or any right to all or a portion of the proceeds from the sale or rental of, more than three (3) such single-family houses at any one (1) time; provided further, that the sale or rental of any such single-family house shall be excepted from the application of this title only if such house is sold or rented (i) without the use in any manner of the sales or rental facilities or the sales or rental services of any real estate broker, agent, or salesman, or of such facilities or services of any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent, salesman, or person and (ii) without the publication, posting or mailing, after notice of any advertisement or written notice in violation of Section 11:303C of this Sub-Chapter, but nothing in this provisions shall prohibit the use of attorneys, escrow agents, abstracters, title companies, and other such professional assistance as necessary to perfect or transfer the title, or

b. Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four (4) families living independently of each other, if the owner actually maintains and occupies one (1) such living quarters as his residence.

3. For the purpose of Subsection A(2), a person shall be deemed to be in the business of selling or renting dwellings if:

a. He has, within the preceding twelve (12) months, participated as principal in three (3) or more transactions involving the sale or rental of any dwelling or any interest therein, or

b. He has, within the preceding twelve (12) months, participated as agent, other than in the sale of his own personal residence in providing sales or rental facilities or sales or rental services in two (2) or more transactions involving the sale or rental of any dwelling or any interest therein, or

c. He is the owner of any dwelling designed or intended for occupancy by, or occupied by, five (5) or more families.

(Ord. No. 1878, 5/10/89)

SECTION 11:303. FAIR HOUSING REGULATIONS, DISCRIMINATION IN THE SALE OR RENTAL OF HOUSING

A. As made applicable by Section 11:302, and except as exempted by Section 11:302A(2) and 11:306, it shall be unlawful:

1. To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or to deny, a dwelling to any person because of race, color, religion, or national origin.

2. To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling or in the provision of services or facilities in connection therewith, because or race, color, religion, or national origin.

3. To make, print, or publish, or cause to be made, printed, or published any notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, or national origin, or an intention to make any such preference, limitation, or discrimination.

4. To represent to any person because of race, color, religion, or national origin that any dwelling is not available for inspection, sale or rental when such dwelling is in fact so available.

5. For profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, or national origin.

(Ord. No. 1878, 5/10/89)

SECTION 11:304. FAIR HOUSING REGULATIONS, DISCRIMINATION IN THE FINANCING OF HOUSING

It shall be unlawful for any bank, building and loan association, insurance company or other corporation, association, firm or enterprise whose business consists in whole or in part in the making or commercial real estate loans, to deny a loan or other financial assistance to a person applying therefor for the purpose of purchasing, constructing, improving, repairing, or maintaining a dwelling, or to discriminate against him in the fixing of the amount, interest rate, duration, or other terms or conditions of such loan or other financial assistance, because of the race, color, religion, or national origin of such person or any person associated with him in connections with such loan or other financial assistance or the purpose of such loan or other financial assistance, or of the present or prospective owners, lessees, tenants, or occupants of the dwelling or dwellings in relation to which such loan or other financial assistance is to be made or given; Provided, that nothing contained in this Section shall impair the scope or effectiveness of the exception contained in Section 11:302A(2). (Ord. No. 1878, 5/10/89)

SECTION 11:305. FAIR HOUSING REGULATIONS, DISCRIMINATION IN THE PROVISION OF BROKERAGE SERVICES

It shall be unlawful to deny any person access to or membership or participation in any multiple-listing service, real estate brokers organization or other service, organization, or facility relating to the business of selling or renting dwellings, or to discriminate against him in the terms of conditions of such access, membership, or participation, on account of race, color, religion, or national origin. (Ord. No. 1878, 5/10/89)

SECTION 11:306. FAIR HOUSING REGULATIONS, EXEMPTION

Nothing in this Sub-Chapter shall prohibit a religious organization, association, or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color, or national origin. Nor shall anything in this Sub-Chapter prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members. (Ord. No. 1878, 5/10/89)

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SECTION 11:307. FAIR HOUSING REGULATIONS, ADMINISTRATION

A. The authority and responsibility for administering this Sub-Chapter shall be in the Chief Executive Officer.

B. The Chief Executive Officer may delegate any of these functions, duties and powers to employees of the parish or to boards of such employees, including functions, duties and powers with respect to investigating, conciliating, hearing, determining, ordering, certifying, reporting or otherwise acting as to any work, business, or matter under this Sub-Chapter. The Chief Executive Officer shall by rule prescribe such rights of appeal from the decisions of his hearing examiners to other hearing examiners or to other officers in the parish, to boards of officers, or to himself, as shall be appropriate and in accordance with law.

C. All executive departments and agencies shall administer their programs and activities relating to housing and urban development in a manner affirmatively to further the purposes of this Sub-Chapter and shall cooperate with the Chief Executive Officer to further such purposes.

(Ord. No. 1878, 5/10/89)

SECTION 11:308. FAIR HOUSING REGULATIONS, EDUCATION AND CONCILIATION

Immediately after the enactment of this Sub-Chapter, the Chief Executive Officer shall commence such educational and conciliatory activities as well as further the purposes of this Sub-Chapter. He shall call conferences of persons in the housing industry and other interested parties to acquaint them with the provisions of this Sub-Chapter and his suggested means of implementing it, and shall endeavor with their advise to work out programs of voluntary compliance and of enforcement. (Ord. No. 1878, 5/10/89)

SECTION 11:309. FAIR HOUSING REGULATIONS, ENFORCEMENT

A. Any person who claims to have been injured by a discriminatory housing practice or who believes that he will be irrevocably injured by a discriminatory housing practice that is about to occur (hereafter "person aggrieved") may file a complaint with the Chief Executive Officer. Complaints shall be in writing and shall contain such information and be in such form as the Chief Executive Officer requires. Upon receipt of such a complaint, the Chief Executive Officer shall furnish a copy of the same to the person or persons who allegedly committed or about to commit the alleged discriminatory housing practice. Within thirty (30) days after receiving a complaint, or within thirty (30) days after the expiration of any period of reference under Subsection C, the Chief Executive Officer shall investigate the complaint and give notice in writing to the person aggrieved whether he intends to resolve it. If the Chief Executive Officer decides to resolve the complaint, he shall proceed to try to eliminate or correct the alleged discriminatory housing practice by informal methods of conference, conciliation and persuasion. Nothing said or done in the course of such informal endeavors may be made public or used as evidence in a subsequent proceeding under this section without the written consent of the persons concerned. Any employee of the Chief Executive Officer who shall make public any information in violation of this provision shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than one thousand dollars (\$1,000.00) or imprisoned not more than one (1) year.

B. A complaint under Subsection A shall be filed within one hundred and eighty (180) days after the alleged discriminatory housing practice occurred. Complaints shall be in writing, and shall state the facts upon which the allegations of a discriminatory housing practice are based.

Complaints may be reasonably and fairly amended at any time. A respondent may file an answer to the complaint against him and with the leave of the Chief Executive Officer, which shall be granted whenever it would be reasonable and fair to do so, may amend his answer at any time. A respondent may file an answer to the complaint against him and with the leave of the Chief Executive Officer, which shall be granted whenever it would be reasonable and fair to do so, may amend his answer at any time. Both complaints and answers shall be verified.

C. If, within thirty (30) days after a complaint is filed with the Chief Executive Officer, the Chief Executive Officer has been unable to obtain voluntary compliance with this section, the person aggrieved may, within thirty (30) days thereafter, file a complaint with the Secretary of the Department of Housing and Urban Development. The Chief Executive Officer will assist in this filing.

D. If the Chief Executive Officer has been unable to obtain voluntary compliance with thirty (30) days of the complaint, the person aggrieved may, within thirty (30) days hereafter commence a civil action in any appropriate court, against the respondent named in the complaint, to enforce the rights granted or protected by this section, insofar as such rights related to the subject of the complaint. If the court finds that a discriminatory housing practice has occurred or is about to occur, the court may enjoin the respondent from engaging in such practice or order such affirmative action as may be appropriate.

E. In any proceeding brought pursuant to this section, the burden of proof shall be on the complainant.

F. Whenever an action filed by an individual shall come to trial, the Chief Executive Officer shall immediately terminate all efforts to obtain voluntary compliance.

(Ord. No. 1878, 5/10/89)

**SECTION 11:310. FAIR HOUSING REGULATIONS; INVESTIGATIONS;
SUBPOENA; GIVING OF EVIDENCE**

A. In conducting an investigation, the Chief Executive Officer shall have access at all reasonable times to premises, records, documents, individuals, and other evidence or possible sources of evidence and may examine, record, and copy such materials and take and record the testimony or statements of such persons as are reasonably necessary for the furtherance of the investigation; Provided however, that the Chief Executive Officer first complies with the provisions of the Fourth Amendment relating to unreasonable searches and seizures. The Chief Executive Officer may issue subpoenas to compel his access to or the production of such materials, or the appearance of such persons, and may issue interrogatories to a respondent, to the same extent and subject to the same limitations as would apply if the subpoenas or the interrogatories were issued or served in aid of a civil action in the United States District Court for the district in which the investigation is taking place. The Chief Executive Office may administer oaths.

B. Upon written application to the Chief Executive Officer, a respondent shall be entitled to the issuance of a reasonable number of subpoenas by and in the name of the Chief Executive Officer to the same extent and subject to the same limitations as subpoenas issued by the Chief Executive Officer himself. Subpoenas issued at the request of a respondent shall show on their face the name and address of such respondent and shall state that they were issued at his request.

C. Witnesses summoned by subpoena of the Chief Executive Officer shall be entitled to the same witness and mileage fees as are witnesses in proceedings in United States District Courts. Fees payable to a witness summoned by a subpoena issued at the request of a respondent shall be paid by him.

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D. Within five (5) days after service of a subpoena upon any person, such person may petition the Chief Executive Officer to revoke or modify the subpoena. The Chief Executive Officer shall grant the petition if he finds that the subpoena requires appearance or attendance at an unreasonable time or place, that it requires production of evidence which does not relate to any matter under investigation, that it does not describe with sufficient particularity the evidence to be produced, that compliance would be unduly onerous, or for other good reasons.

E. In case of contumacy or refusal to obey a subpoena, the Chief Executive Officer or other person at whose request it was issued may petition for its enforcement in the municipal or state court for the district in which the person to whom the subpoena was addressed resides, was served, or transacts business.

F. Any person who willfully fails or neglects to attend and testify or to answer any lawful inquiry or to produce records, documents, or other evidence, if in his power to do so, in obedience to the subpoena or lawful order of the Chief Executive Officer shall be fined not more than one thousand dollars (\$1,000.00) or imprisoned not more than one (1) year, or both. Any person who, with intent thereby to mislead the Chief Executive Officer, shall make or cause to be made any false entry or statement of fact in any report, account, record, or other document submitted to the Chief Executive Officer pursuant to his subpoena or other order, or shall willfully neglect or fail to make or cause to be made full, true and correct entries in such reports, accounts, records, or other documents, or shall willfully mutilate, alter, or by any other means falsify any documentary evidence, shall be fined not more than one thousand dollars (\$1,000.00) or imprisoned not more than one (1) year, or both.

(Ord. No. 1878, 5/10/89)

SECTION 11:311. FAIR HOUSING REGULATIONS, ENFORCEMENT BY PRIVATE PERSONS

A. The rights granted by Section 11:302, 11:303, 11:304 and 11:305 may be enforced by civil actions in state or local courts of general jurisdiction. A civil action shall be commenced within one hundred and eighty (180) days after the alleged discriminatory housing practice occurred; Provided, however, that the court shall continue such civil case brought pursuant to this section or Section 11:309D from time to time before bringing it to trial, if the court believes that the conciliation effort of the Chief Executive Officer are likely to result in satisfactory settlement of the discriminatory housing practice complained of in the complaint made to the Chief Executive Officer and which practice forms the basis for the action in court; And provided, however, that any sale, encumbrance, or rental consummated prior to the issuance of any court order issued under the authority of this section, and involving a bona fide purchaser, encumbrancer, or tenant without actual notice of the existence of the filing of a complaint or civil action under the provisions of this section shall not be affected.

B. The court may grant as relief, as it deems appropriate, any permanent or temporary injunction, temporary restraining order, or other order, and may award to the plaintiff actual damages and not more than one thousand dollars (\$1,000.00) punitive damages, together with court costs and reasonable attorney fees in the case of a prevailing plaintiff; Provided, that the said plaintiff in the opinion of the court is not financially able to assume said attorney's fees.

(Ord. No. 1878, 5/10/89)

SECTION 11:312. FAIR HOUSING REGULATIONS, INTERFERENCE, COERCION OR INTIMIDATION

It shall be unlawful to coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of his having exercised or enjoyed, or on account of his having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by Sections 11:302, 11:303, 11:304 or 11:305. This section may be enforced by appropriate civil action. (Ord. No. 1878, 5/10/89)

SECTION 11:313. FAIR HOUSING REGULATIONS, SEPARABILITY OF PROVISIONS

If any provision of this Sub-Chapter or the application thereof to any person or circumstances is held invalid, the remainder of the Sub-Chapter and the application of the provision to other persons not similarly situated or to other circumstances shall not be affected thereby. (Ord. No. 1878, 5/10/89)

SECTION 11:314. FAIR HOUSING REGULATIONS, PREVENTION OF INTIMIDATION IN FAIR HOUSING CASES

A. Whoever, whether or not acting under color of law, by force; or threat of force, willfully injures, intimidates or interferes with, or attempts to injure, intimidate or interfere with:

1. Any person because of his race, color, religion, or national origin and because he is or has been selling, purchasing, renting, financing, occupying, or contracting or negotiating for the sale, purchase, rental, financing or occupation of any dwelling, or applying for or participating in any service, organization, or facility relating to the business of selling or renting dwellings; or

2. Any person because he is or has been, or in order to intimidate such person or any other person or any class of persons from:

a. Participating without discrimination on account of race, color, religion or national origin, in any of the activities, services, organizations or facilities described in Subsection A(1) above; or

b. Affording another person or class of persons opportunity or protection so to participate; or

3. Any citizen because he is or has been, or in order to discourage such citizen or any other citizen from lawfully aiding or encouraging other persons to participate, without discrimination on account of race, color, religion or national origin, in any of the activities, services, organizations, or facilities described in Subsection A(1) above, or participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to so participate shall be fined not more than one thousand dollars (\$1,000.00), or imprisoned not more than one (1) year or both; and if death results, shall be subject to imprisonment for any term of years or for life.

(Ord. No. 1878, 5/10/89)

[RESERVED]