

Protecting their own

Posted by [Michelle Krupa and Lolis Eric Elie, Staff writers](#) August 10, 2007 5:10AM



Jennifer Zdon / Times-Picayune Susan "Willow" Schroeder sits in front of her home at 3044 St. Peter Street. It was on the city's demolish list despite her efforts to prove that it is livable.

The pink notice that appeared in April on Robert Lucien's flooded house in Gentilly warning of an impending government demolition prompted the lifelong New Orleans resident to take two swift steps: First, Lucien tore down the sticker.

Then, he made a bee-line for City Hall.

In appealing the condemnation of his home as an "imminent health threat," he offered a letter showing that a nonprofit group planned to clean out the ungutted property, and a city-issued permit he had secured to rebuild. He walked away with a signed receipt assuring him the city would take the house off its list of tear-downs.

So it came as a shock when Lucien, who lives in a FEMA trailer park in St. Roch, dropped by his one-story Wilton Drive house on July 12 to find the electricity cut off, the door lock broken and colorful Xs painted on the outer walls.

Spotting the telltale signs of impending demolition, Lucien rushed back to City Hall, where a clerk said the house, which by then had been gutted, was scheduled to be knocked down the next day.

Though he secured another written confirmation that his home would be spared, he didn't trust it -- and spent the day and night hunkered down in front of his home, girding for a stand-off with bulldozers, which never came. While his house still stands, Lucien fumes over his bungled case.

"The right hand doesn't know what the left hand is doing," he said.

Similar frustration appears to be growing as property owners who can't figure out why their clearly repairable -- or, in some cases, occupied -- houses have been cited, fight to make sure their homes don't become piles of rubble.

Since shortly after Mayor Ray Nagin's administration began enforcing the controversial law in March, which has designated hundreds of properties for FEMA-financed demolitions, fair-housing advocates and targeted homeowners have howled over what they decry as haphazard enforcement of the health-threat law, a confusing and inconsistent notification process, and the lack of a clear recourse to save condemned properties.

With inspections and demolitions hitting full-tilt in recent weeks, the volume of complaints has grown to a roar. The City Council, after tabling discussion of the matter Thursday, called a special meeting for Wednesday to probe concerns about the issue.

One activist, worried about the demolition of historically significant properties, has launched a Web site featuring photographs of apparently salvageable homes that have been tagged for demolition under the ordinance.

The Preservation Resource Center has drafted a one-page primer on the health-threat law, explaining how residents can try to avoid the wrecking ball. But the organization also has called on the city to halt demolitions immediately and "fix inconsistencies" in the law and its enforcement, board President Bob Brown said.

Common Ground Collective, a nonprofit group that offers recovery services, is planning a grassroots effort to demand repeal of the health-threat ordinance, organizer Bobby Walker said.

Bypassing bureaucracy

The health-threat ordinance aims to deal swiftly with the worst-ravaged properties by sidestepping a multitiered appeals process required by a separate city law, called the Good Neighbor Program, that gives owners 120 days to clean, gut and board up blighted properties, or at least prove they're working toward that goal.

The health-threat ordinance, by contrast, allows the city to demolish or gut a property within 30 business days of providing notice, then place a lien on the tract for the cost of the work.

Unlike Good Neighbor properties, owners of structures tagged as health threats are not guaranteed a hearing in front of administrative or state district judges to plead their case.

While health-threat addresses must be published in the newspaper for three consecutive days, the law does not require notification by certified mail, a mandate of the Good Neighbor Program; letters are required only to go through ordinary post to the owner's last-known address.

Susan "Willow" Schroeder never got such a letter, and it never crossed her mind to check the newspaper for her St. Peter Street address.

She had made the home a shrine: Her son died there in 2001, and since then, she has turned it into a work of art dedicated to his memory. Red bricks on downstairs columns, purple paint on upstairs columns and green trim all around makes the home lively and unusual.

So Schroeder got quite a shock when a city inspector, checking on properties along Bayou St. John, told her and her partner that their house was on the health-threat list.

Not far away, in the 600 block of Hagan Street, a colorful row of 11 shotgun-double houses also made the list. They could use some paint and minor repair, but they hardly look blighted.

Hilda Landry, the owner of the homes, did not return phone calls, so it is not clear if she has appealed to the city to remove her properties from the list. But a neighbor said that Landry has been working to repair the buildings, all of them of classic New Orleans architectural style.

"In the decade we've been here, I've seen probably 100 photographers taking pictures of these houses," said Veda Manual, whose business, Laid Back Tours, is based across the street from the vacant houses.

592 properties

As of April, the city had identified 592 health-threat properties, with 352 set for demolition and 240 slated to be gutted. City Hall has ignored requests for a list of corresponding addresses and could not immediately provide updated statistics Thursday.

Mayoral spokesman David Robinson-Morris said the Hagan Street properties meet the city's definition of a threat to public safety.

"The city's code enforcement officers inspected these properties, and the owners were notified that they were in violation," he wrote in an e-mailed response to questions. "The responsibility lies with the homeowner to notify the city of any abatement or redemption of the previous condition of the property."

Robinson-Morris said any home that has been ignored since Hurricane Katrina poses a danger to neighbors. The ordinance targets homes that have not been gutted, boarded up or otherwise secured, though Robinson-Morris said such homes would not automatically be targeted under the health-threat ordinance. City inspectors could instead put them into the more lenient, Good Neighbor process.

Manual however, insisted that even by the city's standards, the Hagan Street buildings pose no threat to neighbors.

"The houses have been gutted, so there's no rodent problem," she said. "They've been secured, so there's no vagrant problem."

Online evidence

With that sort of he said-she said becoming common, one activist has put the evidence online for anyone to judge. At www.squanderedheritage.com, Karen Gadbois has posted hundreds of photographs of houses that the city has tagged for demolition, including some featuring their current occupants.

Gadbois peruses newspaper notices, then cruises the city taking pictures of solid structures the city has cited as health threats. The list, she said, seems arbitrary, and she often encounters homeowners shocked to find their homes on it.

"If you've gutted your house, it can be considered (for citation) -- and if you haven't gutted your house, it can be considered," she said. "If I'm the first one who gets out of the car to tell someone that their house is going to be torn down, that's not sufficient notification."

Brown, of the PRC, agreed. Criticizing the program as inconsistent and abstruse, he said the city should postpone all demolitions and clarify the law, including rectifying differing language used in the pink notices, citation letters and newspaper ads.

"We don't think it's right and fair for citizens to be walking on eggshells," he said.

Brown said PRC leaders met two weeks ago with Donna Addkison, the departing chief development officer of the city's Office of Planning and Development, and Brenda Breaux, a city attorney who handles housing matters, to offer assistance in clarifying the health-threat policies.

They've gotten no response, he said.

Robinson-Morris said homeowners can contest a condemnation order at the city's Safety and Permits Department by gutting and securing their properties and submitting photos that show the work. Then, the

city will schedule a follow-up inspection, he said. The policy is posted at the city's Web site, www.cityofno.com

Appeals process unclear

Housing advocates, however, have noted that, unlike the Good Neighbor Program, the health-threat law itself includes no language about an appeals process, nor does it set a standard that residents can meet to save their properties.

The newspaper notices state that the city "makes no legal representation that relief will or will not be granted."

City Councilwoman Cynthia Hedge-Morrell, who sponsored the ordinance, urges homeowners to go even further to ensure that their homes aren't demolished.

"I would take pictures, and I would send them to my council person," she said. "Even if they are not in my council district, they can send it to me."

Schroeder has gone a step further: She put a sign reading, "Do not demolish," in front of her house and made some for her neighbors, too.

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