



**REPORT TO MAYOR NAGIN'S BRING NEW ORLEANS
BACK COMMISSION:**

**AN ALTERNATIVE VISION FOR REBUILDING,
REDEVELOPMENT & RECONSTRUCTION**

**SUBMITTED BY MEMBERS OF
FROM THE LAKE TO THE RIVER: THE NEW ORLEANS COALITION
FOR LEGAL AID & DISASTER RELIEF**

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FOREWORD

Hurricane Katrina exposed the City of New Orleans' great vulnerabilities and flaws. Beyond the flaws in the city's levee system which put both life and property in harm's way, Katrina also exposed the city's tremendous racial and class divisions, and problems that persist with its socio-economic and political infrastructure. Indeed, behind the mask of the French Quarter and the beauty of the city's Garden District lie a city with segregated neighborhoods, racial tension, high crime, educational inequality and extreme poverty. The task of rebuilding and reconstructing the city presents a unique opportunity to repair not only its physical infrastructure but to also address the social inequities, political challenges and racial imbalances that have persisted for decades.

This report reflects the collaborative work of a variety of legal academics, community activists, non-profit organizations, practitioners and students. It addresses a broad array of challenges that lie ahead of city, parish and state officials as they move forward in the rebuilding process. Although there is much that needs to be rebuilt in the aftermath of Katrina's destruction, people need more than bricks and mortar if they are to return. The region also needs to create social institutions -- political, economic, educational, and others -- that will effectively serve all city residents. This report seeks to offer a sound basis for public policy discussions, community economic development, urban planning and political negotiating in the challenging months that lie ahead. This report outlines a set of policies that will help ensure that the rebuilding process unfolds in a way that benefits all New Orleanians, wherever they might be. It is our hope that local, parish and state officials might develop alternative policies and positions based on the proposals, recommendations and analysis that are set forth in the following pages.

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EXECUTIVE SUMMARY

This report was produced to provide an alternative voice and vision regarding the rebuilding and reconstruction process by bringing to bear the perspectives and expertise of scholars, lawyers, students, concerned residents, social workers and others on issues of affordable housing, employment, criminal justice, disability rights, insurance, the right of return, voting rights, infrastructural development, educational issues, etc. Among the many policy recommendations offered in the report are the following:

Housing Issues

Implement a landowners' compensation fund that would involve the setting of fair levels of compensation to landowners that could be received quickly without expensive, time-consuming litigation.

Enactment of a city ordinance that would require homeowners selling property valued at \$500,000 or higher to donate 5% of each sale to the City of New Orleans. These funds would then be used to support low-income residents' redevelopment efforts.

Emergency Preparedness

Design future emergency preparedness plans around the concepts of local volunteers and community level action given that local citizens are typically the first responders and have the greatest chance to save lives and provide support in the hours and days immediately after disaster occurrences.

Implementation of a Sister City Program that would establish inland cities within 225 miles of New Orleans for temporary shelter purposes. These sister cities would establish emergency shelters for evacuees at public school gymnasiums or similar public buildings.

Environmental Justice

Design a flood protection plan that maximizes the restoration and use of natural systems; conduct environmental cleanup providing full protection to public and private properties; and carry out construction maximizing sustainable transit, architecture, and energy efficiency.

Economic Development

Continue to press for immediate grants and low-cost loans for small businesses while also giving local businesses and workers preference in reconstruction efforts. Encourage local expertise in disaster recovery and sustainable building strategies

Voting Rights & Political Power

Emphasize voter education by preparing both parish and state-level informative elections guide that would be distributed by the Secretary of State to all eligible voters where they are currently living, at local and regional polling locations, and with absentee voting mailings.

Postpone elections in the City of New Orleans until a critical mass of residents have returned and resettled into the city or until an effective alternative voting mechanism has been put in place that will allow displaced residents an opportunity to meaningfully participate from their temporary homes.

Community Development

Support development of a social welfare center that would assist in the vision of re-building a thriving New Orleans, with the specific objectives of proposing, implementing and evaluating the efficacy of community development endeavors with particular attention to its social welfare aspects.

Insurance Issues

Initiate an ongoing data collection effort that would include information on the pricing components of construction services, labor rates, material costs, etc... to help the public negotiate fair settlements with insurance companies. Create a centralized negotiation/arbitration forum that can be used as a tool for quickly and fairly resolving insurance compensation disputes.

Disability

Address the needs of the disabled in the rebuilding process by ensuring that Transitional Housing is accessible to persons with mobility impairments; that permanent Housing should also be built with universal design elements for accessibility; and that public and private buildings are renovated to meet the most stringent of ADAAG and universal design standards.

Trauma and Counseling Needs

Adequately deal with post-Katrina counseling needs of children through creating of crisis counseling; support groups; targeted education for students affected by the hurricane; grief counseling that is focused on environment and family relationships; policies developed to refer severe cases for more intense intervention; and programs in the school to encourage support from principals, teachers, social workers and peers.

Race and Class Issues

Eliminate all de facto and de jure policies that have supported the continuance of structural racism in New Orleans resulting in a situation where wealthy Whites reside on the high ground and people of color and poor Whites reside on the low ground. Rebuilding should unfold in such a way that structural racism is no longer tolerated.

Apprenticeship

Create an apprenticeship program that would require that contractors use apprenticeship in setting up temporary housing, and use those young people who were often excluded from the job market, to help with the clearing debris, recovering materials and disposing of debris properly, performing the actual renovation and rebuilding work.

Corporate Law Firms

Organize a campaign to mobilize the resources of large law firms in New Orleans to help lead mass impact litigation efforts and to organize fundraising campaigns to benefit lawyers operating on a pro bono basis.

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HOUSING: CREATING AN AFFORDABLE AND INCLUSIVE COMMUNITY

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Introduction

As many have observed, Hurricane Katrina has provided an unprecedented opportunity to address entrenched inequities that have plagued the City of New Orleans and hindered its growth and prosperity. The pervasive poverty¹ that had shamefully become an accepted part of our reality and culture was suddenly exposed worldwide as a brutal determinant of who would be winners and losers in the hurricane survival “game.” This poverty, with which we had grown so accustomed, was spacially and racially concentrated.² It did not result from purely private and random decisionmaking, but was borne of historic inequality and government-sponsored segregation. This may sound like civil rights rhetoric, but Katrina shone such a spotlight on the economically crippling effects of historic racial segregation that even the President felt compelled to acknowledge and atone for them.³

Fair housing advocates and scholars frequently make the link between housing opportunity and access to education, jobs, and other goods and services. They have perhaps not yet thought to make the link between housing mobility and, quite literally, survival. Tragically, Hurricane Katrina has now helped us to make that link. We will never know for sure whether more poor people would have been able to evacuate if they had not been so racially and economically segregated. It is certainly true that families of all incomes and races were affected by this storm, with homes in many parts of the city being flooded. But when one lives in a housing development, a block, or neighborhood where very few -- if any -- people have cars, then it is not likely that anyone will leave. Segregation breeds poverty and poverty breeds isolation. And in New Orleans in August 2005, isolation was a misery.

Now, almost three months later, we are challenged to confront a similar isolation. This time, we wonder how many of the people who were without the resources to leave will find the resources to come back. Some have remarked that perhaps the City would be better off without its poorest residents. Others have remarked that perhaps the City’s poorest residents would be better off without their City. Either way, the policy choices

¹ The National Policy and Advocacy Council on Homelessness reports that 21% of Orleans Parish residents had household incomes of less than \$10,000 per year before Katrina, and that 62,700 of the metro area’s residents paid more than 30% of their incomes on housing. See NPACH, Recommendations after Hurricanes Katrina, Rita, and Wilma --Housing Needs and Policy Recommendations, www.npach.org, at 1.

² For a discussion of the racial and income segregation patterns in New Orleans prior to Katrina and the connection between housing mobility and economic opportunity, see Alan Berube and Bruce Katz, Katrina’s Window: Confronting Concentrated Poverty Across America (The Brookings Institution, October 2005).

³ See President’s September 15, 2005 remarks delivered at Jackson Square, New Orleans, LA, at <http://www.whitehouse.gov/news/releases/2005/09/20050915-8.html>.

we make now will affect the choices our residents make. And the choices our former residents make will certainly affect the make-up of 21st century New Orleans.

The economic viability of the City of New Orleans cannot be assured unless its residents have a home to which to return. The recommendations that follow will address six aspects of the housing challenges affecting our City and State: Scarcity and Segregation; Inclusionary Zoning; Public and Federally Assisted Housing; Landlords, Tenants, and Evictions; Special Needs Housing; and Property Rights.

A. Scarcity and Segregation

Many, if not all, neighborhoods in the metropolitan area have felt the effects of Katrina. Some neighborhoods are turning the corner on their recovery. Others have barely begun. Some houses were left unscathed while many are totally destroyed. FEMA contractors and others assisting in the recovery process have increased the demand for housing. The net result is a severe housing shortage.⁴

Historically, when disadvantaged groups have faced severe housing shortages, the impulse is always there to take whatever housing can be gotten despite the effects on segregation, i.e., better to get some housing on a segregated basis than none at all. This is a false choice and should be avoided. If New Orleans is to address historic inequities and plan for a more inclusive community that does not perpetuate poverty by building subsidized enclaves, it will look for creative approaches to embedding affordable housing options into every neighborhood, every block, and every building. Affordability and inclusiveness should be the ideal and the vision that govern all residential development.

- Design and facilitate a right of residents to return to their homes and neighborhoods and contribute to the rebuilding process, consistent with the United Nations Guiding Principles on Internal Displacement.⁵
- Create an immediate supply of workforce housing. Consider how technology may be used to facilitate a centralized means of posting available housing opportunities.
- Support federal funding of emergency and long term housing needs consistent with the recommendations of the National Policy and Advocacy Council on Homelessness.⁶
- Both temporary and permanent housing should be sited in a way so as to avoid concentration of trailers and/or other affordable units in few, isolated

⁴ See National Low Income Housing Coalition Research Note #05-02, "Hurricane Katrina's Impact on Low Income Housing Units" (September 25, 2005), www.nlihc.org/research/05-02.pdf. The NLIHC estimates that 142,000 units were lost or damaged by Katrina, with 79% of those affordable to low income households.

⁵The Guiding Principles may be found at http://www.reliefweb.int/ocha_ol/pub/idp_gp/idp.html.

⁶ See generally NPACH, Recommendations after Hurricanes Katrina, Rita, and Wilma -- Housing Needs and Policy Recommendations, www.npach.org.

- neighborhoods. This recommendation is almost universal among civil rights groups and planners.⁷
- Work immediately with FEMA to create an anti-displacement policy ensuring that FEMA's efforts to create short-term housing do not result in evictions of other residents, resulting in the creation of new homeless populations.
 - Support survivors in their efforts to require FEMA to make it easier to apply for temporary housing assistance and to provide immediately more transitional housing in the place of shelters, tents, and other makeshift arrangements.⁸
 - Residents who rent their homes should be able to return to those homes and resume their rental payments in accordance with their leases.
 - Residents without leases, or those who are renewing their leases, should be protected from rental increases that exceed 15 percent of their previous rental amount.⁹ This is particularly critical also for those whose FEMA rental payments are insufficient to cover the prevailing rental rates in the post-Katrina housing market.
 - Housing opportunity must be equal for all, and patterns of discrimination and segregation that pre-existed Katrina will only exacerbate the scarcity of housing for working class New Orleanians if left unaddressed. There must be zero tolerance for discrimination and strong support for aggressive fair housing enforcement to ensure a level housing playing field.
 - Fair housing laws protect people from discrimination on the basis of national origin. Oppose any efforts or actions that restrict or deny the housing opportunities of temporary workers on the basis of national origin.
 - Make use of existing housing units in the private market before relying on mobile homes.
 - Create an inventory of blighted properties located in neighborhoods that were not affected by flooding. Considering that non-flooded neighborhoods already have utilities and other infrastructure not yet available in flooded areas, plan and implement incentives for currently blighted properties to be placed in commerce.
 - Look at strategies for acquisition of blighted properties to be renovated for workforce housing, affordable rental housing, and homeownership.
 - Use the rebuilding effort as a means of creating wealth and building the assets of New Orleans residents through home ownership opportunities, training in the building trades, and small business development.¹⁰

⁷ See, e.g., Moving Beyond Recovery to Restoration and Rebirth: Urban Land Institute Makes Recommendation on Rebuilding New Orleans, Urban Land Institute, at www.uli.org (November 18, 2005); Letter dated September 23, 2005 from Lawyers' Committee for Civil Rights Under Law, et al. to members of Congress in support of the \$3.4 billion in emergency Section 8 voucher relief offered by the "Helping to House the Victims of Hurricane Katrina Act of 2005," at <http://www.wprac.org/pdf/KatrinaHousing.pdf>.

⁸ See Press Release, Katrina Survivors Sue FEMA to Produce Timely Aid – Class Action Charges FEMA with Failure to Provide Legally Obligated Services, at www.lawyerscomm.org/2005website/publications/press/press111005.html (November 22, 2005).

⁹ An effort to bring unreasonable rent increases within the ambit of the state's unfair trade practice statute initially sputtered during the state legislature's extraordinary session, gained some ground with the proposal of H.B. 167, but then died in the House.

¹⁰ Policylink, Ten Points to Guide Rebuilding in the Gulf Coast Region www.policylink.org/EquitableRenewal.html.

B. Inclusionary Zoning

Consider the pre-Katrina landscape when making post-Katrina housing policy decisions. Prior to the hurricane, several moratoria were in place that limited the construction of multi-family housing in certain councilmanic districts. These moratoria also limited the operation of group homes in certain districts. Although some of the resistance may have originated in communities with a higher concentration of federally assisted housing and housing for people with disabilities as compared with other areas of the city, these pockets of resistance may re-emerge in the post-Katrina housing development environment.

- Adopt an inclusionary zoning ordinance that requires any development of over 5 units to restrict occupancy in 20% of the total units to low or very low-income households. In developments between 6 and 20 units, require that 20 % of the total units be set aside for households under 60% of the median income for metropolitan New Orleans. For developments of over 20 units, require that 5% of the total units be set aside for households under 30% of the median income, and 15% of the total units be set aside for households under 60% of the median income.

C. Public and Federally Assisted Housing: “Where will Public Housing Residents Call Home?”

Now, three months after the storm, few public housing residents have been allowed to return to their subsidized apartments, regardless of whether their individual unit has been made less habitable by the storm. Some residents fear that public housing units that had been “acceptable” prior to the storm will now be declared uninhabitable, not because of flooding or serious storm-related damage, but because HANO has decided to use Hurricane Katrina as an opportunity to make sweeping changes to its inventory and programs.¹¹ No one will question the need for HANO to make sweeping changes. Indeed, residents are least served by maintaining the status quo. But low-income residents with few housing options are concerned that their inability to return to their federally assisted units will prevent their return to New Orleans. HUD’s Secretary has been quoted as follows: “There should be no doubt that we are committed to making certain that New Orleans’ public housing residents will have a place to call home.” This begs the question whether they will be calling New Orleans home or some other place.

Certainly, relocation of public housing residents is a major hurdle in any redevelopment process. Hurricane Katrina has eliminated that hurdle. The fact that HANO’s public housing stock is now vacant gives it the opportunity to consider “ambitious”¹² plans. Others private interests who might relish the opportunity to

¹¹ “While C.J. Peete suffered moderate wind damage, not flooding, in the hurricane, officials said it was still a prime candidate to be refurbished because it was already in bad shape.” Storm Forces a Hard Look at Troubled Public Housing, The New York Times (November 22, 2005).

¹² See id.

redevelop, for example, land on which the Iberville Development sits. Iberville is, of course, adjacent to the French Quarter and could arguably attract market rate tenants. Some public housing residents and advocates fear that Katrina might open the door to an abusive land grab, in which private interests use Katrina to carry out an economic development agenda that pre-existed the storm.¹³ If history is any judge, it takes years to engage in the planning processes and put together the financing packages necessary to implement a public housing redevelopment plan. Where will residents live during this extreme makeover of public housing?

And will former residents ever be able to occupy it once it is redeveloped? Efforts to redevelop public housing are frequently controversial because they typically involve a reduction in density, which necessarily entails a reduction in the overall number of units developed on site. Also, because the majority of the redeveloped units would likely be market rate under the prevailing “mixed income” public housing development model, less than half of the already reduced number of redeveloped units would be considered “affordable.” Add to that the wide latitude developers have in setting criteria for the “affordable” units,¹⁴ and you could wind up with new, federally subsidized public housing developments that house mostly middle class people and few to no former public housing residents.

So what are our options? The status quo is unacceptable. The next generation of New Orleans public housing residents should have housing choices beyond the segregated and substandard units that were considered “habitable” before Katrina, but look scarcely different now. The following recommendations seek to balance the various concerns:

- HANO should immediately establish the right of every former HANO-assisted public housing or voucher resident to return to New Orleans to a unit that is affordable, and inform every displaced HANO-assisted tenant of this right.
- Displaced tenants should be provided with any necessary transportation assistance to enable their return.
- The physical condition of all public housing units should be determined: habitable, needs minor rehabilitation, needs more substantial rehabilitation, or must be demolished. This information must be made public by January 15, 2006.
- Honor existing leases held by tenants on any units that were not totally destroyed.¹⁵ Tenants should be permitted to have temporary guests and to

¹³ For example, some questioned the motives of Rep. Richard H. Baker (R-La.) when he was overheard stating: “We finally cleaned up public housing in New Orleans. We couldn’t do it, but God did.” Rep. Baker later explained that he made the statement out of concern for residents. See Some GOP Legislators Hit Jarring Notes in Addressing Katrina, Washington Post, at A04 (September 10, 2005).

¹⁴ Such criteria could include minimum income requirements and credit scores.

¹⁵ See Stop the Illegal Removal of Public Housing Residents from New Orleans, neworleans.indymedia.org/news/2005/10/6004.php (October 18, 2005). See also Moving Beyond Recovery to Restoration and Rebirth: Urban Land Institute Makes Recommendation on Rebuilding New Orleans, Urban Land Institute, at www.uli.org (November 18, 2005) (housing recommendations include “Repopulate suitable public housing”).

temporarily overcrowd without penalty, especially for those guests without affordable housing who are disabled or seeking work.

- Every tenant holding a lease to a unit that is currently habitable must be allowed to return to that unit within 30 days. This includes the former St. Thomas residents who were about to be leased units at River Gardens. River Gardens, a model of mixed income housing development, has reportedly rented a number of its affordable units to HANO employees in place of former public housing residents. Do not demolish any structurally sound buildings in any publicly subsidized developments just for the purpose of facilitating redevelopment.
- If units were partially destroyed, allow tenants to decide whether to terminate the lease or to accept a transfer to another HANO property while the unit is being repaired.¹⁶ Make all repairs to public housing units that were only partially destroyed within 90 days.
- Assist public housing residents in locating alternative temporary housing during the interim period while their units are being repaired.
- Implement a tracking system to ensure that HANO continues to communicate with public housing and voucher residents about the housing and moving resources available to them both in the short term and after any redevelopment activities are completed. Few residents will be able to take advantage of redevelopment if HANO has no way to contact them. This could include providing a means for HANO residents to ask questions of an ombudsperson, as well as to update their contact information and check their waiting list status, etc.
- Once buildings or developments are identified as uninhabitable, make non-negotiable the participation of former public housing residents in the planning and implementation of any redevelopment plans. Make training and employment of former public housing residents in redevelopment activities a condition of funding and contracting.
- Support the increase of voucher payments up to 150% of fair market rents or higher when necessary to assist lower income households to compete for scarce, more expensive housing. Residents on fixed incomes would have to spend nearly all of their income on rent to pay the difference between their voucher payments and the actual rental costs in the post-Katrina rental environment. Currently residents participating in the Katrina housing voucher program (KDHAP) are reportedly capped at 100% of the fair market rents set prior to Katrina. Even residents using vouchers prior to Katrina were able to request payments of 110% of fair market rents.
- Provide housing counseling assistance for families with vouchers who need help finding affordable housing near jobs, schools, and services.
- Oppose efforts to siphon off existing voucher funds to pay for redevelopment of public housing. Vouchers may be one of the few means to provide housing to public housing residents waiting for public housing units to be redeveloped.¹⁷

¹⁶ See La. C.C. Art. 2715.

¹⁷ See Will Fischer and Barbara Sard, Center on Budget and Policy Priorities, Memo “Analysis of Administration Proposal to Allow Diversion of Housing Voucher Funds in Hurricane Katrina Disaster Area” (November 17, 2005).

- Provide incentives to suburban jurisdictions that accept former New Orleans public housing residents using vouchers. Support the portability of voucher use between parishes.
- Prevent the exodus of landlords from the Section 8 programs by paying fair rental amounts to landlords whose properties are currently habitable.
- Create an inventory of low income tax credit properties, which are unable to deny housing to families on the basis of their use of a housing voucher.
- Facilitate the right to return of New Orleans residents by prohibiting discrimination on the basis of the use of a housing subsidy or voucher. Many families seeking to return may be forced to rely on housing vouchers to be able to afford housing in the private market. Policies that excluded renters with housing subsidies were pervasive in the New Orleans housing market before Katrina and will inhibit the return of residents if allowed to continue.

D. Landlords, Tenants, and Evictions

In the wake of Katrina, both landlords and tenants faced tremendous uncertainties about their futures. Evacuated tenants were unable to determine whether their leased apartments or houses were in habitable condition, whether their personal property was salvageable, what their obligations were with respect to the payment of rent, and in some cases how to reach their landlords. Landlords were unsure whether some of their tenants would return and in some cases were unable to reach their tenants. Communication in the weeks following the storm was severely impaired.

Some landlords had included provisions in their written leases reserving the right to enter their rental property for the purpose of making repairs. Other landlords without this lease provision entered their tenants' property anyway, with some even throwing tenants' property away without providing notice to tenants or giving them the opportunity to remove their personal property on their own. The legislature during their extraordinary session attempted to deal with the removal of personal property through House Bill 88, by Reps. Gallot, Ansardi, and Lentini. This bill initially sought to retroactively provide immunity from suit for landlords who removed property without permission. Ultimately, the bill was amended to apply only prospectively, until June 2006, and to require landlords who needed to remove tenants' personal property in order to make repairs to undergo a number of protective measures designed to inventory the property and ensure that salvageable property was preserved. Furthermore, tenants would have to be notified ten days in advance of such property removal by means other than tacking notice, if the tenant's whereabouts could be determined. At the time of this writing, the bill passed as amended in both the Senate and House and is awaiting the Governor's signature.

With respect to the payment of rent, some landlords did not demand rent for September and any other months during which their properties were undergoing repairs. Other landlords demanded full rent for September onward, regardless of the property's condition. Even if rental properties were in perfect condition, the lack of utilities rendered units in Orleans Parish uninhabitable until at least early October 2005. The Governor had issued an Executive Order that had the effect of suspending evictions until

October 25, 2005. Because Louisiana law had allowed for notice of eviction by tacking only, many tenants who were still evacuated after the Governor's order expired had eviction judgments entered against them without their knowledge. A recent lawsuit, *Sylvester v. Boissiere*, alleging that such notice by tacking violated the due process rights of evacuated tenants has been resolved. Now, landlords will be required to provide notice by mail (with FEMA's assistance) and give residents 45 days to return and defend themselves in eviction proceedings.

- Assist the right to return of the City's workforce by supporting proper notice with regard to eviction proceedings. Proper notice will consist of a minimum of notice by mail.
- Assist the return of the City's workforce by supporting proper notice with regard to the removal, disposal, and preservation of tenant property. Tacking notice should be the notice of last resort.

E. Special Needs Housing

Katrina presents enormous opportunities to address the lack of affordable housing that is accessible for persons with disabilities. Before Katrina housing that was both affordable and accessible was in short supply. HANO had not historically inventoried the need for accessible housing among its residents, and funds have not always been made available for New Orleans residents with disabilities to make necessary modifications for disability access.

On November 7, 2005, HUD issued two Notices to remind jurisdictions receiving HOME and CDBG funds of their obligation to refrain from discriminating against persons with disabilities and to make housing and facilities accessible. Section 504 requires newly constructed multifamily projects with five or more units to have at least 5% of the units accessible to people with mobility impairments, and an additional 2% of the units accessible to people with hearing or vision impairments. The Fair Housing Act has design and construction requirements that apply to all newly constructed units in buildings with at least four units and an elevator, or all ground floor units in non-elevator buildings with at least four units. Section 504 also requires that HOME and CDBG programs be made accessible, which includes providing notice of the existence of accessible units.

It is imperative that all rebuilding efforts maximize this opportunity to provide for greater levels of accessibility in both private and publicly assisted housing.

F. Property Rights & Final Recommendations

Some final recommendations to ensure protection and security of property rights include the following:

- Consider the creation of a landowners' compensation fund, which has been proposed by a number of sources. Tulane Law School Professor M. David

Gelfand, in an article he wrote shortly before he died, suggested that such a fund would involve the setting of “fair (that is, pre-Hurricane) levels of compensation that landowners in the redevelopment area could receive quickly without expensive, time-consuming litigation. . . . Funds for tenants to relocate within New Orleans should also be part of the overall package.”¹⁸ This may be similar to the Crescent City Rebuilding Corporation recently proposed by the Urban Land Institute.

- Adopt the Urban Land Institute’s suggestions regarding extension of the mortgage forbearance period, provision of design and technical assistance to homeowners, and provision of financial assistance to homeowners to facilitate their right to return.

Additional Resources:

Ellen Boyer, Master of Social Work candidate, December 2005, Tulane University
School of Social Work

Laura Tuggle, New Orleans Legal Assistance Corporation

Phil Tegeler, Poverty and Race Research Action Council

Jim Grow, National Housing Law Project

¹⁸ M. David Gelfand, The Need for Caution, Creativity, and Cooperation in Rebuilding New Orleans after the Flood Waters Recede, http://writ.news.findlaw.com/commentary/20050919_gelfand.html (September 19, 2005).

**HOUSING RECOMMENDATIONS FOR THE HOMELESS AND INDIGENT POPULATION,
FOLLOWING HURRICANE KATRINA**

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A. Creating Mass Shelters & Purchasing Residential Property to Resolve Housing Crisis

I recommend that the city work with the American Red Cross to open up a mass shelter. I also recommend that the city explore options for shelter for residents. What large-scale structures are available? Many uptown area schools did not sustain major or much damage from Katrina, and yet remain closed. These structures should be considered as temporary shelters for residents trying to come home. It is important to remember that residents are trying to restore their cultural and family roots, as well as make livings to support their financial recoveries. Many want to return home, but find themselves unable to because they do not have a viable place to live. Maintaining their family and support systems will help these residents better able process their grief and trauma sustained by Hurricane Katrina.

Moreover, in examining Abraham Maslow's Hierarchy of Needs (physiological, safety, love/belonging, esteem, and self-actualization), it is crucial that residents' most basic need of shelter (physiological) be met first; otherwise, they will not be able to access and maintain their other levels of need.

I also recommend that the city investigate ways to purchase some resident homes for sale and renovate them into shelters, or, homes for homeless families or individuals.

B. The Current Crisis

There do not appear to be any shelters open at this time; Covenant House New Orleans remains one of the few shelters still standing. It is operating, but has limited space. It has expanded its shelter services from the adolescent population to include homeless adults, as well as CHNO service providers.

Further, there is no American Red Cross shelter open, nor does there appear to be any other mass shelter.

Large numbers of working poor are returning to New Orleans as more and more jobs become available, or reopen. However, many have nowhere to live while they clean out their unlivable, moldy homes, or, have seen their homes completely destroyed.

C. The Pre-Katrina Homeless Population

The city contended with a population of at least 6,000 homeless individuals before Hurricane Katrina. According to UNITY for the Homeless' 2004 Annual Report:

1. There were an estimated 6,450 homeless persons on any given day who need housing (before the storm);
2. 25% were living in emergency shelters;
3. 39% were living in transitional housing or treatment facilities;
4. 76% reported being disabled or chronically ill (including mental illness substance abuse, HIV/AIDS);
5. 19.5% reported being chronically homeless;
6. 45% reported having no income; and
7. 25% have served in the military.

The city needs to be prepared to be dealing with at least a similar number and type of homeless population.

D. Adapting the Housing First Model to New Orleans

UNITY for the Homeless was studying ways to adapt the Housing First model to New Orleans, and had already implemented some programs. UNITY's primary care model, the Continuum of Care, operated as follows:

1. Homeless individuals are first stabilized in an emergency shelter. From there, the individual is placed in a transitional living facility/program, and then placed into permanent housing, with links to supportive services.

The Housing First model operates as follows:

1. Homeless individuals are given their most basic need first—housing (note the first kind of need on Maslow's Hierarchy of Needs)—which immediately stabilizes the individual. From here, he is linked to supportive services. According to a study by Tsemberis, Gulcur, and Nakae (2004), 84.2% of participants in a New York-based program reported maintaining housing.
2. The Housing First model's economic impact:
The chronically homeless make up just 10% to 20% of the total homeless population, yet use 50% of homeless services such as emergency medical services, psychiatric treatment, detox facilities, shelters, and correctional facilities, most of which is publicly funded (US Interagency Council on Homelessness, 2005).

New Orleans will very likely continue to see these kinds of costs, and probably at a greater increase due to a higher homeless population, and higher costs for services. According to the Corporation for Supportive Housing Web site (2005), "it costs little more to permanently house and support people than it does to leave them homeless."

In New York City, the use of publicly funded health services dropped 72% as a result of supportive housing (Corporation for Supportive Housing, 2005).

One study comparing supportive housing outcomes found that participants in these types of programs had a 56% decline in emergency room use, a 37% reduction in hospital inpatient days, a near total elimination of residential mental health care outside of hospitals, a 44% reduction in days sentenced to incarceration, and an 89% decline in days spent in residential alcohol and drug treatment (Corporation for Supportive Housing, 2004).

Because of the cost savings, and the devastating impact Hurricane Katrina has had on the City of New Orleans budget as well as local businesses, and residents, I recommend that the City work with UNITY for the Homeless to continue implementation of this model. One way to consider implementation would be as mentioned above: Purchase resident homes for sale and renovate them into shelters, or, homes for homeless families or individuals. Also, continue reading below for more ideas.

E. Blighted Housing

New Orleans suffered from severe blight prior to Hurricane Katrina. According to the New Orleans Redevelopment Authority, 200 blighted properties were added to the city's blighted housing database each month.

What has become of these properties? If they sustained no damage, they still remained blighted. If they flooded or had wind damage, they're still blighted. If the structure was destroyed, the property it sat on is still there.

Prior to Hurricane Katrina, 19,000 applicants were on HANO's waiting list for Section 8 vouchers. Now, after Hurricane Katrina, we're seeing a strong spurt in the number of properties being sold, at outrageous costs—many residents who have made generations of lives here, and have contributed to the city's tax base through these generations, are being priced out of returning home.

1. Recommendation

To address this crisis, I recommend the following:

A city ordinance that requires homeowners selling property valued at \$500,000 or higher to donate 5% of each sale to the City of New Orleans.

For the City to then use that money to renovate a blighted property on NORA's database for: a Section 8 applicant on the list prior to Hurricane Katrina (yes, the city will have to attempt to contact those on the list), individuals and families that are now homeless due to the hurricane, individuals or families that were homeless prior to the

hurricane, or to renovate into shelters or other living facilities. The City should then permit the homeowner to use each donation as a tax write-off

F. Housing Authority of New Orleans

What will become of HANO's properties? How will HANO handle those that flooded, but whose second and third floor units remain unscathed? Will HANO renovate these properties or raze them?

HANO is working with Katrina-displaced residents to place them in HUD housing across the country. HANO should still use HOPE VI grant money to continue its renovation of severely distressed HANO properties to house: displaced HANO residents who have not been placed elsewhere, homeless families or individuals, or Section 8 applicants.

To be clear, HANO should not tear down structures that survived Katrina and are not slated for HOPE VI. HANO can renovate these properties to place those now severely financially challenged, or, those previously homeless, should these properties not be filled by HANO's pre-Katrina residents.

G. Tenant Rights

Recommendation: Emergency Legislation

I recommend that the city move to implement emergency legislation to prevent taxpaying residents from being unlawfully and unethically evicted from their homes. To date, numerous residents have not yet been able to return to New Orleans to assess damage and livability of their homes; reasons include a lack of access to transportation, limited funding, or poor communication access. Yet many landlords have already begun eviction processes. Individuals and families that have lived their entire lives in New Orleans, or had made lives in New Orleans, will find themselves forced out of their homes with no ability to legally and rightfully defend themselves.

I recommend that the city work with Governor Blanco to establish a moratorium on evictions until further notice. The city—as well as its residents—is still in a state of disarray and confusion, and several neighborhoods have not yet reopened for residents to return home permanently. It is too soon to decide on which date is appropriate and has offered a sufficient amount of time for renting residents to re-establish contact with their landlords and/or return home to their apartments to examine Katrina's impact on the dwelling.

Further, I recommend that the city adopt legislation that requires landlords to document how they have attempted to contact their residents before obtaining a right to lawfully evict their tenants. Landlords should be required to utilize all communication means available to them, and should be required to attempt contact with their tenants for a minimum of 10 times, and permit tenants a minimum of 10 days to respond after

contact is made. Additionally, landlords should be required put all communication with their tenants in writing, and send it to them via certified or traceable mail.

H. Identifying Potential Sources of Funding

I recommend that the City consider implementing a city income tax for the next three years, after which time, the tax can be placed to city residents for a vote. This can help absorb some of the extravagant tax base sustained by the City of New Orleans due to Katrina. A city income tax should be specifically slated for rebuilding efforts only.

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COMMUNITY VOLUNTEERS: THE FRONT LINE OF DISASTER RESPONSE

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Abstract

The dramatic and tragic events of Hurricane Katrina have highlighted the need for coordinated community based volunteer efforts to prepare for, and respond to, natural and other disasters. The recent hurricanes in the Gulf States underscore the problems and shortcomings associated with coordinating outside logistics and show a clear need for local volunteers to serve as the first line of response to such catastrophes. Such disasters are likely to occur again. When disasters do occur, citizen groups and coordinated local volunteers will again be the first responders and can act to lessen impacts. This article identifies and suggests methods for linking local organizations, recruiting volunteers, and implementing coordinated action plans prior to, and after, the impact of natural disasters.

A. Introduction

The dramatic and tragic events of Hurricane Katrina have highlighted the need for coordinated community based volunteer efforts to prepare for, and respond to, natural and other disasters. National attention was drawn to the potential for wide scale destruction during the 2004 Atlantic Hurricane Season with devastating storms resulting in 27 federal disaster declarations across 15 states. Florida was particularly hard hit in 2004 by one tropical storm and four hurricanes causing continuous and cumulative damage. Unfortunately, these events were only a grim foreshadowing of the lost lives, devastated communities, disrupted economies, and demolished infrastructure that would come less than a year later to Louisiana, Mississippi, Alabama, Texas, and western Florida during Hurricanes Dennis, Rita, and Katrina.

The recent disasters in the Gulf States underscores the problems and shortcomings associated with coordinating outside logistics and show a clear need for local volunteers to serve as the first line of response to such catastrophes. This was the most obvious in the first weeks after Hurricane Katrina, where volunteers and active community residents were the rescuers, caretakers, and in many cases, the final comforting companions to the dying. They were the first, and often the only, line of response that would exist for weeks. Highlighting the importance of the local level, government officials immediately called on local citizens to volunteer their time, money, and sweat equity in addressing this massive and unprecedented natural disaster in America. Such calls took place long before significant government resources were committed. Most vividly portrayed in New Orleans, such local level action set a trend that continued in many places, particularly rural locales, for some time.

Such disasters are likely to occur again. The routine threats from hurricanes, tornados, flooding, and other natural disasters to the southeastern US and elsewhere are well documented and predicted. In particular, given the trend of increased storm intensity, the likelihood of impending threat of severe hurricanes (Category 4 or 5) requires careful crisis and emergency planning strategies. When disasters do occur, citizen groups and coordinated efforts of local volunteers can respond to lessen the impacts and “build back better” (the theme from the 2005 Tsunami recovery effort). Local residents will be the first responders. However, the process of organizing local residents must take place before, during, and after such catastrophic events occur (Berke et al., 1993). This article identifies and suggests methods for linking local organizations, recruiting volunteers, and implementing coordinated action plans prior to, and after, the impact of natural disasters.

B. Importance and Role of Community in Disaster Preparation and Recovery

Communities have long been seen as helpless victims in much of the disaster and emergency management literature, where outside help has been seen as vital to returning conditions “back to normal” or to reduce social vulnerability (Berke et al., 1993; Flint and Luloff, 2005; Hewitt, 1998). In recent years, however, considerably more emphasis has been placed on the role of community in disaster recovery and the importance of local knowledge, action, participation, and control in determining the nature of disaster response (Anderson and Woodrow, 1989; Berke et al. 1993; Mitchell 1996; Enarson and Morrow 1998; Schwab et al. 1998; FEMA 2000a, 2000b; NHRAIC 2001; Stehr 2001). Berke et al. (1993:93) looked beyond immediate disaster events:

“The community can assume the role of active participant, rather than helpless victims. Local people can define goals, control resources, and direct redevelopment initiatives with long term economic and social benefits.”

The local community serves a variety of functions that directly contribute to social and economic well-being. It is logical that the community should be the first line of defense in preparing and responding in the event of disaster. Local residents and groups are in a position to best identify their immediate needs, coordinate preparations,

supplement official response efforts, implement emergency response programs, and contribute to local decision making for future events. Similarly, local communities can provide a sense of connection, and decrease the isolation and abandonment that is often felt among residents in times of disaster. Such capacity to provide these community services does not always exist, but can be cultivated and should be encouraged and empowered.

Viewing community from an interactional perspective provides a particularly useful vantage point when considering local level disaster response. From this perspective, the community is a dynamic field of interaction rather than a rigid system (Brown and Swanson, 2003; Luloff and Bridger, 2003). This process reflects the building of relationships among diverse groups of residents in pursuit of common community interests (Luloff and Bridger, 2003; Wilkinson, 1991). Through voluntary efforts, individuals interact with one another, and begin to mutually understand common needs (Luloff and Swanson, 1995; Brennan, 2005). From this interaction, voluntary efforts to improve the social, cultural, and psychological needs of local people can emerge. A central part of a community's interactional capacity is the ability to collectively construct meanings, respond to environmental and societal change, and attend to shared needs (Brennan, et al., 2005; Flint and Luloff, 2005).

In all communities, a variety of groups exist with diverse skills and abilities combined with personal and professional experiences that are essential to successful preparation and response to disasters (Independent Sector, 2001). Included are resident groups with needed professional and trade skills for damage control and assessment (engineers, environmental scientists, architects, contractors, and skilled laborers), disaster preparedness and response training (VFW, retired military/national guard/police), medical, psychological and social service delivery experience (health practitioners, counselors, religious/civic groups) and long time residents who have witnessed previous responses to natural disasters.

Effective community responses connect these diverse groups and develop action plans to meet common needs. The next section discusses opportunities created by the Community Emergency Response Team Program to coordinate preparedness and response activities at the local level. Successfully linking local organizations, citizens, and leaders provides a strong network and a method for local citizens and groups to become actively involved in local preparedness and response efforts. To be most effective, this process of capacity building must take place before disasters occur, and continue during and after such catastrophic events.

C. Applications and Suggestions for Mobilizing Communities and Volunteers

Disaster preparedness and response is often hampered by the coordination of conflicting interests and pressures at different scales (Stehr, 2001). One way to mobilize local participation and readiness while maintaining coordination among multiple jurisdictions and interests is to establish Community Emergency Response Teams or CERTs. The CERT program, administered by the Federal Emergency Management

Agency (FEMA), is a direct attempt to put into practice what disaster researchers and practitioners have acknowledged for some time – that a trained team of local volunteers can help provide effective disaster preparedness and disaster recovery. The CERT website (CERT, 2005) affirms this mission:

“Naturals for the training are neighborhood watch, community organizations, communities of faith, school staff, workplace employees, scouting organization and other groups that come together regularly for a common purpose. CERT skills are useful in disaster and everyday life events.”

CERT training includes disaster preparedness, disaster fire suppression, basic medical operations, and light search and rescue operations. Resulting groups are linked into the network of emergency management. As of August, 2005, there were 1,966 community or county level CERTs across the US (CERT, 2005). Unfortunately, funding for Citizen Corps, the umbrella organization that administers CERT, was cut from \$40 million in 2004 to \$15 million in 2005 (Grant, 2005). This is a worrying shift in light of the current disaster recovery situation and widespread acknowledgement of the need for greater local level participation in disaster situations. Nonetheless, the CERT program is a model framework for mobilizing local volunteers as the front line of disaster response.

Similarly, more general grassroots mobilizations can plan for, respond to, and rebuild in the aftermath of disaster. Included would be active efforts to bring together diverse local groups, the formation of local groups for planning, establishment of formal long term visioning and goal setting for disaster preparation/recovery, and recruitment of experienced local citizens to take direct action. Similarly, the establishment of alliances between local groups could set the stage for a more effective sharing of resources and responsibilities during times of crisis. Such alliances can include the identification of organizations or individuals to serve as liaisons between local grassroots efforts and more formal structures (state and federal response organizations, military/national guard, emergence response agencies).

To maximize their impact, local groups or citizen coalitions should identify their possible contributions and assess their unique resources. In this setting, asset mapping can be a valuable tool, which allows the diverse skills, resources, and expertise of organization members to be identified and most effectively utilized (Green and Haines, 2002). Asset mapping is a useful way to prepare for impending disasters and to facilitate effective post-disaster development based on the unique character and niches of the locality. Such preparation and responses can also be further enhanced by incorporating local culture into development efforts (Brennan, Flint, and Luloff, 2005). The unique culture of a location can provide opportunities for alternative development and response strategies.

D. Conclusion

Local volunteers and community level action is essential to effective natural disaster preparation and response. They are particularly important in that these citizens are in many cases the first responders and have the greatest chance to save lives and provide support in the hours and days immediately after disaster occurrences. Certainly, an effective community response would have diminished some, no matter how small, of the suffering and loss that occurred during and after the recent hurricanes. From the bowels of the Louisiana Superdome to the ravaged rural areas of Gulfport, Mississippi some betterment could have been achieved if communication and logistical planning had effectively maintained crisis support.

An organized community and volunteer response could have helped in a number of ways before, during, and immediately after the recent disasters. They may have been able to:

- coordinate a more successful evacuation and transportation effort, where instead, thousands were unable or chose not to evacuate;
- provide some structure and order in places like the Superdome and New Orleans Convention Center, where instead chaos reigned;
- aide in organizing resources for distribution before and after the hurricane, where instead basic needs were left unmet for days; and,
- decrease some of the isolation and sense of abandonment that quickly engulfed victims in the affected areas.

Community and volunteer coordinators have an obligation to help facilitate community organization and preparation to aid fellow citizens it times of such great need. The only thing that is certain in these times is that local residents will be the first capable of responding. In these disaster settings, local volunteers and community organizations are presented with an unprecedented opportunity to make a measurable impact on the human condition. The quality and extent of this response may hold the key to minimizing disaster effects, maintaining order, increasing hope, and maximizing recovery efforts.

It is time to bring local groups together in a concerted and coordinated effort to prevent future incidents of crisis-related chaos. In the end, facilitating local involvement in disaster preparedness and response is about far more than the provision of basic and logistical needs. It ensures that local voices are heard, local struggles are recognized, and the dignity of local people is respected. With this capacity established, local citizens can respond and recover in a manner that improves local life. The response and rebuilding process will belong to the front line of disaster responders – community volunteers - who will reinvest in their communities.

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CREATING SISTER CITIES

By Heather Ansert

Introduction

This proposal arose out of pre-disaster evacuation challenges faced by many Orleans Parish residents prior to Hurricane Katrina's landfall on August 29, 2005. An evacuation plan should mirror the contraflow routes to inland shelters in designated sister cities. These cities will provide evacuees with temporary shelter in public school buildings. Reducing the uncertainty by designating evacuation centers in sister cities will likely encourage compliance with evacuation orders. The remaining residents unable to evacuate shall be assisted by Orleans Parish emergency officials and sister city volunteers utilizing buses for transporting evacuees to inland shelters. This proposal's objective is to establish sister cities for temporary disaster relief. Additional considerations include pre-disaster evacuation plans for evacuees and their pets. National and local humane societies should be consulted on how to resolve this matter. Sister city destinations will be established within 225 miles of the city and evacuation should occur forty-eight hours prior to the hurricane's projected landfall. This proposal seeks to limit the loss of human and animal life, displacement of citizens to unknown states and social unrest.

A. Sister City Proposal

The Sister City Program would establish inland cities within 225 miles of New Orleans for temporary shelter purposes. These sister cities would establish emergency shelters for evacuees at public school gymnasiums or similar public buildings. The local relief organizations should be utilized to provide food and clothing for evacuees. Potential volunteer based resources include church groups, humane societies and other regional non-profit agencies. The location of the sister city should be easily accessible from the contraflow routes from New Orleans and provide a familiar surrounding to evacuees. Thus, the likelihood of residents evacuating are increased due to established shelter locations that are geographically close to their home.

B. Sister City Governance: The Role of the Board of Directors

sister cities would establish a board composed of local public and private sector members of the community. The board would coordinate its efforts with Louisiana Legislators, Governor's Office and Orleans Parish officials to ensure the proper execution of pre-disaster evacuation plans. Additionally, the board members would be able to best identify the proper public school buildings to utilize for shelter purposes. Furthermore, it would consider whether local public school buses could be utilized for pre-disaster evacuation of Orleans parish residents and whether private contracts could be awarded to caterers, medical providers or other private companies for services at its shelters. The private contracts could generate funds to setoff costs incurred by local and state governments.

Volunteer organizations should be coordinated with specific needs at local shelters for pre-disaster planning. These organizations include: church youth groups, regional American Red Cross offices and humane societies. The sister cities would agree to temporarily provide shelter, food and other basic necessities for evacuees from Orleans parish. Additional factors to consider for potential sister city locations include: the accessibility to the sister city from the contraflow route, the close proximity to New Orleans and the ability of the sister city to provide shelter for a large evacuee population. Potential sister cities include Alexandria within 220 miles, Baton Rouge within 81 miles and Lafayette within 136 miles of New Orleans. Also, less urban locations include Leesville within 269 miles, New Roads within 115 miles, Eunice within 175 miles, Amite within 75 miles and Oak Dale within 225 miles of New Orleans.

C. Using Public Sites as Sister City Shelters

The local and state officials would exercise their discretion as to the public school facilities available for temporary shelter use. These considerations include directing the ill, elderly or families with young children to a specific shelter. Also, it is essential to have access to functioning restrooms and kitchen facilities. The shelters equipped with communication outlets such as the internet, phones and fax machines would assist evacuees with insurance claims or federal disaster relief assistance requests. Information booths at each shelter would also assist evacuees with medical care, locating family members, applying for state and federal disaster relief monies, filing insurance claims and scheduling psychological counseling at one centralized location. In addition, the sister cities could elect to designate specific zip codes of the Orleans Parish to specific inland parish shelters. This would streamline large evacuee populations to urban shelters that are better equipped to address the needs of numerous evacuees at once.

D. Fostering Cooperation Among Public Officials and Private Businesses

The benefits for sister cities include increased consumer spending for food, clothes, and medicine within the local community. These revenue generating activities would keep funds in Louisiana communities. Also, private hotel and motel business would increase due to more financially established evacuees choosing to pay for a room instead of staying at the shelters.

E. Conclusion

When evacuees are given specific shelter information including location information and available resources in that area; the unwillingness to heed an evacuation order will likely diminish.

ENVIRONMENTAL PROTECTION AND SUSTAINABLE DEVELOPMENT

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Introduction

The recovery of New Orleans and South Louisiana offers the opportunity to implement policies of sustainability and environmental protection, largely for the first time, in this region. Acted on promptly, they could transform a tradition of neglect into national leadership, bringing new economic opportunities, jobs and enhanced life quality. They would also go a long way toward selling the reconstruction of South Louisiana to a Congress and nation highly skeptical of the bona fides of Louisiana. They will mean, however, shedding old practices and adopting new ones. This discussion identifies several such issues and opportunities.

It also proceeds on the following premise: Hurricanes Katrina and Rita were natural events, but the loss of lives and property were acts of man. More specifically, acts of government. Federal hurricane protection monies were diverted to other projects; federal levees were improperly built and failed; federal canals such as the Mississippi Gulf Outlet, long protested by St Bernard and other parishes, brought the hurricane surges directly into St Bernard, the Lower Ninth Ward, Lake Pontchartrain and the city proper. This so, the federal government has the moral and legal responsibility to redress the harm it caused. This duty to restore does not end with new levees. It only begins there. Unless the federal government accepts its responsibility in full, recovery will be partial and significant opportunities for sustainability foregone. If the federal government accepts its responsibility, resources will be available to recover and achieve a more sustainable city and region.

The discussion below outlines issues and recommendations in five categories: Hurricane Protection and the Coastal Zone; Public and Environmental Health; The Urban Environment; Sustainable Architecture and Energy; and Process. Most importantly, it recommends:

1. Flood protection that maximizes the restoration and use of natural systems;
2. Environmental cleanup providing full protection to public and private properties;
3. An urban environment maximizing existing neighborhoods, existing structures, and an existing (if currently dispersed) New Orleans work force;
4. Construction maximizing sustainable transit, architecture, and energy efficiency;

5. Laws and institutions to monitor and carry out these objectives.

A. Hurricane Protection and the Coastal Zone

South Louisiana lives by the grace of flood control. It also lives by the grace of natural systems that complement structural flood control measures and provide a steady source of revenue and recreation for Louisiana residents. Indeed, they are the essence of the region. The contribution of these systems to Louisiana's commercial and recreational economy rises to the several billions of dollars per year. The contribution of these same systems to flood storage, flood control and the abatement of storm surges is also significant, and was vividly demonstrated, in some cases by their absence, during hurricanes Katrina and Rita.

Unfortunately, these natural systems have been badly degraded – in some areas completely destroyed – by a range of development projects including residential development, roads, levees, oil and gas access channels and major navigation canals. Some of these activities have simply put people in harm's way, others have provided a fatal illusion of safety, and still others such as the Gulf Outlet have served as hurricane corridors to highly-populated areas across the state, including the City of New Orleans. We need a new approach.

Recommendations:

1. Stop the bleeding. Protecting the remaining coastal wetlands is job one. The current approach of permitting marsh destruction, to be offset by subsequent mitigation, has failed: the costs of marsh creation are high, and the results are low. Louisiana continues to experience net wetland loss by its own hand. Pending the adoption of a new master plan for coastal Louisiana (see below), there should be a moratorium on new development in the coastal zone that adversely affects wetlands and natural flood barrier systems. Non-destructive technologies such as elevated roads, directional drilling and over-marsh vehicles should be required.
2. A new coastal plan. Katrina and Rita raised the ante. Current plans are restricted to terms of decades or less which, by their very nature, focus on short-term outputs and avoid altogether the hard questions of what we can and cannot protect with the resources foreseeably available. We need a 100-year view that embraces natural systems, man-made structures, region-wide zoning, development corridor and retreat scenarios, and a game plan to get there.
3. A new planning entity. No agency has a monopoly on ideas, and all agencies tend to know what they have always known. Many countries, most notably the Netherlands and Japan, have developed considerable experience in hurricane protection, some good, some bad, all

instructive. State agencies, private consultants and academics have done the same. We need a Coastal Commission with a broader mission, authority, and composition than any current entity, assisted by boards of experts both domestic and foreign. We need to think beyond the box.

4. Timing. There is an immediate need to shore up existing levee systems, until more complete solutions are found. But there is no immediate need to rush judgment on integrated protection systems costing tens of billions of dollars and determining the fate and future of south Louisiana. . A hasty plan is likely to repeat the mistakes of the past. A good plan will take time.
5. The public and the law. An endeavor of this magnitude calls for the fullest consideration of alternative approaches, economic, social and environmental impact assessment, and public participation. This consideration is required by the National Environmental Policy Act, the Freedom of Information Act, and other laws that play vital roles in public decision-making. Fullest advantage should be taken of these laws and processes. They should not be eliminated or abridged.
6. Planning elements:
 - a. Flood control first. The rest can wait. All pending coastal projects not directed to flood control and hurricane protection should take a second seat.
 - b. Flood impact review. Pending projects should, further, be carefully re-evaluated for their impacts on flood control and human safety, before being re-started at a later time. All existing projects should receive the same scrutiny, and those of low economic value and high risk should be closed as soon as possible.
 - c. Defense in depth. Wetlands and natural barriers are the first lines of defense, and often fully sufficient ones. Manmade levees have the disadvantages of high costs, high maintenance requirements, human error, unanticipated failure, and the false appearance of security. Man-made levees will not endure without wetland buffers to support them, nor can wetlands endure if levees are constructed across them or between them and the sea. New authorizations should make the use and restoration of natural systems a first priority, and should authorize them concurrently with other project features.

- d. Levee systems for existing development. With reasonable growth potential. But not linear levees across undeveloped areas that will lead to the destruction of natural systems behind them and the loss of those same systems outside the walls.
 - e. Sediment transport. Current restoration relies on fresh water diversions, which serve to preserve existing marshes. Following Katrina and Rita, defense is no longer sufficient. New and existing projects would make full use of the Mississippi and other coastal rivers for sediment transport, including pipelines and other conveyances to restoration areas away from these sediment sources. Open river disposal should be terminated.
 - f. Backfilling and natural regeneration. The coastal zone has been decimated by more than 10,000 miles of access canals, many of which no longer serve their original purposes. These canals can be restored, in many cases by backfilling from their spoil banks. Low-cost techniques are available and should be fully employed.
 - g. Restore natural hydrology. Obstructions to natural surface and subsurface water flow such as highways, levees, and railroads should be mitigated with culverts, weirs, and other structures to restore historic hydrological patterns.
7. The polluter pays. The oil and gas and navigation industries – through the direct and indirect impacts of canals, wave-wash and subsurface extraction -- are responsible for more than half of all coastal land loss, and over 90% of land loss in certain areas. These impacts are well documented, and indeed relied upon by the State in its bid for federal coastal restoration funding. Nowhere, however, have these industries been asked to pay for their share of the damage. Energy companies are currently enjoying record years of profits. They should contribute their fair share for restoration.
8. Face strategic retreat. We should identify areas of high vulnerability and plan for limiting human investment in them. We should end federal and state subsidies to these areas, including flood insurance, transportation, sewage treatment and like programs. In many cases it will be cheaper in dollars and human lives to move development away from harm than to attempt to protect it. This element will be the most difficult part of any coastal strategy; to ignore it, however, makes future disasters inevitable.

9. Face global warming. Current projections have sea levels rising from 3 to 5 feet over the next century. It will be impossible for Louisiana coastal restoration projects to match these rates, placing both natural systems and man-made levees in jeopardy. To this day, Louisiana has been in denial about global warming and has strongly resisted even such modest measures as fuel efficiency standards that are necessary to reduce it. That posture needs to change to open advocacy, while there is still time to reduce the warming process. No state in the Union stands to lose more to global warming than Louisiana.

B. Public Health and Safety

New Orleans and lower river parish residents face significant health problems in returning to the City. The debris is contaminated. The ground is covered with sediments high in petroleum residues and arsenic, and the interiors of most buildings are spotted with mold. While the Environmental Protection Agency, the State of Louisiana and environmental organizations such as the Natural Resources Defense Council have conducted air and soil sampling, the data remain general and incomplete. Subsequent cleanup actions are still in the planning stages. Meanwhile, private residents are returning to their homes with little more help and guidance than generalized warnings about avoiding contact with dirt and wearing appropriate apparel. Clearly, more is needed.

1. Debris removal. Current plans call for the incineration of hurricane debris. The great volume of debris materials, however, are a resource available for composting and other beneficial uses. The first priority should be their use for coastal restoration.
2. Testing and monitoring. Testing to date is inadequate to identify which properties are safe for reentry. Such testing should be the highest priority, followed by definitive summaries of the information collected and recommendations for individual actions.
3. Information...is not sufficient. Nor are warnings for residents to wear masks and latex gloves. The need is to remediate, long term, and to remediate again where indicated.
4. Responsibility. As stated above, remediation is a federal responsibility because the flooding was a federal responsibility. Remediation should also embrace all affected lands, public and private. Airborne toxins released from sediments do not respect lines of ownership. Waterborne sediments will move from lawns to public roads and sewers. It is necessary to do the full job.
5. Remediation. New Orleans has unhappy experience with inadequate remediation of contaminated sites. The new plan should include

adequate soil removal and replacement for areas that will be reoccupied.

6. Disposal. Prioritize source separation and recycling. All toxic and hazardous materials should be removed from waste streams. No construction debris landfill should accept asbestos shingles, household wastes and similar contaminants. No disposal site of any type should be located in, on or adjacent to wetlands or water sources.
7. Strategic retreat. Some sites, perhaps entire neighborhoods, may not be feasibly reoccupied because of health risks, the degree of damage, or their vulnerability to flooding. These will be most difficult decisions of all. They should be made only in direct consultation with the residents involved, and through full compensation and relocation to other areas in the city.

C. The Urban Environment

New Orleans is one of the most enviable urban environments in the nation: mixed income, mixed race, and mixed small-scale commercial and residential neighborhoods, corner bars and restaurants, a unique housing stock, a viable trolley system, accessible terrain, parks and green spaces, and a climate that supports outdoor activity through much of the year. No one needs to build a new New Orleans. Models of redevelopment that predominate in other American cities would overwhelm and destroy this one. The governing principle of recovery should be the rehabilitation of existing neighborhoods and the improvement of services to them.

Recommendations:

1. Don't tear it down. The great majority of city housing can be restored. We need to begin with a strong presumption against demolition, overcome on a case-by-case basis only through a showing of irreparable damage, continuing flood risk, contamination or the absence of architectural or social value.
2. The New Orleans Reconstruction Corps. All restoration contracting should require the employment of local residents. Centers should be created to train New Orleanians in restoration work, and to recruit and place skilled New Orleans workers with private employers. Task forces of a New Orleans Reconstruction Corps should be available to low-income, uninsured and other city residents on a reduced fee or no-fee basis to elevate and rehabilitate homes. The objective is to bring back our people and our houses at the same time.
3. A master plan. New Orleans planning and zoning decisions have been made on an ad-hoc basis short on standards and long on political

influence. A sustainable city requires a detailed and binding master plan that informs developers of their rights and rules, levels the playing field, and is enforceable by the city and by neighborhood organizations which are the ultimate guarantors of sound planning decisions.

4. Elevate. Levees fail, pumps fail, and ordinary rainstorms overwhelm the drainage systems. All new and existing structures should be elevated, as once they were. Slab development should be prohibited.

5. Natural flood storage. New Orleans has lost much of its flood storage capacity to concrete and asphalt. More sewer hookups are not the answer. The existing system is hard pressed to keep up with existing tie-ins, and its discharges constitute the largest source of pollution to Lake Pontchartrain as well. Low lying areas should be set aside for passive uses, including natural water retention and drainage. New construction should be required to use pervious materials and other measures to offset the loss of land area.

6. Rail and trolley systems. New Orleans once held the most convenient public transit system in America. The restoration of these systems will enhance property values, attract tourist revenues, and protect human health and air and environmental quality. New and expanded roads will do the opposite. We are informed that Skoda, the largest manufacturer in the Czech republic, has offered to build a new trolley car plant in New Orleans. Such offers should be pursued.

7. Pedestrian and bicycle transit. A city of neighborhoods does not need automobiles for every expedition. The flat terrain and neighborhood layout of New Orleans is conducive to walking and to commuter bicycling. The economic and public health benefits of these activities are consequential, as well. Safe and convenient pedestrian and bike ways are the key.

8. Trees and green space. The affluence of New Orleans neighborhoods can be correlated directly to their amount of trees and green space. These amenities should be commonplace, not luxuries. Trees, urban gardens and green space cost very little, reduce the heat index of the city considerably in the summer, and make important contributions to life quality. They encourage people outdoors. They help bind the neighborhood.

9. Recycling. New Orleans had initiated a modest program of recycling. The potential for expanded recycling is high. The costs of not recycling will increase with the decrease of available landfill space, already stressed by the volume of Katrina and Rita debris.

10. The river. The longest and most historic river in America is largely hidden behind walls and warehouses. The port is important, but it can share. We should open the river to mixed public and private use through low-rise commercial and public space. The success of similar renovations in other cities and countries is impressive. The river should not be committed to high-rise and other development that excludes others. It is the defining public asset of New Orleans.

D. Architecture and Energy

Most of New Orleans does not need to be built anew. But some of it will. The incorporation of sustainable building and energy standards in the rehabilitation and new construction will create a new economy, reduce the impacts of pollution and waste, and create a more livable environment.

Special opportunities are available in the adoption of sustainable energy strategies. Louisiana is one of the most energy wasteful states in America, ranking third in energy consumption per capita. While much of this consumption is industrial (which presents its own conservation opportunities), a significant percentage is attributed to – and paid by – individual residents. The US Department of Energy estimates that local governments can save \$3.4 billion with more efficient practices, some of which are quite simple. These same efficiencies reduce air pollution and global warming precursors by several hundred million tons per year.

Many of the strategies for sustainable building and energy efficiency are the subject of detailed standards such as the Environmental Protection Agency Energy Star Program, the Department of Housing and Urban Affairs guidelines for Indoor Air Quality, and the 2000 International Conservation and Energy Code. The Energy Policy Act of 2005 imposes additional efficiency standards on all projects built or assisted by the Department of Housing and Urban Affairs. Several states such as California and Wisconsin have developed detailed energy conservation programs as well. There is no want of standards and models. The challenge is to adopt and institutionalize them.

Recommendations:

1. The State should adopt building codes and other standards for sustainable architecture and energy efficiency, based on the highest achievable standards of other states and the federal government.
2. All rehabilitated housing and commercial buildings should be encouraged to conform to these standards to the fullest extent possible. New construction should be required to apply them.
3. New construction should be integrated with public transportation, schools, and neighborhood food stores and other services to increase the sense of community and reduce the demands for private

transportation (the second highest monthly cost for low-income families).

4. Audit teams of experts in sustainable building and energy efficiency should be formed to assist in specific recommendations and the drafting of implementing instruments.
5. Pilot projects of advanced technologies should be located throughout the city, with relevant information and technical assistance made available to builders and private owners.

E. Process

No change in human behavior happens on its own. The status quo is not evil, but it resists new ways. What is needed, then, are mechanisms to advance sustainability forward, against the odds.

Recommendations:

1. A State Sustainability Policy Act. Paralleling the National Environmental Policy Act, this statute should declare the sustainable policy goals of the state with sufficient specificity so that their fulfillment, or non-fulfillment, can be monitored and, if necessary corrected. Its basic elements include:
 - a. An Office of Sustainability with the responsibility to consult with other agencies on compliance with statutory and regulatory policies.
 - b. A Sustainability Audit, by state and national experts for each primary activity sector, eg energy, transportation, construction, recycling. The audits will identify opportunities and mechanisms to carry them out. Audit reports will be made available to the Governor and the legislature.
 - c. A Sustainability Incentives Study, to include demonstration projects, education, market and other incentives to advance sustainability goals.
 - d. A Citizen Advisory Committee, to the State Office, with the authority to investigate and recommend.

- e. A Sustainability Trust Fund composed of monies from developers and others seeking city and state approvals.
2. Revitalization of the Mayor of New Orleans Environmental Office with a broader, sustainability mission. This Office should be assisted by a citizen advisory board with the authority to review and recommend.
3. Codification of policy and law, to include both regulatory and incentive measures. Without this step, all plans die.
4. Partnerships and volunteers. Much of New Orleans' existing sustainability agenda is carried out by non-profit organizations such as the Preservation Resource Center and the Lake Pontchartrain Basin Foundation, often assisted by Entergy and other corporate partners. These and other partnerships should be fostered and assisted for presently unattended needs, including the creation of urban gardens, bikeways and tree planting. Most of us can plant a tree. Many of us would like to. We need to put this good will to work.

HURRICANE RECOVERY: HOW THE PEACE CORPS. CAN HELP

By: O'Neil G.D. Bryan,
Nina Ibrahim, &
Kesav Murthy Wable

A. Identifying a Role for the Peace Corp. to Play in the Rebuilding Process

The City of New Orleans, the State of Louisiana, and the entire Gulf region are in desperate need of man-power. This report is a preliminary finding of areas where recovery efforts are in the most urgent need for helping hands. Based on these findings, the report will propose that the Federal Emergency Management Agency (FEMA) commission a Peace Corps. Task Force whose objective would be to:

- Identify on-the-ground agencies that require volunteer support.
- Organize and dispatch volunteer assistance to those agencies
- Maintain a proactive and on-going recruitment program exclusively dedicated to the increased growth and consolidation of a volunteer base to be channeled into the Gulf region.

B. Mobilizing a Crisis Corps. Comprised of Peace Corps. Alumni

The Peace Corp. maintains a database of former volunteers who have finished their tours and returned to resume their careers in the U.S. so that they may be reached for short-term assignments. This program is referred to as "Crisis Corps." "Through the Crisis Corps, Volunteers re-enroll in the Peace Corps for short-term assignments ranging from three to six months. The Crisis Corps maintains a database of COSing Volunteers and returned Peace Corps Volunteers interested in Crisis Corps work."¹⁹

- This is the first time that the Peace Corps. has been commissioned to work in the United States.²⁰
- As of 10/31/05, 238 volunteers have been sent over to date, pooling from the CRISIS CORP database.
- The current database, not including new applicants, is approximately 2,400 volunteers. The database organizes volunteers by experience and skills, periods of availability, and agency needs.
- Currently, Peace Corps. receives an 'overall mission assignment' from FEMA and awaits further instructions regarding specific volunteer dispatch.

C. How the Rebuilding Commission Can Help

¹⁹ See (Peace Corp website: <http://www.peacecorps.gov/index.cfm?shell=resources.former.crisiscorps>)

²⁰ The following statements were obtained in a phone interview with Mary Angelini, Director of CRISIS CORP, 11/08/05. attached "Peace_Corps_Q&A.doc"

Given the gravity of the situation and the all-encompassing scope of areas affected by hurricanes Katrina and Rita, this chapter focuses on three specific areas of immediate need and identifies non-profit organizations that can benefit from Commission assistance as they continue to provide critical help in these areas. These areas include: Cleanup & Housing; Education & Employment; and Health.

1. Cleanup & Housing

Association of Community Organizations for Reform Now (ACORN) is a national community organization of low and middle-income families organized into 800 neighborhood chapters in 80 cities across the United States. ACORN of Louisiana is currently operating a cleaning project to help those families displaced to stabilize their homes and to rid the communities of lead and arsenic poisoning. ACORN Hurricane Survivors Association was established on October 18, 2005 to unite those displaced by Katrina, and is comprised of individuals who want to return to their homes and take part in the community rebuilding efforts.

ACORN's Immediate Needs²¹

- Labor Supply: individuals who are trained, or able to receive short-term training, in how to clean out a house, break out and remove drywall and make a house safe for the family's health.
- ACORN is now running a cleaning project, and needs basic equipment-- from tarps and N100 masks (respirators), Typack Suits and non-toxic cleaning supplies and equipment, to booties.
- Need soil capping to enclose the contamination, much of which existed pre-Katrina, such as lead and arsenic.

Habitat for Humanity has developed Operation Home Delivery in response to Katrina. Through this program, Habitat hopes to put forth the following efforts with the assistance of a number volunteers: (1) Getting the hardest-hit Habitat affiliates in the affected areas back on their feet and prepared to build houses in their communities; (2) Serving as a catalyst for other organizations, corporations, foundations, governments and individuals to come together to talk about low-income housing on a scale Habitat alone cannot accomplish; and (3) Implementing a house-building project. In the initial phases, Habitat affiliates in other parts of the United States will "pre-build" housing components, package them in a container and ship them to the Gulf Coast to be permanently set up when infrastructure is in place. Regular, long-term rebuilding will expand as time passes and the region redevelops.²²

2. Education & Employment

²¹ See attached, email, file name "ACORN_email.doc" from Beth Butler of ACORN. Contact: 1-800-239-7379, (713)-875-6550

²² See http://www.habitat.org/disaster/2005/katrina/about/katrina_about.aspx

The U.S. Department of Education's (DOE) Hurricane Help for Schools initiative seeks to provide assistance to schools serving students displaced by Katrina.²³ A multitude of schools are in need of basic supplies and materials to ensure students continue receiving a strong education. The DOE has catalogued affected schools' needs and classified them among the following categories:²⁴

- 1) Schools Supplies
- 2) Personal Items
- 3) Desks, chairs, and computers
- 4) Textbooks/curriculum materials
- 5) Counseling

Organization: U.S. Department of Labor's (DOL) "Pathways to Employment" initiative helps evacuees and other survivors of the recent hurricanes find employment and training opportunities. "Pathways to Employment" provides targeted assistance to people based on individual needs, through the nationwide network of 3,500 One-Stop Career Centers located across the country. Pathways intends on:²⁵

- 1) Deploying experienced career counselors to evacuee centers and other relocation centers where there's a concentration of evacuees.
- 2) Sending specially-trained experts who can help people with disabilities find employment opportunities and needed services.
- 3) Providing 4,000 Job Corps scholarships to young people impacted by the hurricanes and need a fresh start.

3. Health

The American Red Cross is currently attempting to contact various Red Cross branches with the hope of assessing the need for volunteers in hospitals, clinics and care-giving services, the inquiry led to a direct correspondence with FEMA's Jon R. Wallace, MSW, CSWM who is Group Leader-CORE IA Officer of Voluntary Agencies Coordination Group.²⁶ As FEMA is responsible for Red Cross' volunteer placement, the initial response did not divulge any data as to the approximate number of volunteers that could be used.

Doctors without Borders does not currently have any ongoing operations in the Gulf region. The Rebuilding Commission may want to consider partnering with this non-profit organization to address the health needs of the city moving forward.

²³ See <http://hurricanehelpforschools.gov/index.html>

²⁴ See <http://wdcrobcolp01.ed.gov/CFAPPS/disasterrelief/schools/index.cfm#counseling>

²⁵ U.S. Department of Labor Launches "Pathways to Employment" Initiative Expanding Employment Services for Hurricane Survivors, Press Release 09/30/2005, <http://www.dol.gov/opa/media/press/eta/eta20051850.htm>

²⁶ See attached, email correspondence with Jon R. Wallace. "FEMA_email.doc"

D. Recommendation

There is no question that the needs of the region are overwhelming and multiple agencies and non-profit organizations are being called to a level of duty above and beyond what has ever been asked of them. There is no question that each agency has and will continue to respond to this calling with diligence and good will. What seems to be lacking is a cohesive response to the shortage of man-power from one central source. Each agency discussed above is largely relying on its local community while the volunteer placement infrastructure in use by FEMA and the Peace Corps., is only designed to respond, domestically to ordinary volunteer needs, and internationally, during times of another country's hardships.

In the wake of the largest natural disaster in the history of this nation, the volunteer needs of the affected region are by no means ordinary. Consequently, local and state government must respond and restructure the recruitment, retention, and placement processes of America's Peace Corps. This chapter identifies concrete efforts (e.g. clean-up, supply collection, building, care-giving and counseling) where the enthusiasm and commitment typical of Peace Corps. volunteers can provide a much needed boost to the speed of the recovery and rebuilding progress and help heighten overall morale of both victims and ground workers.

To conclude, it is the hope of the authors of this report to see manifested, a nationwide Peace Corps. Post-Hurricane Domestic Recruitment Campaign that is as prominent and accessible as the compelling images of destruction and suffering the nation witnessed in late August of 2005.

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CREATING EMPLOYMENT OPPORTUNITIES AND ECONOMIC STIMULI

By Tina Boudreaux
Tulane Law School

A. Identifying Economic Development Principles

The devastating impact of Katrina has been borne disproportionately by poor people and communities of color. It is not enough to restore those communities back to where they were, with chronic unemployment and high poverty rates. We must – and can – do better. Rebuilding the Gulf Coast offers our nation the opportunity to reverse years of disinvestment in low-income communities, and to address the unforgivable imprint of racial inequality running through every part of people’s lives.

We believe that economic self-sufficiency is one of the most powerful engines for pulling communities out of poverty. The ideas are simple: harness the massive amount of cleanup, construction, and rebuilding work to generate jobs and training for hurricane victims; prioritize participation of small and local businesses; and ensure that decisions about the economic future of New Orleans address the needs of all its citizens. But implementing these ideas will be much more difficult. Federal, state, and local efforts will need to be coordinated, and all levels of government must sustain their focus on ensuring that Katrina’s survivors stand front and center in rebuilding their own communities.

We want to be clear what the stakes are here. Without intervention, the default scenario is that skilled workers will be recruited from out of town, while less-skilled hurricane survivors receive no training and are relegated to low-wage, temporary cleanup jobs that offer no future. Contracts will continue to go to large, out-of-area businesses. Powerful developers and business interests will shape the rebuilding process to meet their needs, rather than the needs of long-time, low-income residents.

In short, without concerted efforts and prioritization of local needs, the rebuilding effort will perpetuate and even exacerbate the stark inequalities that Katrina laid bare to the nation. The following principles should therefore shape the City’s rebuilding activities, as well as its work with other government entities, business interests, and our broader community.

1. Local Employment

Substantial numbers of the cleanup and rebuilding jobs should be reserved for residents of low-income communities affected by the disaster. This can be accomplished by including local hiring requirements in rebuilding contracts, and by giving preference to businesses that already employ significant numbers of residents from these communities.

2. Job Training

All hurricane victims should have immediate access to training programs so that they will have the skills to join in the economic activity to come. Especially important will be the creation of pre-apprenticeship programs to prepare residents for construction jobs.

3. Local Contracting

In order to revitalize the region's economy, we must ensure that local and minority-owned businesses receive a fair share of federally-funded rebuilding contracts. With vast sums now being spent in the region, oversight is needed in reviewing who gets contracts and why.

4. Land Use and Redevelopment

Upcoming land use decisions and redevelopment efforts at every level of government will shape New Orleans for decades to come. Low-income residents need to participate in these decisions to ensure that redevelopment efforts benefit all New Orleans residents, rather than just the powerful interests that often control these processes.

B. Recommendations

In addition to arguing for a reconstruction effort guided by the principles described above, this report provides an overview of specific suggestions and concerns raised by policy experts and members of the business community that the Bring New Orleans Back Commission and the Louisiana Recovery Authority (referred to throughout this report as "the Commissions") should consider in developing and prioritizing their plans. This report also sets out recommendations for an inclusive, objective and research-based approach to developing a blueprint for rejuvenating the city's economy and creating employment opportunities for all New Orleans' residents.

1. Resolve immediate housing issues, and coordinate economic and sustainable housing planning to benefit all residents

The very survival of the city's economy depends significantly on resolution of the metro area's housing issues. The large number of businesses that have failed to re-open or that are unable to operate at pre-Katrina capacity due to a shortage of workers has been widely publicized. As the Urban Land Institute recommended, the city should invest the time in developing clear criteria for neighborhood restoration and development. However, urgent action is required to provide immediate housing for those who wish to return to the city and to avoid losing those homes that are capable of being repaired. One proposal calls for the creation of a New Orleans Conservation Corps, through which displaced residents would be hired and trained to raise and repair the homes of low-income residents at reduced or no cost.²⁷ Although such a proposal almost certainly

²⁷ Oliver Houck, "Civilian Corps Could Rebuild Our City," *The Times Picayune*, November 3, 2005.

would require federal commitment and a public-private partnership to carry it out, local and state officials should take an active role in putting ideas like this into action. The proposed legislation by Representative Richard Baker for the creation of a Louisiana Recovery Corporation also deserves careful consideration. However, if such a rebuilding corporation is established, state and local officials should ensure that affected community members are active participants in the rebuilding process, both in terms of job opportunities and development decisions. Rigorous public and community oversight should be built into the corporation's mandate to ensure that affected residents are not "developed" out of their own communities and their city.

While immediate housing needs obviously must be resolved to re-start the local economy, long-term housing choices also will affect economic reconstruction. Those tasked with housing and economic development planning should work together to ensure that their decisions reflect both economic and housing realities. For example, New Orleans was one of the few metropolitan areas where the physical distance between African-Americans and jobs actually increased during the 1990's.²⁸ In determining whether to cultivate specific industries for job creation, thought must be given as to whether the city's housing arrangements will provide easy and low-cost access to these jobs. More importantly, the costs of the city's new housing stock must correspond to the range of salaries offered by those industries that will be the drivers of the "new" economy, whether that be an economy rooted in the tourism and hospitality sectors, a high-tech, service-oriented economy or one based on some other economic model. Housing planning should also be guided by a commitment to creating sustainable communities (those built on sound environmental, economic and social principles with future generations in mind), which will bolster New Orleans' long-term economic growth.

2. Focus on targeted, sustainable infrastructure improvements that bolster productivity

A key priority for local officials must be to ensure that reconstruction funds are first spent on vital infrastructure: public works, levees, schools, criminal justice and streamlined permitting and licensing processes.²⁹ Neither businesses nor residents will choose to return to a New Orleans that cannot ensure the basic health, safety and competitive prosperity of its citizens. Accordingly, simply restoring infrastructure to the declining and haphazard conditions that existed pre-Katrina will not aid the city's economic recovery. Strategic investments must be made to ensure that the city's public works support its businesses and communities in a sustainable way.

²⁸ "Katrina: Issues and the Aftermath," The Brookings Institution Metropolitan Policy Program, based on a report in its Living Cities Census Series: Stephen Raphael and Michael A. Stoll, "Modest Progress: The Narrowing Spatial Mismatch Between Blacks and Jobs in the 1990s," Brookings Institution Center on Urban and Metropolitan Policy, December 2002.

²⁹ No doubt the Commissions are aware that improved levee protection and coastal restoration top the list of infrastructure priorities. A vastly improved school system is also necessary to lure a diverse workforce back to the city. This section of the report does not address specific ways to tackle these issues.

While the city's first priority obviously will be to restore basic services to damaged areas, investments received for infrastructure improvements should be thoughtfully prioritized to bolster productivity and innovation. To achieve this, public officials should engage local businesses and communities to learn their specific needs and how transportation, technology and other innovations could support particular business clusters and provide job access and training opportunities for residents. Improvements could then be targeted to stimulate job growth and matched to areas that will benefit from them the most. Local officials could also promote business retention by directing infrastructure, transportation and other improvements to existing communities where businesses and residents are concentrated (including those communities that are capable of being rebuilt), rather than simply tying improvements to new development projects.

3. Continue to press for immediate grants / low-cost loans for small businesses

Approximately 90% of the 81,000 businesses severely impacted by Hurricanes Katrina and Rita are small businesses.³⁰ While the current proposals at the state and federal levels to provide business-related tax and other incentives are important, these incentives will not deliver the immediate funds for basic operations that small business owners desperately need.

It has now been widely publicized that small businesses are struggling to obtain loans from the Small Business Administration, a process that, at best, is deplorably slow. As of November 8, only 10.1% of the SBA applications from small businesses had been resolved and only 3% approved.³¹ In addition, many local small business owners are finding it difficult to collect on their business interruption insurance and also are finding that these policies do not provide coverage for the types of cash-flow shortages they are facing. The state has now exhausted its funding for bridge loans to small businesses, and the likelihood that federal legislators will approve a proposal for federal bridge loans seems shaky at best.³²

The focus – particularly at the federal level – on tax credits and incentives overlooks the urgent needs of small business owners. Small businesses rarely generate the revenues and resulting tax liability necessary to take advantage of these credits. Moreover, incentives aimed at encouraging capital investment – while necessary for the city's physical and economic reconstruction – generally will not help the small professional service providers that employ a significant percentage of the city's workforce. Accordingly, pressure should continue to be applied at the federal level and elsewhere for more urgent and flexible relief, including low-interest loans and grant programs similar to those provided to New York after 9/11.

³⁰ "Historic Preservation vs. Hurricane Katrina," Congressional Testimony of Lieutenant Governor Mitch Landrieu, November 2, 2005.

³¹ "Senator Snowe Investigates Small Business Hurricane Recovery Efforts," *U.S. Federal News*, November 9, 2005.

³² "State 'Bridge Loan' Program for Businesses Tapped Out," *The Associated Press*, November 15, 2005.

4. Give local businesses and workers preference in reconstruction efforts

The region's businesses and residents must be active participants in the rebuilding process to secure the city's immediate and long-term economic recovery. Unfortunately, fewer than 10% of the initial \$2 billion of federal reconstruction contracts were awarded to Gulf Coast companies,³³ and, as of the first half of October, only 1.5% of the \$1.6 billion in contracts awarded by FEMA had gone to minority-owned businesses.³⁴

Immediate attention needs to be focused at both the federal and state level on why local businesses are failing to win reconstruction contracts, and immediate measures to remedy the situation should be implemented. This would include an assessment of the reasons these contracts are going mostly to out-of-state businesses, as well as an analysis of why local businesses may be perceived as unqualified or unable to bid for these contracts (e.g., institutional biases or provisions that favor awarding these contracts to larger companies). Recent initiatives like the SBA's "Gulf Coast Business Matchmaking Program" are steps in the right direction, but more is needed.

State and federal legislators should push for government-mandated targets to ensure that a meaningful share of contract and sub-contracting work is allocated to in-state as well as small and minority-owned businesses. Those receiving reconstruction contracts should be subject to first-source hiring agreements to ensure that reconstruction work is first offered to local residents, particularly displaced workers. Although federal support would be required, state and local officials should lead the charge in exploring public-private partnerships, labor management programs and other means to match displaced residents with available jobs. In addition, transportation, child care and other issues that may pose obstacles for displaced workers require urgent attention.

Similar contracting and hiring arrangements have been successful in other cities. Commentators have recommended looking to the \$14.4 billion investment by the Los Angeles Unified School District to build new and modernize existing schools as a best practice example of how contract and hiring targets can benefit small businesses and local workers.³⁵

Louisiana's federal and state legislators also should seek legislation to ensure that all workers participating in the reconstruction efforts receive fair wages and benefits. This will provide displaced workers with an incentive to return to the area and will also set a commendable precedent for other employers. The decision to re-instate the Davis-Bacon Act was a good start. However, other proposals should be explored. At least one commentator has recommended that all employers receiving federal reconstruction contracts be required to spend at least the national average towards health care (or alternatively pay the difference into a fund that would be used to provide Medicaid

³³ See note 4, *supra*.

³⁴ "Government Vows to Increase Amount of Minority Contracts," *Associated Press*, October 12, 2005.

³⁵ Robert García and Marc Brenman, "Katrina and the Demographics of Disaster and Reconstruction," Center for Law in the Public Interest, September 16, 2005.

coverage to uninsured and underinsured workers).³⁶ Another proposal would require or encourage the establishment of individual development accounts (individual savings accounts that would be matched by the government or private resources) that low-income residents could tap for various uses, like purchasing a home or tuition payments.³⁷

5. Encourage local expertise in disaster recovery and sustainable building strategies

Economic development and sustainability sub-committees should work together to ensure that the expertise gained by the local community in sustainable reconstruction efforts will enhance the city's commercial strengths. Local officials should work with environmental, planning and similar organizations to employ state-of-the-art, environmental and preservation performance standards in all rebuilding and infrastructure projects. Investing the time and resources in sustainable reconstruction now will benefit residents and the local economy for the long-term. As communities around the world are looking more and more to sustainable infrastructure and development strategies, New Orleans is in a unique position to gain expertise that its businesses can export down the line.

6. Seek clarification from the federal government with respect to a federal financial commitment

The various proposals designed to secure the city's short and long-term economic survival will obviously require significant financial commitment, and creative financing strategies will need to be employed at all levels of government. Given that Katrina destroyed the city's tax base and left the state's finances reeling, it is clear that funding will need to come from other sources. Although charitable and private sector contributions will help, the city's economy simply will not recover without large-scale and sustained federal financial support. Despite early expressions of federal commitment from President Bush and U.S. legislators, it appears that national government interest in assisting Louisiana has waned.

While Louisiana's federal, state and local representatives have made numerous individual pleas for help, these cries seem to be falling on willfully deaf ears and are failing to attract the attention of the national media. The Urban Land Institute's call for the establishment of a temporary financial oversight board to ensure fairness and equity in obtaining federal funding deserves consideration, but more immediate action is needed to re-focus federal attention. With circumstances for many local businesses and residents becoming more dire with each passing day, it is time for bold, loud and - most importantly - unified action. All local and state representatives – including Governor Blanco, Mayor Nagin, the Commissions, and Louisiana's U.S. Senators – should consider

³⁶ Jared Bernstein, Ross Eisenbrey, Steve Savner and Mark Greenberg, "Principles for Gulf Coast Reconstruction," Economic Policy Institute Policy Memorandum, September 29, 2005.

³⁷ See note 9, *supra*, at p.4.

producing a unified and highly-publicized demand of the President and Congress for a renewed commitment that the national government will “do its part.”³⁸

7. **Develop a research-based strategy and oversight mechanisms for the creation of a robust, sustainable economy that provides opportunities for all residents**

Any steps to improve the city’s economic future must be based on an inclusive, objective and research-oriented effort to identify those industries that will offer the best opportunities for the metro area and its residents.

Even before Katrina, New Orleans was faced with a sluggish economy that provided generally low wages and limited opportunities for workers, particularly those without college educations.³⁹ Experts attribute this in part to the city’s heavy reliance on the tourism and hospitality industries, which generally offer low-wages and limited opportunities for advancement. The city has continued to lose well-paying transportation and manufacturing jobs over the years at a much faster pace than the national trend.⁴⁰

Although most experts agree that abandoning the city’s tourism industry would be foolish, many believe that returning to the existing economic model, or focusing development and other efforts predominantly on the city’s existing tourist areas, will fail to draw a diverse workforce back to the city and would perpetuate the same economic problems that existed before the storm. These experts have called for a more diversified approach by using tax, zoning and other incentives to cultivate those industries that offer livable wages and advancement opportunities for their employees. Recommendations have ranged from measures to further develop the city’s port-related, medical and finance sectors, to transforming New Orleans into a high-technology center. The Urban Land Institute has suggested a long-term approach that builds on existing segments of the city’s economy and expands into other areas like bioscience and retirement living.

While a discussion of the merits of these various proposals is beyond the scope of this report, it is clear that a careful and thorough study is needed to “carefully assess the existing economy, ascertain its strengths and identify a sharp-edged strategy for enlarging its most promising sectors.”⁴¹ A report prepared by the Brookings Institution Metropolitan Policy Program recommended that this study be undertaken by the Commerce Department’s Economic Development Administration in partnership with the state and local business leaders. This report also sets out a number of important research goals worthy of consideration.⁴² Any such study should also explore possible regulatory changes to improve salaries and benefits for workers in the city’s tourism and hospitality industries. This would require looking to other cities, like Las Vegas and New York,

³⁸ “President Discusses Hurricane Relief in Address to the Nation,” Office of the Press Secretary, September 15, 2005.

³⁹ “New Orleans After the Storm: Lessons from the Past, a Plan for the Future,” The Brookings Institution Metropolitan Policy Program, Special Analysis, October 2005.

⁴⁰ See note 13, *supra*, at p. 11.

⁴¹ See note 13, *supra*, at p. 35.

⁴² *Ibid.*

with large tourism and hospitality sectors that generally offer livable wages and benefits to their employees.

Of course, any study undertaken to evaluate the city's economic prospects must also consider and offer innovative ways to address existing workforce challenges (e.g., illiteracy) and ways to train the city's residents for the jobs available in the "new" economy. Reinventing the city's labor pool will entail many challenges and require significant commitment and cooperation from employers, local and federal agencies, universities, community colleges and other job training and apprenticeship programs. One proposal calls for the Labor Department to establish a regional workforce intermediary that would provide centralized access to these various resources, as well as child care providers and other support services.⁴³ While the costs and efforts involved in pursuing these kinds of proposals may seem prohibitive, the city can no longer afford to dismiss them.

The conclusions reached in any economic study should be well-publicized and open to public debate and comment, with the ultimate goal of producing a final blueprint that reflects a collective vision for the city's economic future. Many small business owners and displaced residents have become frustrated with the perceived lack of communication – or conflicting communications – from local officials and the commissions, as well as the perceived inability to have their voices heard in the process. Concerns also have been raised over the number of task forces and commissions created by federal, state and local authorities. While an advisory body comprised of local and national experts is necessary and appreciated given the magnitude of the tasks before elected officials, many believe that lack of cooperation among the various commissions will fail to produce a thoughtful, coherent plan. The Commissions should seek ways to better coordinate their efforts, and public debate and comment on the reconstruction plans should be encouraged through a more inclusive, technology-based forum, similar to "America Speaks." The Commissions should also explore other means of ensuring public participation, like those suggested by the Bureau of Governmental Research in its November 14 letter to the Bring New Orleans Back Commission.⁴⁴

Once a final blueprint is produced, local officials and others tasked with steering the city's economic development efforts should look to this blueprint as a strategic planning tool, and government investment and legislative and municipal efforts should be prioritized accordingly. In implementing the plan, local officials should also set accountability guidelines and encourage public oversight.⁴⁵ While there is merit in the Urban Land Institute's proposal for a financial oversight board, the Commissions and local officials should strongly consider the establishment of a public oversight body comprised of representatives from various neighborhoods and small businesses.

⁴³ See note 13, *supra*, at p. 37.

⁴⁴ "Letter to Members of the Bring New Orleans Back Commission," Bureau of Governmental Research, November 14, 2005.

⁴⁵ Local officials should look to those priority and accountability recommendations made by the Bureau of Governmental Research in a November 2004 study on Economic Development (*see* "On the Right Track? New Orleans Economic Development Investment in Perspective," Bureau of Governmental Research, November 2004).

Although the desire for quick action to re-start the metro area’s economy and appease an anxious and dispersed citizenry is understandable, rushing into development and other commitments without an objective, well-researched action plan will lead to the same or even more pervasive inequities that existed pre-Katrina. In planning and implementing specific proposals, we can no longer rely on familiar strategies. As one commentator advised, it is important from now on to “follow the money” and ask bluntly which groups will benefit and who will get left behind.⁴⁶

Acknowledgements

This report benefited greatly from the guidance and comments of Dr. David Gladstone, Assistant Professor in the College of Urban and Public Affairs at the University of New Orleans. Thanks are also due to the following individuals who were consulted in preparing this report: Dr. James R. Elliott, Associate Professor of Sociology at Tulane University; Dr. John Elstrott, Clinical Professor of Entrepreneurship and Director of the Levy-Rosenblum Institute for Entrepreneurship at Tulane University’s A.B. Freeman School of Business; Geoff Coats, co-founder of the Urban Conservancy; Liz Williams, President, Southern Food and Beverage Museum; Michael T. Johnson, Principal, Advantage Capital; Sarah E. Kracke, Senior Vice President, Greater New Orleans Inc.; and Edith Jones, President and CEO of the Urban League of Greater New Orleans. The Economic Development Principles section of this report was prepared by Annette Bernhardt, Chitra Aiyar and Paul Sonn of the Brennan Center for Justice at NYU School of Law, and Julian Gross and Sara Zimmerman of Partnership for Working Families.

⁴⁶ See note 9, *supra*, at p.5.

**PUBLIC PARTICIPATION & POLITICAL COMMUNITY IN NEW ORLEANS:
A PRAGMATIC WAY FORWARD**

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Introduction

Never before have decisions about New Orleans and its future been more important or the need for public involvement and accountability more urgent. The majority of New Orleanians remain scattered far from their proud but battered city in an uncertain diaspora. This paper attempts to present a realistic approach for New Orleans to ensure broad and meaningful public participation in the important decisions ahead.

The mechanics of holding elections and the fundamental importance in our democracy of the equal right to vote—all the more important through such difficult circumstances—are not the focus of this paper because primary authority for all Louisiana elections rests at the state level. Worth repeating here, however, are Chief Justice Warren's words from the seminal 1964 voting rights case *Reynolds v. Sims* that voting "in a free and unimpaired manner" is "the essence of a democratic society" and is "preservative of other basic civil and political rights." Rebuilding New Orleans will not be complete, and indeed may not even truly begin, without free, fair, and effective elections and the right to vote for all New Orleanians. Although Katrina left no part or person of New Orleans untouched, there can be no denying the serious racial, economic, and social disparities that remain in her wake. Without affirmative, rigorous, and multifaceted efforts to ensure the political rights and participation of those most affected, rebuilding New Orleans will only calcify disparities, reinforce injustice, and perpetuate a racial and social divide. Government at all levels has the responsibility to ensure that New Orleanians who are registered or eligible to vote may do so.

Though it cannot restructure elections, the city can undertake creative ways to actively reengage its citizens in the important decisions about their city that will be made in upcoming months and years. It is critical that these decisions be made together by all New Orleanians. This requires outreach that could and should include continued town halls, a grand convention for New Orleans (perhaps, for symbolic and practical reasons, to be held during Mardi Gras and/or at the Morial Convention Center), and renewed measures to ensure transparency and accountability in city governance.

A. Cooperation with state and federal registration and elections initiatives

Although the maintenance of the statewide voter database rests primarily with the

* The author received invaluable assistance in planning this article from the work of Kristen Clarke-Avery and the late M. David Gelfand, and in researching and writing this article from Bryan Mauldin, Megan Goddard, Mark Laramie, Jonah Goldman, and Morgan Williams. Thank you all. The author, a native New Orleanian, can be reached by email at peter.prows@nyu.edu.

Louisiana Secretary of State, New Orleans officials are well-positioned to assist in efforts to contact eligible voters. The city should offer its on-the-ground intelligence as to which neighborhoods are inhabitable and inhabited and which are not so that outreach efforts can be efficient and specifically targeted to the displaced. Also, should the Secretary of State be afforded new powers to change or waive certain voting regulations for people displaced by the disaster, the city, along with neighboring parishes, should assist him in identifying and reaching those most likely to need new registration and voting procedures.

B. Voter Education and Campaigning

Voting rights are meaningless if citizens cannot make informed choices, yet traditional campaigning will prove nearly impossible with such a scattered electorate. The emphasis should be on fostering substantive and inclusive debate wherever possible. The concept of a quorum is critical to effective democratic government. If the voters cannot come to New Orleans, then New Orleans and the candidates must go to the voters.

For the upcoming municipal and parochial elections, the city and parish should prepare an informative elections guide that includes statements by all the candidates. This guide should then be distributed by the Secretary of State to all eligible voters where they are currently living, at local and regional polling locations, and with absentee voting mailings. The city should post this guide on its Internet website and ask local media outlets to republish it as well.

Candidates should also publicly debate each other and answer questions from the media in fora accessible to all voters. These debates need nationwide exposure to reach the scattered electorate. President Bush asked, and received, live primetime airtime on all major networks to speak from Jackson Square about Katrina reconstruction, and so too should New Orleans be emboldened to ask local and national media for public service announcements and appropriate airtime for these critical debates. National exposure to the issues facing New Orleanians will have the additional benefit of raising awareness throughout the country about what is being done and what is still needed to rebuild the city.

C. Additional Fora for Political Participation

Elections are but one avenue among many that citizens should have to participate in the decision making that affects them. The city and state are already holding public town hall meetings to discuss the disaster and reconstruction. These should be held wherever eligible voters are now living and should continue as a regular and ongoing avenue for contact and discussion between the public and decision makers.

These town hall meetings might be supplemented with more ambitious public fora where specific issues are discussed pursuant to an announced and well-publicized agenda. Mardi Gras, for example, will be a time when many New Orleanians will be inclined to at least visit the city in celebration and solidarity. This might also be a natural opportunity

for a grand recovery and reconstruction Bring New Orleans Back 'convention', perhaps to be held in impressive fashion and with national exposure at the Morial Convention Center.

The agenda for such a convention should reflect the most important challenges to Bringing New Orleans Back, as described throughout this report. Perhaps no issues are more pertinent for such a forum than ensuring the housing, property, and voting rights of the displaced.

D. Good Governance

Transparency and accountability in government at all levels ultimately benefit both policymakers and the public. New Orleans can do its part to shed light on decision making by allowing easy public access to records, proceedings, and meetings in-person, online, and elsewhere as appropriate.

The Louisiana Constitution and laws require sunshine on all decisions affecting the public. Article XII, section 3, of the Louisiana Constitution provides a presumptive 'Right to Direct Participation': "No person shall be denied the right to observe the deliberations of public bodies and examine public documents, except in cases established by law." Further, section 31 of the Louisiana Public Records Act (La. Rev. Stat. Ann. §§ 44:1 et seq.) establishes a presumption of public access to government records and places the burden on those who would withhold access to establish that the records may not be made public. An individual whose access is wrongfully denied or whose request is not responded to within five days may sue for injunctive and monetary relief, including personal liability against the withholding officials, and, if the suit prevails, the plaintiff "shall" be awarded attorneys fees. It is thus in everybody's interest to ensure appropriate public access to public records.

Accordingly, it is now imperative that we find ways to ensure that displaced citizens have the access to public deliberation and public documents contemplated by Louisiana law. The victims of Katrina and Rita did not renounce their citizenship when they evacuated, and their state, parishes, and cities should not now abandon them. While we work together to Bring New Orleans Back, we must remember that New Orleans is not the ruin and rubble left behind by the storms. It is the hearts and minds, the determination and vision, and the faith and future of New Orleanians everywhere.

PRESERVING MINORITY VOTING RIGHTS POST-KATRINA

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Introduction

As the focus of the post-disaster process shifts its emphasis from recovery to relief to rebuilding, increased attention must be paid to the impact that Hurricane Katrina has had on the voting rights of hundreds of thousands of displaced citizens. Governor Blanco has already issued an Executive Order postponing the October 15 primary and November 12 general elections, for an indefinite period of time. New Orleans is on the cusp of a mayoral election scheduled for February 2005 and a number of key city, state and federal elections are scheduled within the next calendar year. However, candidates and their constituents have been displaced; polling places have been destroyed or rendered unusable; and certain election districts are significantly under-populated. How can we address the impact that Hurricane Katrina has had on voting rights and the election process generally while still preserving the voice and influence of citizens in the rebuilding and reconstruction process? How do we contend with these difficult questions in a context that has become increasingly concerned about vote fraud and ballot integrity. Moreover, what impact will Hurricane Katrina likely have on minority voters in the City of New Orleans, where African Americans represent 67 percent of the pre-Katrina population and where its African American elected officials represent the majority of the state's minority political base? This chapter analyzes the complex matrix of voting rights challenges that lie ahead while offering solutions to help alleviate the impact that Hurricane Katrina might otherwise have on the distribution of political power.

Most importantly, this chapter recommends postponing elections in the City of New Orleans until a critical mass of residents have returned and resettled into the city or until an effective alternative voting mechanism has been put in place that will allow displaced residents an opportunity to meaningfully participate from their temporary homes.

A. Pre-Katrina New Orleans Represents the Base for Black Political Power in the State of Louisiana

Of seven Congressional districts in the State of Louisiana, the state's single majority Black district encompasses much of New Orleans. Indeed, New Orleans represents the heart of Black political power in Louisiana.

⁴⁷ Note that the views, positions and policies outlined in this chapter are those of the author alone. This chapter does not purport to represent the views of the U.S. Department of Justice. This piece was adapted to a shorter article that was co-authored with the late M. David Gelfand of Tulane Law School. That article can be found at http://writ.news.findlaw.com/commentary/20051011_gelfand.html. The author can be contacted at Kristen_clarke@yahoo.com

B. States Impacted by Hurricane Katrina Could Choose to Postpone Elections Until Voters have Resettled in the Region

The next set of Congressional elections in Southeastern region of Louisiana are scheduled for the Fall of 2006. Given the slow pace at which the rebuilding and reconstruction process is moving, given that pre-Katrina election districts still stand without sufficient population and given that no adequate alternative voting mechanism has yet been put in place, the City of New Orleans should continue to postpone its elections. Further, it may become necessary for the city to also postpone its federal elections. 2 U.S.C. Sect. 7 states that a uniform date shall be set throughout the country for biennial elections to the House of Representatives. However, in Busbee v. Smith, 549 F.Supp. 494 (D.D.C. 1982), the court held that “although states ordinarily should conduct congressional elections on the date established... those elections may, under certain circumstances be held at other times.” The court also noted that although Congress “did not expressly anticipate that a natural disaster might necessitate a postponement, yet no one would contend that section 7 would prevent a state from rescheduling its congressional elections under such circumstances.” *Id.* at 526. Thus, the Busbee opinion provides precedent should Louisiana seek to postpone its Congressional elections because of the impact of Hurricane Katrina.

C. Cities and States Impacted by Hurricane Katrina Need to Adopt and Revise Election Laws to Facilitate the Absentee Voting Process for Displaced Residents

Louisiana Revised Statute 18:1303 and 1307 governs current state absentee-voting-by-mail requirements. Currently, Louisiana law allows for absentee ballots to be accepted by fax and requires that ballots must be received by mail at least 4 days prior to the close of the election. An organized program should be put in place in those jurisdictions that have absorbed large numbers of Katrina evacuees to allow those displaced voters to mail or fax ballots from Registrar’s Offices from the places where they have been dispersed.

The current law limits absentee voting to certain classes of voters including those who are “temporarily located outside of the territorial limit’s of one’s state or parish during the absentee voting period and election day.” So long as state officials adopt a broad definition of the “temporarily” period to include those voters who have the intent to resettle in their pre-Katrina hometown, the eligibility class need not be broadened.

The Uniformed and Overseas Citizens Absentee Voting Act ("UOCAVA"), enacted by Congress in 1986, provides a model that could be used as affected states adopt emergency measures to address the unprecedented mass dislocation of voters from Louisiana. UOCAVA requires that states allow military members and their families, and citizens residing outside of the United States, to register and vote absentee in federal elections. The UOCAVA facilitates the voting process for military families and citizens living abroad by providing for a "back-up" ballot, called the Federal Write-In Absence

Ballot (FWAB), which can be used in federal elections. This absentee ballot can be cast by those voters who made a timely application for, but did not receive, a regular ballot from their respective state. Generally, the absentee ballot is made widely available both on-line at military installations and embassies located abroad.

States that have seen large numbers of its citizens displaced because of Hurricane Katrina should consider relaxing absentee voting laws using UOCAVA liberal requirements as a guide. Voter registrars located throughout the country should facilitate this process by publicizing the absentee voting process to displaced voters in their respective regions. These registrars should facilitate the return of absentee ballots by absorbing the costs for distributing ballots to voters, and for mailing and faxing the ballots back to the affected regions.

D. Relaxing Voter Identification Requirements

The impact on the voting rights of Hurricane victims who have lost vital documents and official identification is particularly severe. Hurricane Katrina occurred at a time where numerous jurisdictions around the country are adopting restrictions requiring that voters present official forms of state-issued identification at the polls prior to casting their ballots. Most recently, the Carter-Baker Commission on Federal Election Reform, a bi-partisan group assembled to consider ballot integrity and access issues, recommended that all states adopt uniform voter identification requirements. Specifically, the Commission recommended that to ensure that persons presenting themselves at the polling place are the ones on the registration list, that states require voters to use the “REAL ID” card which includes a person’s full legal name, date of birth, a signature, a photograph and the person’s Social Security number.

The driving principle behind efforts to enact voter identification requirements is a perceived problem of vote fraud and ballot integrity. Although there is no evidence suggesting that vote fraud is a massive problem in the United States, concerns about addressing the potential for vote fraud now collide with the hundreds of thousands of citizens who have been displaced by Hurricane Katrina and have lost all forms of identification. How to secure their voting rights in a context of hyper-sensitivity to fraud will prove extremely problematic. However, we may also look at Katrina as illustrating the problem with the over-reliance on identification cards as a prerequisite to exercising the right to vote.

First, Katrina highlights the disparate impact that identification requirements have on poor and minority voters. These are the vulnerable groups that were most impacted by Katrina to the extent that many of them were unable to evacuate the city in a timely manner leaving behind important personal documentation prior to their departure. Further, these are the vulnerable groups who represent the majority of persons who have been dispersed to shelters around the country. Without cash reserves permitting a speedy return to their homes, accessing their personal property, documents and identification cards will prove incredibly difficult over the next several months.

In July 2005, Georgia adopted a law requiring that all voters display a government-issued identification card at the polls. However, a mere third of the 159 counties throughout the state have facilities that issue such identification cards available to the citizens. How Katrina victims, dispersed throughout the country and facing insurmountable challenges as they attempt to reestablish their identities and rebuild their lives, will be impacted by strictly enforced state-issued identification requirements remains to be seen. However, some safeguards should be put in place to provide these voters an equal opportunity to cast their ballots.

Louisiana is one of the few states requiring voters to present photo identification at the polls. Specifically, Louisiana Revised Statute 18.562 states that voters must present a driver's license, a special id card or other generally recognized photo identification (i.e. Sam's Club Card identified as acceptable in some parishes).

The presentation of FEMA-issued applications for relief, insurance applications, Red Cross relief documentation or other disaster-related paperwork could be considered sufficient identification for the next several election cycles as hurricane victims rebuild their lives. In addition, displaced voters could also be required to produce a signature at their temporary polling location that could be cross-referenced later to ensure accuracy – this proposal matches the system that has long been in place in most states. For those voters unable to produce any identification or documentation, an oath can also provide sufficient safeguards as to the identity of the voter – much like the system established under the UOCAVA framework.

E. Protective Measures Should Remain in Place for Voters Unless Voters Express a Clear Intent to Establish Permanent Residency Elsewhere

Protective measures such as a relaxed absentee ballot system should remain in place to protect the voting rights of displaced citizens unless those voters affirmatively indicate their intent to establish a new residency elsewhere. It is clear that the process of rebuilding regions that have been devastated by Hurricane Katrina will take several years to complete. Until livable communities and affordable housing are made available to displaced victims, it is expected that many displaced citizens are unlikely to return to their hometowns. However, many of these citizens are unlikely to exercise any influence or control over the rebuilding process should they lose the right to vote in these jurisdictions. Indeed, the possibilities for return and resettlement are directly shaped by the political power and influence of those who have

F. Katrina Victims' Right to Vote is Essential for Preserving a Sense of Fairness in the Reconstruction Process

Should citizens lose the right to cast ballots and choose their representatives, they will also lose any influence over the reconstruction process. For those concerned about participatory democracy, preserving the voting rights of displaced citizens must become a top priority. For those who are concerned that the reconstructed New Orleans fairly and

adequately represents the interests, influence and contributions of African Americans, preserving minority voting strength must be a crucial component of the process.

Bio

Clarke-Avery is a graduate of Harvard University and Columbia Law School. She is currently a Trial Attorney in the Civil Rights Division of the U.S. Department of Justice. She has handled a number of voting rights, redistricting, election-related and other civil rights matters throughout the State of Louisiana. She can be contacted at Kristen_Clarke@yahoo.com.

THE SOCIAL WELFARE CENTER FOR COMMUNITY DEVELOPMENT (SWCCD)

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A. Overall Purpose of Proposed Social Welfare Center for Community Development

To advance and understand the economic and social capacities of individuals, families and communities in Greater New Orleans in a way commensurate with the ideals of diversity, democracy, human rights, well-being and economic justice. Of particular concern is the well-being of families who are low-income and/or marginalized in other ways due to race, ability, gender or age. The Center would be a dynamic partnership between interdisciplinary university researchers, local governmental and non-governmental agencies and citizens of New Orleans. A key purpose of the Center is to assist in the vision of re-building a thriving New Orleans, with the specific objectives of proposing, implementing and evaluating the efficacy of community development endeavors with particular attention to its social welfare aspects.

B. Background

The work of the Center is based on the research literature that addresses the social welfare aspects of community development. Much of the research shows that individuals and families, especially lower-income individuals and families are likely to be more successful economically when their human capital is enhanced. This includes access to post-secondary education such as advanced vocational and on-the-job training (Pandey et al., 2000; Thompson, 1993; Gittel, Schehl and Fareri, 1990) and employment supports (Lundgren-Gaveras, 1996; Parker, 1994) which include strengths-based advocacy (Kraft & Bush, 1998) for housing, transportation, childcare, mental health care and other basic needs (Gowdy & Pearlmutter, 1993). Employers that provide living wage jobs and are concerned with the multiple needs of their employees have been found to be the most successful in terms of helping families achieve self-sufficiency (Brodsky & Ovwigho, 2002; Lane & Stevens, 2001). The above factors are what most significantly influence successful community development.

The theory that inspires this Center, known as the capabilities approach to social development, rests in the work of the Nobel-prize winning economist Amartya Sen (1999) and Martha Nussbaum (2000). These thinkers and others have enhanced the study of social and economic development, contributing to the United Nations Human Development Index (HDI), a measure of the capabilities of individuals. Human well-being is measured by indicators that include but go beyond income and entail basic human rights. These indicators consist of the existence of safe housing, quality

education, the right to work, a clean environment, a social safety net, secure homes and neighborhoods, access to health care and other social services. The philosophy of the center is centered on the belief that enhancing the social networks and social capital (Putnam, 2000) in communities, in conjunction with enhancing human capital is a necessary condition for socially responsible economic development.

C. Substantive Areas of Concern

The Center is concerned with many issues relevant to building a community that is environmentally safe, sustainable and just, a place with a quality public educational system and a rich culture. The Center seeks to work in collaboration with partners who are specifically focused on advocating for and actualizing these values. As the Center cannot maintain expertise in all areas of concern in the re-building of New Orleans, however, its primary concern is the social welfare aspects of community development. Toward this end, the substantive areas discussed below are of principal importance. These areas are interconnected and rely on each other for their success.

- (1) Safe, affordable housing - Housing is a right of all citizens. By partnering with programs such as governmental agencies (e.g., local housing authority), Habitat for Humanity, landlords, faith and community-based organizations, and real estate developers when appropriate, the goal of safe, affordable housing can be realized. Providing advocacy and support to New Orleans individuals and families (including evacuees who want to return) needing assistance with securing and maintaining low-income housing is a concern of the Center. Promoting home ownership for low-income individuals is also a long-term goal.
- (2) Building economic capabilities – Promoting individual economic self-sufficiency is a goal of the Center. This goal is achieved by investing in human capital. This may include but is not limited to building and understanding educational and training opportunities with the goal of long-term employment that pays a living wage. This entails both micro-level strategies (promoting access to higher education, vocational training, and micro-lending opportunities) and macro-level strategies (promoting local, state and national policies that promote economic development). Possible partners include local job development agencies, public and private secondary schools, vocational/technical schools, community colleges, businesses and local government. Providing advocacy, job coaching and other supportive employment services to individuals who are seeking and/or maintaining employment is an aim of the Center.
- (3) Enhancing Social Networks – A thriving, democratic society requires healthy social networks amongst its citizens, i.e. a high degree of social capital. Social networks that promote non-violent and inclusive interactions are a critical component of a community development strategy. These networks include intimate relationships, family,

neighborhood and broader community networks. Thus, addressing problems such as substance abuse, child abuse and domestic violence are critical to enhancing social well-being. Community partners such as social service agencies, faith-based organizations, social clubs and parent-teacher organizations provide a nexus for increasing social capital which can ultimately increase economic capabilities.

D. Center Activities and Methodologies

The activities of the Center are to be conducted in a way that understands social problems and community development arenas to exist at three levels – macro, mezzo and micro. The macro levels of activity include such things as policy advocacy, community organizing, working with social service agencies, research/evaluation and fund development. The mezzo level entails work in neighborhoods and other informal group settings, as well as work with families and kinship networks. The micro level involves individual advocacy, referral and case management activities. The Center would have an agenda that encompassed:

1. Community Programming
2. Outcome Evaluations and Other Empirical Research
3. Theory-Building
4. Advocacy
5. Policy Innovation
6. Education/Curriculum Development/Training

E. Employment Opportunities

The SWCCD would employ a wide variety of individuals including citizens, faculty and students. These individuals may be employees of the Center itself or may be employees of the Center’s partner organizations. The following is a partial listing of some of the employment opportunities:

1. Professional Staff – Local professional staff dedicated to program development and evaluation, grant writing, grants management, research design, networking and other management tasks will be necessary.
2. Administrative Associates – With the proper training, community members and students can participate in the administrative duties of the organization, including data entry, word processing and other administrative tasks.
3. Community Development Advocates – With the proper training, community members and students can participate in building the social capital of the city of New Orleans. This work could entail working at the local and community levels to develop infrastructure to attract businesses, create alternative, cooperative employment ventures and to advocate for living wages.

3. Research Associates- With the proper training, community members and students can assist with the research and evaluation of the Center's programs. These associates would collect data in the community and analyze data on site.

4. Self-Sufficiency Advocates – With the proper training, community members and students can help individual program participants reach their individual goals of self-sufficiency. The work of a self-sufficiency advocate would entail some of the following activities: skills assessments, job referrals, job coaching, referrals to social services, and housing advocacy.

Bio

Dr. Pyles, holding degrees in sociology, philosophy and social welfare, has published work in the areas of poverty and social development, including social development theory, cultural competency, welfare policy, faith-based initiatives, micro-enterprise, domestic violence and the informal economy. She has managed a major federally-funded research project from the National Institute of Justice (NIJ) and managed a nationally acclaimed welfare reform project funded by Temporary Assistance to Needy Families (TANF) monies. She recently received a grant as a co-principal investigator from the National Science Foundation (NSF), along with researchers from the University of Texas at Austin, to study the civil society response to Hurricane Katrina. She has extensive experience with community organizing and policy advocacy.

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INSURANCE ISSUES

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A. Preventing Systematic Undercompensation

What can the Government of the City of New Orleans do to assist residents in dealing with their insurance companies?

I have identified several steps that can be implemented quickly. The biggest problem that I have identified is the unprecedented difficulty of matching the claims process to the reconstruction. The insurance claims process consists of many, time-consuming steps leading to what is frequently an unsatisfying negotiation between a homeowner and the insurance company.

The dynamic is a familiar one to students of negotiation strategy. The insurance company, acting through an adjuster, is a “Repeat Player”. The insurer knows far more about the price of roofing and construction costs than the individual homeowner, because insurers track this information continuously. Individuals are “One Shot” participants. Because the average person does not buy home reconstruction materials and services the way he buys groceries, he simply has no idea what the proper valuation of a loss should be.

Moreover, people are systematically overconfident of their abilities to negotiate and assess value without professional assistance. I suspect that the overwhelming majority of homeowners in New Orleans will rely on the adjuster’s initial valuation as a baseline, using little more than intuition – crippled by their immediate need to see progress in restoring their lives – to guide them. This is a terrible combination, and I predict it will lead to systematic undercompensation.

Despite the undeniable public interest involved, insurance contracts are private; at this time, I would counsel against any direct legal action by New Orleans under the doctrine of “*parens patriae*” (the government may speak for the private citizen).⁴⁸ Instead, there are two models by which the City can support homeowners (and small businesses) to level the playing field.

B. Creating Information Outlets for the Public

Currently, homeowners have very crude methods available to confirm or rebut the reasonableness of property settlement offers. I should point out a phenomenon with which you are undoubtedly familiar, but which has special bite in the insurance context.

⁴⁸ Of course, where insurance and adjusting practices are at odds with City and State law, I would encourage a robust and highly publicized commitment to law enforcement.

After a natural disaster, the local price of construction materials and services rises due to enhanced demand. Katrina has set a new standard for this phenomenon. Not only is the local demand unprecedented, but native capacity has been destroyed as well. A substantial share of the nation's entire construction capacity is in the process of being redirected towards New Orleans.

This means that historical rebuilding costs are a poor guide for evaluating present needs. It also substantially compounds the bargaining difficulties faced by policyholders. Since Katrina, construction costs have risen significantly (indeed, there is great inflation throughout the New Orleans economy). An adjuster working a claim today may be unaware of, or disinclined to acquire present data on rebuild costs. Moreover, labor and materials shortages have made it difficult for policyholders to get firm and timely bids on reconstruction work. If costs continue to rise, even a presently adequate settlement will prove insufficient months from now when the construction materials and services become available.

The City can address part of this problem. The City should begin collecting and posting via the internet in real-time (no less often than weekly) data on claims patterns and construction costs. Imagine a policyholder presented with a damaged roof. During the brief window of opportunity during which he can actually get his adjuster's attention, an offer is made. The policyholder is unable to get firm pricing commitments from a reliable builder, but is reluctant to wait. If the policyholder could go online and compare offers made for similar types of damage in his neighborhood, he would be much better equipped to evaluate the offer.

Thus, the first component would be to begin collecting data from households on settlement offers they are receiving, cross-matched with house value, damage, and related information. This is not as easy as it sounds, because for the comparisons to be useful, the City will need a contingent of surveyors who can "code" property damage relatively consistently. I see no reason why individuals would be reluctant to share settlement data with the City, but they may have great difficulty in answering specific questions as to what the settlement is for. The City should initiate an ongoing data collection effort, retracing back to the days after the hurricane, and continuing throughout the process of reconstruction.

The second, contemporaneous effort is designed to capture data that the survey above will miss. Here, the task is to collect current information on the pricing components of construction services. How much is a day's labor commanding? What is the prevailing price for tree removal? What is the current price for cement? Some of this data is publicly available with a little legwork, but I anticipate the City will have to collect information directly from providers. I am not sure providers will cooperate fully, though it may be possible to design procedures that encourage accurate reporting (e.g., a temporary service tax would discourage overestimation, while a mandatory "call option" requiring a stated price to remain available to the public for a set period of time would discourage underestimation) Again, posting this information will make a currently opaque and confusing market more transparent. The point is not to create an eBay-type

auction (though there may be a role for that in future efforts), but simply to permit consumers to see what price the market has set for elements of reconstruction. For those policyholders with idiosyncratic types of property damage, this information is vital step forward in improving their bargaining power.

A related benefit is that transparency should drive the market price to more efficient levels. Right now, providers have a structural advantage because of the imbalance of demand and supply, coupled with the opacity of their pricing. The City cannot eliminate the supply/demand mismatch, but can ensure that providers do not command a premium beyond what an efficient market would yield. The touchstone of market efficiency is current and inexpensive pricing information. The suggestions above meet that requirement.

C. Centralized Negotiation/Arbitration as a Tool for Resolving Insurance Compensation Disputes

A more ambitious variation would be for the City to intervene lightly, making available a central claims negotiating facility where City experts armed with the data above can bring policyholders and adjusters together to fairly settle claims. The two major arbitration organizations have offered reduce-fee services for Katrina matters, though I am unaware of the extent to which their services have been used thus far. Certainly, there are many policyholder advocates around the country who would be willing to donate their time to assist claimants in settlement.

This would not be a formal legal proceeding, and need not even rise to the level of arbitration. Instead, it would be a “structured negotiation” which has been designed to eliminate as much as possible the bargaining limitations and disparities that currently affect the adjusting process. The advantage of a central location is the ability to provide real-time guidance and data to claimants, with helpful oversight from consumer advocates. A policyholder could meet with an adjuster who would be very aware that “hardball” tactics would be quickly discovered. Because both sides would have access to the most current data, the likelihood of reaching a fair and correct value for a claim is improved. Moreover, the very presence of advocates will reassure the policyholder that he is not matching his wits against his insurance company’s; at any time he can call upon “Repeat Players” from the policyholder perspective. This, too, is a way of bringing transparency to what is a very difficult process for consumers.

There are many other issues involved, and space does not permit me to address them here.⁴⁹ These ideas may be somewhat novel, but I think they merit careful consideration by your technical staff.

⁴⁹ Let me add, however, that industry trade publications report the present insolvency of the National Flood Insurance Program. I presume that Congress will act quickly to increase the NFIP’s statutory borrowing authority. However, this matter is urgent, and should be a priority for the City’s Legislative Affairs personnel.

DISABILITY AND AGING SPECIFIC ISSUES
FOR REBUILDING NEW ORLEANS

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A. Introduction: Addressing the Needs of the Disabled in the Rebuilding Process

According to census data, 23.2% of the people living in New Orleans prior to Katrina had a disability. This is one-sixth higher than the national average, and represents approximately 11,600 individuals. These people, along with thousands of others vulnerable due to age, have been seriously impacted by the storm and its aftermath. It is imperative that the needs of this large segment of our city's population be understood, and provided for, as the city is rebuilt. Seniors and persons with disabilities lived, worked, played, spent money, and shared their skills and talents with the city. Yet their return will be dependent upon conscious decisions to rebuild a city that embraces them by becoming more accessible than it has been in the past.

The tragic experiences of many New Orleanians who are elderly and/or disabled during before, during, and after Katrina have been chronicled in detail elsewhere. Drawing on lessons learned from these tragedies, this report will focus upon concrete recommendations to rebuild a city that serves all its citizens. Since there is only space here to identify key issues and make a few broad recommendations, it is imperative that persons knowledgeable about the needs of individuals with various disabilities or limitations due to aging are meaningfully included in all phases of planning, implementation, and oversight of the "new" New Orleans.

Emergency planning, evacuations, rescue, and recovery – The city's emergency planning team should include representatives from disability and agency specific organizations. They can provide expertise to ensure that in future emergencies, communication, transportation, evacuation, and crisis response efforts are accessible to and serve the needs of persons with disabilities. Key issues include:

- Methods of communicating emergency, evacuation, rescue and recovery information with individuals who are deaf, hearing impaired, blind, or have cognitive impairments.
- Training of emergency responders to understand which individuals are medically fragile and which are not, and to respect their choices and abilities.
- Development of a voluntary registry of persons with disabilities living in the community who may need assistance in evacuating.
- Comprehensive, safe, accessible evacuation plans for medically frail individuals (should require all facilities in the city to develop such plans)

- Provisions for assisting persons with disabilities in keeping needed medications, durable medical equipment (such as walkers, wheelchairs), service animals, and other assistive aids.
- Provisions for keeping families together, and keeping persons with disabilities in settings similar to those in which they were residing prior to the emergency.
- Insuring that all shelters and emergency services are basically accessible to persons with mobility impairments, visual or hearing impairments, or cognitive disabilities, and that staff of such shelters have basic training regarding provision of accommodations to persons with mental or physical disabilities.
- Provision of alternative means to access services for persons whose disabilities prevent them from waiting in long lines, speaking on the telephone, understanding how to use the internet, etc.

B. Rebuilding the Infrastructure of the City

Our goal should be to rebuild the city in a way that maximizes the physical accessibility of all new buildings, including private homes. Services needed by senior citizens and persons with disabilities should be available in the community so that these individuals remain fully integrated into the life of the city.

- Transitional Housing should be accessible to persons with mobility impairments. Many of the people remaining in shelters have disabilities, because accessible transitional housing has not been made available. Given the shortages that already existed in this area before Katrina, all transitional housing to be built in New Orleans should comply with ADAAG (Americans with Disabilities Act Architectural Guidelines) standards.
- Permanent Housing should also be built with universal design elements for accessibility. The cost of making buildings and homes accessible at the construction phase is a fraction of the costs to retrofit later. Resources are available to provide technical expertise and tax credits to make all new construction and renovations compliant with ADAAG and universal design. City building codes for post-Katrina construction should require accessibility.
- Public and private buildings should also be built or renovated to meet the most stringent of ADAAG and universal design standards. This is an opportunity to finally make our city buildings and services welcoming to people with disabilities.
- Transportation is a critical service for people with disabilities. As public transit services are restored to the city, accessible fixed route and paratransit services must be restored to meet or exceed pre-Katrina levels and standards, and to fully comply with the ADA (Americans with Disabilities Act).
- Sidewalks, curb cuts, and public right of ways are all part of the infrastructure that must be made accessible and whose accessibility must be maintained. Construction crews must be required to consider accessibility when posting barricades for any length of time. Accessible housing or buildings are useless if the paths of travel to those buildings are not clear.
- Polling places should all be built/re-built with accessibility in mind, as required by the Help America Vote Act.

C. Education

Public education within New Orleans is at a crossroads. The current move to establish Charter Schools rather than to re-open public schools must not be done at the expense of children with disabilities who are in need of accommodations and/or special education services. Charter schools should be required to serve such children, so that they do not become segregated into a few public schools. The City, working with the school board, must insure that a school system exists which is prepared to serve the needs of all children who live in, or wish to return to, the city. Without educational services in place, many families which have children with disabilities will hesitate to return.

D. Employment

Employers who contract with the city should be required to affirmatively hire and accommodate employees with disabilities. The city needs every possible worker to be fully employed. Most workers with disabilities require only minor accommodations, but they need protections and enforcement of their rights to receive these.

E. Institutions/Congregate Facilities

The vast majority of people with disabilities and elders do not choose to live in institutions or nursing homes. They and the community are better served if they can live in integrated community settings with appropriate supports. The city should make full integration of persons with disabilities and seniors a priority in its re-building plans by strictly scrutinizing any requests to build or re-build congregate facilities and providing incentives for building independent and supported living facilities.

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We acknowledge use of reports and information provided by the Disability Law Resource Project and the National Organization on Disability.

EDUCATION CONSIDERATIONS: THE MENTAL HEALTH ELEMENT

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Introduction

Given all that the children of New Orleans have been through, we ought to do everything we can to ensure that they receive a high quality education, with great teachers, active parents, and good supportive services both within the community and within the school system.

A. Identifying the Traumatic Impact of Katrina on Students

When the schools in New Orleans re-open there will be many traumatized students re-entering New Orleans. Symptoms that will be seen are likely to include:

- increase of anxiety
- depression
- aggressive behavior
- incoherent thinking
- alcohol use
- memory problems
- disturbed sleep
- use of substances such as marijuana, tobacco, and sedatives, etc (1)

These symptoms will be increased because, in many cases, there was a direct threat or injury to the adolescent or to a friend of family member of the adolescent (1). Severe parental reaction, and long-term family and environmental disruption often worsen these symptoms (1). The students returning to New Orleans have been transported from city to city with many interruptions in normal family life, they have been moved to new schools with strangers and have often been separated to key members of their family and primary support system.

Possible funding sources for an increase in Mental Health/Counseling programs in schools and for those returning to school: FEMA through the Center for Mental Health Services and Office for Victims of Crime of the U.S. Department of Justice.

B. Identifying the Post-Katrina Counseling Needs of Children

As students return to the city, the services that will be needed include:

- crisis counseling
- support groups
- education for students affected by the hurricane
- counseling that is focused on environment and family relationships

- Policies developed to refer severe cases for more intense intervention.
- Programs in the school to encourage support from principals, teachers, social workers and peers
- Programs to encourage shared experiences
- Grief counseling/group expertise from those in roles providing these programs
- Policies invoking how to handle a student who is acting out because of issues related directly or indirectly to their experiences of Katrina-disciplinary actions comprehensively explained to the students and their parents and strictly adhered to in order to provide structure in this time of crisis.
- Programs- support groups- for parents of children in school and support for those who are providing services otherwise vicarious trauma and staff demoralization could occur (2)

C. **The Importance of Dealing with Post-Katrina Trauma**

Communities exposed to disasters experience multiple traumatic events including threat to life, loss of property, exposure to death, and often economic devastation. Disasters by definition overwhelm institutions, health care, and social resources and require from months to years for both individuals and communities to recover.

Of those who experience disasters or individual traumatic events 15-24% of them develop post-traumatic stress disorder (3) Primary (pre-event), Secondary (event) and tertiary (post-event) interventions can decrease the risk of maladaptive behaviors, distress, mental disorder, and disruptive functioning (3).

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The Role of Corporate Law Firms in Post-Katrina New Orleans

By: Abaigeal Van Deerlin

A. Introduction & Recommendation

Little attention has been given to the role that major law firms might play in the rebuilding process. An examination and analysis of the role that these firms played in the immediate aftermath of Hurricane Katrina suggests that these entities are best positioned to lead mass impact litigation efforts and fundraising campaigns to benefit lawyers operating on a pro bono basis. Thus, Commission members should organize a campaign to mobilize the resources of large law firms in these two key critical areas.

B. Analysis of Role of Law Firms Following Hurricane Katrina

In the wake of Hurricane Katrina, many large law firms in major cities such as Houston, Dallas, Atlanta, New York and Washington, D.C. immediately sought ways to assist both affected members of the gulf coast legal industry and the thousands of evacuees who were displaced to those regions. These pro bono efforts, however, were not spearheaded by pro bono coordinators at large law firms; rather, it was state and local bar associations which coordinated legal relief activities. Large law firms generally raised money for immediate food and shelter needs, and contributed some attorneys to pro bono efforts led by local bar associations.

Due in large part to the large number of gulf coast attorneys who evacuated to Atlanta, the bar association there largely focused on assisting displaced lawyers and legal staff by providing office space, access to technology and communications capabilities, housing and other support services. The logic behind giving attorneys a place to work and contact clients was that these efforts would keep significant portions of the Mississippi and Louisiana legal systems in operation, despite the lack of access to legal offices and records. In this way, the Atlanta bar's efforts indirectly helped evacuees who were not members of the legal profession, but who relied on their attorneys for legal assistance in the weeks following the hurricane.

Houston, Texas was perhaps the most-affected city outside of Louisiana in terms of the number of evacuees who ended up there, and as a result was most active in providing legal aid to disaster victims. The Houston Bar, in conjunction with the Houston Volunteer Lawyers (HVL) Program, immediately took action and set up legal aid booths close to the Astrodome, Toyota Center and other shelters where large numbers of evacuees were being housed. Legal aid booths were also set up at events where organizations like the Red Cross, FEMA and Salvation Army were providing assistance to displaced gulf coast residents. In addition, HVL set up a toll-free hotline to connect evacuees with resources to solve some of their legal problems.

HVL also set up classes to train Houston attorneys in assisting evacuees in matters such as obtaining FEMA aid, dealing with insurance and mortgage companies,

and resolving employment and family law issues that had arisen as a result of the disaster. Firms like Baker Botts also worked through HLV to develop a manual that would help attorneys assist evacuees with legal issues. Large Houston firms contributed both attorneys and meeting space in their offices to these efforts.

Similarly, the New York and DC bars set up brainstorming sessions, attended by lawyers from all areas of the legal industry, which sought to address the immediate needs of evacuees in those areas. As in Houston, the New York City and Washington, D.C. bars set up legal aid booths near intake stations set up by disaster relief organizations such as FEMA and the Red Cross. The law firm Morrison and Forrester helped put together a guidebook for obtaining disaster relief benefits from various sources.

D. Concerns About the Unauthorized Practice of Law and Other Ethical Issues

The main challenge to continued legal relief for Katrina victims identified by pro bono coordinators at large firms, and by directors of community service sections of local bar associations, is connecting those who need legal assistance with organizations who can provide it. Many people affected by Katrina will have long-term legal issues that need to be addressed. Oftentimes, pro bono professionals agreed, people do not even realize they are in need of legal advice or assistance. This problem will likely be compounded by the fact that so many evacuees may remain in the cities to which they fled, making it even more difficult to connect these people with lawyers or other resources necessary to resolve their legal problems.

Another problem these professionals foresee is the difficulty of out-of-state attorneys providing legal assistance in matters largely arising from Louisiana civil law. Although Mississippi and Louisiana both liberalized rules allowing out-of-state attorneys to practice pro hac vice on behalf of pro bono clients, such lawyers were still reluctant to represent Louisiana victims. One pro bono coordinator at a New York firm said that she had ethical concerns about taking on such clients, fearing that Louisiana's legal system is so different from that of New York that her attorneys might, at the very least, be unable to provide clients with the vigorous advocacy they needed, and at worst, run the risk of committing malpractice.

In addition to competency concerns, this coordinator also expressed the opinion that in order to be competent to practice on behalf of a Louisiana client, the attorneys taking on pro bono projects—often younger associates—would have to spend undue amounts of time researching Louisiana law because of the vast differences between the civil code and the common law. She noted that under the civil code, common legal concepts such as “statutes of limitations” have entirely different names (in this case, “prescription”), making quick familiarization with Louisiana law very difficult for common law lawyers.

At the same time, many pro bono professionals speculated that public interest legal resources in New Orleans may be severely diminished because the legal community's attention will be largely focused on its own post-Katrina survival.

The initial outpouring of legal aid to Katrina victims is already being ramped down in other major cities as evacuees either move back to the gulf coast or make preparations to permanently settle elsewhere. Few large law firms seemed to envision themselves playing a long-term role in legal aid to people who return to New Orleans, but all agreed that the evacuees who remain in their cities will need legal assistance in the future. Similarly, local bar associations, having played a large, but largely reactive, role in legal assistance to evacuees, envision their role in hurricane relief decreasing as the impact of the hurricane on their community (felt largely in terms of evacuees present in those cities) dissipates.

E. Conclusion

Because of the concerns about competency and adequate representation, and because of scarce pro bono resources in other localities, the best role for large, out-of-state law firms and bar associations in the rebuilding of New Orleans may be fundraising activities which benefit public interest and pro bono efforts of Louisiana lawyers. Large law firms might also be interested in taking on high-profile suits which, if successful, will ultimately benefit large numbers of disaster victims. For example, the law firm Schulte, Roth and Zabel is representing Katrina victims in a class action against FEMA.

Katrina: Lessons in Emergency Preparedness

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A. Introduction: The Need for Effective Emergency Preparedness

New Orleans and the surrounding area are vulnerable to a wide variety of disasters. The City of New Orleans is below sea level, and is surrounded by the Mississippi River to the south, Lake Pontchartrain to the north, and the Gulf of Mexico to the east. Construction of the levees between New Orleans, the River and Lake began in 1879. The earthen barriers were originally erected to prevent damage caused by seasonal flooding and to allow the city to expand beyond the natural levees on which it had been initially constructed.

Regrettably, the levees interfered with the normal process of the River depositing sediment and building up the land of the delta marshlands during the periodic floods. Interrupting a process that created the land of the Mississippi Delta over the course of thousands of years caused the land to dry out. In turn, the swampy lands of Southern Louisiana shrank like a sponge, the land began to sink and entire barrier islands disappeared as land of the vast delta slowly settled into the sea.

The City has a completed Emergency Management plan that outlines the procedures for reacting promptly to save lives and protect property when threatened or hit by a disaster or major emergency. However, Katrina's devastation has raised alarming debates on public policy issues via emergency management as well as, the broader issues of poverty, homelessness and unemployment.

This chapter of the report will hopefully serve to provide an overview of potential areas that identify a few of the problems, challenges and solutions that could have been incorporated in the overall delayed response to the flooding during Hurricane Katrina.

B. Purpose of a Comprehensive Emergency Management Plan

The purpose of a comprehensive emergency management plan is to provide uniform policies and procedures for the effective coordination of actions necessary to prepare for, respond to, recover from, and mitigate natural or man-made disasters, which might affect the health, safety or general welfare of its citizenry. It is designed to accomplish the following:

1. Minimize suffering, loss of life, personal injury and damage to property resulting from hazardous or emergency conditions.
2. Provide a framework for a comprehensive emergency management system, which addresses all aspects of emergency preparedness, response, recovery and mitigation.
3. Minimize disaster related material shortages and service system disruptions, which have an adverse impact on the residents of the parish.
4. Provide immediate relief and promote short-range and long-range recovery following a disaster.

C. The Limited Scope of the Pre-Katrina Effective Management Plan

The City's current plan is designed for use in all natural and man-made disasters. The plan: (1) Establishes policies and procedures under which the City/Parish government, local governments and disaster organizations will operate in response to disaster and emergencies; (2) Addresses the various types of emergencies and disasters which could occur, and procedures for disseminating warnings and supplementary instructions regarding such events; (3) Establishes direction and control responsibilities for conducting disaster response and recovery operations; (4) Specifies the responsibilities of elected and appointed local government officials, state department directors and other responding agencies; (5) Provides a framework for expeditious, effective and coordinated employment of municipal and state resources; (6) Outlines procedures for requesting state and federal disaster assistance when the magnitude of a disaster has exhausted parish and state resources; and (7) Establishes a framework for long-term recovery and mitigation efforts following a disaster.

D. Assumptions of Pre-Katrina Plan

The pre-Katrina plan makes the following assumptions: (1) Resources within the parish as indicated within its plan will be available; (2) If sufficient resources are not available within the parish assistance can be obtained from state resources after the mayor has issued a declaration of emergency and has requested such assistance; (3) If parish and state resources are insufficient to cope with a disaster, the Governor will request federal assistance through a Presidential Emergency or Major disaster declaration; and (4) Local governments have developed emergency plans and have the capability to execute them.

E. Hurricane Pam: Fictitious Event and Analysis Performed by Officials

“Hurricane Pam” was a 10-day fictitious event designed to help emergency officials develop an adequate response for the eventual threat from a major hurricane in the greater New Orleans area. The exercise used realistic weather and damage information generated by the National Weather Service, the U.S. Army Corps of

Engineers, the LSU Hurricane Center and other state and federal agencies to help officials develop joint response plans for a catastrophic hurricane in Louisiana.

Dr. Ivor van Heerden, associate professor of civil and environmental engineering and deputy director of the LSU hurricane center recently received a 3.7 million dollar grant from the Louisiana Board of Regents' to better evaluate hurricane related issues.

Hurricane Pam identified strategies that agencies would have to change in order to have viable emergency response plans to impact search and rescue missions, medical care, sheltering, temporary housing, school restoration, and debris management. Those revisions include:

- Assisting people without transportation. The American Red Cross is developing a program that would ask private citizens to collect people at area churches and transport them.
- Identifying more than 700 shelters and planning the locations for the remaining sites.
- Outlining patient movement details and determining how to set in motion existing immunization plans.
- Establishing a command structure that would employ up to 800 searchers.
- Identifying existing landfills capable of accepting hazardous waste and outlining debris removal plans.

The understanding that there should be a joint understanding among agencies at every level included briefing a "White House staff member," stated Dr. van Heerden.

Criticism of government response to Hurricane Katrina primarily consisted of mismanagement and lack of leadership in the relief effort and its aftermath, more importantly the delayed response to the flooding of the City has indicated competing priorities associated at every level.

F. Problems with Current Emergency Plan

- A general reluctance of government on any level to invest in infrastructure or emergency management
- Lack of coordination between first responders.
- Failure of communication systems.
- Rescue delayed due to communications via the lack of a portable system.

- Federal, state and local officials did not understand the implication of their various roles.
- State did not timely establish priorities.
- Local and state officials failed to optimally implement a joint plan and did not plan for victims without transportation to leave the city.
- Evacuation efforts were inadequate and should have been mandated and implemented sooner.
- Lack of adequate shelters
- Sanitation
- Inadequate food supply
- Hunger
- Displacement
- Failure to plan for health care institutions, especially those that house citizens with special needs.
- Absence of a military presence.
- Lack of a Declaration of Martial Law. The federal government to avert civil unrest and mob violence should have controlled Law enforcement.
- Local National Guard was located at a compromised location that was prone to flooding.
- Absence of FEMA.
- Death of citizens from thirst, exhaustion, lack of food, water or adequate shelter and violence.
- Appearance of indifference for victims relative to race and class.

G. Communication-Related Problems

The United States does not currently have a unified emergency radio system for City, State and Federal entities.

Technicians utilized to trouble-shoot compromised systems must have clearance to improve communications. However, following Katrina, technicians were blocked from entering the city for three-days by state troopers who also had compromised systems.

The 2001 terror attacks exposed the need for more interconnected communications during catastrophic events. Congress appropriated nearly a billion dollars for the task, but the US still lacks uniform systems that can keep all emergency responders in touch.

According to documents posted on the Louisiana State Police Web site, officials were long cognizant of the interoperability problem with New Orleans' police and fire departments and formed committees to come up with a "totally interoperable" system. Planning had barely progressed, however, when Katrina hit.

H. Evacuation-Related Problems

The City was aware that more than 100,000 people did not have transportation options. These included the poor, elderly and sick who are the most fragile population. Officials did not include the staggering percentage of poverty as a legitimate factor in assessing successful evacuation plans. Yet, it was the primary factor that prevented this group from evacuating without assistance.

I. The Viability of Hotels as Evacuation Sites

Buildings and roads were severely damaged to impassable. The Hyatt Regency New Orleans was the most severely damaged hotel in the city. There were statements that included beds flying out of windows.

It will be a particular challenge to make citizens aware that evacuating to area hotels can have catastrophic implications. Hotel Managers try to accommodate families of employees as well as others who for various reasons see area hotels as a quick fix relative to stress and comprehensive planning. Katrina is an indicator that area hotels should also evacuate with the threat of a storm that has the potential to become a Category 4 or 5.

J. Building Codes

The City will have to enforce and enhance building codes to include disaster resistant design specifications.

K. Recommendations for Rebuilding Officials

1. The City has to identify shelters that can accommodate appropriate amounts of food and water. The Superdome was opened as a refuge of the last resort. People were responsible for their food.

2. The City should develop emergency management-related awareness campaigns and workshops within the community to assess risks, vulnerabilities and mitigation options. Local colleges and universities could assist.
3. Workshops should be mandated for individuals who are recipients of public assistance.
4. Contra-flow plans should be provided earlier to stress and enhance evacuation.
5. Schools and government should be closed sooner.
6. School database can incorporate developed software to assist with identification of missing children due to catastrophic emergencies.
7. Health care institutions, and Day care facilities for both children and adults should stress emergency preparedness and keep current plans. They should also be allowed time for implementation.
8. Churches and workers should be identified to assist with evacuation efforts for anyone who does not have transportation to leave.
9. Joint sheltering plans with nearby localities should be implemented for evacuees who do not have places to go. Churches can be utilized to provide transportation.
10. There should be an adequate supply of food and water at shelters. These could include Military supplements (MRI's.) that are in place before the disaster. Designated personnel can make assessments via amounts.
11. Businesses should have continuity of operation plans and innovative emergency operation plans.
12. Disaster-resistant design specifications for infrastructure are a priority.
13. The development of emergency management-related partnerships with government and private entities is a priority.

L. Conclusion

This has only provided a synopsis of information regarding events that transpired during and after Hurricane Katrina. Former FEMA Director, James Lee Witt testified to congress in 2004 that he was very concerned that the ability of our nation to prepare for and respond to disasters has been sharply eroded. He also stated: "Emergency

management is grossly under-funded in this nation. First responders must have adequate funding for warning, evacuation, damage assessment, volunteer management, donation management and recovery and mitigation issues.”

Whether people could have been packed on trains or buses to get them out of harms way before the hurricane struck will forever have searing implications for all levels of government. Authorities mishandled the evacuation process and neglected to help those who were the most fragile in any population. By and large those who lost their lives as a result of Hurricane Katrina were mostly poor, elderly, infirmed and children who had little time to leave and inadequate resources to be rescued.

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Acknowledgements

Dr. Makola Abdullah, Ph.D., Vice President for Research, Division of Research
Florida A & M University

Mary Wells, facilities planner, Southern University at Baton Rouge

**EDUCATION REFORM FOR LOUISIANA’S DEAF AND HARD OF HEARING CHILDREN:
A Parent’s Perspective**

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A. Introduction: My Personal Story

I am the parent of a very bright little girl, Eve. Eve is six years old and has a profound bi-lateral hearing loss. This means that she is profoundly deaf in both ears and because Eve benefits from her hearing aids, she has chosen to communicate orally. With the help of speech therapy and lip reading she can talk. Many children with a profound hearing loss do not benefit from their hearing aids or even a cochlear implant, yet like Eve, cognitively deaf children are just as bright and sharp as their normal hearing peers. There are many different types of hearing loss and many degrees of loss, yet the situation is the same for deaf and hard of hearing children in Louisiana. They are not given the opportunities to attend safe, accommodating neighborhood schools. Every school in Louisiana should be able to accommodate deaf and hard of hearing children in their mode of communication.

The public schools and many of the private schools are not able to give our children interpreters, needed equipment, speech therapists and teachers of the deaf. Because of this lack of support the school systems are disabling our children further. Many parents I know have moved out of state to give their children the services they deserve. Unfortunately, too many deaf and hard of hearing children who aren’t able to move away don’t graduate high school or go to college. Many of our children leave school unprepared, without the language, or literacy skills necessary for an individual to become a productive happy adult. In fact, most deaf and hard of hearing children graduate from high school with a 3rd grade reading level. That is not acceptable. The real crime is that hearing loss is not the culprit. The culprit is a lack of support from schools. As the rebuilding process proceeds, consider reforming the quality of schools in Louisiana to accommodate the needs of children who are deaf and hard of hearing.

B. Big Changes. Are We Ready?

One in 300 children are born with some degree of hearing loss every year. Most are born to hearing parents. Fortunately, with the advent and mandating of the Early Hearing Detection and Intervention (EHDI) program all hospitals in the state of Louisiana, by law, must give every baby a hearing screening before they are discharged. Because of this mandate in 2002, more and more children are being diagnosed, fitted with hearing aids and enrolled in early intervention by six months of age.

What does this mean for deaf and hard of hearing children? It means that they have a much greater opportunity to learn speech and language at the normal rate. Most of them will be able to enter kindergarten at age level. What does this mean for our public schools? The need for accommodation will most definitely greatly increase. We are not prepared.

C. Recommendations: Addressing the Needs of the Deaf and Hard of Hearing Children in the Rebuilding Process

Although Louisiana is one of the few states to have already enacted the Bill of Rights for Deaf and Hard of Hearing Children (enacted 6/8/93), officials charged with rebuilding and reconstructing the post-Katrina public school system must continue to be vigilante in ensuring that these schools adequately address the needs of the deaf and hard of hearing.

Officials should ensure that these schools provide the following:

1. Ensure that the deaf and hard of hearing children's ability to communicate is a priority.
2. Ensure the availability of qualified and certified personnel who can communicate directly with deaf and hard of hearing children.
3. Ensure that the deaf and hard of hearing children shall have an education with a sufficient number of same language mode peers who are of the same age and ability level.
4. Ensure that the deaf and hard of hearing children shall be provided opportunities to interact with deaf and hard of hearing adult role models.
5. Ensure that the deaf and hard of hearing children shall derive equal benefit from all services and programs at their schools.
6. Ensure that the assessment of deaf and hard of hearing children shall be appropriately administered.

Other goals that rebuilding officials can work to ensure include the following:

- No deaf or hard of hearing child shall be denied the opportunity for instruction in a particular communication mode or language solely because of the child's remaining hearing, the parents of the child are not fluent in the communication mode or language being taught, or the child has previous experience with some other communication mode or language. The child's preferred mode should be respected in order to attain highest education possible for that individual in an appropriate environment.
- Teachers must demonstrate competency in American Sign Language (ASL) in addition to English language and communication competencies in order to obtain any certification required to teach deaf and hard of hearing students.
- Availability of interactions which enhance the child's intellectual, social, emotional and cultural development.

- Provision of an education in which the child's unique communication mode (such as ASL) is respected, utilized, and developed to an appropriate level of proficiency and vocabulary equivalent to that of students of similar ages who are hearing.
- Provision of early educational intervention to provide for the acquisition of a natural language base whether it be ASL, Speech, Cued Speech, Sign Language, another method, or a combination of methods. There shall be an early, consistent communication system during the child's critical language acquisition years.

Curriculum and Program Development

- The right to have ASL as one of the academic subjects in the educational curriculum when the child's identified primary language is considered to be ASL, as determined with appropriate diagnostic information, and with the child's educational planning team, including parents, fully involved.
- Consider that the state school for the deaf may be the least restrictive environment for a deaf or hard of hearing child."
- Ensure that the extent, content, and purpose of programs and services for deaf and hard of hearing children are created and developed with the involvement and assistance of deaf and hard of hearing people, parents of deaf and hard of hearing students, and qualified and certified teachers and professionals trained in the area of education of the deaf.

Services & Assistance by the Appropriate Educational Agency

- Equip deaf and hard of hearing children with appropriate assistive technology across a full spectrum.
- Ensure that the parents are enabled to make informed decisions about which educational options are best suited to their child, by receiving and reviewing thoroughly information about all the educational options provided by the school district and available to the child, as well as about options not provided by the school district.
- Establish an outreach program that provides sign language training and assistance, language development, and other support services to the parents of a deaf or hard of hearing child, particularly an infant or toddler.
- Take steps to implement the Bill of Rights, including, but not limited to, the development of written and other materials, the dissemination of such information, and the provision of workshops, symposia, and other procedures to ensure that the local educational agencies understand and implement the policy of this Act.

D. Conclusion

The Deaf Child Bill of Rights is a good starting point to consider in reforming Louisiana schools. I am available for consultation should rebuilding officials seek to ensure that reconstructed schools are adequately equipped. I will be involved as

Statewide Parent Consultant with the Hearing, Speech and Vision Program, Director and President of Louisiana Families for Hands and Voices and a Sound Start team member for the Early Hearing Detection and Intervention Program. I will gather together other parents of deaf and hard of hearing children in the state of Louisiana to enlighten and educate others on our perspectives.

Wrestling with Race and Class in Post-Katrina New Orleans

By: Paulette M. Bethel
Alisha Johnson⁵⁰

After seeing who escaped the flood and who remained behind, it's impossible to ignore the shocking breadth of the gap between rich and poor. It's as if we don't even see poor people in this country anymore, as if we don't even try to imagine what their lives are like... To be poor in America was to be invisible, but not after this week.

Eugene Robinson, No Longer Invisible, The Washington Post, (9/9/05).

Introduction

On August 28, 2005, Hurricane Katrina “dealt a devastating blow to the America’s Gulf Coast region and in the process exposed the legacy of race and class disadvantage in America - a disadvantage that for far too many, resulted in danger, uncertainty, suffering, or even death both as the hurricane approached and after it left.⁵¹ As one of the deadliest natural disasters in U.S. History,⁵² Hurricane Katrina flooded nearly 80% of New Orleans, submerging some neighborhoods under 20 feet of water and killing more than 1,300 people.⁵³ In a City where nearly one-fourth of the residents live below the poverty line, one in five are elderly,⁵⁴ one in five does not have a car,⁵⁵ and almost 30% of black households before the flood didn't own cars, compared with 15% of white households,⁵⁶ thousands of residents were stranded long after Katrina had passed when extensive flooding resulted from levee breaches. An additional number of able individuals refused to evacuate due to prior “successes” in waiting out prior storms and due to their traditional sense of rootedness in the community that many generations before them called home.⁵⁷ Hence, stranded survivors dotted the tops of houses

⁵⁰ Paulette M. Bethel is a native New Orleanian and also an executive coach, consultant, entrepreneur, a doctoral candidate in the International Education and Entrepreneurship program at the University of the Incarnate Word in San Antonio, TX. In addition, she is also a retired USAF Officer. Alisha Johnson is a New Orleans native and lifelong resident. She is a law student at Loyola University, and received her undergraduate degrees in Journalism and Spanish from Washington and Lee University in Virginia.

⁵¹ Barbara Gault, Heidi Hartmann, Avis Jones-DeWeever, Misha Werschkul, and Erica Williams, The Women of New Orleans and the Gulf Coast: Multiple Disadvantages and Key Assets for Recovery Part I. Poverty, Race, Gender and Class, <http://www.iwpr.org/pdf/D464.pdf>, (last visit November 7, 2005).

⁵² Effect of Hurricane Katrina on New Orleans, http://en.wikipedia.org/wiki/Effect_of_Hurricane_Katrina_on_New_Orleans

⁵³ *Id.* An American Tragedy, Special Report, *Time*, September 12, 2005, 30.

⁵⁴ Orleans Parish: People & Household Characteristics <http://www.gnocdc.org/orleans/people.html> (last visited on November 28, 2005).

⁵⁵ Race and Resources, *The Sunday Paper*, Atlanta, September 25-October 1, 2005, 16; The Lost City, *Newsweek*, September 12, 2005, 46.

⁵⁶ Haya El Nasser, A New Orleans like the old one just won't do, *USA TODAY*, September 18, 2005, http://www.usatoday.com/news/nation/2005-09-18-new-orleans-rebuilding_x.htm (last visited on November 26, 2005).

⁵⁷ According to University of Michigan researcher, New Orleans area residents displaced by Hurricane Katrina are "reluctant migrants" who, if they have good information and opportunities for decent housing, are likely to return in large numbers. Census Bureau statistics show 77 percent of the New Orleans region's residents are Louisiana natives, far exceeding other Southern cities' native-born figures: 56 percent in Houston, 55 percent in Dallas and 50 percent in Atlanta. Among African-Americans, the New

citywide.⁵⁸ As a further blow to the economy of New Orleans, in addition to the personal value of losses exacted, Katrina flooded out over 130,000 homes and devastated New Orleans' \$7 billion tourism industry, washing away the City's income of more than \$500 million a month in visitor dollars.⁵⁹

Chatter immediately erupted nationwide as to the feasibility of rebuilding New Orleans and the worthiness of certain lower-class neighborhoods to be included in the City's reconstruction plans.⁶⁰ Since then, the conversation has turned away from whether the City of New Orleans, and its port which has benefited our nation for centuries, is indeed vital to future U.S. trade. Discussions now hover around whether New Orleans' poor, who also happen to be predominately black, are more disposable.

Notwithstanding, blueprints for a "new" New Orleans cannot, must not, be considered without the input of those whose labor and principle has sustained the City over its 400-year history. Particularly, African-American families, business owners, civic activists and community organizers, regardless of their economic status, have borne the burden of racial and economic segregation in the development of New Orleans. Inadequate representation by political leaders who promised support and protection but lacked political will to keep their words has been the rule, not the exception. This chapter addresses the responsibility of post-Katrina society to hold community leaders, politicians, businesspeople and residents accountable for the inclusive repopulation and revitalization of New Orleans.

Where national speculations about welcoming the "new" New Orleans by getting rid of "old" New Orleans" have included "razing" the Ninth Ward and not rebuilding Dillard University,⁶¹ one of the City's three historically black colleges and universities (HBCU's) dating back to 1869 and physically built in Gentilly by 1935, demolition of the extensively-damaged lakebound residences of Lakeview, a 94% Caucasian neighborhood with half-million to million-dollar homes, does not readily enter this discussion.

Part A will address the exposure of the racial conditions and perceptions of pre-Katrina New Orleans. Part B will discuss the hope of hundreds of thousands of "reluctant migrants" to return to the City. Part C will address the legal and social considerations of eminent domain that New Orleans citizens and leaders must confront in post-Katrina plans for reconstructing a "new" City. Part D will propose the most effective way to ensure that "new" New Orleans will be reflective of the soul and heritage of the Crescent City, including the proper welcome to the City of returning evacuees through crucial conversations between residents and leaders and significant progress towards removing economic and racial segregation. Rebuilding New Orleans absent the participation and presence of the non-white majority is unacceptable and socially impossible. Its

Orleans area figure for Louisiana-born residents rises to 88 percent. Coleman Warner, Demographer says many residents want to return, *The Times-Picayune*, Saturday, November 12, 2005, <http://www.nola.com> (last visited on November 12, 2005). See also,⁵⁷ What Really Happened, *The Sunday Paper*, Atlanta, 18

⁵⁸ Effect of Hurricane Katrina, *supra*, note 2.

⁵⁹ An American Tragedy: Billion-Dollar Blowout, *supra*, note 3, 82.

⁶⁰ Our Opinion, *The Atlanta Journal-Constitution*, October 9, 2005, Editorial Page, C6.

⁶¹ Dillard University, <http://www.dillard.edu/about/history.asp> (last visited November 28, 2005).

reconstruction must emerge from its rich heritage and guard against any projects that would sap its soul.⁶²

A. Exposure of Racial Conditions

After Katrina made landfall there has been a plethora of views, articles, media coverage around the issues of race and poverty in New Orleans. As the media pictures of people caught up in the ravages of the flood spread across the globe with dizzying speed, U.S. failure to adequately address its problems with race and class came to light. Worldwide, people were shocked as they watched images of primarily poor and black people stranded on rooftops for days waiting to be rescued, often without food or water. Economics professor, Paul Tiyambe Zeleza, states:

Disasters, whether natural or man-made, and Katrina is both, are revelatory mirrors that expose a society's subterranean fissures, the existing socioeconomic inequalities and political pathologies. Katrina has provided a giant and agonizing mirror for America, in the full view of the world it normally despises, forcing it to look squarely in the face, to its profound shock and shame, all those marginalized people it silences with its strange but seductive myths of equal opportunity and the American dream.⁶³

In contrast, images of poor whites, especially in the outlying areas of New Orleans were not as forthcoming in media reports in the early aftermath of the storm, impacted in part by the difficulty of getting into these areas, namely Plaquemines and St. Bernard Parishes. When done, many stories from these outlying parishes were told from the viewpoints of courage and community solidarity, as opposed to images of lawlessness and looting that predominated the reporting of Orleans Parish. Media coverage of Hispanics and people from the local Vietnamese community was paltry at best. Add to this the differences in the language and metaphor that was used to describe similar acts by blacks and whites: the description of photographed whites taking what was needed to survive or finding food contrasted with the reporting of blacks looting food.⁶⁴

Race and class has been intertwined since colonial times and has decided who lived in the most vulnerable areas of New Orleans, and who had transportation out of town.⁶⁵ Frequently, the black middle class of New Orleans got out along with the white

⁶² Walter Issacson,

⁶³ The Political Wrath of Hurricane Katrina, The Black Commentator, September 15 2005, http://www.blackcommentator.com/150/150_zeleza_katrina.html (last visited on November 24, 2005).

⁶⁴ Aaron Kinney, "Looting" or "finding"?

http://www.salon.com/news/feature/2005/09/01/photo_controversy, See also Guttersnipe, New Orleans Web Coverage: Looting or Finding <http://www.theinquirer.net/?article=25836>, (last visited on November 7, 2005).

⁶⁵ Jerry Large, Katrina: Race and Class Separate Yet Connected, http://seattletimes.nwsources.com/cgi-bin/PrintStory.pl?document_id=2002500130&zsection_id=2002119747&slug=jdl18&date=20050918 (last visited on November 25, 2005).

middle class, while poor people, black and white, were left behind.⁶⁶ President George W. Bush reconciled in his September 15, 2005, speech before the Nation that the “deep, persistent poverty in this region... has roots in a history of racial discrimination, which cut off generations from the opportunity of America.”⁶⁷

As the city struggles with rebuilding plans for New Orleans in the wake of the devastating losses, the U.S. is also forced to confront longstanding issues that gripped neighborhoods, offering few opportunities and pushing poverty rates well above national averages. A building resentment by many over the way the evacuation of the poor was carried out crosses the color line, as the country readjusts to what in many cases appears to be a lack of regard for the disruptions in family and community ties of displaced residents. Government officials and organizations at all levels discuss an array of plans that are under various stages of development for the recovery and rebuilding effort. Yet, very few have clearly articulated what is needed when it comes to wrestling with issues of race and class in post-Katrina New Orleans.

This disjuncture in how the issues of race and class are viewed was evident in the differences between white and black attitudes on the issue of the role of race in the response and what it tells us about the way race was viewed in individuals’ experiences of and the government’s response to the hurricane. In a scathing commentary, Jean Hardisty, senior scholar at the Wellesley Center for Women, decries the ravages of policies that have supported the continuance of structural racism in our society – “Wealthy Whites were on the high ground; people of color and poor Whites were on the low ground: a perfect metaphor for structural racism.” She further asserts:

Why were so many White Americans shocked to see the reality of New Orleans? I believe that, in large part, the message put out by the "New Republicans" - that a colorblind approach to public policy is moral and just - is powerful because so many White people want to hear and believe it, not because it can't be easily refuted. Until those of us who benefit from White privilege have to confront the consequences of that privilege, it is possible for us to believe the White supremacist line that people of color are victims of their own moral failings, not of government and private policies... Hurricane Katrina has opened the door for White people to have a more vivid understanding of structural racism. For Black people, it was an entirely different experience. An intellectual analysis doesn't touch the anguish, anger, and demoralization that African Americans have experienced during this travesty.⁶⁸

Further, Dr. Beverly Wright, Director of the Deep South Center on Environmental Justice at Dillard University, described in her September 29 congressional testimony

⁶⁶ Id.

⁶⁷ President Discusses Hurricane Relief in Address to the Nation, <http://www.whitehouse.gov/news/releases/2005/09/20050915-8.html>, (last visited on November 7, 2005).

⁶⁸ Jean Hardisty, Hurricane Katrina and Structural Racism: A Letter to White People, <http://www.wcwonline.org/p-comm-katrina.html>, (last visited on November 8, 2005).

before the House Energy and Commerce Subcommittee “pre existing” socio-economic vulnerabilities and political structures based upon race and class differentials in a region that is “disproportionately African American and poor.”⁶⁹

We see in the tragedy of Hurricane Katrina, Hurricane Rita and the aftermath a unique opportunity to shape the conversation and dialogue about rebuilding of New Orleans and the Gulf Coast region with the goals of environmental and economic justice for everyone.⁷⁰

Areas like the French Quarter and Uptown, both predominately white communities where more than 50% of its residents hold a bachelor’s degree or higher, were built on higher ground, according to the 1878 New Orleans map, and were therefore in the 20% of the City that experienced minimal storm damage.⁷¹ Of the prominently damaged neighborhoods, the Lakeview area, a 94%-white neighborhood which boasts of million-dollar homes due to its situation near the Lake suffered proportionate to its percentage of New Orleans demographics.⁷² The majority of affected areas, however, were predominately black - from the diverse Gentilly Terrace and Broadmoor areas where nearly 70% of the residents are black, 25-30% are white and 25% of residents have bachelor’s degree or higher - to the highly concentrated African-American Pontchartrain Park, where 97% are black with 28% holding bachelor’s degree or higher.⁷³ Hollygrove statistics reveal that 95% are black residents; 10% holding a bachelor’s degree or higher. The Lower 9th Ward, one of the city’s poorest areas, revealed that 98% of its residents are black; significantly 45% are single-parent homes, and 6% of the residents have a bachelor’s or higher. Eastern New Orleans, “the other” Ninth Ward encompassing several different neighborhoods, are more diverse than the Lower 9 with 86% in the Little Woods neighborhood being black, 10% white and 21% bachelor’s or higher. Village de L’est, holding the City’s highest concentration of Asians at 37%, is 55% black and 4% white, and 13% of its residents hold a bachelor’s or higher.⁷⁴

Lakeview, built by Irish immigrants in 1830s, was one of first residential areas to develop in response to the potential beauty and leisure time enjoyment of land near Lake Pontchartrain and its yacht and country clubs. Made up of several subdivisions filled with luxurious homes, its major boulevards are still lined with giant oaks.⁷⁵ The predominately-African-American 7th Ward of New Orleans, where many educated and

⁶⁹ Environmental Effect of Hurricane Katrina: Beverly Wright, Congressional Testimony; 9/29/2005, <http://www.highbeam.com/library/doc3> (last visited on November 10, 2005).

⁷⁰ Id.

⁷¹ French Quarter and Uptown People & Household Characteristics, <http://www.Gnocdc.org> (last visited November 13, 2005).

⁷² Lakeview Neighborhood: People & Household Characteristics, Greater New Orleans Community Data Center, <http://www.gnocdc.org/orleans/5/37/people.html> (last visited November 13, 2005).

⁷³ Pontchartrain Park Neighborhood People & Household Characteristics, Greater New Orleans Community Data Center, <http://www.gnocdc.org/orleans/5/37/people.html> (last visited November 13, 2005).

⁷⁴ Village de l’Est Neighborhood People & Household Characteristics, Greater New Orleans Community Data Center, <http://www.gnocdc.org/orleans/5/37/people.html> (last visited November 13, 2005).

⁷⁵ Seventh Ward Neighborhood Snapshot and People & Household Characteristics, Greater New Orleans Community Data Center, <http://www.gnocdc.org/orleans/5/37/people.html> (last visited November 13, 2005).

accomplished free people of color, les gens de couleur libres, lived before the Civil War and through the Jim Crow era, were also known for its oak-tree lined boulevards in the 19th Century.⁷⁶ By contrast to Lakeview, however, the City built an interstate through the prosperous African-American business district shortly after desegregation, devaluing the home and businesses on that neighborhood and forcing families known for their strength in business enterprises, building trades, and music to relocate.⁷⁷

The Ninth Ward, including eastern New Orleans, was among the last of the city's neighborhoods to be developed. Originally a cypress swamp, area was built to accommodate poor African Americans and immigrant laborers from Ireland, Germany and Italy who desired homes but were unable to afford housing in other areas of the City.⁷⁸ Early families were aware of the risk of flooding and disease but inhabited there as a mixture of cultures until African-American activism for school desegregation nudged white Ninth Warders eastward into St. Bernard Parish. Struck in 1965 by Hurricane Betsy, the Lower 9 never truly recovered from the devastation that took 81 lives and inundated 80% of the district.⁷⁹ Inadequate public assistance in 1966 through the Demonstration Cities and Metropolitan Development Act attempted to improve the general welfare of the neighborhood, which before Katrina retained such initiatives as the Lower 9th Ward Neighborhood Council, Total Community Action Head Start, the Housing Development Corporation, and a Health Clinic.⁸⁰ As the city leadership wrestles with the aftermath of Katrina and Rita, many questions remain about what the future holds – especially for the poor and African American community. New Orleans has been broken down under the weight of the enormous losses – one million evacuees, 150,000 homes damaged or destroyed, the loss of jobs in an already struggling economy, and the loss of the tourism industry.

B. Hope Deferred for New Orleans' Evacuees?

Daily the City shows signs of recovery from its waterlogged state, but resuscitating public trust will be a more difficult accomplishment. The notion that blacks and poor residents were intentionally left behind to suffer, to starve, and to drown appears to be refueled every half century, “forged in an era of slavery, cemented by floods and hurricanes past and decades of political and social disappointment.”⁸¹ These doubts further paralyze blacks and poor, whose roots and history are in New Orleans, but whose future remains insecure in the hands of local and state leadership. While many lower class and African American New Orleanians balk at the thought of being left out of the planning process affecting the future of the community, they are unsure whether it would be in their best interest to return.⁸² Black historians hold that that the Lower Ninth Ward,

⁷⁶ Id.

⁷⁷ Id.

⁷⁸ Ninth Ward Neighborhood People & Household Characteristics, Greater New Orleans Community Data Center, <http://www.gnocdc.org/orleans/5/37/people.html> (last visited November 13, 2005).

⁷⁹ Id.

⁸⁰ Id.

⁸¹ Associated Press, Deep distrust over New Orleans rebuilding, MSNBC.com, <http://www.msnbc.msn.com/id/9796942> (last visited November 27, 2005).

⁸² Id.

which sustained heavy damage from Hurricane Betsy in 1965, has always been the “orphan” of the City, with the very construction of the Industrial Canal in 1922 helping to “choke off” poorer New Orleans blacks.⁸³ Local residents attest that the Ninth Ward has never been the same since Betsy hit, and government funding promised to restore the neighborhood even back then was cut short. Now that the Ninth Ward is in competition with the rest of the City for dollars, few hope to return to the place their great-great-grandparents called home. Further, prior to Hurricane Betsy there was the infamous Mississippi River Flood of 1927, where hundreds of thousands of blacks along the Mississippi delta were forced into filthy refugee camps, often without food or water, and sometimes ordered at gunpoint to work on levees and relief projects.⁸⁴ Historians have said the response of Republican President Calvin Coolidge — who made unfulfilled promises of restoration and re-enfranchisement of blacks yet was criticized in the press as failing to grasp the enormity of the crisis — helped spur the seismic shift of black voters to the Democratic Party.⁸⁵

Today, in 2005, little in the dynamics of race and rebuilding has changed. Many poor black New Orleanians are disappointed in all public officials — Republican and Democrat, white and black.⁸⁶ The primary players in defining and determining what the rebuilt City might look like neither look nor live like them. It is difficult to imagine a New Orleans free from the grip of policies and economies that will push it down the distressing and steady path of decline. The poor and the non-white majority hope New Orleans would use this opportunity to reinvent itself into a vibrant and resurgent city that promotes an enhanced quality of life for all of its citizens. An economically- and racially-desegregated society that takes care of its poor and provides educational, professional, socio-economic, and structural soundness for its citizens would be welcomed.⁸⁷ Journalist Blaine Haden remarked that when Katrina blew in and the levees gave way, the high water was colorblind and classless, but that it was “class and race that predicted who would escape and who would return.”⁸⁸ He goes on to ask two salient questions: Are residents coming home? If so, which ones?⁸⁹

Publicly and privately, some are speculating that New Orleans will and should become a richer, whiter city. Barbara Bernier believes that the African-American heritage of New Orleans is in the most danger of being left out of the rebuilding scheme and insists that minority-owned contractors and businesses should be employed in the effort.⁹⁰ She states that in the evacuation of the city, “almost a million poor and

⁸³ Speculation has lingered for decades that it was sacrificed so that whiter parts of the city would survive.

⁸⁴ Id.

⁸⁵ Id.

⁸⁶ Id.

⁸⁷ Id.

⁸⁷ Haya El Nasser, A New Orleans like the old one just won't do, USA TODAY, September 18, 2005, http://www.usatoday.com/news/nation/2005-09-18-new-orleans-rebuilding_x.htm (last visited on November 26, 2005).

⁸⁸ Blaine Harden, The Economics of Return: Class, Color May Guide the Repopulation of New Orleans, The Washington Post, October 19, 2005 (last visited November 18, 2005).

⁸⁹ Id.

⁹⁰ Barbara Bernier, Including African Americans in the Rebuilding of New Orleans: Minority-Owned Businesses and Minority Employees Should Be Recruited, And Use of the Eminent Domain Power Must

overwhelmingly black residents have been cast to the far reaches of America.... in the largest black migration since the 1927 Mississippi Flood.⁹¹ She voices the concern of many black New Orleanians - can Black people's homes and land be taken in the service of this "rebuilding"? "The worrisome answer after the Supreme Court's recent Takings Clause decision, Kelo v. New London," she responds, "is yes."⁹²

C. Legal and Social Considerations of Eminent Domain

City and state officials have hesitated to give their constituents a definitive answer as to whether everyone who wants to return to the City to rebuild will be permitted to do so. Particularly, elected officials step gently around the issue of eminent domain, or "expropriation" as it is known in Louisiana, the taking of private property for public use upon providing compensation.⁹³ Legislation has been considered to remove this issue from the table in current city-rebuilding discussions; however, the possibility for this government taking lurks in the shadows. The City of New Orleans website advises residents who anticipate government demolition mandates to at least attempt to obtain appropriate building permits from the parish and follow current building standards to guarantee the structural safety of the building.⁹⁴ City officials indicate that property owners will have the final say as to whether they want their property demolished based on professional building inspections and recommendations by the Parish Council.⁹⁵ Inspectors, the City says, would evaluate the structural integrity of each property and will recommend demolition for cases in which damage affected more than 50 percent of the structure or when estimated repairs would cost more than 50 percent of the property's pre-Katrina value.⁹⁶ The only demolitions that will occur without permission from the owner are those in which the owner is negligent in responding to attempts to reach him or her.⁹⁷

In fact, a City redevelopment master plan will not be produced by the 17-member "Bring Back New Orleans Coalition" until next year, at which time housing and rebuilding issues should have been worked out.⁹⁸ The best indication of "reurbanization" is the Department of Housing and Urban Development (HUD)'s commitment to spend more than \$1.8 billion for modern public housing in "mixed-income communities."⁹⁹ This "New Urbanism" has dominated the discussion in rebuilding conferences and

Be Scrutinized, Find Law's Legal Commentary, September 20, 2005, http://writ.news.findlaw.com/commentary/20050920_bernier.html, (last visited November 18, 2005).

⁹¹ Id.

⁹² Id. See Kelo v. City of New London, 268 Conn. 1 (2005). Legal Information Institute Supreme Court.

⁹³ LA R.S. 19:2.2

⁹⁴ Commonly Asked Questions, City of New Orleans Expedited Permitting Process, www.cityofno.com (last visited November 16, 2005).

⁹⁵ Id.

⁹⁶ Id.

⁹⁷ Id.

⁹⁸ Bring Back New Orleans, Economic Development Futures Web Journal, <http://www.don-iannone.com/edfutures/2005/10/bring-back-new-orleans.html>

⁹⁹ Brick housing biting the dust, The Times-Picayune, November 3, 2005 (last visited November 3, 2005).

business meetings as “the salvation” of post-Katrina New Orleans.¹⁰⁰ Others might argue, however, that it will lead to the City’s demise: these demi-cities have the charms of urban life, based on the old-fashioned downtowns “recalled by sentimental suburbanites,” who want to return to the City and push the poor to the outer fringes.¹⁰¹ In New Orleans, as in Atlanta and other major cities, the poor population also happens to be African-American. “New Urbanites” are attracted to the realization of ecological responsibility that comes with preserving energy and minimizing the air pollution generated by daily driving into the City to tap its financial resources and returning to their counties to invest their dollars.¹⁰² New Urbanism cleans up the denser, dirtier cities that suburbanites fled decades ago, and it arguably replaces a city with an artificial semblance of community, a “Disneyfication of America.”¹⁰³ New York argues that this model has worked for them, but New Orleans traditionalists – usually natives – believe this would be counterintuitive to the “city mouse” feel of a City whose historical architecture daily communicates the real struggle between moving forward without forgetting where you come from.¹⁰⁴ “Artificial, superficial, soulless and out of fashion,” New Urbanism winks at the underlying motive behind replacing the neighborly feel with mini-warehouse districts like the recently converted American Can Company in New Orleans, “an apartment hive of coffee shops, restaurants, dry cleaners, wine shops, workout centers, swimming pools and other on-site yuppie amenities.”¹⁰⁵

The Crescent City's most notable New Urbanism proponent, Pres Kabacoff, chief operating officer of Historic Restoration Inc., worked with the City and federal governments to achieve an ethnic cleansing of sorts which forced pre-dominately black St. Thomas Housing Development residents out of their homes with the promise of welcoming them back to a fresh, new living arrangement once their demolished homes. Instead, this rebuilding project was more of a re-creation of the neighborhood with a mixed-income development, River Garden apartments, and a Wal-Mart Supercenter. Displaced residents could not afford to return to the area, not even to “low-income units” reserved for them as a trade-off for using HUD funds. If one listens closely to the chatter surrounding New “Urbanized” Orleans, there will be no rebuilding in the areas ruined by the flood, only on vacant land on high ground.¹⁰⁶ Ignore the culture and the community and a rebuilt New Orleans with tract homes rather than shotguns will no longer have the same soul.¹⁰⁷ Eliminate the voices of families, small business owners, civic activists and community leaders and “new” New Orleans will become a sterile, homogenous, theme-park recreation lacking the charm of old neighborhood patterns and offering at best, artificial quaintness.¹⁰⁸

¹⁰⁰ Doug MacCash, “New Urbanism” dominates rebuilding chatter, [The Times-Picayune](#), November 14, 2005 (last visited November 14, 2005).

¹⁰¹ [Id.](#)

¹⁰² [Id.](#)

¹⁰³ [Id.](#)

¹⁰⁴ [Id.](#)

¹⁰⁵ [Id.](#)

¹⁰⁶ Doug MacCash, “New Urbanism” dominates rebuilding chatter, [The Times-Picayune](#), November 14, 2005 (last visited November 14, 2005).

¹⁰⁷ Walter Issacson, An American Tragedy: Viewpoint, [Time](#), September 15, 2005, 71

¹⁰⁸ [Id.](#)

In fact, the demographics of a recent meeting sponsored by Governor Kathleen Blanco, The Louisiana Recovery Authority, The American Institute of Architects, the American Planning Association, the American Society of Civil Engineers, and the National Trust for Historic Preservation, suggests that New Orleans and much of the Gulf region might be “re-created” rather than “rebuilt” in this same manner.¹⁰⁹ This conference was attended by more than 600 participants, 80% of whom were white, 62% of whom were male, 93% of whom made more than \$30,000 per year, and 65% of whom bring home more than \$80,000.¹¹⁰ In 2000, 46.9% of New Orleanians and 48.4% Louisianians are male.¹¹¹ and only 42% of New Orleanians and 54% of Louisianians bring home more than \$30,000 per year.¹¹² Furthermore, 35% of the participants have either lived in Louisiana for less than one generation or is not from Louisiana at all.¹¹³ Sixty-four percent (64%) either sustained minor or no damage to their homes or businesses, indicating a significant lack of insight into the area they are redeveloping, and 49% were either politicians or architects, planners, or other design professionals, all who stand to gain whether or not the community is actually revived.¹¹⁴ Eighteen percent (18%) of the attendees were corporate and business leaders, but it is unclear how many of those were small business owners.¹¹⁵ Notably lacking, 6% of the attendees were actual citizens of Louisiana, 7% were educators or school administrators, 17% were civic leaders.¹¹⁶ These figures indicate inadequate input from a necessary group of individuals who have their hand to the pulse of community. Women, as well as the poor and minority, are not well represented among those making decisions about the future of New Orleans and developing principles intended to help Louisiana create a “better, safer, and stronger” region. In New Orleans, the poverty rate in is 23.2%, almost twice the national rate of 12.7%, according to the Census Bureau. Thirty-five (35%) percent of the city's black residents are considered poor, compared with 11.5% of its white residents.¹¹⁷ It is safe to say that the statistics of the conveners are not representative of the community currently scattered around the country and waiting for the green light to return home.

Nevertheless, Louisiana leaders avoid making a commitment to welcoming home all displaced residents in the City's future demographic makeup – alluding only to the fact that the City will be smaller. Some foresee eminent domain as playing a key role in the redevelopment of New Orleans. While Louisiana legislators gasped at the Supreme Court decision on eminent domain in Kelo v. New London only a few months ago, drafting legislation to limit the ruling's effect in Louisiana, it remains to be seen whether

¹⁰⁹ The Preliminary Report, Louisiana Recovery and Rebuilding Conference, November 10-12, 2005, http://www.louisianarecoveryandrebuilt.org/SiteObjects/files/lrrc_dayonereport.pdf, (last visited November 15, 2005).

¹¹⁰ Id.

¹¹¹ Orleans Parish Income and Poverty, Greater New Orleans Community Data Center, <http://gnocdc.org/orleans/income.html> (last visited on November 27, 2005).

¹¹² Id.

¹¹³ Id.

¹¹⁴ Id.

¹¹⁵ Id.

¹¹⁶ Id.

¹¹⁷ Nasser, *supra*, at note 19. By federal standards, a family of four earning less than \$19,307 a year is considered poor. Id.

special provisions will be made to relax the rules for New Orleans.¹¹⁸ Northern Louisiana legislators reluctantly tip their hats to the economic engine of the state, New Orleans, which is 67% African-American and 27% Caucasian, almost the exact reciprocal of Louisiana demographics.¹¹⁹ Democratic legislator State Sen. C.D. Jones, an African-American who generally supports all of New Orleans projects, decried the fact that his impoverished north Louisiana district cannot afford cuts in government assistance programs for the benefit of Katrina victims.¹²⁰

Only a couple months before Katrina, the Supreme Court held that the City of New London's disposition of the petitioners' property qualified as a "public use" within the meaning of the Takings Clause,¹²¹ where the city initiated condemnation proceedings against business owners Susette Kelo and Wilhelmina Dery. Kelo and Dery refused to sell their portion of property that the Connecticut local government earmarked necessary for "public purpose." Petitioner Susette Kelo, for example, had lived in the area for more than half a decade and had made extensive improvements to her waterfront home when, in 2000, New London approved a development plan that would create in excess of 1,000 jobs to increase tax and other revenues to revitalize an economically distressed city – at her and Dery's expense.¹²² In the 5-4 majority decision, the court expanded the power of a city to justify eminent domain from "public use," to "public purpose" – hence providing that the city itself does not have to use the property as a public facility, but can simply benefit from whatever cause for which it is taken. The Court reasoned that as long as the takings was not adopted to benefit a particular class of identifiable individuals, but was instead, a "carefully considered development plan" offering, for example, the vague promise of higher tax revenues, the hope of private-sector jobs, or even a cleaner living space, the local government can begin condemnation proceedings.¹²³

It is within the power of the legislature to determine that the community should be beautiful as well as healthy, spacious as well as clean, well-balanced as well as carefully patrolled.¹²⁴

Further, the Court considered constitutional a Hawaii statute whereby fee title was taken from lessors and transferred to lessees for just compensation, even where the purpose was simply to rescue the concentration of land ownership: the taking's purpose, and not its mechanics determines public use.¹²⁵ The Court has refused to establish a bright line rule

¹¹⁸ See Kelo v. City of New London, 268 Conn. 1 (2005), Legal Information Institute Supreme Court Collection, <http://straylight.law.cornell.edu/supct/html/04-108.ZO.html> (last visited November 17, 2005).

¹¹⁹ Greater New Orleans Community Data Center, <http://www.gnocdc.org> (last visited November 16, 2005).

¹²⁰ Jeremy Alford, Division between north and south Louisiana lawmakers still evident, Houma Courier, November 15, 2005.

¹²¹ The Fifth Amendment of the U.S. Constitution states "nor shall private property be taken for public use, without just compensation."

¹²² Kelo, supra at note 20.

¹²³ Id.

¹²⁴ See Berman v. Parker, 348 U.S. 26, 33 (1954).

¹²⁵ Hawaii Housing Authority v. Midkiff, 467 U.S. 229, 244 (1984).

in order to provide localities with ample discretion in land matters, not requiring a showing that property is even nominally blighted.¹²⁶

Kelo demonstrates that just compensation is a euphemism where an owner is forced to render to unjust seizure of his or her property. New London was targeted for revitalization and the owner's property fell into a research facility plan. There was no requirement of any allegation that the properties secured were blighted or otherwise in poor condition; rather they were condemned only because they happened to be in the development area.¹²⁷ Justice O'Connor, joined by Chief Justice, Justice Scalia and Justice Thomas, dissented in the Kelo ruling, noting that the Court abandoned a "long-held, basic limitation" on government power, making all private property vulnerable to being taken and transferred to another private owner for an "upgrade."¹²⁸ Sovereigns may take private property currently put to ordinary private use, and give it over for new, ordinary private use, as long as the new use is predicted to generate some secondary benefit for the public, such as increased tax revenue, jobs or even aesthetic pleasure.¹²⁹ She conceded that where Congress determined neighborhoods to be "injurious to the public health, safety, morals, and welfare" and it was necessary to eliminate all such injurious conditions by employing all means necessary and appropriate for the purpose, eminent domain was appropriate.¹³⁰ The experiences of other cities such as Detroit testify that razing blocks of immigrant and working-class communities to build office complexes, industrial building, and housing projects, malls, parking garages, sports center and connections to highways don't necessarily revitalize an economy.¹³¹ In 2004, the Michigan Supreme Court had to admit that its decision in the Detroit Poletown to expand GM's Cadillac plant at the expense of the adjacent residential neighborhood in the 1980's was wrong.¹³² With the promise of revitalization, the GM plant took over more than 400 acres of homes and backyards, buildings and historical churches, but the venture never paid off and the neighborhoods never recovered.¹³³

Intuitively, urban-renewal failures fail not due to a dearth of smart developers and politicians, but because neighborhoods and economies are built through individual initiative in pursuit of profit.¹³⁴ The dearth exists where few planners are willing to sit and watch "decayed neighborhoods fester" while they wait for possibility of economic growth and tax revenues.¹³⁵ The U.S. conference of Mayors and the National League of Cities headed by D.C. Mayor Anthony Williams both filed briefs supporting New London in Kelo because local officials "need eminent domain" to bolster depressed

¹²⁶ See Kelo, supra at note 20.

¹²⁷ Id.

¹²⁸ Id.

¹²⁹ Id.

¹³⁰ Id.

¹³¹ Eminent Domain v. Development, CNN.com, <http://www.cnn.com> (last visited November 16, 2005).

¹³² Id.

¹³³ Id.

¹³⁴ Nicole Gelinas, They're Taking Your City and Doing What? City Journal, www.city-journal.org (last visited November 16, 2005).

¹³⁵ Id.

neighborhoods, create jobs and generate revenue to enable cities to provided essential resources.¹³⁶

Whether New Orleans officials might assert eminent domain when homeowners fail to return and where the prospect of finding housing for those who left the city and desire to return is daunting, the Supreme Court has paved the way.¹³⁷ New Orleans city government has more than the justification it needs to take the land of private residents and business owners for what it may deem public purpose. More than 60,000 homes are so battered that they qualify for a maximum payout of aid money from FEMA.¹³⁸ City officials estimate that at least 30,000 to 50,000 houses will be deemed teardowns.¹³⁹

However, arguments can and should be made that in the wake of natural disasters such as Katrina, every effort must be made to return all willing residents, including the poor and working class, to their properties, ensuring that homeownership and increased affordable housing opportunities abound to repopulate the area. The Mayor and the citizens of New Orleans, supported by the courts, should enter a contract to remove the threat of eminent domain for at least 10 years, allowing the poor and racially disenfranchised to return and reestablish their communities. A City that abandons its poor and ignores its working class can never be respected and nor expect to prosper in its future endeavors.

D. **The Proper Welcome for Returning Evacuees**

Katrina has forced our nation and most specifically, the New Orleans community, to confront deeply entrenched, well-hidden problems of racism and poverty cloaked in French Quarter charm and masked by Mardi Gras. A community that invites its tourists laissez les bon temp roulez while despising its own citizens can soon expect this same judgment.¹⁴⁰ Given the wide gap in views regarding issues of politics, race and class in the response to the Hurricane, the strategy for rebuilding the city must involve participation at all levels, in authentic and open conversations around the issues of race and class. Effective solutions, for example, could lie in a coordinated two-part “right action” strategy advanced by author and international consultant, Mike Jay, that specifically tackles the problems of race and class within this “very complicated...very unique” place we call New Orleans.¹⁴¹

Right action involves right people doing the right things at the right time for the right reason to get the right results.¹⁴² Displaced and disenfranchised New Orleanians

¹³⁶ Id.

¹³⁷ Peter Slevin and Peter Whoriskey, Burdens of Past Limit New Orleans Future, The Washington Post, November 10, 2005, www.washingtonpost.com (visited 11/10/2005).

¹³⁸ Id.

¹³⁹ Future of flooded homes muddled, The Times-Picayune, October 27, 2005, <http://www.nola.com> (visited October 27, 2005). New Orleans City Council President Oliver Thomas suggested that without local control, federal agencies would “tear down most of the city.” Id.

¹⁴⁰ Translated from French, “Let the good times roll.”

¹⁴¹ Katrina to redraw region's political picture Shifting populations force restructuring

¹⁴² Id.

must have (1) inroads to engaging in “crucial conversation” through civic leadership and participation in the process, and (2) the sufficient opportunity to return and to rebuild their neighborhoods without the fear of loss of property and with achievable blueprints of an improved City.

1. Crucial Conversations That Matter

Crucial conversation, defined as “a discussion between two or more people where the stakes are high, opinions vary, and emotions run strong” and significant exchange and incorporation of collaborative planning among individuals representative of the soul of the City, rather than among experts, is long overdue in the City.¹⁴³

It's a lack of premeditation, he believes, that lends the Big Easy it's laissez faire charms. It's not the (New Urbanist) aesthetic that's wrong...it's the artificiality of something planned all at once. What we have in this city is something that developed over a very long 89 0 period of time, with lots of incremental adjustments along the way. Sweeping utopian plans, I don't think would fit here. . . . Honestly I really fear the influx of experts.¹⁴⁴

The circumstances precipitated by Katrina offer an excellent opportunity for shaping the future of New Orleans through “conversations that matter.”¹⁴⁵ One approach for approaching the powerful dynamic of dialogue is through the generative theory of Appreciative Inquiry.¹⁴⁶ Appreciative Inquiry seeks to build a constructive union between a whole people and the massive entirety of what people talk about as past and present capacities, including achievements, assets, unexplored potentials, innovations, strengths, elevated thoughts, opportunities, benchmarks, high point moments, lived values, traditions, strategic competencies, stories, expressions of wisdom, insights into the deeper corporate spirit or soul-- and visions of valued and possible futures.¹⁴⁷ Through inquiry and dialogue – components of human communication - people can shift their attention and action away from problem analysis to lift up worthy ideals and productive possibilities for the future.¹⁴⁸

¹⁴³ Kerry Patterson, Loeppel Grenny, Ron McMillan, and Al Switzer, Crucial Conversations: Tools for Talking When the Stakes are High, 2002.

¹⁴⁴ Id.

¹⁴⁵ Juanita Brown with David Isaacs, The World Café, 2005

¹⁴⁶ Appreciative Inquiry Commons, What is Appreciative Inquiry, from A Positive Revolution in Change: Appreciative Inquiry by David L. Cooperrider and Diana Whitney. <http://appreciativeinquiry.cwru.edu/intro/whatisai.cfm> (last visited November, 18, 2005).

¹⁴⁷ Id.

¹⁴⁸ Corporation for Positive Change, What is Appreciative Inquiry?, <http://www.positivechange.org/appreciative-inquiry.html>, (last visited on November, 18, 2005).

In her article, *We Can be Wise Only Together*, Margaret Wheatley asserts that all people have the capacity to work together, regardless of who they are, and contends that individuals must “depend on diversity” in the process.¹⁴⁹

Including diversity is a survival skill... because there’s no other way to get an accurate picture of any complex problem or system. We need many eyes and ears and hearts engaged in sharing perspectives. How can we create an accurate picture of the whole if we don’t honor the fact that we each see something different because of who we are where we sit in the system? Only when we have many different perspectives do we have enough information to make good decisions. And exploring our different perspectives always brings us closer together.¹⁵⁰

Through building a collaborative community environment and spirit, it is as significant to implement the recommendations of poor and working class residents who provided the lifeblood and essence of the soul of the City as it is to listen to the experts. These conversations may offer the opportunity for generating “actionable knowledge and collective wisdom that can be put into action.”¹⁵¹

In his book, *The Creative City*, Charles Landry describes a method of urban planning that includes examining how people think, plan, and act creatively in cities.¹⁵² Most people sense that ‘where we live could be a better place.’¹⁵³ Landry proposes a call to action to revitalize cities:

By recreating the values that people perceive to exist in a village – a sense of belonging, continuity, safety and predictability – and partly by nurturing distinctly urban possibilities – buzz, interaction, trade, unexpected delight and much more...the feeling that urban life itself has a self-sustaining quality beyond the individual, the notion that mixing, diversity and culture create potential.¹⁵⁴

If the City of New Orleans is to return to its prominence as a successful city, then officials must rebuild with an eye towards new urbanism concepts while accounting for the dreams of the original inhabitants welcoming the vision of the newcomers. If we are to become a unified city with clarity of purpose and the ability to recapture the essence and true soul of the city that the world has come to know, then a space must be created for conversation that invites all of the stakeholders to the table in the rebuilding process.

Further, *Let’s Talk America*, proposes that falling into an automatic response mode in the face of the many forces interacting during the aftermath of Katrina may

¹⁴⁹ Juanita Brown with David Isaacs, Foreword: *We Can Be Wise Only Together*, by Margaret Wheatley, *The World Café*, 2005.

¹⁵⁰ Id.

¹⁵¹ Juanita Brown with David Isaacs, *supra* at note 27.

¹⁵² Charles Landry, *The Creative City*, 2000.

¹⁵³ Id.

¹⁵⁴ Id.

further fragment the City, without the benefit of meaningful and inclusive dialogue.¹⁵⁵ Conscious attendance to conversation can engage "we the people" in a discourse about how to form a "more perfect union," bringing greater coherence between our intentions and what actually happens as a result.¹⁵⁶ Engaging in authentic dialogue as a core process in the rebuilding of the city can empower leaders to commit to "right action,"¹⁵⁷ and the possibility to surmount the overwhelming mistrust amongst its poor, especially those in the Africa American communities hit hardest in the Katrina aftermath.

A novel approach that demonstrates the generative process of appreciative inquiry and a commitment to the principles of right action is through the World Cafe' - a simple process for bringing people together and fostering dialogue around questions that matter.¹⁵⁸ Seven integrated design principles for fostering constructive dialogue as a means for intentionality, community empowerment, and for creating innovative possibilities for action are as follows: (1) Set the Context: Clarify the purpose and broad parameters within which the dialogue will unfold.; (2) Create hospitable space: Ensure the welcoming environment and psychological safety that nurtures personal comfort and mutual respect; (3) Explore questions that matter: Focus collective attention on powerful questions [appreciative inquiry] that attract collaborative engagement; (4) Encourage everyone's contribution: Enliven the relationship between the "me" and the "we" by inviting full participation and mutual giving; (5) Cross-pollinate and connect diverse perspectives: Use the living-system dynamics of emergence through intentionally increasing diversity and density of connections among perspectives while retaining a common focus on core questions; (6) Listen together for patterns, insights, and deeper questions: Focus shared attention in ways that nurture coherence of thought without losing individual contributions; and (7) Harvest and share collective discoveries: Make collective knowledge and insight visible and actionable.¹⁵⁹

The events surrounding Katrina, most especially around issues of race and class underscores the need for a participative grass-roots partnership which includes stakeholders at every level – federal, state, and local government, community activists and civic leadership, the legal community, preservationists, business leaders, and a diversity concerned citizens from every walk of life. Skilled facilitators with multicultural competence familiar with the history of a "cultural gumbo" and the nuances of New Orleans must be part of the strategy for rebuilding the city. Crucial conversations are only one aspect of solving the political and legal problems regarding race and class issues in post-Katrina New Orleans. Incorporation through recruitment and development of a cross section of concerned stakeholders – the original citizens from the original

¹⁵⁵ Let's Talk America. . <http://www.letstalkamerica.org>, (last visited on November 7, 2005). Let's Talk America is a nationwide movement that promotes discussion in a "town hall" meeting spirit from a diversity of points on the political spectrum.

¹⁵⁶ *Id.* See also, Juanita Brown with David Isaacs, *The World Café*, 2005.

¹⁵⁷ Mike jay, *supra* at note 24.

¹⁵⁸ *Id.*

¹⁵⁹ *Id.*

population of New Orleans – would ensure the effectiveness of “right action” in the reconstruction of the society.¹⁶⁰

2. Assurances of Progress

New Orleans native Walter Issacson, President and CEO of the Aspen Institute and a former managing editor at Time, expresses the sentiment of many residents whose homes and communities were not on the “Places to See When You Visit New Orleans.” Nurturing back to health the genuine and distinctive neighborhoods that serve as an incubator for the city’s music, food and funkiness, not re-creating the French Quarter alone, will not save New Orleans.¹⁶¹ The classy restaurants and hot spots on Bourbon Street do not embody the soul of the Crescent City, but simply reflect centuries of family kitchens and tables from which those recipes, lessons in Southern hospitality, and indomitable persistence and unconditional loyalty to a frequently disloyal heritage in the face of natural and man-made disasters, were taught. Those lessons, though not easily washed from the pages of New Orleans and Louisiana history, are nevertheless eroding in the hearts of poor and black citizens who hesitantly exchange the pride of returning to their ancestors’ land with the likelihood of gaining more economic and educational opportunities for their children in the absence of senseless drug violence and political callousness. Third and fourth generation New Orleanians now self-coach themselves and their families “not to look back” as they allow their roots to continue sinking, at 3 months and counting, into the new soil they have found in other cities across the country.

3. Recommendations

Indeed the Crescent City will have to provide their replanted citizens many assurances before asking them to uproot, including the following:¹⁶²

- (1) **Mixed-income housing that benefits all income levels**; truly affordable housing in all “new” neighborhoods should be built on higher ground, in the city, and close to school and services.¹⁶³
- (2) **Vouchers and tax incentives** by the federal government to a) the poor – enabling them to live in market-rate housing at below-market prices, and b) developers – who would build homes for lower- to middle-class families.
- (3) Market rate compensation for New Orleans residents to participate in the rebuilding process and **minority contractors participation in bidding and receiving of rebuilding contracts.**

¹⁶⁰ Mike Jay, Right Action, <http://leadershipuniversity.com/documents/Mod%201%20-%20RightAction.pdf> (last visited on November 18, 2005).

¹⁶¹ Walter Issacson, An American Tragedy: Viewpoint, *Time*, September 15, 2005, 71.

¹⁶² Nasser, *supra*, at note 19.

¹⁶³ Through HOPE IV communities for families of varying incomes are built with a combination of private capital and government subsidies. Families on welfare could live next door to middle-class families in neighborhoods close to schools and services. Furthermore, suburbs of Washington, Boston, and many California cities provide a novel example for a City running out of affordable housing: New Orleans could require developers to sell parts of new housing developments at below-market rates. *Id.*

(4) Rebuild tourism while pursuing and **providing other employment opportunities for rising generations** of college and vo-tech graduates; co-ops between schools and receiving hospitals, businesses and non-profit organizations give high school students options.

(5) **Improve the educational system**, including the rebuilding of all dilapidated schools. With below average state spending per-pupil,¹⁶⁴ it is no wonder the high school graduation rate in New Orleans at 65%, and that 2004 statistics reveal third-graders in the 35th percentile nationally and sixth-graders in the 28th percentile.¹⁶⁵

(6) **Bolster and fund crime prevention** to ensure that New Orleans will be a safer City. Improved educational systems and increased employment opportunities will help accomplish this, but where preliminary 2004 FBI statistics show that 4,468 violent crimes were committed in the city, few residents, including poor and black, will return.

The longer the residents stay away, the more decisions will be made without them, inconsiderate of their sacrifices, and to the detriment of the progress of the City. State residences will need to be changed to permit evacuees to fully participate in the privileges of their respective new communities, and in the very near future, Katrina evacuees could find themselves hanging in the balance - unable to participate in the political process of the state that currently serves them, yet unable to benefit from the political process that they serve. The residents of New Orleans must insist on, and the current dealmakers oblige to, the participation of a fair representation of the original community in the decision-making process and the means for these individuals to be present in the City while the discussion is ensuing. FEMA, for example, could pay to bring the residents home instead of living outside the City with no connection to the place they call home. Only a small number of African-Americans lived in areas that have been spared or restored, and many of them cannot return because their jobs are not in place. Poor residents who could not afford to leave the City at the call for a mandatory evacuation are unlikely to be able to uproot from their current residences, no matter how temporary they desired their stay to be. For many of the renters, they will return to an unrecognizable home to find their possessions survived the hurricane but wasted away on the side of the road in spite of their understanding with the landlords. Thus, New Orleans' black and poor voters will again revisit the days of disenfranchisement, irrespective of their voting rights.

Until New Orleans residents are aggressively pursued and its representation inclusive of non-white low-class and middle-class with the vigor that the City exhibits in attracting visitors, all references to "rebuilding" should be substituted with "re-creating." If New Orleans is not going to reconstruct the City to enfranchise the majority of its original residents, these hopeful migrants deserve to be confronted directly with the City's racist and classist intentions so they can plan their next steps forward. Anything

¹⁶⁴ Louisiana schools spent an average of \$7,554 per student in 2003, compared with the national average of \$9,136. *Id.*

¹⁶⁵ *Id.* See also, <http://www.cgcs.org> (last visited November 27, 2005) for information on the Council of the Great City Schools, a non-profit group that represents the nation's largest urban school districts.

less is disrespectful at best and reflects once again, a masquerade society, who boasts of celebrating “New Orleans culture” when it means to say “sterile white lucre.”

CREATING EDUCATIONAL OPPORTUNITIES
A 12-POINT PROGRAM

By: Joe LaCour
The Rebuilding Louisiana Coalition

A. Introduction

The purpose of this statement is to discuss apprenticeship and the role it can play, first in the context of the immediate problems New Orleans and her people face, and then in a broader sense in the context of a longer-term approach to education. The immediate problem facing New Orleans and her people is how to rebuild our city and how to provide New Orleanians with the opportunity to return home. In the longer term, the problem facing New Orleans and her people is to redefine the educational system, avoiding the mistakes of the past and ensuring that education meets the needs of all the city's people.

Prior to Hurricane Katrina, New Orleans had one of our nation's most underperforming public school systems. Now, schools and the school system must be rebuilt. This creates a unique opportunity to redefine goals and priorities in public education. In this process, the interplay and connections between schools and those who employ young adults completing their education are also being redefined. Investments in the public versus private school regimes need to be balanced to avoid waste. We will have missed the opportunity if a system that guarantees equal access to quality education while increasing students' readiness for the world of work does not emerge.

The immediate task is to rebuild, and the rebuilding means immediate job opportunities. The displaced people of New Orleans have a recognized right to return home.

B. Recommendations

1. Creating an Apprenticeship Program

Do everything necessary to ensure housing and employment for the displaced people of New Orleans and involve young people in the process. Require that contractors use apprenticeship in setting up temporary housing, and see that young people, who were often excluded from the job market, once given the opportunity of housing in the city, are employed in clearing debris, recovering materials and disposing of debris properly, and later in doing the actual renovation and rebuilding work.

This process would provide opportunities for learning the building trades and also learning skills related to the proper recycling and disposal of debris from homes that are to be rebuilt or demolished. Any contract let for debris clearing, recycling, and disposal, and for renovation, rebuilding, and new construction should be dependent on requiring the use of apprentice labor and on proper recycling and disposal of debris based on

principles of sustainability and environmental soundness. No-bid contracts should be reopened for bidding and these same principles should be applied.

Young people should be provided with basic educational services while participating in the rebuilding effort, until schools begin to reopen. Their presence in the city would encourage the process of reopening schools that might otherwise remain closed because of an absence of students.

Rebuilding officials should recognize the need to redefine apprenticeship and education in terms of the needs of the city and the needs of the people who live in it. Once the conditions for a viable school system are in place, once the population has begun to return to more stable housing and schools have begun to reopen, make use of the opportunity to redefine the educational process based on the principle of apprenticeship in a broader sense:

Apprenticeship could be defined as the point when a young person's initial upbringing and schooling has prepared him or her to enter the world of work. Traditionally, education has been regarded as a passive process, separate from the active process of work and the creation of value. But the skills necessary for doing jobs and creating value can be seen as part of education, and the work of learning can be recognized for the value it creates. One characteristic of the situation New Orleans now faces is that education is becoming more of a partnership between those able to provide the funding necessary for education and those who dispense that education. The potential problem inherent in this situation is that inequality of educational opportunity, duplication of effort, and lack of direction can result. That disadvantage can be turned into an advantage. That can be done by clearly defining the fundamental needs of employers and of learners.

C. Defining Fundamental Needs and Principles

Define educational needs as part of and within an overall assessment of the economy of New Orleans, and Louisiana generally, and define specifically how business, commerce, industry, the trades, and professions are to provide for these needs. Recognize the role of education in providing fundamental skills needed by all employers. Recognize the value these fundamental skills represent for employers. This should be a top-down process, so that professional educators can ensure that all the fundamental educational needs of young people are met and that the necessary synergy with the world of business does not result in the omission of skills that business may have traditionally seen as not directly involved in the creation of value.

Define the fundamental needs of the business and professional community in terms of education: (a) baseline job skills; and (b) specific skills areas. Recognize the contribution employers make to education, in terms of the resources they provide but also in terms of the skills and competencies they impart to the young people who work for them. This process of defining baseline skills should be done from the bottom up, so that needs are defined by those who are most competent to define them.

This challenging job of defining fundamental skills can be met by creating a forum – a "Board of Learning" – in which educators, political and community leaders, and representatives of business, the trades, and the professions – in particular those that are recognized as essential to the economic direction in which we want the city to move – can participate in a transparent, consensual process. The skills and knowledge of business leaders, professionals, and academics can be brought to bear, and the burden of providing the necessary resources can be shared.

1. Establish the principle of synergy between the world of work and the world of schools in these assessments: (a) Define the notion of horizontal and vertical integrationⁱ of students into the world of work: a. before they are ready to begin creating value but are acquiring basic knowledge of the skills they will later need in joining the world of work: literacy, respect for others, respect for property, respect for the environment; and b. when they reach the stage of being able to create value but still have the need and the capacity for further education; (b) Define the notion of shared value between education and work: all businesses and trades should define modes of apprenticeship for young people at various stages of their educational development and of their integration into the world of work; and (c) Set up a system of value accounting so that the workload of business in training young people is offset by value created by young people in each trade/business setting

2. Require the use of apprentices at the different stages of processes in each trade, business, and industry, defining job descriptions and the accompanying skills and applying the principles of horizontal and vertical integration and shared value. Develop training mechanisms in all the trades, industries, and professions in synergy with schools. Ensure that business derives fair value for its participation in training.

a. Existing trades, businesses, and industries

Define the existing economic structure of New Orleans prior to Katrina and the knowledge and skills that make it up, defining economic sectors, businesses, trades, and professions and identifying those that can best contribute to a rebuilding a vital, sustainable economy based on principles including diversity, truly equal opportunity, and respect for the city's culture and environment

b. New Business opportunities

Build apprenticeship and training into new business areas from the ground up, beginning with the planning phase, defining job descriptions and the accompanying skills and the system of value accounting.

3. Build the necessary research function into new and existing businesses and define its contribution to value creation, creation of business opportunities in its own right (research & consultancy), and the role young people can play in research & consultancy at various stages of their education; define pure-science correspondences with each new business opportunity and include university staff in development of these new business opportunities from the outset, using their research and organizational skills to help

develop these new industries in collaboration with business people to ensure viability of processes in terms of workloads, materials costs, etc.

4. Define the possibilities for synergy with the educational system in the professions, beginning with the (a) Pre-primary and primary: school medical visits. Seek participation by architects, urban planners, energy engineers in restoring/building schools; visits by artists - musicians, graphic artists, actors; (b) Secondary: self-care and nutrition taught by medical personnel/first aid and caregiving training given students; student role in identifying architectural / planning problems related to school environments; curricula in animation and sound processing tied in with IT instruction; and (c) University/professional school levels: various levels of paramedical expertise imparted to students; CAD-CAM services provided by student team in coll. with profs and pros; participation by students in macroarchitectural studies of their surrounding areas to inform design and planning; Computerized animation studios, film studios, recording studio.

5. Professionalize the workload required by value accounting, job descriptions, skills assessments and definitions, and the roles of each participant and integrate it into the economy; maximize the potential of the educational system to handle these tasks and integrate them into schools; develop the potential for value creation: publishing (job descriptions, technical documentation, process descriptions, etc.)

6. Also professionalize the workload required by regulatory and legislative compliance – flood resistance, energy conservation, sustainability and non-toxicity of building materials, non-polluting / environmentally sound industrial processes, etc. – and involve students in regulatory dissemination, compliance enforcement, licensing, etc. State licensing of contractors and inspectors should build in the notion of apprenticeship – participation by students as soon as their training and future professional leanings qualify them

7. Include housing, food, energy, transportation, and the environment in fundamental educational and business planning. Provide optimum integration of learning into students' surroundings; integrate school, neighborhood, and home: (a) Housing; (b) Transportation to and from more and more specialized institutions; involve students in the operation of the transportation they use; (c) Awareness of the energy needs of school and home from the early primary-school years; (d) Awareness of the environmental impact of their school and home; (e) Teach nutrition along with school meals, involve local agriculture in provision of school meals, involve students in (at the various stages) meal preparation, meal planning, development of better nutrition of schools. Define and describe the food chain in La. And how it fits into that of the nation. Later, identify how the quality and environmental viability of food products produced in La. can be improved - thus improving their marketability and value creation

8. Redefine the role of existing institutions: Trade and technical schools, universities, business schools, hospitals, architectural firms, engineering firms, etc, in defining and imparting fundamental skills for each trade, business, industry, profession.

9. Define the role of apprenticeship in the educational process itself. Recognize that learning itself is a skill that needs to be learned, and find ways of providing that skill through quality pre-school education. Involve secondary students in day-care centers and pre-primary schools. Use undergraduate teaching assistants in high schools, on the model of teaching assistants and mentors in universities. Establish partnerships with organizations such as Teach For America.

By following these guidelines, New Orleanians working together, can define the economic and educational future of a better city that meets the challenges facing today's world, one in which all New Orleanians can thrive and find fulfillment.

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LESSONS LEARNED FROM OTHER DISASTERS & THOUGHTS ON ACCESSIBILITY ISSUES

By: Amy Lee Wilson

Introduction

As a clinician, I currently work at the Common Ground Health Clinic on New Orleans' Algiers Point. CGHC provides free health care to about 150 people/day, 7 days/week, and grew out of combined efforts of Common Ground Collective, AIDSAIL, Doctors Without Borders and a number of national and professional medical organizations. The clinic provides urgent medical care to residents who had depended on Charity Hospital's ER and clinics before all Charity patients evacuated and the hospital closed.

A. Lessons Learned from Other Disasters

New Orleans Preservation Resource Center hosted a team of preservationists from Charleston, S. Carolina, during the week of October 27. The team visited to offer their experiences from Charleston's recovery from Hurricane Hugo in 1989. Lessons their city learned from Hugo were that preservation and restoration standards do not have to be compromised. Preservationists in Charleston developed a data and referral base of building arts and craftsmen and revived an interest in the use of materials to restore such as plaster and slate. Charleston also had volunteer teams consisting of architects and "mold experts" who went through each neighborhood to provide information about how to take care of mold and preserve walls, floors and furniture that had been damaged. Lastly, the city used its Board of Architectural Review to prevent short cuts and demolitions.

B. Disability Issues and Accessibility

Pontchartrain Park and most of New Orleans East are not protected by historic commissions. There is an opportunity to promote building trades at the craftsmen level again, creating jobs. (see also Young, Tara. "Group says homes often worth saving", Times-Picayune, 10/28/2005.)

The need for medical and mental health care rose in the aftermath of both hurricanes. Patients struggled along with doctors to piece together important their own medical histories. With the close of Charity Hospital in New Orleans, the wait for emergency care at Touro Infirmary, West Jefferson Hospital and the "Spirit of Charity" (erected in University Hospital's parking lot) can be as long as 30 hours. The time to give good care starting from scratch slowed the hospitals that remained open to a standstill. In response to the problem created by the dearth of medical records, the Department of Health and Hospitals is working to open up access to its CLIQ (web-based Clinical Inquiry) system to all "community based clinics". Meanwhile, a statewide system to provide rapid access to identification and medical information needs to be

available now to insure timely care of children and the elderly, those most at risk for separation from family members in evacuation.

There are 2 critical issues regarding children at risk in the aftermath of the hurricanes. First, is the dislocation of children living foster homes who were wards of the state prior to the hurricanes. Their evacuations often resulted in “disappearance” from biological family members. Evidence of the problem first appeared in the week after Katrina, when there were over 50 separate postings of children in foster care on nola.com and msnbc “missing” files. A local foster care worker reported that by October 24, the number of children in foster care whose whereabouts were still not accounted for was 22, out of a total of 4500 children in foster care.

Children and their families who received state funded counseling and psychiatric services prior the hurricanes were left to start all over if they left Louisiana (LA.) The LA Office of Mental Health informed clinicians-who offered to go on their own to out of state shelters to find and serve kids who had been getting counseling weekly- that “services would be provided by the states they went to...”. It became impossible to get help to kids who needed it the most, and to assist providers who would be taking on the influx of new clients.
