

INFO/TIPS RE APPEALING ERRONEOUS DEMOLITIONS

(as of 8/1/2007)

The City of NO submits its demolition list to FEMA. Sometimes City staff will claim the demolition is FEMA's fault – remember, the City of NO drives the process, and the process of involuntary (City-mandated) demolitions is operating under the Imminent Health Threat ordinance (<http://www.cityofno.com/portal.aspx?tabid=109>) of the City Council.

Since the City of NO is not posting its current demolition lists online, a good way to check and see what houses are up for demolition in the near future is via the following FEMA site:

<http://www.crt.state.la.us/culturalassets/FEMA106/>

If a neighborhood objects to a demolition, it is important to post public comments here.

After the City submits its list, FEMA and the Corps then send out various teams to survey and set up for demolition, including historic preservation. National Register Eligible houses will follow a special path, meaning alternatives to demolition are considered. The remainder goes forward for demolition. Remember that National Register Eligible houses CAN be demolished under this process. Usually, their architectural details will be salvaged (contact PRC Operation Comeback for more info on this). For those who are legally inclined, an outline and flowchart (on page 29) of the process can be found here:

<http://www.fema.gov/pdf/plan/ehp/noma/secondary-nola-pa.pdf>

If you are an owner appealing a demolition, the first thing you should do is post a big “Do Not Demolish! I Am Rebuilding!” sign on your house. Include the date posted (eg “posted on 8/1/07”) and your contact info.

Two key offices to communicate with when fighting an erroneous demolition are Codes Enforcement (Winston Reid or Norris Butler, 504-658-4200; fax: 504-658-4333) and the City Attorney (Brenda Breaux, 504-658-9800; fax: 504-565-7691). Be sure to contact both offices, and to document your communication, either BY FAX OR EMAIL.

You may be outraged, but stay calm and keep your eye on the prize. You aren't the only one to have your house on the demo list for something like not cutting the grass, even though you gutted and secured the property, and maybe even have a building permit and/or Road Home money on the way. The timeline for demolition may be 30 days or less, so focus your energies on getting your house off the list.

Recognize that some City of NO notices may have outdated phone numbers and misinformation. Beware when calling City of NO “hotline” numbers that you may talk to confused people giving wrong advice. Budget your time to communicate with staff at the top of the process. Document your phone conversations with any City staff with follow-up FAXES OR EMAILS summarizing the conversation, so that you have a paperwork trail and a record of transmission. Assume anything sent by mail will be lost, even registered mail. Likewise, don't accept verbal promises that your house is off the list. Get it in writing and keep a log of your communications.

If you would like to hire a lawyer (a good idea if you can afford it), Eric Oliver Person, 504-894-8890 is one local attorney who has helped several people fight demolitions. Also, be sure to inform your neighborhood association, your City Council member, etc., about your situation and get them to support you as well.

After your house is taken off the list, post a new sign on your house that it was removed from the demo list on [DATE], with your contact info. Keep it posted until your house is reoccupied. You will also need to make sure that the various staff involved at FEMA and the Corps are made aware that your house is off the demolition list. The PRC (504-781-7032) or Squandered Heritage (504-606-6013; www.squanderedheritage.com) can assist with this step, as well as help with any roadblocks you may be encountering during any part of the appeals process.