

## CHAPTER 11

### HOUSING AND HOUSING REGULATIONS\*

- Sub-Chapter A -- Low Income Housing
- Sub-Chapter B -- Fair Housing Regulations
- Sub-Chapter C -- Minimum Housing Regulations
- Sub-Chapter D -- Employee Housing Facilities

#### Sub-Chapter A

#### Low Income Housing

##### *Part I -- Parish Housing Authority*

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

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

1. Unsanitary and unsafe inhabited dwelling accommodations exist in the Parish of Assumption, Louisiana; and
2. There is a lack of safe and sanitary dwelling accommodations in the Parish of Assumption, Louisiana available to families of low income at rentals they can afford; and
3. Slum and blighted areas exist in the Parish of Assumption, Louisiana; and
4. The shortage of safe and sanitary dwelling accommodations for families of low income compels such families to occupy unsafe, unsanitary and overcrowded dwelling accommodations, and causes an increase in and spread of disease and crime, thereby creating an emergency and making it necessary for the preservation of the public peace, health and safety that the Housing Authority of the Parish of Assumption be established in order to remedy these conditions.

(Resolution of December 8, 1974)

---

**Comment** -- LRS 40:391 authorizes parish housing authorities to transact business upon a police jury's adoption of a resolution setting forth the need. The "Housing Authorities Law" cited in above Section is codified in LRS 40:381 et seq.

---

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

§ 11:99

**SECTION 11:2. HOUSING AUTHORITY OF ASSUMPTION PARISH  
CREATED; AUTHORIZED TO TRANSACT BUSINESS**

In accordance with the finding set forth in Section 11:1, above, the Housing Authority of the Parish of Assumption, Louisiana is authorized to transact business and exercise its powers pursuant to the "Housing Authorities Law" of the State of Louisiana. (Resolution of December 8, 1964)

**SECTION 11:3. PRESIDENT OF POLICE JURY AUTHORIZED TO FILE  
CERTIFICATE OF APPOINTMENT OF HOUSING  
COMMISSIONERS**

The President of the Assumption Parish Police Jury shall and he is hereby directed to file the necessary certificate relative to the appointment of the commissioners and designation of the first chairman of the Housing Authority in the office of the Secretary of the Assumption Parish Police Jury. (Resolution of December 8, 1964)

---

**Comment** -- For procedure governing appointments and terms, etc. of commissioners, see LRS 40:401, 402. See LRS 40:451 et seq. for operations of housing authorities.

**SECTIONS 11:4 - 11:79. RESERVED**

*Part II -- Miscellaneous Low Income Housing Provisions*

**SECTION 11:80. APPLICATION OF SECTION 23 OF U.S. HOUSING ACT OF 1937  
AUTHORIZED**

The application of the provisions of Section 23 of the United States Housing Act of 1937, as amended, to the Parish of Assumption, Louisiana, is approved. (Resolution of February 25, 1969)

**SECTIONS 11:81 - 11:99. RESERVED**

---

**Comment** -- The Preamble to the Resolution from which the above Section was derived reads as follows:

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

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

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

[The next page is Sub-Chapter B, "Fair Housing Regulations", page 11-7.]

## Sub-Chapter B

### Fair Housing Regulations

#### *Part I -- Adoption, General Provisions, Definitions*

##### **SECTION 11:100. DECLARATION OF POLICY**

A. It is hereby declared the policy of the Parish of Assumption to provide equal opportunities in housing, within constitutional limitations, for all families and individuals without regard to race, religion, color, national origin, sex, disability or familial status.

B. It is further declared the policy of the Parish of Assumption, that, in a spirit of harmony, this Police Jury shall endeavor to insure that the guidelines set forth in this Sub-Chapter are adhered to.

C. It is further declared the policy of the Parish of Assumption that the Fair Housing Commission shall consist of five (5) members of the Federal Programs Committee and five (5) Parish volunteers, thus enabling that body the parochial authority of enforcing the regulations as set forth in this Sub-Chapter.

(Ordinance of September 26, 1979; amended February 27, 1980 and Ord. No. 95-02, 2/22/95)

##### **SECTION 11:101. EXEMPTION**

Nothing in this Sub-Chapter shall prohibit a religious organization, association, or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion or from giving preference to such persons, unless membership in such religion is restricted on account of race, color, or national origin. Nor shall anything in this title prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members. (Ordinance of September 26, 1979)

##### **SECTION 11:102. INTERFERENCE, COERCION, OR INTIMIDATION**

It shall be unlawful to coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of his having exercised or enjoyed, or on account of his having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by Section 11:110. (Ordinance of September 26, 1979)

**§ 11:105**

**SECTION 11:103. SEPARABILITY OF PROVISIONS**

If any provision of this Sub-Chapter or the application thereto to any person or circumstances is held invalid, the remainder of the Sub-Chapter and the application of the provision to other persons not similarly situated or to other circumstances shall not be affected thereby. (Ordinance of September 26, 1979)

**SECTION 11:104. PENALTY**

Any person violating any of the provisions of this Sub-Chapter shall be guilty of a misdemeanor, and upon conviction shall be subject to a fine not to exceed two hundred dollars (\$200.00) or imprisonment not to exceed thirty (30) days or both. (Ordinance of September 26, 1979)

**SECTION 11:105. DEFINITIONS**

As used in this Sub-Chapter, the terms listed below shall be interpreted as follows:

*Commission* shall mean the body designated by the Police Jury to enforce this ordinance.

*Discriminate* means any difference in the terms of the sale, rental, leasing, or financing of any real property offered to a person applying for such sale, rental, lease, or financing because of the race, color, religion, national origin, sex, disability or familial status.

*Discriminatory Housing Practice* means an act, that is unlawful under Section 11:110.

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

*Fair Housing* is the achievement of a condition in which individuals of similar income levels in the same housing market area have a like range of housing choices available to them regardless of their race, color, religion, national origin, sex, disability or familial status.

*Family* includes a single individual.

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

*Real Estate Broker* shall mean any person, partnership, association or corporation or agent thereof, who for a fee or other valuable consideration offers, sells, purchases, exchanges or rents, or negotiates for the sale, purchase, exchange or rental of the real property of another or holds himself or herself out as engaged in the business of selling, purchasing, exchanging or renting the real property of another, or collects rental for the use of the real property of another.

*Real Property* shall mean any real estate, vacant land, building or structure within the Parish; excluding the Town of Napoleonville.

*To Rent* includes to lease, to sublease, to let and otherwise to grant for a consideration the right to occupy premises not owned by the occupant.

(Ordinance of September 26, 1979; as amended by Ord. No. 95-02, 2/22/95)

**SECTIONS 11:106 - 11:109. RESERVED**

***Part II -- Unfair Housing and Real Estate Practice;  
Prohibitive Acts***

**SECTION 11:110. UNFAIR HOUSING AND REAL ESTATE PRACTICE;  
PROHIBITIVE ACTS**

A. It shall be unlawful and discriminatory practice for any owner, lessee, sublessee, assignee, managing agent, or other person, firm or corporation or any agent of these:

1. To withhold listings or refuse to sell or rent after the making of a bonafide offer or to refuse to negotiate for the sale or rental of, or otherwise make unavailable, a dwelling to any person because of race, color, religion, national origin, sex, disability or familial status.

2. To discriminate or participate in discrimination in connection with borrowing or lending money, guaranteeing loans, accepting mortgages, or otherwise obtaining or making available funds for the purchase, acquisition, construction, rehabilitation, repairs, or maintenance of any real property because of race, color, religion, national origin, sex, disability or familial status.

3. To participate in unlawful real estate practice is a violation of this Section, for any real estate broker, salesperson agent, owner or any other person to deceive, exploit, cheat or over charge any person in a real property transaction in the parish, because of race, color, religion, national origin, sex, disability or familial status.

4. To directly or indirectly advertise or in any other manner indicate or publicize that the purchase, rental, lease assignment or sublease of any real property or any part, portion or interest therein, by persons of any particular race, color, religion, national origin, sex, disability or familial status is unwelcome, objectionable, not acceptable or not solicited.

5. To solicit for sale, lease, or listing for sale or lease any real property on the ground of loss of value, due to the present or prospective entry into the neighborhood of any person or persons of any particular race, color, religion, national origin, sex, disability or familial status.

6. To make, distribute or cause to be made or distributed any written material or statements designed to induce any owner or real estate to sell or lease his property because of any present or prospective change in the race, color, religion, national origin, sex, disability or familial status.

7. To discriminate against any person solely because of his or her race, color, religion, national origin, sex, disability or familial status, in the terms, conditions, or privileges of sale, rental, lease, assignment or sublease of any real property or any part, portion of interest therein, when in fact the property is available.

B. The provisions of this section shall not apply to:

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

**§ 11:121**

further, that such bona fide private individual owner does not own any interest in, nor is there owned or reserved on his behalf, under any express or voluntary agreement, title to or any right to all or a portion of the proceeds from the sale or rental of, more than three (3) such single-family houses at any one time; Provided further, that the sale or rental of any such single-family house shall be excepted from the application of this title only if such house is sold or rented without the publication, posting or mailing, after notice of any advertisement or written notice in violation of Section 11:110 of these regulations; but nothing in this provision shall prohibit the use of attorneys, escrow agents, abstracters, title companies, and other such professional assistance necessary to perfect or transfer the title, or

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

C. For the purpose of subsection B, a person shall be deemed to be in the business of selling or renting dwellings if:

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

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

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

(Ordinance of September 26, 1979; as amended by Ord. No. 95-02, adopted 2/22/95)

**SECTIONS 11:111 - 11:119. RESERVED**

***Part III -- Administration***

**SECTION 11:120. FAIR HOUSING COMMISSION STRUCTURE**

The Fair Housing Commission shall consist of ten (10) members. Of this total, five (5) shall be members of volunteers of the Parish, and five (5) shall be members of the Police Jury Federal Programs Committee. (Ordinance of September 26, 1979; amended February 27, 1980; and by Ord. No. 95-02, 2/22/95)

**SECTION 11:121. POLICE JURY RESPONSIBILITIES**

A. It shall be the duty of the Police Jury to:

1. Assure that the duties of the Fair Housing Commission are carried out.

2. Reappoint the members of the Fair Housing Commission upon expiration of their respective terms.

3. Remove any members of the Fair Housing Commission for cause only after public hearing.

(Ordinance of September 26, 1979; amended February 27, 1980)

**SECTION 11:122. FAIR HOUSING COMMISSION RESPONSIBILITIES**

A. It shall be the duty of the Commission to:

1. Adopt such rules and regulations as may be necessary to carry out the purposes and provisions of this Sub-Chapter.

2. Any person aggrieved in any manner by any violation of any provision of this Sub-Chapter may file a written complaint, on a printed form of complaint, issued by the Commission, setting forth his grievances. This shall be rendered to the Chairperson of the Commission who shall mark the date of filing. Said complaint shall be filed within one hundred twenty (120) days after the violation alleged in the complaint. The complaint shall state name and address of complainant and of the persons against whom the complaint was brought and shall also state the alleged facts surrounding the alleged violation.

3. The Commission is hereby fully authorized immediately to investigate any such complaint filed. If the Commission or a subcommittee of the Commission determines that the respondent has not engaged in any unlawful practice, it shall state its findings of fact in writing and dismiss the complaint. If the Commission or a subcommittee of the Commission determines after an investigation that probable cause exists for the allegation made in the complaint, the Commission shall set a date for a conciliation conference. At such conference the Commission or a subcommittee of the Commission shall interview the complainant and the person or persons against whom the complaint has been directed and shall attempt to resolve the complaint by all proper methods of conciliation and persuasion. If such attempts at conciliation are not successful within thirty (30) days after the filing of the complaint, the Commission shall then proceed promptly with full hearing of the complaint, not to exceed sixty (60) days after the filing of the complaint and after reasonable notice to all parties.

4. Such hearing shall be conducted by the Commission, or a subcommittee thereof. The Commission shall have full power to subpoena witnesses and pertinent documents and to take sworn testimony. Any party alleged to have violated this sub-chapter shall have the right to representation by counsel and shall have the right to call witnesses on his own behalf and to cross examine witnesses. At the conclusion of the hearings, the Commission shall make a written report and recommendations which shall be served by mail upon the complainant and respondent. No report shall be delayed more than sixty (60) days after the date of the issuance of notice for the first conciliation conference.

5. A copy of the written report and recommendations shall be delivered to the Police Jury and if any act of discrimination has been determined, the report shall include a recommendation to the Police Jury that the District Attorney prosecute any person or persons who have violated any of the provisions of this Sub-Chapter.

(Ordinance of September 26, 1979)

**SECTIONS 11:123 - 11:149. RESERVED**

**[RESERVED]**

[The next page is Sub-Chapter C, "Minimum Housing Regulations\*", page 11-17.]



**Sub-Chapter C**

**Minimum Housing Regulations\***

**SECTIONS 11:150 - 11:199. RESERVED**

---

\* **Comment** - For authority of police juries to adopt minimum housing regulations, see Section 17, Article VI, Louisiana Constitution (1974).

**[RESERVED]**

[The next page is Sub-Chapter D, "Employee Housing Facilities", page 11-21.]

**Sub-Chapter D**

**Employee Housing Facilities**

**SECTIONS 11:200. PURPOSE**

The Police Jury has determined that in the interest of public health, safety and welfare minimum standards are necessary for the development and operation of housing provided by employers or private property owners for groups of employees.

(Ord. No. 07-02, 1-11-07)

**SECTION 11:201. DEFINITIONS**

Employee Housing shall mean housing provided by employers or private owners for **five** employees or more. Employee housing may consist of any living quarters, dwelling, boardinghouse, bunkhouse, mobile home, manufactured home, recreational vehicle, travel trailer or other housing accommodations, maintained in one or more buildings or on one or more sites and the premises upon which they are situated or the area set aside and provided for parking of mobile homes or recreational vehicles or camping of five or more employees.

Residential Neighborhood shall mean **2** residence within a **half mile** radius.

(Ord. No. 07-02, 1-11-07)

**SECTION 11:202. LISCENSE REQUIREMENT AND FEE**

- A. No person shall construct, maintain, or operate an employee housing facility within Assumption Parish without first having filed an application for and received a license to operate and maintain such. Licenses shall be issued for a period of one year and shall be renewed on an annual basis. Such license shall be conspicuously posted at the main entrance to the facility.
- B. The Parish shall conduct an initial inspection of the site for compliance with local codes and ordinances. Annual inspections shall be conducted prior to the renewal of the license.
- C. In order to cover the cost of the initial and annual inspections, the annual license fee shall be \$5.00 per person based upon occupancy capacity and must be renewed each year thereafter.

(Ord. No. 07-02, 1-11-07)

**SECTION 11:203. RESPONSIBILITY FOR OPERATION AND PROVISION OF INTERPRETER REQUIREMENT**

- A. Every owner/operator of an employee housing facility shall designate a property manager(s) who shall be on duty at all times and who shall be responsible for the proper operation and maintenance of the housing facility. The name of the manager(s) shall be conspicuously posted at the main entrance to the facility.
- B. When five or more of the employees so housed do not speak English, the employer or owner shall provide 24 hour access to an interpreter.

**§ 11:205**

- C. The manager shall keep a registration of all residents living at the facility including, name, home address, emergency contact, employer name and address, date the individual began living at the facility and date of departure, a copy of the individual's driver's license or government identification card or, in the case of foreign workers, a copy of the worker's visa card.

(Ord. No. 07-02, 1-11-07)

**SECTION 11:204. GENERAL REQUIREMENTS**

- A. Building used for employee housing shall comply with the Louisiana State Uniform Building Code.
- B. Tents are generally not considered suitable housing for employees except in the instance of a natural disaster requiring immediate shelter and then for a limited duration not to exceed six months.
- C. The entire facility must be kept clean and well drained and free from trash and garbage. The owner/operator will provide for garbage collection.
- D. Facility must be fenced in with limited "in and out" gate access so that security personnel can control traffic in the facility.
- E. A written working agreement with the Sheriff's Office is required for the purpose of providing security to the facility area which may require them to pay deputies "off duty" pay or provided security from a security contractor approved by the Assumption Parish Police Jury.
- F. Adequate provision shall be made for recreational facilities for occupants of employee housing on site of the facility.
- G. It shall be a violation of this section to operate, construct, or locate any employee housing facility within 1,000 feet of any school, day care, church, synagogue or other place of worship or any residential neighborhood.

(Ord. No. 07-02, 1-11-07)

**SECTION 11:205. ACCESS TO PUBLIC SERVICES, HEALTH CARE AND BASIC NECESSITIES**

- A. Each housing facility with five or more people shall provide a means of transportation for workers to travel to and from the worksite and to travel to health care facilities, banks, grocery stores, etc. At least one vehicle shall be available at all times for emergency transportation needs of the facility residents.
- B. The owner/manager of employee facilities is encouraged to provide programs to teach English as a second language for workers who are expected to stay in the United States for extended periods of time.

(Ord. No. 07-02, 1-11-07)

**SECTION 11:206. COMPLIANCE WITH OTHER APPLICABLE LAWS**

The owner/manager of the employee housing facility shall comply with all other applicable local, state and federal laws including, but not limited to any other regulatory agency such as floodplain management, building codes, subdivision regulations, Fire Marshall regulations and Department of Health and Hospital regulations.

(Ord. No. 07-02, 1-11-07)

**SECTION 11:207. EXEMPTIONS**

This ordinance does not apply to the following:

1. Seasonal agricultural employers who are regulated by the U.S. Department of Labor Citizenship and Immigration Services
2. Immigrants living with their families who reside in Assumption Parish
3. Employers that provide on-site housing facilities for their employees
4. Facilities housing 4 or less employees of the same employer in one housing unit

(Ord. No. 07-02, 1-11-07)

**SECTION 11:208-11:299 RESERVED**

**[RESERVED]**

[The next page is CHAPTER 12, "LIBRARIES", page 12-1.]