

**ORDINANCE**

**(AS AMENDED)**

**CITY OF NEW ORLEANS**

**CITY HALL: September 23, 2021**

**CALENDAR NO. 33,451**

**NO. 28801 MAYOR COUNCIL SERIES**

**BY: COUNCILMEMBERS GISLESON PALMER, BANKS, MORENO, NGUYEN,  
BROSSETT AND GLAPION**

AN ORDINANCE to ordain Article XVII of Chapter 30 of the Code of the City of New Orleans to establish regulations and requirements for operation of Residential Facilities for Seniors or Persons with Disabilities; to establish definitions, permits, requirements, fees, fines, and penalties relative thereto; and otherwise to provide with respect thereto.

WHEREAS, on August 29, 2021, on the sixteenth anniversary of Hurricane Katrina, Hurricane Ida made landfall in Louisiana as a Category 4 hurricane with 150 mile per hour winds; and

WHEREAS, at least 207,000 Entergy New Orleans (“Entergy”) customers remained in the City of New Orleans during and after the storm, with no power, and expected heat indices over 105 degrees; and

WHEREAS, it was not until September 10, nine days later, when Entergy reported that it restored power to 100 percent of New Orleans customers that could safely receive it; and

WHEREAS, in the intervening days without power, many seniors and persons with disabilities were abandoned in residential facilities, namely independent living facilities, without elevators, lights, air conditioning services, or a building manager on site; and

**WHEREAS**, to preserve the life and safety of these residents, the City of New Orleans undertook bold action, inspecting 32 facilities and briefly shutting down nine that posed severe danger to their residents; and

**WHEREAS**, through these efforts, the City of New Orleans and City Council rescued nearly 600 residents from eight living facilities, and tragically discovered five people who had already perished; and

**WHEREAS**, as this and other rescue and recovery operations were underway, the City Council and Mayor LaToya Cantrell’s administration, including the City Health Department, Department of Safety and Permits, Law Department, and other personnel were already working to strengthen the City laws governing residential facilities for seniors and persons with disabilities to guard against similar tragedies from ever reoccurring; and

**WHEREAS**, the City of New Orleans Health Department held a public hearing on September 28, 2021 to present its draft rules and regulations relative to such residential facilities, and is actively pursuing their adoption; and

**WHEREAS**, the City Council and Mayor LaToya Cantrell further collaborated on an ordinance to govern licensure and operations, and will continue to update City laws and advocate for necessary State law changes to protect vulnerable residents in the City of New Orleans; **NOW**

**THEREFORE**

1           **SECTION 1. THE COUNCIL OF THE CITY OF NEW ORLEANS HEREBY**  
2   **ORDAINS**, That Chapter 30, Article XVII of the Code of the City of New Orleans is hereby  
3   ordained to read as follows:  
4   **“ARTICLE XVII. – RESIDENTIAL FACILITIES FOR SENIORS OR PERSONS WITH**  
5   **DISABILITIES**

6 **Sec. 30-1281. – Definitions.**

7 For the purposes of this article, the following terms shall have the following meanings:

8 *Annual operating license* shall mean the license required by the City of New Orleans to  
9 authorize the operation of a Residential Facility for Seniors or Persons with Disabilities within  
10 the corporate boundaries of the City of New Orleans.

11 *Residential Facility for Seniors or Persons with Disabilities* (“*Residential Facility*”) shall  
12 mean any housing facility that is not licensed by the Louisiana Department of Health and meets  
13 one or more of the following criteria:

- 14 1. Six or more units of rental housing are specifically designated for persons aged 55  
15 years or older
- 16 2. Six or more units of rental housing are specifically designated for persons with  
17 disabilities
- 18 3. Fifty percent or more of the rental housing units in the facility are specifically  
19 designated for persons receiving permanent supportive housing services, defined as  
20 permanent housing in which both housing assistance and supportive services are  
21 provided in a dedicated multi-unit facility.

22 Residential Facilities may also include Homes for the Aged and Residential Care Facilities, as  
23 defined by the City of New Orleans Comprehensive Zoning Ordinance.

24 **Sec. 30-1282. – License Required for Residential Facilities for Seniors or Persons with**  
25 **Disabilities**

- 26 1. It shall be unlawful to engage in the operation of a Residential Facility for Seniors or  
27 Persons with Disabilities in the City of New Orleans without having first obtained from  
28 the Director of the Department of Safety and Permits an annual operating license

29 authorizing such activity. The Director is authorized to promulgate such rules as may be  
30 required to carry out the purpose and intent of this Article.

31 2. Licenses shall be issued on an annual basis and shall expire on March 31. Renewal shall  
32 be completed prior to April 1.

33 3. Annual operating licenses are non-transferrable and may not be assigned or granted to  
34 any other person or business which may occupy the premises to which a license has been  
35 previously approved.

36 4. An annual operating license is a privilege, not a right, and may be revoked, suspended, or  
37 not renewed based on non-compliance with the requirements of the Comprehensive  
38 Zoning Ordinance or the requirements of this Article.

39 **Sec. 30-1283. – Application for License.**

40 1. Any person desiring to operate a Residential Facility for Seniors or Persons with  
41 Disabilities shall file an annual application for license with the Department of Safety and  
42 Permits.

43 2. The application shall be in a form prescribed by the Department of Safety and Permits,  
44 and, together with such other information as the Department shall require, must provide:

45 a. The name and address of the applicant. If the applicant is a partnership,  
46 association, or corporation, the application shall state the names and addresses of  
47 all the partners or officers, as the case may be.

48 b. The name and mobile phone number of the person managing the daily operations  
49 of such facility, to be known as the point of contact.

50 c. The location of the Residential Facility.

- 51 d. A census of all residents of the Residential Facility, including all  
52 household members of each unit, with each resident's primary phone  
53 number, emergency contact name, and, for those residents and household  
54 members who voluntarily report it, use of durable medical equipment  
55 (e.g., walkers, rollators, wheelchairs, and powerchairs), oxygen, and  
56 assistive technology that requires the use of electricity.
- 57 e. An emergency operations and evacuation plan for the Residential  
58 Facility. This plan may rely on the assistance of City and State agencies  
59 and may include individual residents' personal evacuation plans,  
60 property specific actions, and residents' ability to opt out of City and  
61 State assisted plans.

62 **Sec. 30-1284. – Issuance of Annual Operating License.**

63 When satisfied that the applicant for a Residential Facility for Seniors or Persons with  
64 Disabilities annual operating license has met all applicable requirements of this Article, the  
65 Comprehensive Zoning Ordinance, and any regulations which may be established, the Director  
66 of the Department of Safety and Permits shall approve and issue the license. Such facilities shall  
67 be required to demonstrate continued compliance with the requirements of this Article prior to  
68 the reissuance or renewal of an annual operating license.

69 **Sec. 30-1285. – Inspections.**

70 The Director of the Department of Safety and Permits may inspect any Residential Facility  
71 for Seniors or Persons with Disabilities required to have a license under this Article. The  
72 Director, or his duly authorized representatives, shall have free and full access to the grounds,  
73 premises, and building(s) used as a Residential Facility to ensure compliance with the standards

74 of this Article, the Code, and the Comprehensive Zoning Ordinance of the City of New Orleans,  
75 and any regulations which may be established. All persons connected with any such facility as  
76 officers or employees charged with the management thereof shall cooperate with any inspection  
77 or investigation of the Director in the administration of this Article.

78 **Sec. 30-1286. – Fees.**

79 1. Fees shall be assessed in accordance with the following fee schedule:

80 a. Annual operating license application fee: \$250.00.

81 b. Delinquency fee for failure to renew by April 1: \$500.00 per month.

82 2. All fees collected under this Article shall be deposited into the general fund of the City.

83 **Sec. 30-1287. – Minimum Standards for Residential Facilities for Seniors and Persons with**  
84 **Disabilities.**

85 1. All Residential Facilities for Seniors or Persons with Disabilities shall comply with the  
86 Life Safety Code as determined by the New Orleans Fire Department and confirmed by  
87 annual facility inspections.

88 2. All Residential Facilities must maintain with the Department of Safety and Permits the  
89 current point of contact for the facility and the point of contact's mobile phone number.

90 3. All Residential Facilities must maintain with the Department of Safety and  
91 Permits an updated census of all residents of the Residential Facility, as  
92 described in Sec. 30-1283(2)(d).

93 **Sec. 30-1288. – Facilities Required to Coordinate with the City for Emergency Planning.**

94 1. All Residential Facilities for Seniors or Persons with Disabilities operating in  
95 the City of New Orleans shall provide to the Department of Safety and Permits  
96 an emergency operations and evacuation plan, to be updated on an annual basis

97 by April 1. This plan may rely on the assistance of City and State agencies and  
98 may include individual residents' personal evacuation plans, property specific  
99 actions, and residents' ability to opt out of City and State assisted plans.

100 a. The Mayor's Office of Homeland Security and Emergency Preparedness and the  
101 New Orleans Health Department are authorized to establish additional standards  
102 for content of the emergency operations and evacuation plan to adequately meet  
103 the needs of the population to be served by the facility.

104 b. The emergency operations and evacuation plan shall be posted in a conspicuous  
105 place at the Residential Facility. In addition, a copy of the plan shall be provided  
106 to each resident of the facility.

107 2. An annual operating license shall not be issued by the Director of the Department of  
108 Safety and Permits unless an acceptable emergency operations and evacuation plan has  
109 been filed with the Department of Safety and Permits and approved by the Mayor's  
110 Office of Homeland Security and Emergency Preparedness.

111 3. All Residential Facilities in the City shall provide situational updates, including a full  
112 census of all residents and staff on site, at least every 24 hours to the Mayor's Office of  
113 Homeland Security and Emergency Preparedness, or their designee, during all declared  
114 emergencies and disasters, i.e. states of emergency that have been officially and publicly  
115 declared by the highest executive of the State and/or the City. These situational updates  
116 will be used by the City to assess the needs of and coordinate the delivery of City  
117 resources to Residential Facilities. During a declared emergency or disaster, all  
118 Residential Facilities must also comply with the following:

- 119 a. The point of contact must be on site at the Residential Facility and available to  
120 the City at all times, until deemed no longer necessary by the Mayor’s Office of  
121 Homeland Security and Emergency Preparedness. The point of contact may  
122 designate an authorized representative for a 24-hour period by providing such  
123 person’s name and mobile phone number on the preceding situational update.
- 124 b. The current point of contact and mobile phone number must be posted on site at  
125 the Residential Facility in a location visible to the public.
- 126 c. All Residential Facilities in the City shall provide immediate notification by  
127 email or phone to the Mayor’s Office of Homeland Security and Emergency  
128 Preparedness or their designee, if the facility evacuates, temporarily relocates, or  
129 temporarily ceases operation.

130 **Sec. 30-1289. – Compliance with State Regulations Required.**

131 This Article shall be construed to supplement, not to supersede or replace, the laws of the  
132 State of Louisiana.

133 **Sec. 30-1290. – Compliance with Federal Regulations Required.**

134 If a Residential Facility for Seniors or Persons with Disabilities is a U.S. Department of  
135 Housing and Urban Development (“HUD”) Multifamily property, it must provide annually April  
136 1 to the Department of Safety and Permits proof of compliance with the Owner/Agent  
137 Responsibilities listed in the HUD Multifamily Emergency/Disaster Guidance put forth in  
138 Chapter 38 of the HUD Multifamily Asset Guidebook.



139 **Sec. 30-1291. – Enforcement.**

140 Failure of any person, business, or entity to comply with any of the provisions of this  
141 Article shall be in violation of the Code and may result in suspension or revocation of license  
142 and/or fines by way of adjudication in accordance with Chapter 6 of City Code.”

143 **Sec. 30-1292. – Interpretation.**

144  
145 Should there be a conflict between this ordinance and the corresponding Regulations  
146 Governing Housing Facilities for Seniors and Persons with Disabilities, this ordinance and the  
147 provisions of Sec. 30-1282 *et seq.* shall govern.

1 **SECTION 2.** The requirements imposed herein shall become effective 30 days from  
2 Council adoption of this ordinance.

**ADOPTED BY THE COUNCIL OF THE CITY OF NEW ORLEANS OCTOBER 21, 2021**

**HELENA MORENO**  
**PRESIDENT OF THE COUNCIL**

**DELIVERED TO THE MAYOR ON OCTOBER 22, 2021**

**APPROVED:**  
**DISAPPROVED: OCTOBER 26, 2021**

**LATOYA CANTRELL**  
**MAYOR**

**RETURNED BY THE MAYOR ON OCTOBER 27, 2021 AT 10:35 A.M.**

**LORA W. JOHNSON**  
**PRESIDENT OF THE COUNCIL**

**ROLL CALL VOTE:**

**YEAS: Banks, Giarrusso, Giseleson Palmer, Glapion, Moreno, Nguyen - 6**  
**NAYS: 0**  
**ABSENT: Brossett - 1**  
**RECUSED: 0**

THE FOREGOING IS CERTIFIED  
TO BE A TRUE AND CORRECT COPY  
*Lora W. Johnson*  
CLERK OF COUNCIL