

# MISSISSIPPI BUSINESS JOURNAL



The Van Mark Apartments in Ridgeland.

## Wall Street Journal calls Ridgeland's war on apartments 'government abuse'

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By TED CARTER

Ridgeland's plan to displace thousands of apartment residents, many of whom are minorities, is edging into the national spotlight.

The Wall Street Journal editorial page took up the issue Saturday with a characterization of the Ridgeland strategy as government abuse that attempts an end-run around the Constitution. The goal is to accomplish what eminent domain can no longer do, the national business newspaper said.

Ridgeland is seeking to shut down more than 15 multi-family rental complexes, many in the southeast part of the city, through enactment of retroactive zoning that outlaws the building densities of many of the complexes or rezones such areas entirely, putting multi-family uses on borrowed time.

In a February 2014 revamp of the city's zoning ordinance, the mayor and aldermen scrapped the multi-family zoning in southeast Ridgeland for a mixed-use designation that makes current multi-family uses non-conforming and encourages a mix of villa-style single-family housing and commercial uses.

Some of the apartment complexes went up 25 to 30 years ago and others less than 10 years ago, when Ridgeland and other cities were more generous in the building densities they allowed and more willing to grant multi-family zoning designations.

Ridgeland has been hit with multiple state and federal lawsuits over property rights and constitutional issues. The U.S. Department of Housing and Urban Development notified Ridgeland that the agency suspects the City is violating the federal Fair Housing Act. HUD said the information it gathered showed the City has initiated an illegal strategy to remove minorities from the city limits.

Action from HUD could come any day. The housing agency said in early December it would wrap up its investigation within 100 days. The probe has since gone beyond 160 days. The Wall Street Journal editorial noted "amortization" is the legal term for what Ridgeland is doing and called it a practice by which cities use zoning laws to strip property owners of the right to use their land as they wish.

Ridgeland supposedly plans to use an amortization to give property owners a period to "recoup" their investment before their properties are shutdown. However, in the months since enacting the new zoning code, Ridgeland has yet to formulate any specifics of an amortization plan. The Wall Street Journal editorial puts a focus on Baymeadows Apartments, where 80 percent of residents are black or Hispanic. The owners of Baymeadows have sued Ridgeland in federal court on claims the rezoning is aimed squarely at displacing minorities and violates Fair Housing Act protections.

The WSJ said Ridgeland has termed Baymeadows blighted but the business newspaper emphasized that few residents agree. "The property owners have been renovating the units and grounds that include a gazebo area and swimming pool," the editorial said. Regardless, the property could be shut down and residents booted out within six years, according to the financial newspaper. "Unlike eminent domain actions that undergo legal review and must compensate property owners, the amortization and zoning plays legislate away property rights without compensation," the WSJ said.

The newspaper said that with states, including Mississippi, banning the taking of private property for private enterprise, Ridgeland and other cities are relying on amortization and zoning to accomplish what eminent domain no longer can.

"Courts are the last stand against this government abuse," the WSJ said.