2022 Regular Session

HOUSE BILL NO. 780

BY REPRESENTATIVE MAGEE

HISTORIC PRESERVATION: Provides relative to historic preservation and economic development in downtown Houma

AN ACT

To enact Part V of Chapter 12-A of Title 33 of the Louisiana Revised Statutes of 1950, comprised of R.S. 33:4709.31, relative to the city of Houma; to create the Houma Restoration District; to provide relative to the boundaries, purpose, governance, and powers and duties of the district; to provide relative to district funding; and to provide for related matters.

Notice of intention to introduce this Act has been published as provided by Article III, Section 13 of the Constitution of Louisiana.

Be it enacted by the Legislature of Louisiana:

Section 1. Part V of Chapter 12-A of Title 33 of the Louisiana Revised Statutes of 1950, comprised of R.S. 33:4709.31, is hereby enacted to read as follows:

PART V. HOUMA RESTORATION DISTRICT

§4709.31. Houma Restoration District; creation; governing authority; powers; duties

A.(1) The Houma Restoration District is hereby created as a special municipal district in Houma and is hereafter referred to in this Section as the "district". The district is created as a body politic and corporate and a political subdivision of the state of Louisiana.
(2) The district is comprised of all property on either side of and all property
between West/East Park Avenue and West/East Main Street between their
intersections with Morgan Street and Grand Caillou Road.

(3) The primary purposes of the district are to provide for restoration and
preservation of the character of the area within the district, to provide opportunity
for cultural events, and to encourage economic development within the district that
is consistent with the plan adopted by its board of commissioners.

B.(1) The district shall be governed by a board of commissioners appointed
as follows:

(a) The member of the Louisiana House of Representatives whose district
includes all or the greater portion of the restoration district shall appoint one
member.

(b) The member of the Louisiana Senate whose district includes all or the
greater portion of the restoration district shall appoint one member.

(c) The president of Terrebonne Parish shall appoint one member.

(d) The governing authority of Terrebonne Parish shall appoint one member.

(e) The board of directors of the Houma-Terrebonne Chamber of Commerce
shall appoint one member.

(f) The governing board of the Houma Downtown Development Corporation
shall appoint two members.

(g) The Houma Historic Preservation District shall appoint two members,
one of whom is a representative of a nonprofit organization involved with historic
preservation in Houma.

(2)(a) Commissioners shall serve six-year terms after initial terms as
provided in Subparagraph (b) of this Paragraph.

(b) Of the initial appointments, two shall serve one-year terms, two shall
serve two-year terms, two shall serve three-year terms, and one shall serve a four-
year term as determined by lot at the first meeting of the board.
(3) Any vacancy which occurs prior to the expiration of a term shall be filled for the remainder of the unexpired term in the manner of the original appointment.

(4) As soon as practical after appointment, the members shall meet at the call of the parish president and elect from their number a chairman and such other officers as they deem appropriate.

(5) The board shall adopt rules for the transaction of business and shall keep a record of its resolutions, transactions, findings, and determinations.

C. (1) The board shall prepare or cause to be prepared a plan or plans, hereafter referred to as the "plan", specifying the layout and character of development within the district. The plan shall include but not necessarily be limited to the following: the nature and location of enterprises to be located within the district, guidelines for the general character of the external appearance of buildings and facilities within the district to whatever extent and detail the authority or the town may deem appropriate, and plans for transportation into and within the district either by foot, vehicle, watercraft, or any other means.

(2) In the development of the plan, the board shall conduct such public hearings, publish such notice with respect thereto, and disseminate such information as the authority, in the exercise of its sound discretion, may deem appropriate or advisable and in the public interest.

(3) The plan shall be adopted by a majority vote of the full membership of the board, and after the plan has been adopted, it may be altered or amended only by adoption of a resolution by a majority of the full membership of the board.

(4) The board shall provide information to officials of departments, agencies, and instrumentalities of state and local government and to the public at large, in order to foster public awareness and understanding of the objectives of the plan, and in order to stimulate public interest and participation in the orderly, integrated development of the district.

D. Pursuant to the purposes for which the district was created, the board may:
(1) Accept and receive, in furtherance of its function, funds, grants, and
services from the federal government or its agencies, from departments, agencies,
and instrumentalities of state, parish, or municipal government, or from private or
civic sources.

(2) Undertake public works and operate public facilities that will encourage
economic development within or encourage residents and tourists to visit the district.

(3) Acquire property within the district and enter contracts for lease or
conveyance of all or any part of the property located in the district to any private
person or entity who will undertake restoration and preservation of such property or
contribute to economic development in the area.

(4) Issue certificates of appropriateness regarding any work in the erection
of any new building or in the alteration of, addition to, painting, repainting, or
demolishing of any existing building within the district. Any application for a
certificate shall be accompanied by the full plans and specifications thereof, so far
as they relate to the proposed appearance, color, texture of materials, and
architectural design of the exterior, including the front, sides, rear, and roof of such
building, or alteration or addition of any outbuilding, party wall, courtyard, fence,
or other dependency thereof.

(5) Require approval of signage in the district and may adopt guidelines
regulating the appearance, color, size, position, method of attachment, texture of
materials, and design of signs in accordance with the character and overall design of
the district.

E. The district, through its board, may exercise all powers of a political
subdivision necessary or convenient for carrying out its objects and purposes,
including but not limited to the following:

(1) To sue and be sued, and as such, to stand in judgment.

(2) To adopt, use, and alter at will a corporate seal.
(3) To acquire by gift, grant, purchase, or lease, and to hold and use any property, real, personal, mixed, tangible, or intangible, or any interest therein, necessary or desirable for carrying out the objects and purposes of the district.

(4) To sell, transfer, or convey any property acquired by it, or any interest therein, at any time to accomplish the objects and purposes of the district subject to applicable law. Any such sale, transfer, or conveyance shall provide for a fair and equitable return of revenue to the district.

(5) To lease or sublease all or any portion of any property for a term not exceeding ninety-nine years at a fixed or variable rental subject to applicable law. Any such lease entered into shall provide for a fair and equitable return of revenue to the district.

(6)(a) To sell, lease for a term of up to ninety-nine years, exchange, or otherwise dispose of or transfer to or with other political corporations of this state or private persons at public or private sale any residential or subdivision land, property, improvements, or portions thereof, including real property, which is, in the opinion of the board of commissioners, appropriate to accomplish the objectives and purposes of the district.

(b) Prior to any disposition or transfer of property pursuant to this Paragraph, a majority of the total board membership shall approve the disposition or transfer and fix the price and terms of the sale, lease, exchange, or other contract to be made with reference to the property. Such disposition or transfer shall not require advertisement or public bids nor require any notice to be published in a newspaper or to be posted in any public place.

(7) To make and collect reasonable charges for the use of property of the district and for services rendered by the district; and to regulate fees or rentals charged for use of privately owned facilities located on property owned or sold by the district when such facilities are offered for use by the public or by a private industrial, commercial, research, or other economic development entity or activity.
(8) To enter into contracts to achieve the district's objectives and purposes, including but not limited to contracts for professional and other services and for the purchase, lease, acquisition, sale, construction, operation, maintenance, and improvements of land, public works, and facilities, as the district may deem necessary or convenient to accomplish the objectives and purposes of the district, subject to R.S. 38:2211 et seq.

(9) To plan, develop, regulate, operate, and maintain activities and planned land uses to foster creation of new jobs, economic development, industry, health care, commerce, manufacturing, tourism, relocation of people and businesses to the area, shipbuilding, aviation, military, warehousing, transportation, offices, recreation, housing development, and conservation.

(10) To acquire land and improvements to construct, operate, and maintain facilities, improvements, and infrastructure, including buildings, roads, bridges, drainage, and utilities, and to perform other functions and activities on property owned or leased by the district to accomplish the objectives and purposes of the district and to protect the public health and welfare.

(11) In its own name and behalf, to incur debt, and issue general obligation bonds, under the authority of and subject to the provisions of Article VI, Section 33 of the Constitution of Louisiana, and Subpart A of Part III of Chapter 4 of Subtitle II of Title 39 of the Louisiana Revised Statutes of 1950, for the establishment, operation, and maintenance of district property or to carry out the other public purposes of this Section, and to issue revenue bonds, borrow money, and issue certificates of indebtedness, notes, and other debt obligations as evidence thereof and provide for the manner and method of repayment.

(12) To appoint officers, agents, and employees, prescribe their duties, and fix their compensation.

(13) To utilize the services of the executive departments of the state upon mutually agreeable terms and conditions.
(14) To adopt bylaws for the regulation of its affairs and the conduct of its business.

(15) To do any and all things necessary or proper for the government, regulation, development, and control of the business of the board of commissioners.

F.(1) The board of commissioners may, subject to the provisions of this Subsection and other applicable provisions of law, levy ad valorem taxes within the district.

(2) The board of commissioners may, subject to the provisions of this Subsection and other applicable provisions of law, levy a sales and use tax at a rate not to exceed one percent. Any such tax shall be in addition to all other sales and use taxes authorized by law and shall be excluded when calculating the combined rate of sales and use taxes levied in the parish pursuant to Article VI, Section 29(B) of the Constitution of Louisiana including but not limited to sales and use taxes authorized by R.S. 47:338.54. Such tax shall be levied upon the sale at retail, the use, lease or rental, the consumption, and the storage for use or consumption, of tangible personal property, and on sales of services, all as defined in Chapter 2 of Subtitle II of Title 47 of the Louisiana Revised Statutes of 1950, R.S. 47:301 et seq., in the district. Sales and use taxes shall be collected at the same time and in the same manner as set forth in Chapter 2-D of Subtitle II of Title 47 of the Louisiana Revised Statutes of 1950.

(3)(a) No tax may be levied pursuant to Paragraph (1) or (2) of this Subsection unless the levy is authorized by a majority of the electors of the district who vote at an election held for that purpose in accordance with the Louisiana Election Code.

(b) A tax proposition submitted to the voters shall state the rate, duration, and purpose of the tax as requested by duly adopted resolution of the governing authority of the district. The rate, duration, and use of any tax shall be as so stated in the proposition authorizing its levy.
(4)(a) The board of commissioners may, subject to the provisions of this Subsection and other applicable provisions of law, incur debt and fund tax revenues into bonds in the manner provided by Part III of Chapter 4 of Subtitle II of Title 39 of the Louisiana Revised Statutes of 1950.

(b) Any proposition submitted to the voters for the issuance of bonds secured by sales and use taxes shall state the amount of bonds to be issued, and the district governing authority shall not issue such bonds in an amount exceeding the stated amount.

(5) The district may, on its own initiative, call a special election to submit to the qualified electors of the district a proposition or propositions authorizing the levy of a tax or the issuance of bonds or both.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 780 Original 2022 Regular Session Magee

Abstract: Creates and provides for Houma Restoration District.

Proposed law creates the Houma Restoration District as a political subdivision of the state to provide for restoration and preservation of the character of the area within the district, to provide opportunity for cultural events, and to encourage economic development within the district.

Proposed law provides that the district is governed by a board appointed as follows:

1. The member of the La. House of Representatives whose district includes all or the greater portion of the restoration district shall appoint one member.

2. The member of the La. Senate whose district includes all or the greater portion of the restoration district shall appoint one member.

3. The president of Terrebonne Parish shall appoint one member.

4. The governing authority of Terrebonne Parish shall appoint one member.

5. The board of directors of the Houma-Terrebonne Chamber of Commerce shall appoint one member.

6. The governing board of the Houma Downtown Development Corp. shall appoint two members.
The Houma Historic Preservation District shall appoint two members, one of whom is a representative of a nonprofit organization involved with historic preservation in Houma.

Proposed law requires the board to prepare or cause to be prepared a plan specifying the layout and character of development within the district. Provides that the plan shall be adopted by a majority vote of the full membership of the board, and after the plan has been adopted, it may be altered or amended only by adoption of a resolution by a majority of the full membership of the board.

Proposed law authorizes the board to:

1. Accept and receive funds, grants, and services.
2. Undertake public works and operate public facilities that will encourage economic development within or encourage residents and tourists to visit the district.
3. Acquire property within the district and enter contracts for lease or conveyance of all or any part of the property.
4. Issue certificates of appropriateness regarding any work in the erection of any new building or in the alteration of, addition to, painting, repainting, or demolishing of any existing building within the district.
5. Require approval of signage in the district and adopt guidelines regulating the appearance, color, size, position, method of attachment, texture of materials, and design of signs.

Proposed law authorizes the district, subject to voter approval, to levy ad valorem taxes and a sales and use tax not exceeding 1%. Authorizes the district to incur debt and fund tax revenue into bonds.

(Adds R.S. 33:4709.31)