

2022 Regular Session

HOUSE BILL NO. 1007

BY REPRESENTATIVE PHELPS

1 AN ACT

2 To amend and reenact R.S. 47:2121(C)(1) and (3) and to enact R.S. 47:2158.1 and 2231.1
3 and Code of Civil Procedure Article 4736, relative to tax sale property; to provide
4 relative to certain persons residing in tax sale property; to provide relative to the
5 rights of owners of tax sale property; to provide for the right of possession and
6 occupancy; to prohibit evictions of certain persons under certain circumstances; to
7 prohibit the taking of possession of tax sale property under certain circumstances;
8 to prohibit the charging of rental or lease payments under certain circumstances; to
9 prohibit certain actions on tax sale property under certain circumstances; to provide
10 for exceptions; and to provide for related matters.

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. R.S. 47:2121(C)(1) and (3) are hereby amended and reenacted and R.S.
13 47:2158.1 and 2231.1 are hereby enacted to read as follows:

14 §2121. Purpose; principles; property rights

15 * * *

16 C. Tax sale title. (1) A tax sale confers on the tax sale purchaser, or on the
17 political subdivision to which the tax sale property is adjudicated, only tax sale title.
18 Tax sale title does not confer on the tax sale purchaser the right of possession of tax
19 sale property that is occupied by the owner and does not confer on the tax sale
20 purchaser the right to make improvements or charge rental or lease payments to the
21 owner or occupants of the tax sale property. If the tax sale property is not redeemed
22 within the redemptive period, then at the termination of the redemptive period, tax

1 sale title transfers to its holder ownership of the tax sale property, free of the
2 ownership and other interests, claims, or encumbrances held by all duly notified
3 persons. Tax sale title is fully transferable and heritable, but any successor of a tax
4 sale title takes it subject to any existing right to redeem the property, or to assert a
5 nullity, to the extent and for the period of time that the right would have existed in
6 the absence of the transfer or succession.

7 * * *

8 (3)(a) Notwithstanding any provision in this Chapter to the contrary, the
9 following interests affecting immovable property shall not be terminated pursuant
10 to this Chapter to the extent the interests remain effective against third parties and
11 are filed with the appropriate recorder prior to the filing of the tax sale certificate:

12 ~~(a)~~ (i) Mineral rights.

13 ~~(b)~~ (ii) Pipeline servitudes.

14 ~~(c)~~ (iii) Predial servitudes.

15 ~~(d)~~ (iv) Building restrictions.

16 ~~(e)~~ (v) Dedications in favor of political subdivisions, the public, or public
17 utilities.

18 (b) Notwithstanding any provision in this Chapter to the contrary, the right
19 of possession and occupancy of the owner of tax sale property shall not be
20 terminated pursuant to this Chapter.

21 * * *

22 §2158.1. Prohibition of certain actions; exceptions

23 A. A tax debtor who is the owner of and who is residing in the tax sale
24 property shall not be subject to any eviction proceeding or to a writ of possession
25 pursuant to R.S. 47:2158 during the redemptive period.

26 B. The acquiring person shall not be entitled to or charge any rental or lease
27 payments to the owner or occupants and shall not place any constructions on or make
28 any improvements to the tax sale property during the redemptive period. An
29 acquiring person who violates the provisions of this Section shall be subject to a
30 penalty of five percent of the price paid by the acquiring person for tax title and five

1 percent of any amounts paid by the tax debtor who is the owner of and who is
2 residing in the tax sale property for rental or lease payments. The penalty shall
3 accrue from the time the acquiring person took possession of the property until the
4 time the property is redeemed. Furthermore, nothing in this Section shall be
5 construed to limit the rights of a tax debtor who is the owner of and who is residing
6 in the tax sale property to recover rental or lease payments paid to an acquiring
7 person in violation of the provisions of this Section.

8 C. The provisions of this Section shall not limit the rights of a person who
9 acquires the property at a judicial sale conducted pursuant to a writ of fieri facias,
10 writ of seizure and sale, or other court order, or to a successor in interest to such a
11 person.

12 * * *

13 §2231.1. Prohibition of certain actions; exceptions

14 A. A tax debtor who is the owner of and who is residing in the tax sale
15 property adjudicated to a political subdivision shall not be subject to any eviction
16 proceeding or to a suit to obtain possession pursuant to R.S. 47:2231 during the
17 redemptive period.

18 B. The acquiring person shall not be entitled to or charge any rental or lease
19 payments to the owner or occupants and shall not place any constructions on or make
20 any improvements to the tax sale property during the redemptive period. An
21 acquiring person who violates the provisions of this Section shall be subject to a
22 penalty of five percent of the price paid by the acquiring person for tax title and five
23 percent of any amounts paid by the tax debtor who is the owner of and who is
24 residing in the tax sale property for rental or lease payments. The penalty shall
25 accrue from the time the acquiring person took possession of the property until the
26 time the property is redeemed. Furthermore, nothing in this Section shall be
27 construed to limit the rights of a tax debtor who is the owner of and who is residing
28 in the tax sale property to recover rental or lease payments paid to an acquiring
29 person in violation of the provisions of this Section.

1 C. The provisions of this Section shall not limit the rights of a person who
 2 acquires the property at a judicial sale conducted pursuant to a writ of fieri facias,
 3 writ of seizure and sale, or other court order, or to a successor in interest to such a
 4 person.

5 Section 2. Code of Civil Procedure Article 4736 is hereby enacted to read as follows:

6 Art. 4736. Prohibition of eviction from tax sale property

7 The procedures for eviction as provided by this Title shall be subject to the
 8 prohibitions and exceptions as provided by R.S. 47:2158.1 and 2231.1.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____