

2025 Regular Session

SENATE BILL NO. 63

BY SENATOR JENKINS

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

PRIVILEGES/LIENS. Provides for a privilege by municipalities against multifamily residential properties for unpaid sewage disposal and water system service charges or user fees. (8/1/25)

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AN ACT

To enact R.S. 33:361.1, relative to municipal powers; to provide relative to a privilege to municipalities to collect unpaid sewage disposal and water system service charges or user fees charged to a multifamily residential property; to provide relative to privileges and liens; to provide relative to master meter service agreements; to provide relative to municipal ordinances for the enforcement of a privilege by municipalities on unpaid sewage disposal or water system charges or fees; to provide relative to ranking and perfection of a privilege by municipalities; to provide relative to notice; to provide relative to filing a privilege by municipalities into the public records; to provide relative to third parties; to provide relative to certain terms, conditions, and procedures; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 33:361.1 is hereby enacted to read as follows:

§361.1. Municipal powers; privileges; sewer and water

A. The governing authority of a municipality shall have a privilege against a multifamily residential property for the amount of any unpaid service charge or user fee for sewage disposal or water system services the municipality

1 provides. The privilege shall apply only to multifamily residential property that
2 uses a master meter service agreement in which a single water meter or
3 collection of meters measures the total water or sewage services usage for the
4 entire property or multiple units within a development, including an apartment
5 or condominium complex.

6 B.(1) Each municipal governing authority may provide by ordinance for
7 the filing into the public records of notice of nonpayment of a service charge or
8 user fee for sewage disposal or water system services provided to a multifamily
9 residential property within the municipality. The filing of notice of nonpayment
10 shall perfect the privilege against the property for the unpaid charge or fee
11 which is superior in rank to mortgages, vendor's privileges, and all other
12 privileges except tax privileges.

13 (2) The ordinance shall provide for notice by certified mail, prior to
14 filing the notice in the public records, to any multifamily residential property
15 which fails to pay the service charge or user fee that a privilege exists upon the
16 property for the amount of the unpaid charge or fee and that the privilege will
17 be perfected by the filing of a notice of nonpayment in the public records.

18 (3) Not less than thirty days after mailing the notice and only after the
19 multifamily residential property's subsequent failure to pay the charge or fee
20 within the thirty days, the notice of nonpayment may be filed in the mortgage
21 records of the parish.

22 C. The privilege filed by municipalities against a multifamily residential
23 property for unpaid sewage disposal or water system service charges or user
24 fees shall not be effective against third parties until filed in the mortgage
25 records.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Senate Legislative Services. The keyword, summary, 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)]

DIGEST

SB 63 Original

2025 Regular Session

Jenkins

Present law (R.S. 33:361) provides that a municipality shall be vested with all powers, rights, privileges, immunities, authorities, and duties in accordance with all constitutional and statutory provisions.

Proposed law retains present law and expands the powers of municipalities to provide that the governing authority of a municipality shall have a privilege against a multifamily residential property for the amount of any unpaid service charge or user fee for sewage disposal services or water system services the municipality provides.

Proposed law provides that the privilege shall apply only to multifamily residential property that uses a master meter service agreement in which a single water meter or collection of meters measures the total water or sewage services usage for the entire property or multiple units within a development, including an apartment or condominium complex.

Proposed law provides that each municipal governing authority may provide by ordinance for the filing into the public records of notice of nonpayment of a service charge or user fee for sewage disposal or water system services provided to a multifamily residential property within the municipality. Further provides that the filing of the notice of nonpayment shall perfect the privilege against the property for the unpaid charge or fee which is superior in rank to mortgages, vendor's privileges, and all other privileges except tax privileges.

Proposed law provides that the ordinance shall provide for notice by certified mail, prior to filing the notice in the public records, to any multifamily residential property which fails to pay the service charge or user fee that a privilege exists upon the property for the amount of the unpaid charge or fee and that the privilege will be perfected by the filing of a notice of nonpayment in the public records.

Proposed law provides that not less than 30 days after mailing the notice and only after the multifamily residential property's subsequent failure to pay the charge or fee within the 30 days, the notice of nonpayment may be filed in the mortgage records of the parish. Further provides that the privilege filed by municipalities against such multifamily residential property for unpaid sewage disposal or water system service charges or user fees shall not be effective against third parties until filed in the mortgage records.

Effective August 1, 2025.

(Adds R.S. 33:361.1)