2019 Regular Session

HOUSE BILL NO. 466

BY REPRESENTATIVES DAVIS AND GLOVER

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

PROPERTY/RIGHTS: Provides relative to notice requirements for property that is subject to tax sales

1	AN ACT
2	To enact R.S. 47:2153(A)(1)(c), relative to tax sales; to provide with respect to property
3	subject to tax sale; to provide for tax sale procedures and notifications; to provide
4	requirements for certain notices; and to provide for related matters.
5	Be it enacted by the Legislature of Louisiana:
6	Section 1. R.S. 47:2153(A)(1)(c) is hereby enacted to read as follows:
7	§2153. Notice of delinquency and tax sale
8	A.(1)
9	* * *
10	(c)(i) If the written notice by certified mail is returned for any reason, the tax
11	collector shall demonstrate a reasonable and diligent effort to provide notice of the
12	tax sale to the tax debtor. To demonstrate a reasonable and diligent effort, the tax
13	collector shall attempt to deliver notice of the delinquent taxes and tax sale by first
14	class mail to the last known address of the debtor and take any two of the following
15	additional steps to notify the tax debtor:
16	(aa) Perform a computer search of digitized records and databases of the
17	clerk of court or sheriff's office for addresses of other properties that may be owned
18	by the debtor.
19	(bb) Contact the tax assessor of the parish in which the property is located
20	for the addresses of other properties that may be owned by the debtor.

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CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

1	(cc) Examine the mortgage or conveyance records of the parish where the
2	property is located to determine whether there are any other transactions pertaining
3	to the property.
4	(dd) Attempt personal or domiciliary service of the notice.
5	(ee) Post the notice of tax sale at the property.
6	(ii) The notice of the tax sale shall be sent by certified mail or commercial
7	courier to all addresses discovered through the steps set forth in this Subparagraph.
8	The tax collector may recover all reasonable and customary costs actually incurred
9	in complying with these steps.
10	(iii) Failure of the debtor to receive actual notice of the tax sale shall not
11	affect the validity of the tax sale when the tax collector demonstrates a reasonable
12	and diligent effort to provide notice of the tax sale as set forth in this Subsection. If
13	the debtor is deceased, the notice of tax sale and the reasonable and diligent effort
14	to provide notice of the tax sale shall be sufficient if to the succession representative,
15	if applicable, or to a curator as provided by law.
16	* * *

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 466 Reengrossed	2019 Regular Session	Davis
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Abstract: Requires a tax collector to demonstrate a reasonable and diligent effort to provide a debtor with notice of tax sale when the debtor has not received actual notice.

<u>Present law</u> provides that the sale of property for nonpayment of taxes is an action that affects a property right protected by the Fourteenth Amendment of the U.S. Constitution and the state constitution.

<u>Present law</u> requires a tax collector to give a debtor notice by mail or other means to ensure the debtor has been notified of the tax delinquency and tax sale prior to the tax sale. Further requires that when a debtor does not receive actual notice of the tax sale, the tax collector must attempt to provide notice to the debtor prior to the tax sale.

<u>Proposed law</u> retains <u>present law</u> and requires a tax collector to demonstrate a reasonable and diligent effort to provide notice of the tax sale by attempting to deliver the notice by first class mail to the last known address of the debtor and that the tax collector take any two of the following additional steps to notify the debtor:

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- (1) Perform a computer search of clerk of court or sheriff's office digitized records and databases for other addresses for the debtor.
- (2) Contact the tax assessor for the addresses of other properties that may be owned by the tax debtor.
- (3) Examine mortgage or conveyance records to determine if there are other transactions pertaining to the property.
- (4) Attempt personal or domiciliary service of the notice.
- (5) Post the notice of tax sale at the property.

<u>Proposed law</u> authorizes the tax collector to recover all reasonable and customary costs incurred in complying with <u>proposed law</u>.

<u>Proposed law</u> provides that the validity of a tax sale shall not be affected if a tax collector demonstrates reasonable and diligent efforts to provide notice to the debtor, regardless if the debtor receives actual notice.

<u>Present law</u> provides that in cases of the death of the debtor, his succession representative, if applicable, or curator is the proper party to receive notice of the tax sale. <u>Proposed law</u> retains <u>present law</u>.

(Adds 47:2153(A)(1)(c))

Summary of Amendments Adopted by House

The House Floor Amendments to the engrossed bill:

- 1. Require the tax collector to demonstrate a reasonable and diligent effort to provide notice of the tax sale to the tax debtor.
- 2. Require the tax collector to attempt to deliver notice of the tax sale by first class mail and take additional steps in order to demonstrate that a reasonable and diligent effort has been made to provide notice to the tax debtor.
- 3. Authorize the tax collector to recover reasonable and customary costs incurred in complying with proposed law.