

2022 Regular Session

HOUSE BILL NO. 193

BY REPRESENTATIVE FREEMAN

DISTRICTS/HISTORIC: Provides relative to historic preservation districts and landmarks commissions in the city of New Orleans

1 AN ACT

2 To enact R.S. 25:762.1, relative to the city of New Orleans; to provide relative to historic
3 preservation districts and landmarks commissions; to provide relative to regulations
4 established by such districts and commissions; to provide relative to the violation of
5 such regulations; to provide relative to penalties imposed for certain violations; and
6 to provide for related matters.

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

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 25:762.1 is hereby enacted to read as follows:

12 §762.1. Commission enforcement powers; city of New Orleans

13 Notwithstanding any other provision of law to the contrary, in the city of
14 New Orleans, any owner, agent, lessee, or other person acting for or in conjunction
15 with him who demolishes a structure or edifice located in the city of New Orleans
16 without having received an appropriate certificate of appropriateness may be fined
17 a single fine of not more than the greater of twenty-five thousand dollars or fifteen
18 percent of the assessed value of the structure or edifice in accordance with the
19 assessed value immediately preceding the demolition as provided for in the tax rolls
20 of the city.

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 193 Engrossed

2022 Regular Session

Freeman

Abstract: Relative to historic preservation districts and landmarks commissions in the city of New Orleans, grants commissions the authority to impose higher fines for certain violations.

Present law (Part I of Chapter 16 of Title 25) provides generally that the governing authority of any municipality, lake commission, parish council, or similar governmental unit may establish within its borders a historic preservation district to promote the educational, cultural, economic, and general welfare of the public.

Present law (Part II of Chapter 16 of Title 25) provides generally that the governing authority of any municipality, lake commission, parish council, or similar governmental unit in the city of New Orleans and the parishes of Franklin, Tensas, LaSalle, Catahoula, Concordia, and Caldwell may establish within their borders a historic preservation district and/or landmark commission to promote the educational, cultural, economic, and general welfare of the public.

Present law (Parts I and II of Chapter 16 of Title 25), relative to such historic preservation districts and landmarks commissions, provides procedures for establishing such districts and commissions, after study, hearings, and other procedural requirements. Provides for such commissions and districts to regulate the exterior architectural features of structures and provides for application for and approval or denial of certificates of appropriateness to erect, alter, or demolish structures. Prohibits issuance of building permits without a certificate of appropriateness. Provides for exceptions.

Present law (Parts I and II of Chapter 16 of Title 25) grants commissions the power to institute a suit in any court of competent jurisdiction to prevent any unlawful action in violation of the provisions of present law or of any of the rules and regulations adopted by the commissions. Requires that any owner, agent, lessee, or other person acting for or in conjunction with him, who violates the regulations of a commission, be fined not less than \$50 and not more than \$100 for each violation. Provides generally that each day that a violation continues constitutes a separate offense.

Present law (Part I of Chapter 16 of Title 25) provides that any owner, agent, lessee, or other person acting for or in conjunction with him who demolishes a structure or edifice without a certificate of appropriateness, may be fined a single fine of not less than \$1,000 and not more than \$10,000.

Proposed law provides an additional provision applicable to the city of New Orleans. Provides that any owner, agent, lessee, or other person acting for or in conjunction with him who demolishes a structure or edifice without a certificate of appropriateness may be fined a single fine of not more than the greater of \$25,000 or 15% of the assessed value of the structure or edifice.

(Adds R.S. 25:762.1)