

2023 Regular Session

HOUSE BILL NO. 129

BY REPRESENTATIVE WILFORD CARTER

DISTRICTS/REDEVELOPMENT: Repeals the provisions of the Lake Charles North
Redevelopment Authority

1 AN ACT

2 To repeal Chapter 13-L of Title 33 of the Louisiana Revised Statutes of 1950, comprised of
3 R.S. 33:4720.191, relative to the Lake Charles North Redevelopment Authority; to
4 repeal provisions relative to the boundaries, purpose, governance, powers and duties,
5 and funding of the district; and to provide for related matters.

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

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. Chapter 13-L of Title 33 of the Louisiana Revised Statutes of 1950,
11 comprised of R.S. 33:4720.191, is hereby repealed in its entirety.

12 Section 2. All property of the Lake Charles North Redevelopment Authority shall
13 be transferred to the North Lake Charles Economic Development District which was created
14 pursuant to the Act that originated as House Bill No. 335 of this 2023 Regular Session of the
15 Legislature.

16 Section 3. Section 2 of this Act shall become effective if and when the Act which
17 originated as House Bill No. 335 of this 2023 Regular Session of the Legislature becomes
18 effective.

1 Section 4. The provisions of this Section and Sections 1 and 3 of this Act shall
 2 become effective upon signature of this Act by the governor or, if not signed by the
 3 governor, upon expiration of the time for bills to become law without signature by the
 4 governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If this Act
 5 is vetoed by the governor and subsequently approved by the legislature, this Section and
 6 Sections 1 and 3 of this Act shall become effective on the day following such approval.

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 129 Reengrossed

2023 Regular Session

Wilford Carter

Abstract: Repeals the provisions of the Lake Charles North Redevelopment Authority.

Present law creates and provides for the Lake Charles North Redevelopment Authority to provide for the utilization of appropriate private and public resources to eliminate and prevent the development or spread of slum, blighted, and distressed areas. Provides that the authority is a special district and political subdivision of the state. Provides that the authority shall be comprised of specified territory in the city of Lake Charles.

Present law provides that the Lake Charles North Redevelopment Authority is governed by a five-member board of commissioners (board) appointed as follows:

- (1) One member appointed by the state representative for House District No. 34.
- (2) One member appointed by the state senator for Senate District No. 27.
- (3) One member appointed by the mayor of the city of Lake Charles.
- (4) One member appointed by the member(s) of the governing authority of Calcasieu Parish who represent the area included within the jurisdiction of the authority.
- (5) One member appointed by the member(s) of the governing authority of the city of Lake Charles who represent the area included within the jurisdiction of the authority.

Present law requires members of the board to serve without compensation, but authorizes the board to reimburse any member for expenses actually incurred in the performance of duties on behalf of the authority.

Present law provides that all actions of the board shall be approved by the affirmative vote of a majority of the members present and voting. Provides however, that no action of the board shall be authorized on the following matters unless approved by a majority of the total board membership:

- (1) Adoption of bylaws and other rules and regulations for conduct of the authority's business.
- (2) Hiring or firing of any employee or contractor of the authority. Provides that this function may by majority vote be delegated by the board to a specified officer or committee of the authority, under such terms and conditions, and to the extent, that the board may specify.

- (3) The incurring of debt.
- (4) Adoption or amendment of the annual budget.
- (5) Sale, lease, encumbrance, or alienation of real property, improvements, or personal property with an assessed value of more than \$20,000.

Present law additionally requires that certain specified actions or proposals of the authority be submitted to the governing authority of the city of Lake Charles and authorizes the governing authority to reject any such action or proposal upon two-thirds vote of its membership.

Present law provides that the authority, through the board, shall have all powers necessary or convenient to carry out its objectives 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, hold, and use any property. Provides that the authority shall not have any power to expropriate, except that power which is granted by the appropriate governing authority.
- (4) To convey to the U.S., the state, or to any political subdivision of the state any property or other thing of value for use by the governmental entity, pursuant to the terms of any appropriate cooperative endeavor agreement.
- (5) To make and collect reasonable charges for the use of property of the authority and for services rendered by the authority and to regulate fees or rentals charged for use of privately owned facilities located on property owned or sold by the authority when such facilities are offered for use by the public or by a private industrial, commercial, research, or other economic development entity or activity.
- (6) To require and issue licenses.
- (7) To borrow money and to pledge or grant a security device affecting all or part of its revenues, leases, rents, and other advantages as security for such loans.
- (8) To appoint officers, agents, and employees, prescribe their duties, and fix their compensation.

Present law authorizes the authority to borrow money and issue certificates of indebtedness, notes, and other debt obligations as evidence thereof for the acquisition and operation of authority property and provide for the manner and method of repayment in accordance with law.

Present law authorizes the authority to issue revenue bonds to finance the undertaking of a redevelopment project, or otherwise to acquire, purchase, lease, construct, or improve housing, residential development, subdivision development, commercial, research, industrial, or other plant sites and buildings, or other capital improvements. Authorizes the authority to enter into, amend, or terminate, as it determines to be necessary or appropriate, any ancillary contracts for certain purposes.

Present law authorizes the authority to purchase adjudicated properties within its jurisdiction from any political subdivision of the state. Provides that no such purchase shall be construed to, or otherwise have the effect of, extending or suspending the period prescribed by law for the redemption of the property by the tax debtor or any other person.

Present law provides that the authority shall have the power to create and execute redevelopment or development plans for specified areas within its jurisdiction. Provides that the implementation of all such plans shall not proceed until, to the extent required by law, the authority has obtained the approval of the local planning commission or zoning board. Provides that a redevelopment plan shall include a definition of the redevelopment area. Provides that the area, or any part thereof, may be further designated as a subdistrict of the authority.

Present law authorizes the authority to sell, lease, or otherwise transfer immovable property or any interest therein acquired by it in redevelopment areas for residential, recreational, commercial, industrial, or other uses or for public use, in accordance with the redevelopment plan, subject to such covenants, conditions, and restrictions, including covenants running with the land, as it may deem to be necessary or desirable to assist carrying out the purposes of present law.

Present law authorizes the authority to dispose of, sell, or lease immovable property in a redevelopment area to any private person for the fair market value of the property as determined by a certified and competent appraiser, or to any private person pursuant to reasonable competitive bidding procedures as it shall prescribe subject to the provisions of present law. Requires public notice of such bidding procedures.

Present law authorizes the authority to temporarily operate, maintain, or lease real property acquired by it in a redevelopment area for or in connection with a redevelopment project pending disposition of the property for such uses and purposes as may be deemed desirable even though not in connection with the redevelopment plan.

Present law authorizes the authority to, in the implementation of a redevelopment plan, create a subdistrict(s) to conduct, oversee, or assist in the implementation of such redevelopment plan. Provides that the boundaries of such a subdistrict may include all or part of the redevelopment area and provides that such a subdistrict shall have and exercise such powers and responsibilities as the authority shall specify in the enabling resolution. Provides that unless otherwise specified in the resolution or other formal act creating the subdistrict, the board members of the authority shall constitute the governing authority of the subdistrict.

Present law provides that all banks, trust companies, bankers, savings banks and institutions, building and loan associations, savings and loan associations, investment companies, and other persons carrying on a banking or investment business; all insurance companies, insurance associations, and other persons carrying on an insurance business; and all executors, administrators, curators, trustees, and other fiduciaries may legally invest any sinking funds, monies, or other funds belonging to them or within their control in any bonds or other obligations issued by the authority.

Present law provides that insofar as the provisions of present law are inconsistent with the provisions of any other law, the provisions of present law shall be controlling. Provides however, that the authority shall be subject to the provisions of the Local Government Fair Competition Act (R.S. 45:844.41 et seq.). Additionally provides that the authority conferred by present law shall be in addition and supplemental to the powers conferred by any other law.

Present law further provides for an expedited procedure to enable the authority to more efficiently quiet title and initiate a foreclosure action regarding immovable property acquired by the authority.

Present law requires the authority to file a notice with the clerk of court regarding the property it is attempting to seize. Requires that the notice include the legal description of the property, the street address of the property (if any), the name, address, and telephone number of the authority, a statement that the property is subject to an expedited quiet title proceeding and foreclosure, and a statement that any legal interests in the property may be

extinguished by a district court order vesting title to the property in the authority. Provides for additional procedures if there is a deficiency in the notice.

Present law requires the authority, after recording the notice, to initiate a records search in order to determine the owners who have any interest in the property subject to the expedited procedure. Authorizes the authority to enter into a contract with or request from one or more authorized representatives a title search or other title product to identify the owners of a property interest. Provides that the owner of a property interest is entitled to notice under present law if that owner's interest was identifiable by reference to any of the following sources before the date that the authority records the notice:

- (1) Land title records in the office of the recorder of mortgages and the register of conveyances.
- (2) Tax records in the office of the assessor.

Present law authorizes the authority to file a single petition with the district court which lists all of the property subject to expedited foreclosure. Requires the authority to request a hearing on the petition within 90 days seeking a judgment in favor of the authority against each property, without the right of redemption. Requires the district court to immediately set the date, time, and place for the hearing not more than 10 days after the date requested by the authority in the petition.

Present law requires the authority to send notice of the hearing, not less than 30 days prior, by certified mail to any person identified as having an interest in the property subject to the expedited foreclosure proceeding. Requires the authority to also send notice via regular mail addressed to "Occupant" to each property subject to expedited foreclosure.

Present law further requires the authority, or its authorized representative, to post a written notice on each property at least 30 days prior to the expedited foreclosure hearing. Requires that each notice include specified information.

Present law requires the authority, if it is unable to provide the appropriate notice, to provide notice through publication for three consecutive weeks prior to the hearing on the matter in a newspaper published and circulated in the jurisdiction of the authority.

Present law requires the authority to file proof of the notice required by present law, proof of notice by posting on the property, if applicable, and proof of notice by publication, if applicable, with the clerk of the district court prior to the hearing. Requires any person who has an interest in the property subject to the expedited foreclosure to file written objections with the clerk and serve those objections on the authority prior to the hearing.

Present law requires the district court to enter judgment on the petition not more than 10 days following the conclusion of the hearing or contested case. Requires the judgment to specify certain information.

Present law provides that except as otherwise provided in present law, title to property set forth in a petition for foreclosure shall vest absolutely in the authority upon the effective date of the judgment by the district court. Provides that the authority shall have absolute title to the property and the title is not subject to any recorded or unrecorded lien, except as otherwise provided in present law and shall not be stayed or held invalid except as otherwise provided in present law. Provides that a judgment is a final order with respect to the property affected by the judgment and shall not be modified, stayed, or held invalid after the effective date of the judgment, except as otherwise provided in present law.

Present law provides that any person with an interest in the foreclosed property may appeal the district court's order or district court's judgment within 21 days following the effective date of the judgment.

Present law provides that if an appeal stays the district court's judgment foreclosing property, the district court's judgment is stayed only as to the property that is the subject of that appeal.

Proposed law repeals present law. Provides that property of the authority shall be transferred to the North Lake Charles Economic Development District if the district is created; House Bill No. 335 of this 2023 R.S. creates the district.

(Repeals R.S. 33:4720.191)

Summary of Amendments Adopted by House

The House Floor Amendments to the engrossed bill:

1. Add provisions for transfer of property of the authority to the North Lake Charles Economic Development District.