

2024 Regular Session

HOUSE BILL NO. 237

BY REPRESENTATIVE NEWELL

DISTRICTS/NEIGHBORHOOD: Provides relative to the Faubourg Marigny Security and Improvement District in Orleans Parish

1 AN ACT

2 To amend and reenact R.S. 33:9091.23(B), (D), (E)(4), (F)(1), (2)(b) and (c), and (3), and
3 (I)(1), relative to Orleans Parish; to provide relative to the Faubourg Marigny
4 Security and Improvement District; to provide relative to the boundaries,
5 governance, and powers and duties of the district; to provide relative to the parcel fee
6 imposed within the district; to provide relative to the amount, expiration, and
7 renewal of the fee; to provide for an effective date; and to provide for related
8 matters.

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

12 Be it enacted by the Legislature of Louisiana:

13 Section 1. R.S. 33:9091.23(B), (D), (E)(4), (F)(1), (2)(b) and (c), and (3), and (I)(1)
14 are hereby amended and reenacted read as follows:

15 §9091.23. Faubourg Marigny Security and Improvement District

16 * * *

17 B. Boundaries. The boundaries of the district shall be that area within and
18 including the following perimeter: beginning at the intersection of Esplanade
19 Avenue and North Peters Street proceeding along Esplanade Avenue (interior side)
20 to its intersection with North Rampart Street, along North Rampart (~~interior side~~)

1 (both sides) to ~~McShane Place~~ Joseph Guillaume Place, along ~~McShane Place~~
2 ~~(interior side)~~ Joseph Guillaume Place (both sides) to St. Claude Avenue, then
3 proceeding along St. Claude Avenue ~~(interior side)~~ (both sides) to its intersection
4 with ~~Press Street~~ Homer Plessy Way, then proceeding along ~~Press Street~~ Homer
5 Plessy Way~~(interior side)~~ to its intersection with Chartres Street, then proceeding
6 along Chartres Street (both sides) to its intersection with St. Ferdinand Street, along
7 St. Ferdinand Street (both sides) to its intersection with North Peters Street, and
8 along North Peters Street (both sides) back to its intersection with Esplanade
9 Avenue.

* * *

11 D. Governance. ~~(1) The district shall be governed by a board of~~
12 ~~commissioners consisting of seven members as follows:~~

13 ~~(a) The board of directors of the Faubourg Marigny Improvement~~
14 ~~Association shall appoint three members.~~

15 ~~(b) The member or members of the Louisiana House of Representatives who~~
16 ~~represent the area which comprises the district shall appoint one member.~~

17 ~~(c) The member or members of the Louisiana Senate who represent the area~~
18 ~~which comprises the district shall appoint one member.~~

19 ~~(d) The member or members of the governing authority of the city of New~~
20 ~~Orleans who represent the area which comprises the district shall appoint one~~
21 ~~member.~~

22 ~~(e) The mayor of the city of New Orleans shall appoint one member.~~

23 ~~(2) All members shall be qualified voters and residents of the district.~~

24 ~~(3) Board members appointed pursuant to Subparagraph (1)(a) of this~~
25 ~~Subsection shall serve two-year terms after serving initial terms as provided in this~~
26 ~~Paragraph. One member shall serve an initial term of one year and two shall serve~~
27 ~~initial terms of two years, as determined by lot at the first meeting of the board held~~
28 ~~after such members are appointed.~~

1 ~~(4) Each member serving pursuant to Subparagraphs (1)(b) through (c) of~~
2 ~~this Subsection shall serve on the board during the term of his respective appointing~~
3 ~~authority.~~

4 ~~(5) Any vacancy which occurs prior to the expiration of the term for which~~
5 ~~a member of the board has been appointed shall be filled for the remainder of the~~
6 ~~unexpired term in the same manner as the original appointment. Board members~~
7 ~~shall be eligible for reappointment.~~

8 ~~(6) The board shall elect from its members a chairman, a vice chairman, a~~
9 ~~secretary-treasurer, and other such officers as it may deem necessary. The duties of~~
10 ~~the officers shall be fixed by the bylaws adopted by the board.~~

11 ~~(7) The minute books and archives of the district shall be maintained by the~~
12 ~~secretary-treasurer of the board. The monies, funds, and accounts of the district shall~~
13 ~~be in the official custody of the board.~~

14 ~~(8) The board shall adopt such rules and regulations as it deems necessary~~
15 ~~or advisable for conducting its business affairs. Rules and regulations of the board~~
16 ~~relative to the notice and conduct of meetings shall conform to applicable law. The~~
17 ~~board shall hold regular meetings as shall be provided for in the bylaws and may~~
18 ~~hold special meetings at such times and places within the district as may be~~
19 ~~prescribed in the bylaws.~~

20 ~~(9) A majority of the members of the board shall constitute a quorum for the~~
21 ~~transaction of business. The board shall keep minutes of all meetings and shall make~~
22 ~~them available through the secretary-treasurer of the board.~~

23 ~~(10) The members of the board shall serve without compensation but shall~~
24 ~~be reimbursed for reasonable out-of-pocket expenses directly related to the~~
25 ~~governance of the district.~~

26 (1) The board of directors of the Faubourg Marigny Improvement
27 Association shall manage the affairs of the district, referred to in this Section as the
28 "board".

1 (2) The board shall elect from its members a chairman, a vice chairman, a
 2 treasurer, a secretary, and other officers as it deems necessary. The duties of the
 3 officers shall be fixed by the bylaws adopted by the board.

4 (3) The monies, funds, and accounts of the district shall be in the official
 5 custody of the board and not commingled with that of the Faubourg Marigny
 6 Improvement Association. The financial books and records of the district shall be
 7 maintained by the treasurer of the board.

8 (4) The board shall keep minutes of all meetings and shall make them
 9 available through the secretary of the board. The minute books and archives of the
 10 district shall be maintained by the secretary of the board.

11 (5) The board shall adopt rules and regulations as it deems necessary or
 12 advisable for conducting its business affairs. Rules and regulations of the board
 13 relative to the notice and conduct of meetings shall conform to applicable law. The
 14 board shall hold regular meetings as provided for in the bylaws and may hold special
 15 meetings at such times and places within the district as prescribed in the bylaws.

16 (6) A majority of the members of the board constitutes a quorum for the
 17 transaction of business.

18 (7) The members of the board shall serve without compensation but shall be
 19 reimbursed for reasonable out-of-pocket expenses directly related to the governance
 20 of the district.

21 E. Powers and duties. The district, acting through its board, shall have the
 22 following powers and duties:

23 * * *

24 ~~(4) To perform or have performed any other function or activity necessary~~
 25 ~~for the achievement of the purpose of the district~~ To enter into any cooperative
 26 endeavor between or among the district and the state, any of its local governmental
 27 subdivisions, political corporations, or public benefit corporations; the United States
 28 or its agencies; or any public or private association, corporation, or individual. The

1 term "cooperative endeavor" shall include but not be limited to cooperative financing
2 and cooperative development.

3 * * *

4 F. Parcel fee. The governing authority of the city of New Orleans may
5 impose and collect a parcel fee within the district subject to and in accordance with
6 the provisions of this Subsection.

7 (1)(a) The amount of the fee shall be as requested by duly adopted resolution
8 of the board. ~~The fee shall be a flat fee per parcel of land not to exceed two hundred~~
9 ~~dollars per year for each unimproved parcel and improved residential parcel with~~
10 ~~fewer than three family units, except that the fee shall be three hundred dollars per~~
11 ~~year for each improved residential parcel with three or more family units, and five~~
12 ~~hundred dollars per year for each improved parcel zoned for commercial use. No fee~~
13 ~~shall be imposed upon any parcel whose owner qualifies for the special assessment~~
14 ~~level provided by Article VII, Section 18(G)(1) of the Constitution of Louisiana.~~

15 (b) ~~If multiple adjacent parcels are combined for the purpose of housing a~~
16 ~~single family dwelling, the flat fee for the combined parcel shall be calculated to be~~
17 ~~one and four tenths times the single parcel fee for two adjacent parcels and one and~~
18 ~~six tenths times the single parcel fee for three or more adjacent parcels. The fee for~~
19 ~~the initial calendar year shall be a flat fee per parcel of land not to exceed two~~
20 ~~hundred fifty dollars per year for each unimproved residential parcel and each~~
21 ~~improved residential parcel with a single dwelling unit, except that the fee shall be~~
22 ~~three hundred dollars per year for each improved residential parcel with two dwelling~~
23 ~~units, five hundred dollars per year for each improved residential parcel with three~~
24 ~~to four dwelling units, seven hundred fifty dollars per year for each improved~~
25 ~~residential parcel with five to nine dwelling units, twelve hundred fifty dollars per~~
26 ~~year for each improved residential parcel with ten or more dwelling units, five~~
27 ~~hundred dollars per year for each unimproved parcel zoned for commercial use,~~
28 ~~seven hundred fifty dollars per year for each improved parcel zoned for commercial~~
29 ~~use, and eighteen hundred dollars per year for each improved parcel, residential or~~

1 commercial, used for the purposes of a rooming and boarding house, bed and
2 breakfast, hostel, hotel/motel, etc., referred to in this Section as "transient housing".

3 The fee amounts provided for in this Subparagraph shall be increased by twenty-five
4 dollars per year for each calendar year after the initial calendar year.

5 (b) For improved residential parcels whose owner qualifies for a special
6 assessment level pursuant to Article VII, Section 18(G)(1) of the Constitution of
7 Louisiana, the fee shall be assessed at fifty percent of the respective fee amount;
8 however, no reduction shall apply to improved parcels used for the purposes of
9 transient housing.

10 (c) If multiple adjacent parcels are combined for the purpose of housing a
11 single family dwelling, the flat fee for the combined parcel shall be calculated to be
12 one and four tenths times the single parcel fee for two adjacent parcels and one and
13 six tenths times the single parcel fee for three or more adjacent parcels.

14 (d) Any improved parcel consisting of both commercial and residential uses
15 shall be considered commercial for purposes of this Section if comprised of fewer
16 than five dwelling units and considered residential if comprised of five or more
17 dwelling units.

18 (2)

19 * * *

20 (b) For purposes of this Section, "parcel" means a lot, a subdivided portion
21 of ground, an individual tract, or a "condominium parcel" as defined in R.S.
22 9:1121.103. Thus with respect to condominiums, the fee collector shall impose the
23 parcel fee on each lot on which condominiums are situated and not on individual
24 condominium units.

25 (c) The owner of each parcel shall be responsible for payment of the fee.
26 The tax collector shall submit the bill for a parcel fee which is to be collected from
27 condominium owners to the condominium owners association and the association
28 shall pay the fee from the funds available for that purpose. The association shall
29 remain liable for the entire fee until it is paid.

1 (3)(a) The fee shall be imposed only after the question of its imposition has
 2 been approved by a majority of the registered voters of the district who vote on the
 3 proposition at an election held for the purpose in accordance with the Louisiana
 4 Election Code. No other election shall be required except as provided by this
 5 Paragraph.

6 (b) If approved, the initial fee shall expire ~~on December 31, 2018~~ at the end
 7 of the term provided for in the proposition authorizing the fee, not to exceed eight
 8 years, but the fee may be renewed if approved by a majority of the registered voters
 9 of the district voting on the proposition at an election as provided in Subparagraph
 10 (a) of this Paragraph. If renewed, the term of the imposition of the fee shall be as
 11 provided in the proposition authorizing such renewal, not to exceed ~~four~~ eight years.

12 * * *

13 I. Miscellaneous provisions. (1) It is the purpose and intent of this Section
 14 that ~~the any additional law enforcement or security personnel and their services~~
 15 ~~provided for~~ security patrols, public or private, or any other security or other services
 16 or betterments provided by the district through the fees authorized in this Section
 17 shall be supplemental to and not in lieu of personnel and services to be provided in
 18 the district by the ~~New Orleans Police Department~~ state or the city of New Orleans
 19 or their departments or agencies or by other political subdivisions.

20 * * *

21 Section 2. This Act shall become effective upon signature by the governor or, if not
 22 signed by the governor, upon expiration of the time for bills to become law without signature
 23 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 24 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 25 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 237 Reengrossed

2024 Regular Session

Newell

Abstract: Relative to the Faubourg Marigny Security and Improvement District in Orleans Parish, changes the district's boundaries and board membership, and provides for its powers and duties, including the imposition of a parcel fee.

Present law creates the Faubourg Marigny Security and Improvement District in Orleans Parish as a political subdivision of the state to aid in crime prevention by providing security to the district's residents and to promote quality of life initiatives to district residents. Provides for district boundaries.

Proposed law retains present law.

Present law provides that the district is governed by a seven-member board of commissioners, composed as follows:

- (1) Three members appointed by the board of directors of the Faubourg Marigny Improvement Assoc.
- (2) One member appointed by the member(s) of the La. House of Representatives who represent the district.
- (3) One member appointed by the member(s) of the La. Senate who represent the district.
- (4) One member appointed by the member(s) of the New Orleans city council who represent the district.
- (5) One member appointed by the mayor of the city of New Orleans.

Proposed law removes present law and provides that the affairs of the district shall be managed by the board of directors of the Faubourg Marigny Improvement Assoc.

Present law provides for the district's powers and duties, including the authority to perform or have performed any other function or activity necessary for achieving the district's purpose.

Proposed law removes present law and instead authorizes the district to enter into any cooperative endeavor between or among the district and the state, any of its local governmental subdivisions, political corporations, or public benefit corporations, the U.S. or its agencies, or any public or private association, corporation, or individual.

Present law authorizes the governing authority of the city of New Orleans, subject to voter approval, to impose and collect a parcel fee within the district which amount shall be as requested by duly adopted board resolution. Provides that the fee shall be a flat fee not to exceed \$200 per parcel per year on unimproved parcels and improved residential parcels with fewer than three family units, \$300 per parcel per year on improved parcels with three or more family units, and \$500 per parcel per year on improved parcels zoned for commercial use. Requires that the fee be imposed on each parcel located within the district, except that no fee shall be imposed on properties that qualify for special ad valorem tax assessment pursuant to present constitution (Art. VII, Sec. 21).

Proposed law removes present law and instead authorizes the governing authority of the city of New Orleans, subject to voter approval, to impose and collect a parcel fee within the district for the initial calendar year as follows:

- (1) For each unimproved residential parcel, a flat fee not to exceed \$250 per year.
- (2) For each improved residential parcel with a single dwelling unit, a flat fee not to exceed \$250 per year.
- (3) For each improved residential parcel with two dwelling units, a flat fee not to exceed \$300 per year.
- (4) For each improved residential parcel with three to four dwelling units, a flat fee not to exceed \$500 per year.
- (5) For each improved residential parcel with five to nine dwelling units, a flat fee not to exceed \$750 per year.
- (6) For each improved residential parcel with ten or more dwelling units, a flat fee not to exceed \$1250 per year.
- (7) For each unimproved parcel zoned for commercial use, a flat fee not to exceed \$500 per year.
- (8) For each improved parcel zoned for commercial use, a flat fee not to exceed \$750 per year.
- (9) For each improved parcel, residential or commercial, used for the purposes of rooming and boarding house, bed and breakfast, hostel, hotel/motel, etc (transient housing), a flat fee not to exceed \$1800 per year.
- (10) For improved residential parcels that qualify for a special ad valorem tax assessment pursuant to present constitution (Art. VII, Sec. 21), except parcels used for transient housing, the fee shall be imposed at 50% of the respective fee amount.

Proposed law requires that the fee amounts be increased by \$25 per year, without election.

Proposed law provides that any improved parcel consisting of commercial and residential uses is considered commercial if it is comprised of fewer than five residential units and residential if it is comprised of five or more residential units.

Present law provides that the fee shall expire on Dec. 31, 2018, but authorizes renewal of the fee. Provides that the term of the renewal shall be as provided in the proposition authorizing such renewal, not to exceed four years.

Proposed law removes present law and provides that the fee expires at the end of the term provided for in the proposition authorizing the fee, not to exceed eight years, but authorizes renewal of the fee. Provides that the term of the renewal shall be as provided in the proposition authorizing such renewal, not to exceed eight years.

Present law provides that it is the purpose and intent of present law that the additional law enforcement personnel and their services provided for through the fees authorized by present law shall be supplemental to and not in lieu of personnel and services provided in the district by the New Orleans Police Dept.

Proposed law removes present law and provides that it is the purpose and intent of proposed law that any additional security patrols, public or private, or any other security or other services or betterments provided by the district through the fees authorized by proposed law

shall be supplemental to and not in lieu of personnel and services to be provided in the district by the state or the city of New Orleans or their departments or agencies or by other political subdivisions.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 33:9091.23(B), (D), (E)(4), (F)(1), (2)(b) and (c), and (3), and (I)(1))