

First Extraordinary Session, 2005

SENATE BILL NO. 101

BY SENATOR NEVERS

TAX/AD VALOREM. Grants a property tax credit equal to the amount incurred after August 28, 2005 to bring a building or other structure up to building code standards required after the date of original construction because of damage and destruction caused by a public calamity or disaster.

1 AN ACT

2 To enact R.S. 47:2106.1, relative to the manner and procedure of assessment of property and
3 the collection of ad valorem taxes in the circumstance where property subject to ad
4 valorem taxation has been damaged or destroyed during a gubernatorially declared
5 disaster or emergency; to provide for crediting of certain amounts of such tax in such
6 circumstances; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 47:2106.1 is hereby enacted to read as follows:

9 **§2106.1. Building code credit**

10 **A. The owner of a building or any other structure upon which ad**
11 **valorem taxes is assessed may claim and shall receive the tax credit provided for**
12 **in this Section if the building or other structure is required to be upgraded after**
13 **its original construction to meet building code standards required by federal,**
14 **state, or local code, ordinance, or law imposed after the date of original**
15 **construction because of either of the following:**

16 **(1) Destruction or damage caused by an overflow or flood, or by rain,**
17 **wind, hurricane, tornado, or other public calamity, general conflagration, or**

1 disaster as defined in the Louisiana Homeland Security and Emergency
2 Assistance Act.

3 (2) The building or other structure is located within a federally declared
4 disaster area pursuant to the Robert T. Stafford Disaster Relief and Emergency
5 Assistance Act (42 U.S.C. et seq.).

6 B. The tax credit against the ad valorem taxes levied on the building or
7 other structure shall be equal to the actual amount of costs, expenditures, and
8 fees incurred to bring such building or other structure up to the code. The
9 owner may obtain the tax credit by filing an affidavit with the tax collector in
10 the parish in which the building or structure is located which contains the
11 following sworn statements:

12 (1) The actual amount of such costs, expenditures, and fees actually
13 incurred to bring the building or other structure up to building code standards.

14 (2) An intent by the owner to return and reoccupy the building or
15 structure within two years from December thirty-first of the year following the
16 disaster.

17 C. At his option, the property owner may apply such credit against taxes
18 due at anytime within five years from the date the upgrade is completed.

19 Section 2. The provisions of this Act shall be retroactive to August 28, 2005.

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Riley Boudreaux.

DIGEST

Proposed law grants to the owner of a building or any other structure a tax credit if the building or other structure is required to be upgraded after its original construction to meet building code standards required by federal, state, or local code, ordinance, or law imposed after the date of original construction because of either of the following:

- (1) Destruction or damage caused by an overflow or flood, or by rain, wind, hurricane, tornado, or other public calamity, general conflagration, or disaster as defined in the Louisiana Homeland Security and Emergency Assistance Act.
- (2) The building or other structure is located within a federally declared disaster area pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. et seq.).

The tax credit is equal to the actual amount of costs, expenditures, and fees incurred to bring

such building or other structure up to the code. It is obtained by filing an affidavit with the tax collector in the parish in which the building or structure is located which contains the following sworn statements:

- (1) The actual amount of such costs, expenditures, and fees actually incurred to bring the building or other structure up to building code standards.
- (2) An intent by the owner to return and reoccupy the building or structure within two years from December thirty-first of the year following the disaster.

The credit may be applied against taxes due within 5 years from the date the upgrade is completed.

Proposed law provides that it is retroactive to August 28, 2005.

(Adds R.S. 47:2106.1)