

Existing law requires assessments to be made on the basis of the conditions of things on January 1 (August 1 in New Orleans). Political subdivisions are authorized to reduce the interest charge or penalties on property taxes due when they declare an emergency by ordinance or resolution, but are prohibited from reducing the interest rate to less than 6% and penalties to 50% of the amount of the penalty.

Existing law provides that there shall be no collection of tax during a year when property is affected by "overflow, general conflagration, general destruction of crops, or other public calamity" rendering "impracticable" the forcible collection of taxes - or the preceding year when the payment of such taxes for the preceding year is affected by the calamity.

However, the collection of taxes is required to be "postponed" in accordance with the following procedure:

The owner of the affected property is relieved from paying the taxes in that year if he makes a sworn statement on or before December 31 of the year in which the taxes are assessed, that his property has been injured or destroyed, giving the description of his property as assessed, and that by reason thereof, the forcible collection of the taxes of the year during which the injury occurred, or the preceding year, would be oppressive, and that he is unable to pay the same without a sacrifice of his property.

The taxes "postponed" must be divided into 10 equal parts, which are assessed on the property for 10 subsequent years, and must bear interest at the rate of 6% per annum from the thirty-first day of December of the year in which they were originally due until paid. All of the postponed taxes may be paid at any time, and the lien canceled.

The filing of the owner's sworn statement operates as a first lien and privilege.

New law makes the "postponement" procedure available whenever lands or other property, including buildings, structures, or personal property, are damaged or destroyed during any disaster or emergency declared by the governor. The sworn statement that property has been damaged or destroyed must be filed 30 days after the tax bill has been filed or no later than December 31 of the year in which the damage or destruction occurred, whichever occurs later.

Requires a statement of the right of the owner to have his taxes postponed to be provided with the tax bill.

Effective upon signature of the governor (November 29, 2005).

(Amends R.S. 47:2106)