

2021 Regular Session

HOUSE BILL NO. 519

BY REPRESENTATIVE PIERRE

DISTRICTS/REDEVELOPMENT: Provides relative to the North Lafayette Redevelopment Authority

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AN ACT

To amend and reenact R.S. 33:4720.171(F)(1), (G)(1) and (2)(c), (H)(4)(a), (8), (12)(a), (13), and (22), (I)(2), (K)(6)(c), (L)(3), and (R)(11)(introductory paragraph) and (13), relative to the North Lafayette Redevelopment Authority; to provide relative to the jurisdiction of the authority; to provide for changes to the membership of the authority's governing board; to provide relative to the powers and duties of the authority; to authorize the authority to engage in commercial and industrial development; to provide relative to bids to purchase property; to provide relative to appeals of quiet title and foreclosure actions; and to provide for related matters.

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

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 33:4720.171(F)(1), (G)(1) and (2)(c), (H)(4)(a), (8), (12)(a), (13), and (22), (I)(2), (K)(6)(c), (L)(3), and (R)(11)(introductory paragraph) and (13) are hereby amended and reenacted to read as follows:

§4720.171. North Lafayette Redevelopment Authority

* * *

F.(1) The North Lafayette Redevelopment Authority shall be comprised of all of the territory included within ~~House of Representatives District No. 44 and~~

1 ~~Districts 3 and 4 of the Lafayette City-Parish Council as geographically drawn on~~
2 ~~August 1, 2014, but shall not include the area comprising the Commercial Core~~
3 ~~subdistrict of the Lafayette Centre Development District created by Act 116 of the~~
4 ~~1992 Regular Session of the Legislature~~ the parish of Lafayette.

5 * * *

6 G.(1)(a) The North Lafayette Redevelopment Authority shall be governed
7 by a board of commissioners, referred to in this Part as the "board", comprised of
8 seven members, all of whom shall reside or be employed within the geographical
9 boundaries of the authority and shall be qualified electors of the parish of Lafayette
10 as follows:

11 (i) (a) Two members shall be appointed by the Louisiana state senator who
12 represents Senate District 24.

13 (ii) (b) One member shall be appointed by the Louisiana state representative
14 who represents House District 44.

15 (iii) (c) One member shall be appointed by the ~~Louisiana state representative~~
16 ~~who represents House District No. 96~~ Lafayette Chapter of the Louis A. Martinet
17 Legal Society.

18 (iv) (d) One member shall be appointed by the councilperson who represents
19 Council District ~~3~~ 1 of the Lafayette ~~City-Parish~~ City Council.

20 (v) (e) One member shall be appointed by the councilperson who represents
21 Council District ~~4~~ 5 of the Lafayette ~~City-Parish~~ City Council.

22 (vi) (f) One member shall be appointed by the ~~mayor-president of the city~~
23 ~~of Lafayette, parish of Lafayette~~ mayor of Carencro.

24 (b) ~~The appointing authorities referred to in Subparagraph (a) of this~~
25 ~~Paragraph shall meet within sixty days after August 1, 2014, and shall appoint the~~
26 ~~members as provided in Subparagraph (a) of this Paragraph.~~

27 (2)

28 * * *

1 (c) Members shall be eligible for reappointment. A certificate of the
2 appointment or reappointment of any member shall be filed with the clerk of the
3 Lafayette City-Parish ~~City~~ Council, and such certificate shall be conclusive evidence
4 of the proper appointment of any such member.

5 * * *

6 H. The authority, through the board, shall have all powers necessary or
7 convenient to carry out and effectuate the purposes and provisions of this Part,
8 including but not limited to the following:

9 * * *

10 (4)(a) To sell, lease for a term of up to ninety-nine years, exchange, or
11 otherwise dispose of or transfer to or with other political subdivisions of this state
12 or public or private persons at public or private sale any residential, commercial,
13 industrial, or subdivision land, property, improvements, or portions thereof,
14 including immovable property, which is, in the opinion of the board, appropriate to
15 accomplish the objectives and purposes of the authority.

16 * * *

17 (8) To plan, develop, regulate, operate, and maintain activities and planned
18 land uses to foster creation of new jobs, economic development, industry, health
19 care, general public and social welfare, commerce, manufacturing, tourism,
20 relocation of people and businesses to the area, shipbuilding, aviation, military,
21 warehousing, transportation, offices, recreation, ~~residential~~ housing development,
22 and conservation.

23 * * *

24 (12)(a) To levy and collect sales and use taxes within the boundaries of the
25 authority for such purposes and at such rate as provided by the propositions
26 authorizing their levy, not to exceed in aggregate one percent, which taxes may not
27 exceed the limitation set forth in the Constitution of Louisiana, provided the
28 proposition submitted to a vote in accordance with the Louisiana Election Code shall
29 be approved by a majority of the qualified electors of the jurisdiction of the authority

1 voting in an election held for that purpose. In submitting a sales tax proposition to
2 a vote, the board may enter into a cooperative endeavor agreement with the parish
3 or city governing authority providing for the sales tax to be divided into parts
4 between the parish or city and the authority for such purposes and in such amounts
5 as may be set forth in the proposition.

6 * * *

7 (13) To develop, activate, construct, exchange, acquire, improve, repair,
8 operate, maintain, lease, mortgage, sell, and grant a security device affecting the
9 movable and immovable property, servitudes, facilities, and works within
10 ~~Councilmanic Districts 3 and 4 of the city~~ parish of Lafayette under such terms and
11 conditions as the board may deem necessary or appropriate for any public purpose,
12 including industrial, residential, subdivision, and commercial development.

13 * * *

14 (22) To purchase property at a sale conducted pursuant to enforcement of
15 judicial mortgages created in accordance with R.S. 13:2575(C) by tendering a bid
16 equal to or greater than the minimum bid advertised, which bid may be a credit bid
17 consisting of the obligation of the authority to satisfy the bid by payment to the
18 political subdivision holding the lien being enforced in accordance with
19 intergovernmental agreements between the authority and such political subdivision.
20 Such a bid shall be given priority over all other bids regardless of amount except for
21 a higher bid submitted by a conventional mortgage holder on the subject property.

22 I.

23 * * *

24 (2) The authority may issue revenue bonds to finance the undertaking of a
25 redevelopment project under this Part, or otherwise to acquire, purchase, lease,
26 construct, or improve housing, residential or subdivision development, commercial,
27 research, industrial, other plant sites and buildings, or other capital improvements
28 authorized in this Part; and may sell, lease, sublease, or otherwise dispose of by
29 suitable and appropriate contract to any enterprise locating or existing within the

1 jurisdiction of an authority such sites, buildings, or facilities and appurtenances
2 thereto, all or severally. The funds derived from the sale of such bonds may be
3 disbursed in whole or in part upon delivery of the bonds as shall be provided in the
4 contract between an authority and the residential, commercial, research, industrial,
5 or other enterprise to be aided, encouraged, or benefitted subject to the requirements
6 of Paragraph (L)(2) of this Section.

7 * * *

8 K.

9 * * *

10 (6)

11 * * *

12 (c) A bid by the authority at a tax sale for the minimum amount shall take
13 priority over all other bids ~~for the same quantity of property~~ except for a higher bid
14 submitted by a conventional mortgage holder holding a mortgage on the subject
15 property.

16 L.

17 * * *

18 (3) The authority may sell, lease, exchange, or otherwise transfer immovable
19 property or any interest therein acquired by it for residential, ~~or recreational,~~
20 commercial, industrial, or other uses or for public use, subject to such covenants,
21 conditions, and restrictions, including covenants running with the land, as it may
22 deem to be necessary or desirable to assist in carrying out the purposes of this Part.
23 The purchasers or lessees and their successors and assigns shall be obligated to
24 devote such immovable property only to the uses as the authority may determine to
25 be in the public interest, including the obligation to begin within a reasonable time
26 any improvements on such immovable property. Such real property or interest shall
27 be sold, leased, exchanged, or otherwise transferred at not less than its fair value for
28 uses in accordance with the redevelopment plan. In determining the fair value of real
29 property for uses in accordance with the redevelopment or development plans, the

1 authority shall take into account and give consideration to the use provided in such
 2 plan; the restrictions upon and the covenants, conditions, and obligations assumed
 3 by the purchaser or lessee; and the objectives of such plan. The authority, in any
 4 instrument of conveyance to a private purchaser or lessee, may provide that such
 5 purchaser or lessee shall be without power to sell, lease, or otherwise transfer the
 6 immovable property without the prior written consent of the authority until such
 7 purchaser or lessee has completed the construction of any and all improvements
 8 which he has obligated himself to construct thereon. Immovable property acquired
 9 in accordance with the provisions of the redevelopment plan shall be transferred as
 10 rapidly as feasible in the public interest, consistent with the carrying out of the
 11 provisions of the project plan. Such plan and any substantial modification of such
 12 plan shall be filed as a public record in the office of the clerk of the city parish, and
 13 any conveyances, encumbrances, or other contracts may incorporate the provisions
 14 thereof by reference which shall afford notice thereof to all parties.

* * *

R.

* * *

18 (11) If a petition for expedited quiet title and foreclosure is filed under
 19 Paragraph (3) of this Subsection, before the hearing, the authority shall file with the
 20 clerk of the district court proof of notice by certified mail under Paragraph (5) of this
 21 Subsection, proof of notice by posting on the property under Paragraph (6) of this
 22 Subsection, and proof of notice by publication, if applicable. A person claiming an
 23 interest in a parcel of property set forth in the petition for foreclosure, including a
 24 current holder of a conventional mortgage, who desires to contest that petition shall
 25 file written objections with the clerk of the district court and serve those objections
 26 on the authority before the date of the hearing. A holder of a conventional mortgage
 27 may object to the action and is entitled to a dismissal of the proceedings by the
 28 district court upon a showing that it is the holder of a legally enforceable
 29 conventional mortgage and upon payment of the outstanding amount of any liens,

1 taxes, and related costs. The district court may appoint and utilize as the court
 2 considers necessary a curator for assistance with the resolution of any objections to
 3 the foreclosure or questions regarding the title to property subject to foreclosure. If
 4 the court withholds property from foreclosure, the authority's ability to include the
 5 property in a subsequent petition for expedited quiet title and foreclosure is not
 6 prejudiced. No injunction shall issue to stay an expedited quiet title and foreclosure
 7 action under this Subsection. The district court shall enter judgment on a petition to
 8 quiet title and foreclosure filed under Paragraph (3) of this Subsection, not more than
 9 ten days after the conclusion of the hearing or contested case, and the judgment shall
 10 be effective ten days after the conclusion of the hearing or contested case. The
 11 district court's judgment shall specify all of the following:

12 * * *

13 (13) The authority or a person claiming to have a property interest under
 14 Paragraph (2) of this Subsection, in property foreclosed under this Subsection may,
 15 within twenty-one days of the effective date of the judgment under Paragraph (12)
 16 of this Subsection, appeal the district court's order or the district court's judgment
 17 foreclosing property to the court of appeals. The appeal of the judgment is entitled
 18 to preference and priority and shall be handled on an expedited basis by the court of
 19 appeal and, if applicable, the Louisiana Supreme Court. In such cases, the record
 20 shall be prepared and filed within fifteen days of the granting of the order of appeal.
 21 The court of appeal shall hear the case within thirty days after the filing of the
 22 appellee's brief. An appeal under this Paragraph is limited to the record of the
 23 proceedings in the district court under this Subsection. The district court's judgment
 24 foreclosing property shall be stayed until the court of appeals has reversed, modified,
 25 or affirmed that judgment. If an appeal under this Paragraph stays the district court's
 26 judgment foreclosing property, the district court's judgment is stayed only as to the
 27 property that is the subject of that appeal and the district court's judgment foreclosing
 28 other property that is not the subject of that appeal is not stayed. To appeal the
 29 district court's judgment foreclosing property, a person appealing the judgment shall

1 pay to the authority any taxes, interest, penalties, and fees due on the property and
 2 provide notice of the appeal to the authority within twenty-one days after the district
 3 court's judgment is effective. If the district court's judgment foreclosing the property
 4 is affirmed on appeal, the amount determined to be due shall be refunded to the
 5 person who appealed the judgment. If the district court's judgment foreclosing the
 6 property is reversed or modified on appeal, the authority shall refund the amount
 7 determined to be due to the person who appealed the judgment, if any, and forward
 8 the balance to the appropriate taxing jurisdictions in accordance with the order of the
 9 court of appeals.

10 * * *

11 Section 2. The terms of the members of the board of commissioners of the North
 12 Lafayette Development Authority who are serving on the effective date of this Act and who
 13 were appointed pursuant to R.S. 33:4720.171(G)(1)(a)(iii) through (v) as those statutory
 14 provisions provided immediately prior to the effective date of this Act shall terminate on the
 15 effective date of this Act. Their successors shall be appointed pursuant to R.S.
 16 33:4720.171(G)(1)(c) through (e) as provided by this Act. The board may determine the
 17 initial terms of such new members.

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 519 Original

2021 Regular Session

Pierre

Abstract: Provides relative to the jurisdiction, the governing board, and the powers and duties of the North Lafayette Redevelopment Authority. Authorizes the authority to engage in commercial and industrial development.

Present law creates the North Lafayette 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 in north Lafayette. Provides that the authority is a special district and political subdivision of the state.

Present law provides that the geographic jurisdiction of the authority is comprised of La. House of Rep. District No. 44 and Lafayette City-Parish Council Districts 3 and 4 as geographically drawn on August 1, 2014. Further excludes certain property from the district's boundaries. Proposed law changes the boundary of the authority to all of the territory included within the parish of Lafayette.

Present law provides that the authority shall be governed by a board of seven commissioners.

Proposed law retains present law with respect to these four commissioners:

- (1) Two commissioners appointed by the state senator representing Senate District 24.
- (2) One commissioner appointed by the La. state representative representing House District 44.
- (3) One commissioner appointed by the mayor of Carencro.

Proposed law amends present law with respect to three commissioners as follows:

- (1) Proposed law provides for one commissioner appointed by the Lafayette Chapter of the Louis A. Martinet Legal Society *rather than* by the La. state representative representing House District 96.
- (2) Proposed law provides for commissioners appointed, one each, by the councilpersons representing Lafayette City Council districts one and five *rather than* by the Lafayette City-Parish Council districts three and four.

Present law provides that the authority, through the board, shall have all powers necessary or convenient to carry out its objectives and purposes. Such powers include the authority's power to engage in residential development. Proposed law authorizes authority to engage in commercial and industrial development. Also authorizes the authority to foster creation of new jobs, economic development, industry, health care, general public and social welfare, commerce, manufacturing, tourism, relocation of people and businesses to the area, shipbuilding, aviation, military, warehousing, transportation, offices, recreation, and conservation.

Present law authorizes the authority to purchase properties within its territorial jurisdiction from any political subdivision of the state. Further provides that a bid by the authority at a tax sale for the minimum amount shall take priority over all other bids for the same quantity of property. Proposed law provides that a higher bid submitted by a conventional mortgage holder holding a mortgage on the subject property takes priority over a bid by the authority.

Present law permits the authority to initiate an expedited quiet title and foreclosure action to quiet title to real property held by the authority. Further authorizes the authority to file a single petition with the district court to expedite foreclosure under present law listing all property subject to expedited foreclosure by the authority and for which the authority seeks to quiet title. Proposed law retains present law.

Present law requires a person claiming an interest in parcel of property set forth in the petition for foreclosure who desires to contest the petition to file written objections with the clerk of the district court and serve those objections on the authority prior to the hearing. Provides that the district court may retain a curator for assistance with the resolution of any objections to the foreclosure. Proposed law authorizes a current holder of a conventional mortgage to contest the petition. Also provides that such person may object to the action and is entitled to a dismissal of the proceedings by the district court upon a showing that it is the holder of a legally enforceable conventional mortgage and upon payment of the outstanding amount of any liens, taxes, and related costs.

Present law permits the authority or a person claiming to have a property interest in the foreclosed property to appeal the district court's order within 21 days of the effective date of the judgment. Provides that the district court's judgment shall be stayed until the court of appeals has reversed, modified, or affirmed the judgment. Requires the person appealing the judgment to pay the authority any taxes, interest, penalties, and fees due on the property and provide notice of the appeal to the authority within 21 days after the district court's

judgment is effective. Proposed law provides that the appeal of the judgment is entitled to preference and priority and shall be handled on an expedited basis by the court of appeal and, if applicable, the La. Supreme Court. Further provides that, in such cases, the record shall be prepared and filed within 15 days of the granting of the order of appeal, and that the court of appeal shall hear the case within 30 days after the filing of the appellee's brief.

(Amends R.S. 33:4720.171(F)(1), (G)(1) and (2)(c), (H)(4)(a), (8), (12)(a), (13), and (22), (I)(2), (K)(6)(c), (L)(3), and (R)(11)(intro. para.) and (13))