

2021 Regular Session

SENATE BILL NO. 183

BY SENATOR ABRAHAM

BLIGHTED PROPERTY. Provides for the acquisition of blighted property in Lake Charles.
(8/1/21)

1 AN ACT

2 To amend and reenact the introductory paragraph of R.S. 9:5633.1(A), and to enact R.S.
3 9:5633.1(M) and (N), to provide relative to blighted property; to provide for
4 acquisition of blighted property in Lake Charles; to provide for the filing of certain
5 affidavits and judgments; to provide for notice requirements; and to provide for
6 related matters.

7 Notice of intention to introduce this Act has been published.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. The introductory paragraph of R.S. 9:5633.1(A) is hereby amended and
10 reenacted and R.S. 9:5633.1(M) and (N) are hereby enacted to read as follows:

11 §5633.1. Blighted property in certain municipalities; acquisitive prescription

12 A. In an incorporated municipality that is under a home rule charter, having
13 a population between six thousand six hundred fifty and seven thousand six hundred
14 fifty, according to the latest federal decennial census, or in the city of Lake
15 Charles, with the approval of the Lake Charles City Council, and upon
16 compliance with this Section and the applicable provisions of an ordinance
17 adopted pursuant to Subsection M of this Section, ownership of an immovable

1 may be acquired by the prescription of three years without the need of just title or
2 possession in good faith. The requirements for the acquisitive prescription of three
3 years are as follows:

4 * * *

5 **M. In addition to the notices and procedures provided in this Section, the**
6 **city of Lake Charles shall adopt additional notice requirements or other**
7 **conditions by city ordinance which must be met before allowing a possessor to**
8 **occupy and possess blighted property under the provisions of this Section. These**
9 **additional requirements may relate to the following matters, among any others**
10 **not prohibited by the Constitution of Louisiana:**

11 **(a) Notice of any hearing provided in this Section.**

12 **(b) Notice regarding any determination made in connection with the**
13 **hearing.**

14 **(c) The filing and recording of any document related to the hearing in the**
15 **mortgage or conveyance records of the parish.**

16 **N. In the city of Lake Charles, a possessor of an immovable seeking to**
17 **establish title to immovable property based on compliance with the**
18 **requirements set forth in this Section and in any applicable city ordinance, may**
19 **bring a possessory action pursuant to Code of Civil Procedure Art. 3655 or an**
20 **action pursuant to any other procedure allowed by Louisiana law, and to seek**
21 **a judgment confirming his ownership of the blighted property in accordance**
22 **with and to the full extent of the boundaries established by the record title of the**
23 **prior record owner. The court shall render a judgment declaring the possessor**
24 **to be the record owner of the property upon sufficient proof that the possessor**
25 **followed the procedures of this Section, in addition to other requirements**
26 **promulgated by the city of Lake Charles pursuant to Subsection M of this**
27 **Section if applicable.**

The original instrument was prepared by James Benton. The following digest, which does not constitute a part of the legislative instrument, was prepared by Carla S. Roberts.

DIGEST

SB 183 Reengrossed

2021 Regular Session

Abraham

Present law provides that in an incorporated municipality that is under a home rule charter, having a population between 6,650 and 7,650, according to the latest federal decennial census, ownership of an immovable may be acquired by the prescription of three years without the need of just title or possession in good faith.

Proposed law retains present law and extends these provisions to the city of Lake Charles, with the approval of the City Council.

Proposed law provides that in Lake Charles in addition to the notices and procedures provided in proposed law, the city of Lake Charles shall adopt additional notice requirements or other conditions by city ordinance which must be met before allowing a possessor to occupy and possess blighted property. These additional requirements may relate to the following matters, among any others not prohibited by the constitution:

- (1) Notice of any hearing.
- (2) Notice regarding any determination made in connection with the hearing.
- (3) The filing and recording of any document related to the hearing in the mortgage or conveyance records of the parish.

Proposed law provides that a possessor of an immovable seeking to establish title to immovable property based on compliance with the requirements set forth in proposed law and in any applicable city ordinance, may bring a possessory action pursuant to present law, and to seek a judgment confirming his ownership of the blighted property in accordance with and to the full extent of the boundaries established by the record title of the prior record owner. The court will render a judgment declaring such possessor to be the record owner of the property upon sufficient proof that the possessor followed the procedures set forth in present and proposed law and adopted by ordinance by the city.

Effective August 1, 2021.

(Amends R.S. 9:5633.1(A)(intro para); adds R.S. 9:5633.1(M) and (N))

Summary of Amendments Adopted by Senate

Senate Floor Amendments to engrossed bill

1. Makes technical corrections.