AN ACT

To amend and reenact R.S. 33:4882(A) and (B), relative to building and zoning regulations in parishes and municipalities; to require that the governing authority of any municipality or parish not allow and not cause any building or land to lose nonconforming use status by reason of vacancy or cessation of normal operations during a specified time period; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 33:4882(A) and (B) are hereby amended and reenacted to read as follows:

§4882. Building and zoning regulations in local governmental subdivisions;

nonconforming use

A. Notwithstanding any provision of law or municipal or parish ordinance or resolution to the contrary, the governing authority of any municipality or parish and any agency of any such municipality or parish shall not allow and shall not cause any building or land to lose its nonconforming use status because, during all or part of the period of August 29, 2005 through August 28, 2007, as a result of damage caused by Hurricane Katrina or Hurricane Rita, it is
temporarily vacant or operations normally carried on in such building or on such land have been temporarily discontinued.

B. Notwithstanding the provisions of Subsection A of this Section, the governing authority of any parish having a population in excess of three hundred fifty thousand, based on the latest federal decennial census, may by ordinance reduce the time period of August 29, 2005 through August 28, 2007, provided in Subsection A of this Section.

Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

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

DIGEST

Present law prohibits the governing authority of any municipality or parish affected by Hurricane Katrina or Hurricane Rita and any agency of any such municipality or parish from allowing or causing any building or land to lose its nonconforming use status because, during all or part of the period of August 29, 2005, through August 28, 2007, as a result of damage caused by Hurricane Katrina or Hurricane Rita, it is temporarily vacant or because the operations normally carried on in such building or on such land have been temporarily discontinued, notwithstanding any contrary law or municipal or parish ordinance or resolution.

Present law provides that the governing authority of any parish having a population in excess of 400,000 may by ordinance reduce the time period.

Proposed law retains present law but changes its applicability from any building or land affected by Hurricane Katrina or Hurricane Rita to any building or land temporarily vacant or due to operations on such property being temporarily discontinued from March 11, 2020, through March 16, 2022, and authorizes the governing authority of a parish having a population in excess of 350,000 to reduce the time period.

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

(Amends R.S. 33:4882(A) and (B))
Committee Amendments Proposed by Senate Committee on Local and Municipal Affairs to the original bill

1. Changes the dates of applicability in relation to property being temporarily discontinued.