

2024 Regular Session

HOUSE BILL NO. 147

BY REPRESENTATIVE GLORIOSO

PARISH/ORDINANCES: Provides relative to administrative adjudication procedures in the city of Slidell

1 AN ACT

2 To enact R.S. 13:2575.2.1, relative to the city of Slidell; to provide relative to administrative
3 adjudication of certain ordinance violations and judicial review of administrative
4 hearings; to provide for definitions; and to provide for related matters.

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

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 13:2575.2.1 is hereby enacted to read as follows:

10 §2575.2.1. City of Slidell; additional administrative adjudication procedures;
11 judicial review procedures

12 A.(1) In the city of Slidell, the term "housing violation" as used in this
13 Chapter also encompasses building codes, zoning, vegetation, and nuisance
14 ordinances.

15 (2) In the city of Slidell, the procedures for administrative adjudication
16 provided in this Chapter may also be utilized in matters involving licensing and
17 permits and any other ordinance violations that may be determined by the municipal
18 governing authority.

19 B.(1) Any person aggrieved by a decision of the hearing officer of the city
20 of Slidell may present a petition to the district court of the parish along with payment
21 of reasonable costs as required by the clerk. Such petition shall be duly verified, set

1 forth that the decision is illegal, in whole or in part, and specify the grounds of the
2 illegality. The petition shall be presented to the court within thirty days after the
3 filing of the decision of the hearing officer.

4 (2) Upon the presentation of the petition, the court may allow a writ of
5 certiorari directed to the hearing officer to review the decision of the hearing officer,
6 and there shall be prescribed therein the period of time within which a return may be
7 made and served upon the relator's attorney. Such period shall be not less than ten
8 days but may be extended by the court. The allowance of the writ does not stay the
9 proceedings upon the decision or any enforcement thereof unless the person who
10 files the appeal for writ of certiorari furnishes security, prior to filing notice of
11 appeal, with the agency of the city designated by ordinance to accept such payments
12 in the amount fixed by the hearing officer sufficient to assure satisfaction of the
13 finding of the hearing officer relative to the fine, fee, penalty, costs of the hearing,
14 and costs, if any, of correcting the violation.

15 (3) The hearing officer of the city of Slidell is not required to return the
16 original papers acted upon by the hearing officer but may return certified or sworn
17 copies thereof or such portions thereof as called for by the writ. The return shall
18 concisely set forth such other facts as may be pertinent and material to show the
19 grounds of the decision appealed from and shall be verified.

20 (4) If, upon the hearing, it appears to the court that testimony is necessary
21 for the proper disposition of the matter, the court may take additional evidence or
22 appoint a referee to take such evidence. The referee shall report to the court with his
23 findings of fact and conclusions of law, and his report constitutes a part of the
24 proceedings upon which the determination of the court shall be made.

25 (5) The court may reverse or affirm, wholly or in part, or may modify the
26 decision brought up for review. All issues in any proceedings under this Section
27 shall have preference over all other civil actions and proceedings. The appellant and
28 the city of Slidell shall be parties in such civil action and proceeding; the hearing
29 officer of the city of Slidell shall not be a party to such civil action and proceeding.

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 147 Engrossed

2024 Regular Session

Glorioso

Abstract: Provides additional administrative adjudication procedures and judicial review procedures in the city of Slidell.

Present law authorizes municipalities and parishes to prescribe civil fines for violations of certain types of ordinances, including housing ordinances. Present law defines the term "housing violation" as only those conditions in privately owned structures which are determined to constitute a threat or danger to the public health, safety, or welfare or to the environment or a historic district. Present law further provides that in municipalities with a population of 70,000 or more and in other specified parishes and municipalities, the term shall also encompass building codes, zoning, vegetation, and nuisance ordinances.

Proposed law provides that in the city of Slidell, the term "housing violation" also encompasses building codes, zoning, vegetation, and nuisance ordinances and ordinances that provide for the regulation of sewerage and drainage systems.

Present law authorizes municipalities and parishes to adopt ordinances establishing an administrative adjudication procedure for holding hearings related to present law violations. Additionally authorizes certain parishes and municipalities to use administrative adjudication procedures in matters involving licensing, permits, and other ordinance violations that may be determined by the respective parish or municipal governing authority.

Proposed law authorizes Slidell to use administrative adjudication procedures in matters involving licensing, permits, and other ordinance violations as determined by the municipal governing authority.

Proposed law provides procedures for judicial review of decisions of the adjudication hearing officer in Slidell as follows:

- (1) Provides for appeal by filing a petition with the district court within 30 days after the decision of the hearing officer.
- (2) Authorizes the court to allow a writ of certiorari directed to the hearing officer to review the decision. Provides that the allowance of the writ does not stay the proceedings or any enforcement unless the person who files the appeal furnishes security in the amount sufficient to assure satisfaction of the fine, fee, penalty, costs of the hearing, and costs, if any, of correcting the violation.
- (3) The hearing officer's return to the court shall concisely set forth pertinent and material facts.
- (4) Authorizes the court to take additional testimony or to appoint a referee to take such testimony.
- (5) Provides that the court may reverse or affirm, wholly or in part, or may modify the decision.

(Adds R.S. 13:2575.2.1)