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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Senate Legislative Services. The keyword, summary, 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)]

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DIGEST

SB 63 Original

2025 Regular Session

Jenkins

Present law (R.S. 33:361) provides that a municipality shall be vested with all powers, rights, privileges, immunities, authorities, and duties in accordance with all constitutional and statutory provisions.

Proposed law retains present law and expands the powers of municipalities to provide that the governing authority of a municipality shall have a privilege against a multifamily residential property for the amount of any unpaid service charge or user fee for sewage disposal services or water system services the municipality provides.

Proposed law provides that the privilege shall apply only to multifamily residential property that uses a master meter service agreement in which a single water meter or collection of meters measures the total water or sewage services usage for the entire property or multiple units within a development, including an apartment or condominium complex.

Proposed law provides that each municipal governing authority may provide by ordinance for the filing into the public records of notice of nonpayment of a service charge or user fee for sewage disposal or water system services provided to a multifamily residential property within the municipality. Further provides that the filing of the notice of nonpayment shall perfect the privilege against the property for the unpaid charge or fee which is superior in rank to mortgages, vendor's privileges, and all other privileges except tax privileges.

Proposed law provides that the ordinance shall provide for notice by certified mail, prior to filing the notice in the public records, to any multifamily residential property which fails to pay the service charge or user fee that a privilege exists upon the property for the amount of the unpaid charge or fee and that the privilege will be perfected by the filing of a notice of nonpayment in the public records.

Proposed law provides that not less than 30 days after mailing the notice and only after the multifamily residential property's subsequent failure to pay the charge or fee within the 30 days, the notice of nonpayment may be filed in the mortgage records of the parish. Further provides that the privilege filed by municipalities against such multifamily residential property for unpaid sewage disposal or water system service charges or user fees shall not be effective against third parties until filed in the mortgage records.

Effective August 1, 2025.

(Adds R.S. 33:361.1)