

2025 Regular Session

HOUSE BILL NO. 247

BY REPRESENTATIVE CHENEVERT

PROPERTY/EXPROPRIATION: Provides relative to the expropriation of blighted property in East Baton Rouge Parish and the city of Baton Rouge

1 AN ACT

2 To enact Part III-K of Title 19 of the Louisiana Revised Statutes of 1950, to be comprised

3 of R.S. 19:140 through 140.12, relative to expropriation of blighted property by

4 declaration of taking; to provide for legislative intent; to authorize East Baton Rouge

5 Parish and the city of Baton Rouge to expropriate blighted property by declaration

6 of taking; to define terms; to provide for the purposes of the expropriation; to

7 provide for procedures and delays; to provide for a determination of value; to

8 provide for vesting of title; to provide for notice; to provide for opposition and

9 waiver of defenses; and to provide for related matters.

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

13 Be it enacted by the Legislature of Louisiana:

14 Section 1. Part III-K of Title 19 of the Louisiana Revised Statutes of 1950,
15 comprised of R.S. 19:140 through 140.12, is hereby enacted to read as follows:

1 PART III-K. EXPROPRIATION OF ABANDONED OR BLIGHTED PROPERTY
2 BY A DECLARATION OF TAKING BY EAST BATON ROUGE PARISH AND
3 THE CITY OF BATON ROUGE

4 §140. Purpose

5 In an effort to control the rising number of abandoned or blighted properties
6 throughout the state and to slow urban blight, the legislature finds it necessary to
7 implement a mechanism by which the parish of East Baton Rouge and the city of
8 Baton Rouge are empowered to more readily obtain abandoned or blighted
9 properties. The provisions of this Part are intended to provide a means by which
10 governing authorities may revitalize economically depressed areas by placing
11 abandoned or blighted properties back into the economic stream of commerce
12 through the rehabilitation of the abandoned or blighted property. The procedure
13 created by this Part shall be in addition to any other procedure authorized by law.

14 §140.1. Definitions

15 As used in this Part, the term:

16 (1) "Abandoned property" means property that is vacant or not lawfully
17 occupied.

18 (2) "Vacant or not lawfully occupied" means any premises that is not
19 occupied by its owner, lessee, or other invitee or if occupied, without utilities, and
20 has been left unsecured or inadequately secured from unauthorized entry to the
21 extent that the premises could be entered and utilized by vagrants or other uninvited
22 persons as a place of harborage or any premises which by reason of dilapidation,
23 deterioration, state of disrepair, or other such status is otherwise detrimental to or
24 endangers the public safety, health, or welfare.

25 (3) "Blighted property" means any commercial or residential premises,
26 including a vacant lot, which has been declared vacant, uninhabitable, or hazardous
27 by an administrative hearing officer acting pursuant to R.S. 13:2575 and 2576, or any
28 other applicable law.

1 (4) "Governing authority" means the parish of East Baton Rouge or the city
2 of Baton Rouge or its assignee.

3 (5) "Notice" means the sending of written communication to a person
4 entitled to receive notice pursuant to this Part by any of the following methods:

5 (a) By means of registered or certified mail, return receipt requested, to an
6 owner at the address of the owner listed in the assessor's office for the parish in
7 which the abandoned or blighted property is located.

8 (b) In the same manner as service of citation or other process as provided for
9 in the Code of Civil Procedure and R.S. 13:3201 et seq., whether made by a sheriff,
10 deputy sheriff, or constable or as otherwise provided by law in any civil matters.

11 (c) By a duly authorized building inspector or other representative of the
12 political subdivision, as provided by ordinance.

13 (d) In the event that the owners are absent or unable to be notified in
14 accordance with Subparagraphs (5)(a) through (c) of this Subsection, notice may be
15 made by publication once a week for two consecutive weeks in an official journal of
16 the political subdivision in which the property is located.

17 (6) "Owner" means any person having an ownership interest in the property
18 as shown in the conveyance records of the parish in which the property is located,
19 including but not limited to ownership or leasehold interest.

20 (7) "Property" means any portion of immovable property, including
21 servitude, leases, rights-of-way, and other rights in or to immovable property.

22 §140.2. Authority to expropriate; acquisition of abandoned or blighted property
23 prior to judgment

24 A. When the governing authority cannot amicably acquire property needed
25 by the governing authority for the rehabilitation of abandoned or blighted property
26 in order to return it to commerce, it may acquire the same by expropriation and may
27 acquire the abandoned or blighted property prior to judgment in the trial court fixing
28 the amount of compensation due to the owner of the abandoned or blighted property.

1 B. At least fifteen days prior to filing a petition for expropriation, the
2 governing authority shall send notice to the owner of its intention to expropriate the
3 property pursuant to this Part. The notification shall also inform the owner that if
4 within fifteen days after being served with the citation and pleading that he does not
5 object to the taking on the grounds that it is not for a public purpose or fails to show
6 that the abandoned or blighted conditions of the property have been substantially
7 rehabilitated and that all taxes and public liens have been paid, he shall waive all
8 defenses to the taking except claims for compensation or damages.

9 C. Except for the provisions of R.S. 48:453(E), 456(A)(3) and (B), and as
10 otherwise provided in this Part, such expropriation by the governing authority shall
11 be conducted in the manner that the Department of Transportation and Development
12 may expropriate property for highway purposes, as set forth in R.S. 48:441 through
13 460.

14 §140.3. Contents of petition for expropriation; place of filing

15 The right of expropriation granted by this Part shall be exercised in the
16 following manner:

17 (1) A petition shall be filed by the governing authority in the district court
18 of the parish in which the property to be expropriated is located.

19 (2) The petition shall contain a statement of the purpose for which the
20 property is to be expropriated, a legal description of the property being expropriated,
21 and the name of the record owner or owners.

22 (3) The petition shall have annexed to it the following:

23 (a) A certified copy of a resolution adopted by the governing authority
24 authorizing the taking of abandoned or blighted property and declaring that it is
25 necessary or useful for the purposes of this Part.

26 (b) An itemized statement of the amount of money estimated to be the full
27 extent of the owner's loss for the actual taking, use, damage, or destruction, as the
28 case may be. It shall be signed by a qualified and licensed real estate appraiser who
29 made the estimate and shall include the date on which the appraisal was made.

1 (c) A copy of the notification of intention to expropriate the property, as
2 required by R.S. 19:140.2 (B), and an affidavit setting forth the efforts to notify the
3 owner.

4 §140.4. Prayer of petition; ex parte order for deposit; value determination

5 The petition shall conclude with a prayer that the abandoned or blighted
6 property be declared taken for the purpose of rehabilitating economically depressed
7 property by placing it back into the economic stream of commerce. Upon
8 presentation of the petition, the court shall issue an order directing that the amount
9 of the appraisal be deposited in the registry of the court. Upon the deposit of the
10 amount of the appraisal in the registry of the court, the clerk shall issue a receipt
11 showing the amount deposited, the date it was deposited, the style and number of the
12 cause, and the description of the property as contained in the petition.

13 §140.5. Vesting of title

14 Upon presentation of the receipt issued by the clerk of court, the court shall
15 render an immediate ex parte order transferring and vesting full and complete right,
16 title, and ownership in and to the property unto the governing authority, free and
17 clear of all rights of all interested owners, and all such rights and interests shall be
18 transferred to and attach to the funds on deposit. The rights and interests of all
19 creditors shall be transferred and attach to the funds on deposit. Upon vesting of
20 title, the governing authority may enter upon and take possession of the property.

21 §140.6. Notice to defendant

22 Upon receipt of the deposit and the ex parte order, the clerk of court shall
23 comply with all laws governing citation as to each named defendant.

24 §140.7. Contesting validity of proposed taking; waiver of defenses

25 A. Any defendant desiring to contest and oppose the validity of the taking
26 on the grounds that the property taken was not expropriated for a public purpose or
27 the abandoned or blighted conditions of the property have been substantially
28 rehabilitated and all taxes and governmental liens have been paid shall file a motion
29 to dismiss the taking within fifteen days after the date on which the citation was

1 served on him or a court-appointed curator on his behalf. The motion to dismiss the
2 taking shall be served pursuant to Code of Civil Procedure Article 1314. This
3 motion shall be tried contradictorily as a summary proceeding with preference over
4 all other matters to the judge alone and shall be decided prior to fixing the case for
5 trial on the compensation or damages due to the defendant.

6 B. The ex parte order vesting title in the governing authority shall become
7 final upon the failure of the defendant to timely file the opposition provided in
8 Subsection A of this Section. If the defendant files an opposition, the ex parte order
9 becomes final upon the rendering of a judgment in favor of the governing authority
10 on the trial of the opposition or as otherwise provided in the Code of Civil Procedure.

11 §140.8. Defendant's answer; requirements; delay for filing

12 When property is expropriated pursuant to this Part, any defendant may apply
13 for a trial to the district court for the parish in which the property is located to
14 determine the measure of compensation to which he is entitled if:

15 (1) The defendant or owner applies for a trial within fifteen days from the
16 date of service upon him, or a curator ad hoc appointed for him, or within an
17 extended period of time granted by the court for good cause not to exceed sixty days,
18 otherwise it shall be conclusively presumed that the amount deposited by the
19 governing authority is correct and the defendant or owner shall thereafter be barred
20 from disputing the deposited amount.

21 (2) His answer sets forth the amount he claims including the value of each
22 parcel expropriated.

23 (3) His answer has a certificate thereon showing that a copy thereof has been
24 served personally or by mail on all parties to the suit who have not joined in the
25 answer.

26 §140.9. Encumbrances and taxes

27 A. Subsequent to the rendition of the ex parte order of expropriation, the
28 governing authority shall notify all parties having any mortgage, lien, or
29 encumbrance on the property of the pendency of the proceedings. The notices shall

1 be sent to all such parties as may be reasonably ascertained. Notices may be sent as
2 provided for in this Part. The rights and interest of all creditors shall be transferred
3 and attached to the funds on deposit. The court shall have summary jurisdiction to
4 rank the creditors according to law and their respective priority and order distribution
5 of the funds.

6 B. The expropriated property shall be vested in the governing authority free
7 and clear of all mortgages, liens, privileges, and encumbrances. All inscriptions for
8 taxes, tax liens, and governmental charges shall be canceled according to law upon
9 payment of same to the extent that the funds are available from the amount deposited
10 into the registry of the court. When the ex parte order vesting title in the
11 governmental authority becomes final, as provided in R.S. 19:140.7(B), the court
12 shall order upon ex parte motion the recorder of mortgages to cancel and erase all
13 liens, mortgages, and encumbrances affecting the expropriated property and shall
14 order the taxing authority to cancel and erase all taxes, tax liens, and governmental
15 charges against the property.

16 §140.10. Acquisition by third persons

17 The governing authority shall provide an equal opportunity for all natural or
18 juridical persons to acquire property expropriated pursuant to the provisions of this
19 Part when the governing authority decides to sell, convey, or otherwise dispose of
20 any property expropriated pursuant to the provisions of this Part. The governing
21 authority may establish a preference for the allocation of the properties to low-
22 income families directly or through for-profit or nonprofit organizations which will
23 have rehabilitated or constructed housing on the property.

24 §140.11. Sale of expropriated property

25 Notwithstanding any other provision of law to the contrary, the governing
26 authority may sell property acquired pursuant to this Part at public or private sale.
27 The governing authority shall enact an ordinance authorizing the sale of property
28 acquired pursuant to this Part and state whether the sale shall be by public or private
29 sale. If the ordinance states that the sale will be by private sale, the ordinance shall

1 establish a fair and equitable policy that shall have uniform application for
 2 determining the sale price. For purposes of this Section, the sale of property
 3 acquired pursuant to this Part shall not be considered the sale of surplus property or
 4 of property owned by the governing authority.

5 §140.12. Notice of sale; private and public

6 A. If property is sold at private sale, the governing authority shall publish a
 7 quarterly report on the procedures for sale of property acquired pursuant to this Part.
 8 The governing authority shall also publish a quarterly report on the list of properties
 9 acquired pursuant to this Part that have been sold by the governing authority in the
 10 preceding quarter, which list shall include the name of the purchaser, the municipal
 11 address of the property sold or, if no municipal address is available, the district, lot,
 12 and square number, and the price at which the property was sold.

13 B. If property is sold at public sale, notice of the sale shall be published at
 14 least twice in the manner provided by law for sales under judicial process. The
 15 advertisement of the notice of the public sale shall contain the date of the sale, the
 16 place and time of the sale, the municipal address of the property subject to such sale
 17 or, if no municipal address is available, the district, lot, and square number, and the
 18 terms of the sale.

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 247 Engrossed

2025 Regular Session

Chenevert

Abstract: Authorizes East Baton Rouge Parish and the city of Baton Rouge to expropriate blighted property by declaration of taking (quick-taking).

Proposed law authorizes East Baton Rouge Parish and the city of Baton Rouge to expropriate abandoned or blighted property by a declaration of taking.

Proposed law defines "abandoned property", "vacant or not lawfully occupied", "blighted property", "governing authority", "notice", "owner", and "property".

Proposed law provides for the following procedures:

- (1) Requires notification to an owner of the intention to expropriate the property at least 15 days prior to filing a petition for expropriation.

- (2) Expropriation is to be conducted in a manner consistent with the existing procedures used by DOTD.
- (3) Requires the filing of a petition and resolution containing a statement of public purpose and attachment of certain other documentation and depositing in the registry of the court an amount equal to the estimated value of the property. Upon presentation of the receipt of the deposit, the court issues an ex parte order vesting title with the governing authority. The ex parte order becomes final upon defendant's failure to file a motion to dismiss or a judgment is rendered in favor of the governing authority on the trial of the motion.
- (4) Upon receipt of the deposit and the ex parte order, notice of the petition, along with the ex parte order and receipt of deposit, is sent by the clerk of court to all defendants.
- (5) Provides procedures for a defendant to contest the validity of the taking on the grounds that the property taken was not expropriated for a public purpose or that the blighted conditions on the property have been or are in the process of being rehabilitated within 15 days after the date which the citation was served.
- (6) Provides for equal opportunity for all natural and juridical persons to purchase expropriated blighted property from the governing authority when the governing authority decides to sell, convey, or otherwise dispose of expropriated property.
- (7) Requires the governing authority to provide notice of the sale of property acquired through expropriation.

(Adds R.S. 19:140-140.12)