

Regular Session, 2013

SENATE BILL NO. 51

BY SENATOR LONG

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

CIVIL PROCEDURE. Provides relative to municipal and parish actions, liens, and proceedings for violations of public health, housing and certain other ordinances. (gov sig)

AN ACT

To amend and reenact R.S. 13:2575(A) and (C)(2) and 2576(A)(introductory paragraph) and to enact R.S. 13:2576(A)(7), relative to administrative adjudication procedures for public health, housing, fire code, environmental and other ordinance violations; to remove certain municipal and parish population requirements and restrictions; to provide certain terms, conditions, requirements, and procedures; to provide for the enforcement of ordinances through administrative adjudication procedures and other procedures, including liens, actions and tax sales; to provide for the effects of such procedures and judgments; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 13:2575(A) and (C)(2) and 2576(A)(introductory paragraph) are hereby amended and reenacted and R.S. 13:2576(A)(7) is hereby enacted to read as follows:

~~§2575. Municipalities with populations in excess of three hundred thousand;~~

Municipalities and parishes; pPublic health, housing, fire code,

building code and certain other ordinance and environmental

violations; administrative adjudication; procedure; appeal; penalties

A. Any municipality or parish may prescribe civil fines for violation of

1 public health, housing, fire code, environmental, **building code, zoning, vegetation,**
 2 **nuisance** and historic district ordinances in the municipality or parish by owners of
 3 immovable property, their agents, tenants, or representatives pursuant to the
 4 procedures for administrative adjudication provided in this Chapter. For the
 5 purposes of this Chapter, "housing violations" shall encompass only those conditions
 6 in privately owned structures which are determined to constitute a threat or danger
 7 to the public health, safety or welfare and/or to the environment, or a historic district.
 8 ~~In municipalities with a population of seventy thousand or more, the term "housing~~
 9 ~~violation" as used in this Chapter shall also encompass building codes, zoning,~~
 10 ~~vegetation, and nuisance ordinances.~~ However, nothing in this Section shall be
 11 construed to affect activities which occur on the premises of manufacturing facilities
 12 and which are regulated by Title 30 of the Louisiana Revised Statutes of 1950.

13 * * *

14 C. (1)

15 * * *

16 (2) Any liens placed against such immovable property shall be included in
 17 the next annual ad valorem tax bill and shall be paid along with such taxes, subject,
 18 however, to any valid homestead exemption. Failure to pay the liens shall cause the
 19 immovable property in or on which the violation occurred to be subject to the same
 20 provisions of law as govern tax sales of immovable property, except that ~~in~~
 21 ~~municipalities with populations in excess of three hundred thousand according to the~~
 22 ~~latest federal decennial census,~~ when the immovable property has been declared
 23 blighted or a public nuisance by an administrative hearing officer acting in
 24 accordance with this Section, the property owners and other parties having interests
 25 in the property shall not have a right of redemption. However, if the immovable
 26 property has been sold for nonpayment of taxes to a tax sale purchaser other than the
 27 municipality, and if the right of redemption from the tax sale has not elapsed at least
 28 one year prior to the sale pursuant to this Section, the tax sale purchaser shall have
 29 a right of redemption from the sale pursuant to this Section until one year after the

1 right of redemption from the tax sale elapses. In addition, ~~in municipalities with~~
2 ~~populations in excess of three hundred thousand according to the latest federal~~
3 ~~decennial census~~, failure to pay the liens shall also cause such liens and privileges
4 to be subject to enforcement in accordance with R.S. 13:2576. Any liens placed
5 against immovable property that has a legal homestead exemption from taxes will
6 become payable ninety days after the death of the owner thereof or immediately
7 upon recordation of any conventional mortgage on the immovable property or
8 transfer of title to a new owner, whichever occurs first.

9 * * *

10 §2576. Administrative adjudication of public health, housing, fire code,
11 environmental, **building code, zoning, vegetation, nuisance** and
12 historic district violations; ~~municipalities with a population in excess~~
13 ~~of three hundred thousand~~

14 A. In each ~~any~~ **municipality or parish** having a population of three hundred
15 ~~thousand or more according to the latest federal decennial census~~, the failure to pay
16 the liens, privileges, ~~and~~ judicial mortgages and any fines, fees, penalties, or hearing
17 costs imposed pursuant to R.S. 13:2575 shall cause the liens, privileges, ~~and~~ judicial
18 mortgages and any fines, fees, penalties, or hearing costs to be enforceable pursuant
19 to the following provisions, in addition to those provided for in R.S. 13:2575:

20 * * *

21 **(7) If property for which tax sale title was acquired and held by a**
22 **political subdivision pursuant to R.S. 47:2196 is sold pursuant to this Chapter,**
23 **upon recordation of such sale the property shall no longer be deemed**
24 **adjudicated property. For purposes of any rights of redemption required**
25 **pursuant to state law, the redemption period shall be deemed to have**
26 **commenced on the date of the recordation of the initial adjudication to the**
27 **political subdivision and not on the date of sale pursuant to this Chapter.**

28 * * *

29 Section 2. This Act shall become effective upon signature by the governor or, if not

1 signed by the governor, upon expiration of the time for bills to become law without signature
 2 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 3 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 4 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 Julie J. Baxter.

DIGEST

Present law provides that any municipality or parish may prescribe civil fines for violation of public health, house, fire code, environmental, and historic district ordinances in the municipality or parish by owners of immovable property, their agents, tenants, or representatives pursuant to the procedures for administrative adjudication provided in the present law.

Proposed law retains present law and adds violations for building code, zoning, vegetation, and nuisance ordinances.

Present law provides that in municipalities with a population of 70,000 or more, "housing violation" shall include building codes, zoning, vegetation and nuisance ordinances. Proposed law deletes present law.

Present law provides that any liens against immovable property as a result of such violations shall be included in the next annual ad valorem tax bill and all be paid along with such taxes, subject to any valid homestead exemption. Further provides that failure to pay such liens shall cause the immovable property in or on which the violation occurred to be subject to the same provisions of law as govern tax sales of immovable property, except that, in municipalities with populations in excess of 300,000, when the immovable property has been declared blighted or a public nuisance by an administrative hearing officer, the property owners and other parties having interests in the property shall not have a right of redemption.

Proposed law removes the limitation making the exception apply only to municipalities with populations in excess of 300,000, so that the exception under proposed law would now apply to all municipalities and parishes.

Present law provides that, in municipalities with populations in excess of 300,000, failure to pay certain liens shall cause such liens and privileges to be subject to enforcement in accordance with R.S. 13:2576.

Proposed law removes present reference to municipalities with populations in excess of 300,000, so that failure to pay certain liens in any municipality or parish shall cause such liens and privileges to be subject to enforcement in accordance with R.S. 13:2576.

Present law references administrative adjudication of public health, housing, fire code, environmental and historic district violations.

Proposed law adds references to administrative adjudication of building code, zoning, vegetation and nuisance violations.

Present law provides that in each municipality having a population of 300,000 or more, the failure to pay liens, privileges, judicial mortgages and any fines, fees, penalties or hearing costs imposed pursuant to R.S. 13:2575 shall cause the lien, privileges, judicial mortgages and any fines, fees, penalties or hearing costs to be enforceable pursuant to certain provisions

listed.

Proposed law removes reference to municipalities having a population of 300,000 or more, making present law applicable to any municipality or parish.

Proposed law provides that if property for which tax sale title was acquired and held by a political subdivision pursuant to R.S. 47:2196 is sold pursuant to the present and proposed law, upon recordation of such sale the property shall no longer be deemed adjudicated property. For purposes of any rights of redemption required pursuant to state law, the redemption period shall be deemed to have commenced on the date of the recordation of the initial adjudication to the political subdivision and not on the date of sale pursuant to the present and proposed law.

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

(Amends R.S. 13:2575(A) and (C)(2) and 2576(A)(intro para); adds R.S. 13:2576(A)(7))