

SENATE BILL NO. 51

BY SENATORS LONG, GALLOT, RISER AND THOMPSON

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

1 AN ACT

2 To amend and reenact R.S. 13:2575(A), (B), (C)(2), (D), (F) and (H) and
3 2576(A)(introductory paragraph) and to enact R.S. 13:2576(A)(7), relative to
4 administrative adjudication procedures for blighted or abandoned property, public
5 health, housing, fire code, environmental and other ordinance violations; to provide
6 certain municipal and parish population requirements and restrictions; to provide
7 certain terms, conditions, requirements, and procedures; to provide for the
8 enforcement of ordinances through administrative adjudication procedures and other
9 procedures, including liens, actions and tax sales; to provide for the effects of such
10 procedures and judgments; and to provide for related matters.

11 Be it enacted by the Legislature of Louisiana:

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

15 §2575. ~~Municipalities with populations in excess of three hundred thousand;~~
16 **Blighted or abandoned property;** public health, housing, **fire code,**
17 **building code and certain other ordinance** ~~and environmental~~
18 violations; administrative adjudication; procedure; appeal; penalties

19 A.**(1)** Any municipality or parish may prescribe civil fines for **blighted**

1 **property, abandoned property, or** violation of public health, housing, fire code,
2 environmental, and historic district ordinances in the municipality or parish by
3 owners of immovable property, their agents, tenants, or representatives pursuant to
4 the 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
8 district. In municipalities with a population of seventy thousand or more **according**
9 **to the latest federal decennial census,** the term "housing violation" as used in this
10 Chapter shall also encompass building codes, zoning, vegetation, and nuisance
11 ordinances. However, nothing in this Section shall be construed to affect activities
12 which occur on the premises of manufacturing facilities and which are regulated by
13 Title 30 of the Louisiana Revised Statutes of 1950.

14 **(2) For purposes of this Chapter, except in any parish with a population**
15 **of more than three hundred thousand and less than four hundred thousand**
16 **according to the latest federal decennial census, "blighted property" shall have**
17 **the same meaning as provided in R.S. 33:1374(B)(1), and "abandoned**
18 **property" shall have the same meaning as provided in R.S. 33:4720.59(D)(2).**

19 B.(1) Any municipality or parish may adopt an ordinance or ordinances
20 establishing an administrative adjudication hearing procedure under the provisions
21 of this Chapter. The ordinance or ordinances shall provide for a time period for
22 persons charged with **owning blighted or abandoned property, or** violating a
23 public health, housing, fire code, environmental, and historic district ordinance to
24 have a hearing under the provisions of this Chapter. The ordinance shall provide for
25 the appointment of one or more hearing officers who may be the director of health
26 of the municipality or parish or the health officer of the parish in which the
27 municipality is located or the designee of such official or, in the discretion of the
28 governing authority, who may be a person who shall have been licensed to practice
29 law in Louisiana for two years.

30 **(2) Except in any parish with a population of more than three hundred**

thousand and less than four hundred thousand according to the latest federal decennial census, any municipality or parish that adopts an ordinance establishing an administrative adjudication hearing procedure for determining property to be blighted or abandoned, shall provide notice to the property owners and to all mortgagees of record as provided in Paragraphs (D)(2) and (F)(2) of this Section.

(3) Each municipality or parish shall have the authority to empower the hearing officer with authority to:

* * *

C. (1)

* * *

(2) Any liens placed against such immovable property shall be included in the next annual ad valorem tax bill and shall be paid along with such taxes, subject, however, to any valid homestead exemption. Failure to pay the 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 three hundred thousand according to the latest federal decennial census,~~ when the immovable property has been declared blighted or a public nuisance by an administrative hearing officer acting in accordance with this Section, the property owners and other parties having interests in the property shall not have a right of redemption. However, if the immovable property has been sold for nonpayment of taxes to a tax sale purchaser other than the municipality, and if the right of redemption from the tax sale has not elapsed at least one year prior to the sale pursuant to this Section, the tax sale purchaser shall have a right of redemption from the sale pursuant to this Section until one year after the right of redemption from the tax sale elapses. In addition, ~~in municipalities with populations in excess of three hundred thousand according to the latest federal decennial census,~~ failure to pay the liens shall also cause such liens and privileges to be subject to enforcement in accordance with R.S. 13:2576. Any liens placed against immovable property that has a legal homestead exemption from taxes will

1 become payable ninety days after the death of the owner thereof or immediately
2 upon recordation of any conventional mortgage on the immovable property or
3 transfer of title to a new owner, whichever occurs first.

4 D.(1) Prior to holding an administrative hearing for public health, housing,
5 fire code, environmental, and historic district violations, the municipality or parish
6 shall notify the property owner at least fifteen days in advance of the date that such
7 a hearing is scheduled. This notification shall state the time, date, and location of the
8 hearing, the alleged violations, and it shall be sent by certified or registered United
9 States mail to the violator or personally served on the violator at the address as listed
10 in the assessor's office of the municipality or parish. The date of the postmark shall
11 be deemed to be the date of delivery. Any notification so sent and returned by the
12 United States Post Office shall be considered as having fulfilled the notification
13 requirement. Failure of any person charged with a violation to appear at the hearing
14 shall be considered an admission of liability for the charged violation. Any order
15 compelling the attendance of witnesses or the production of documents may be
16 enforced by the city or municipal court of the municipality or the parish court in
17 whose jurisdiction the municipality is located, or in the parish court of the parish
18 initiating the action.

19 (2) Except in any parish with a population of more than three hundred
20 thousand and less than four hundred thousand according to the latest federal
21 decennial census, prior to holding an administrative hearing for the
22 determination of blight or abandonment of property, the municipality or parish
23 shall notify the property owner and each mortgagee of record in the parish
24 mortgage records, at least thirty days in advance of the date of the
25 administrative hearing. The notification shall state the time, date, and location
26 of the hearing, the location of the subject property, and an explanation that the
27 hearing is for the purpose of making a determination whether the subject
28 property is blighted or abandoned. The notice shall be sent by certified or
29 registered United States mail or personally served on the property owner at the
30 address listed in the assessor's office of the municipality or parish, and on each

1 mortgagee of record at the address provided in the recorded mortgage.

2 * * *

3 F.(1) The hearing officer shall issue an order within thirty days, excluding
 4 legal holidays, of the hearing stating whether or not the person charged is liable for
 5 the violation, and the amount of any fine, penalty, costs, or fee assessed against him,
 6 and a date by which the violation shall be corrected. In addition to the enforcement
 7 procedure and authority set forth in Paragraph (B)(2) of this Section, any order
 8 assessing a fine, penalty, costs, or fee or stipulating a correction date may be
 9 enforced by the city or municipal court of the municipality or the parish court in
 10 whose jurisdiction the municipality is located, or in the parish court of the parish
 11 initiating the action.

12 (2) Except in any parish with a population of more than three hundred
 13 thousand and less than four hundred thousand according to the latest federal
 14 decennial census, within thirty days, excluding legal holidays, after the hearing
 15 to determine whether a property is blighted or abandoned, the hearing officer
 16 shall send written post hearing notice to the property owner and each
 17 mortgagee of record explaining whether the hearing officer determined the
 18 subject property to be blighted or abandoned and state whether any fine,
 19 penalty, costs, or fees are assessed. The post hearing notice shall be sent to the
 20 property owner and mortgagees of record in the manner provided for in
 21 Paragraph (D)(2) of this Section.

22 * * *

23 H. Any property owner or mortgagee of record of property determined
 24 to be blighted or abandoned property, or any person determined by the hearing
 25 officer to be in violation of a public health, housing, fire code, environmental, or
 26 historic district ordinance may appeal this determination to the appropriate district
 27 court. Such appeal shall be instituted by filing, within thirty calendar days of the
 28 hearing officer's order, a petition with the clerk of court for the district court along
 29 with payment of such reasonable costs as may be required by the clerk. After filing
 30 a petition for appeal, the clerk of court of the district court shall schedule a hearing

1 and notify all parties of the date, time, and place of such hearing. Service of notice
2 of appeal under this Subsection shall not stay the enforcement and collection of the
3 judgment unless the person who files the appeal furnishes security prior to filing
4 notice of appeal with the agency of the municipality or parish designated by
5 ordinance to accept such payments in the amount to be fixed by the hearing officer
6 sufficient to assure satisfaction of the finding of the hearing officer relative to the
7 fine, fee, penalty, costs of the hearing, and costs, if any, of correcting the violation.

8 * * *

9 §2576. Administrative adjudication of **blighted or abandoned property**, public
10 health, housing, fire code, environmental, and historic district
11 violations; ~~municipalities with a population in excess of three~~
12 ~~hundred thousand~~

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

19 * * *

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

27 * * *

28 Section 2. This Act shall become effective upon signature by the governor or, if not
29 signed by the governor, upon expiration of the time for bills to become law without signature
30 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If

1 vetoed by the governor and subsequently approved by the legislature, this Act shall become
2 effective on the day following such approval.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____