SLS 14RS-615

Regular Session, 2014

SENATE BILL NO. 174

BY SENATORS PETERSON, APPEL, MARTINY AND GARY SMITH AND REPRESENTATIVES BILLIOT, LEOPOLD, LORUSSO AND WILLMOTT

MUNICIPALITIES. Provides relative to condemnation procedures for the removal of dangerous structures in parishes and municipalities. (gov sig)

1	AN ACT
2	To amend and reenact R.S. 33:4762(C) and 4764(A) and to enact R.S. 33:4765(C)(1),
3	relative to the removal of dangerous structures; to provide for notice to the owner;
4	to provide for certain action to appeal decision; to provide for certain notification in
5	cases of grave public emergencies; to provide for an effective date; and to provide
6	for related matters.
7	Be it enacted by the Legislature of Louisiana:
8	Section 1. R.S. 33:4762(C) and 4764(A) are hereby amended and reenacted and R.S.
9	33:4765(C)(1) is here enacted to read as follows:
10	§4762. Notice to owner; hearing; notice filed with recorder of mortgages binds
11	transferees
12	* * *
13	C. In case of grave public emergency where the condition of the building is
14	such as to cause possible immediate loss or damage to person or property, the parish
15	or municipal governing authority may condemn the building after twenty-four hours
16	notice served upon the owner or his agent or the occupant and attorney at law
17	appointed to represent the absentee owner. Any such notice may be attached to a

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1	door or main entrance of the premises or in a conspicuous place on the exterior
2	of the premises and shall have the same effect as delivery to or personal service on
3	the owner, occupant, or attorney at law appointed to represent the absentee owner.
4	* * *
5	§4764. Appeal from decision
6	A. The owner, occupant, agent, or other representative of the owner may
7	appeal from the decision of the parish or municipal governing authority to the district
8	court having jurisdiction over the property. The appeal shall be made by the filing
9	of a suit against the parish or municipality, setting forth the reasons why the decision
10	or order of the governing body is illegal or improper, and the issue shall be tried de
11	novo and by preference in the district court. Where a grave public emergency has
12	been declared by the parish or municipal governing authority, the owner of the
13	building who desires to prevent the demolition or removal thereof must file his
14	petition within forty-eight hours of the posting of the notice of the demolition or
15	removal order on the property and must, at the time of the filing of the petition,
16	furnish such bond as may be fixed by the district judge to cover any damage that
17	might be caused by the condition of the building.
18	* * *
19	§4765. Compliance with decision; demolition by parish or municipality where
20	owner fails to comply; notice; assistance of national guard
21	* * *
22	C.(1) Prior to the demolition or removal of the building or structure by the
23	parish or municipality, the parish president, police jury, mayor, or some official
24	designated by the appropriate authority shall serve notice on the owner, or his agent,
25	and on the occupant of the building, if any there be, or upon the attorney at law
26	appointed to represent the minor, interdict, or absentee owner, giving the time when
27	work will begin upon the demolition or removal of the building, structure, or public
28	nuisance.
29	(2) Notwithstanding Paragraph (1) of this Subsection, in cases of grave

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1	public emergency, the posting of the notice attached to the door or main
2	entrance of the premises or in a conspicuous place on the exterior of the
3	premises giving the time when work will begin upon the demolition or removal
4	of the building, structure, or public nuisance shall be considered sufficient
5	notice to the owner, occupant or attorney at law appointed to represent the
6	absentee owner.
7	* * *
8	Section 2. This Act shall become effective upon signature by the governor or, if not
9	signed by the governor, upon expiration of the time for bills to become law without signature
10	by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
11	vetoed by the governor and subsequently approved by the legislature, this Act shall become
12	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 Michael Bell.

Peterson (SB 174)

DIGEST

<u>Present law</u> provides that in case of grave public emergency where the condition of a building is such as to cause possible immediate loss or damage to person or property, the parish or municipal governing authority may condemn the building after 24 hours notice served upon the owner or his agent or the occupant and attorney at law appointed to represent the absentee owner.

<u>Present law</u> provides that any such notice may be attached to a door or entrance of the premises and shall have the same effect as delivery to or personal service on the owner, occupant, or attorney at law appointed to represent the absentee owner.

<u>Proposed law</u> retains <u>present law</u> and provides for any such notice to be attached to a door or main entrance of the premises or in a conspicuous place on the exterior of the premises.

<u>Present law</u> provides that where a grave public emergency has been declared by the parish or municipal governing authority, the owner of the building who desires to prevent the demolition or removal thereof must file his petition within 48 hours.

<u>Proposed law</u> retains <u>present law</u> and requires the owner of the building who desires to prevent the demolition or removal to file his petition within 48 hours of the posting of the notice of the demolition or removal order on the property.

<u>Present law</u> provides that prior to the demolition or removal of a building or structure by the parish or municipality, the parish president, police jury, mayor, or some official designated by the appropriate authority shall serve notice on the owner, or his agent, and on the occupant of the building, if any there be, or upon the attorney at law appointed to represent the minor, interdict, or absentee owner, giving the time when work will begin upon the demolition or removal of the building, structure, or public nuisance.

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<u>Proposed law</u> requires in cases of grave public emergency, the posting of the notice attached to the door or main entrance of the premises or in a conspicuous place on the exterior of the premises giving the time when work will begin upon the demolition or removal of the building, structure, or public nuisance is sufficient notice to the owner, occupant or attorney at law appointed to represent the absentee owner.

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

(Amends R.S. 33:4762(C) and 4764(A); adds R.S. 33:4765(C)(1))