

SENATE BILL NO. 174

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

1 AN ACT

2 To amend and reenact R.S. 33:4762(C), 4764(A), and 4765(C), relative to the removal of  
3 dangerous structures; to provide for notice to the owner; to provide for certain action  
4 to appeal decision; to provide for certain notification in cases of grave public  
5 emergencies; to provide for an effective date; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 33:4762(C), 4764(A), and 4765(C) are hereby amended and  
8 reenacted to read as follows:

9 §4762. Notice to owner; hearing; notice filed with recorder of mortgages binds  
10 transferees

11 \* \* \*

12 C. In case of grave public emergency where the condition of the building is  
13 such as to cause possible immediate loss or damage to person or property, the parish  
14 or municipal governing authority may condemn the building after twenty-four hours  
15 notice served upon the owner or his agent or the occupant and attorney at law  
16 appointed to represent the absentee owner. Any such notice may be attached to a  
17 door or main entrance of the premises **or in a conspicuous place on the exterior**  
18 **of the premises** and shall have the same effect as delivery to or personal service on  
19 the owner, occupant, or attorney at law appointed to represent the absentee owner.

20 \* \* \*

21 §4764. Appeal from decision

22 A. The owner, occupant, agent, or other representative of the owner may  
23 appeal from the decision of the parish or municipal governing authority to the district  
24 court having jurisdiction over the property. The appeal shall be made by the filing

1 of a suit against the parish or municipality, setting forth the reasons why the decision  
 2 or order of the governing body is illegal or improper, and the issue shall be tried de  
 3 novo and by preference in the district court. Where a grave public emergency has  
 4 been declared by the parish or municipal governing authority, the owner of the  
 5 building who desires to prevent the demolition or removal thereof must file his  
 6 petition within forty-eight hours **of the posting of the notice of the demolition or**  
 7 **removal order on the property** and must, at the time of the filing of the petition,  
 8 furnish such bond as may be fixed by the district judge to cover any damage that  
 9 might be caused by the condition of the building.

10 \* \* \*

11 §4765. Compliance with decision; demolition by parish or municipality where  
 12 owner fails to comply; notice; assistance of national guard

13 \* \* \*

14 C.(1) Prior to the demolition or removal of the building or structure by the  
 15 parish or municipality, the parish president, police jury, mayor, or some official  
 16 designated by the appropriate authority shall serve notice on the owner, or his agent,  
 17 and on the occupant of the building, if any there be, or upon the attorney at law  
 18 appointed to represent the minor, interdict, or absentee owner, giving the time when  
 19 work will begin upon the demolition or removal of the building, structure, or public  
 20 nuisance.

21 **(2) Notwithstanding Paragraph (1) of this Subsection, in cases of grave**  
 22 **public emergency, the posting of the notice attached to the door or main**  
 23 **entrance of the premises or in a conspicuous place on the exterior of the**  
 24 **premises giving the time when work will begin upon the demolition or removal**  
 25 **of the building, structure, or public nuisance shall be considered sufficient**  
 26 **notice to the owner, occupant or attorney at law appointed to represent the**  
 27 **absentee owner.**

28 \* \* \*

29 Section 2. This Act shall become effective upon signature by the governor or, if not  
 30 signed by the governor, upon expiration of the time for bills to become law without signature

1 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
2 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
3 effective on the day following such approval.

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PRESIDENT OF THE SENATE

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_