

Regular Session, 2014

ACT No. 828

HOUSE BILL NO. 940

BY REPRESENTATIVES ABRAMSON, BILLIOT, BROSSETT, GAROFALO,
MORENO, JAY MORRIS, ST. GERMAIN, AND WILLMOTT

1 AN ACT

2 To enact R.S. 13:2575.6 and 2575.7, relative to certain adjudication procedures; to provide
3 relative to certain adjudication procedures in the city of New Orleans and certain
4 parishes; to authorize the adoption of certain ordinances, including nuisance
5 ordinances relative to sanitation and litter violations; to provide for certain
6 administrative adjudication proceedings; to provide certain terms, conditions,
7 procedures, requirements, and effects; to provide for certain notice and procedures
8 for the administrative adjudication hearing; to provide for civil fines and penalties;
9 to provide for an appeal process; 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. R.S. 13:2575.6 and 2575.7 are hereby enacted to read as follows:

15 §2575.6. Additional administrative adjudication procedures in the city of New
16 Orleans; sanitation and litter violations; ticket procedure; appeal; penalties

17 A. The city of New Orleans may prescribe civil fines for violations of
18 nuisance, sanitation and litter ordinances on immovable property pursuant to the
19 procedures for administrative adjudication provided in this Chapter.

20 B. The city of New Orleans may adopt ordinances establishing an
21 administrative adjudication hearing procedure under the provisions of this Chapter
22 to enforce violations of nuisance, sanitation and litter ordinances by the owners of
23 immovable property or their agents, tenants, or representatives noticed via the

1 issuance of a sanitation ticket. Each ordinance shall provide a reasonable time period
2 for a hearing under the provisions of this Chapter, which in no event shall be less
3 than fifteen days from sanitation ticket issuance. The ordinance shall provide for
4 appointment of hearing officers who shall have been licensed to practice law in
5 Louisiana for no less than two years, and who shall have authority to administer
6 oaths and affirmations and to issue orders compelling the attendance of witnesses
7 and the production of documents. Any order compelling the attendance of witnesses
8 or the production of documents may be enforced by the municipal court of the
9 municipality or the district court in which the municipality is located. The ordinance
10 shall provide that the City bears the burden of proving by a preponderance of the
11 evidence that the person receiving the sanitation ticket is responsible for the
12 sanitation or litter violation.

13 C. The sanitation ticket shall also provide information as to the time and
14 place of an administrative adjudication hearing, at which the city official issuing the
15 sanitation ticket will be present. The failure of any person charged with a violation
16 to appear at the hearing shall be considered an admission of liability for the charged
17 violation. The original sanitation ticket or any true copy of the ticket shall be
18 deemed a record kept in the ordinary course of business of the municipality, and
19 shall be rebuttable proof of the facts contained in the ticket.

20 D. Any administrative adjudication hearing held under the provisions of this
21 Section shall be conducted in accordance with the Administrative Procedure Act.
22 Testimony by any person shall be taken under oath or by affirmation. The person
23 who received the sanitation ticket may present any relevant evidence and testimony
24 at such hearing; however, his physical presence shall not be required at the hearing
25 if documentary evidence is submitted to the hearing officer prior to the date of the
26 hearing.

27 E. The hearing officer shall issue an order stating whether or not the person
28 who received the sanitation ticket is liable for a violation of the nuisance, sanitation,
29 or litter ordinance at the property and the amount of any fine, penalty, cost, or fee
30 assessed against him, which order may be filed in the mortgage or conveyance office

1 of the city. Any such order filed shall constitute a lien and privilege against the
 2 property, be placed on the ad valorem tax bill, and be paid the same as taxes.

3 F. Any order of the hearing officer filed under the provisions of this Section
 4 shall be maintained in a separate index and file. These orders or decisions may be
 5 recorded utilizing computer printouts or other similar data processing techniques.

6 G. The ordinance shall provide for the amount and disposition of fines,
 7 penalties, costs, and fees. No fine shall exceed a maximum of five hundred dollars
 8 per violation.

9 H. Any owner of immovable property or their agents, tenants, or
 10 representatives determined by the hearing officer to be in violation of a nuisance,
 11 sanitation, or litter ordinance may appeal this determination to the appropriate
 12 district court. Such appeal shall be instituted by filing, within thirty days of the filing
 13 of the order of the hearing officer, a petition with the clerk of court for the district
 14 court along with payment of such reasonable costs as may be required by the clerk.
 15 After filing a petition for appeal the clerk of court of the district court shall schedule
 16 a hearing and notify all parties of the date, time, and place of such hearing. Service
 17 of notice of appeal under this Subsection shall not stay the enforcement and
 18 collection of the judgment unless the person who files the appeal posts bond prior to
 19 filing notice of appeal with the agency of the municipality designated by ordinance
 20 to accept payments of violations of nuisance, sanitation, or litter ordinances.

21 §2575.7. Additional administrative adjudication procedures; certain parishes

22 A. In any parish with a population of not less than thirty-five thousand five
 23 hundred persons and not more than thirty-six thousand persons, according to the
 24 most recent federal decennial census, the term "housing violation" as used in this
 25 Chapter shall also encompass violations of building codes, zoning, vegetation, and
 26 nuisance ordinances.

27 B. In any parish with a population of not less than thirty-five thousand five
 28 hundred persons and not more than thirty-six thousand persons, according to the
 29 most recent federal decennial census, the procedures for administrative adjudication
 30 provided in this Chapter may also be utilized in matters involving licensing and

1 permits and any other ordinance violations that may be determined by the parish
2 governing authority.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____