

Existing law generally authorizes any parish or municipality to prescribe civil fines for blighted and abandoned property, or for violations of public health, housing, fire code, environmental, and historic district ordinances in the respective parish or municipality by owners of immovable property, their agents, tenants, or representatives. Existing law establishes administrative adjudication procedures relative to such violations.

Existing law defines the term "housing violations" as encompassing only those conditions in privately owned structures which are determined to constitute a threat or danger to the public health, safety or welfare, to the environment, or a historic district. In municipalities with a population of 75,000 persons or more the term "housing violation" also encompasses building codes, zoning, vegetation, and nuisance ordinances.

New law provides that in any parish with a population of not less than 35,500 persons and not more than 36,000 persons the term "housing violation" also encompasses violations of building codes, zoning, vegetation, and nuisance ordinances. Further provides that in any such parish the procedures for administrative adjudication provided in existing law may also be utilized in matters involving licensing and permits and any other ordinance violations that may be determined by the parish governing authority.

New law additionally authorizes the city of New Orleans to prescribe civil fines for violations of nuisance, sanitation, and litter ordinances on immovable property pursuant to the administrative adjudication procedures provided in existing law.

New law authorizes the city of New Orleans to adopt ordinances establishing an administrative adjudication hearing procedure to enforce ordinance violations via the issuance of a sanitation ticket, and requires that each ordinance provide a reasonable time period for a hearing, not less than 15 days from the sanitation ticket issuance. The ordinance must also provide for the appointment of hearing officers, who are licensed to practice law in this state for no less than two years, and who have authority to administer oaths and affirmations and to issue orders compelling the attendance of witnesses and the production of documents. Any such order can be enforced by the municipal court of the municipality or the district court in which the municipality is located.

New law requires that the ordinance provide that the city bears the burden of proving by a preponderance of the evidence that the person receiving the sanitation ticket is responsible for the sanitation or litter violation.

New law further requires that the ordinance provide for the amount and disposition of fines, penalties, costs, and fees and provides that no fine can exceed \$500 per violation.

New law requires that the sanitation ticket provide information as to the time and place of an administrative adjudication hearing, at which the city official issuing the sanitation ticket will be present, and that the failure of any person charged with a violation to appear at the hearing will be considered an admission of liability for the charged violation. The original sanitation ticket or any true copy will be rebuttable proof of the facts contained therein.

New law requires all hearings to be conducted in accordance with the APA and all testimony to be under oath and authorizes the person who received the sanitation ticket to present evidence and testimony. The physical presence of the person is not required if evidence is submitted in advance.

New law requires the hearing officer to issue an order stating whether the person who received the sanitation ticket is liable for a violation of the ordinance at the property and the amount of any fine, penalty, cost, or fee assessed against him. The order may be filed in the mortgage or conveyance office of the city and constitutes a lien and privilege against the property to be paid the same as taxes. Requires all hearing officer orders to be maintained in a separate index and file and recorded utilizing computer printouts or other similar data processing techniques.

New law provides for an appeal process with the appropriate district court which must be instituted by filing a petition within 30 days of the filing of the hearing officer's order, and requires the district court to schedule a hearing and notify all parties of the date, time, and place of such hearing. Prohibits service of notice of appeal from staying the enforcement and

collection of the judgment unless the person who files the appeal posts bond prior to filing notice of appeal with the agency of the municipality designated by ordinance to accept payments for ordinance violations.

Effective Aug. 1, 2014.

(Adds R.S. 13:2575.6 and 2575.7)