

Regular Session, 2010

HOUSE BILL NO. 1080

BY REPRESENTATIVES ROSALIND JONES, AUBERT, BILLIOT, CARMODY,  
CARTER, SAM JONES, LIGI, AND STIAES

MUNICIPALITIES: Provides relative to the redevelopment of blighted property in the city  
of Monroe

1 AN ACT

2 To enact Chapter 13-M of Title 33 of the Louisiana Revised Statutes of 1950, to be  
3 comprised of R.S. 33:4720.201 through 4720.209, relative to the city of Monroe; to  
4 provide relative to blighted property within the city; to provide relative to the  
5 formation of workable programs in the city for the use of appropriate private and  
6 public resources to eliminate and prevent the development or spread of slum,  
7 blighted, and distressed areas and to provide for the redevelopment of such areas; to  
8 provide relative to the required notice and procedures for the implementation of any  
9 such program; to provide relative to the powers and duties of the city and the  
10 Monroe-Ouachita Regional Planning Commission with respect to blighted property;  
11 and to provide for related matters.

12 Notice of intention to introduce this Act has been published  
13 as provided by Article III, Section 13 of the Constitution of  
14 Louisiana.

15 Be it enacted by the Legislature of Louisiana:

16 Section 1. Chapter 13-M of Title 33 of the Louisiana Revised Statutes of 1950,  
17 comprised of R.S. 33:4720.201 through 4720.209, is hereby enacted to read as follows:

18 CHAPTER 13-M. CITY OF MONROE; BLIGHTED PROPERTY;

19 REDEVELOPMENT POWERS

20 §4720.201. Findings, declaration of necessity, and purpose

21 A. It is hereby found and declared that:

1           (1) There exists in the city of Monroe, Louisiana, areas which have become  
2           slum and blighted because of the unsafe, unsanitary, inadequate, or overcrowded  
3           conditions of the structures therein, or because of inadequate planning of the area,  
4           or because of physically or functionally obsolete structures, or both, or because of  
5           excessive dwelling unit density, or because of the lack of proper light and air and  
6           open space, or because of faulty street or lot design, or inadequate public utilities or  
7           community services, or because of the conversion to incompatible types of land  
8           usage.

9           (2) Such conditions or a combination of some or all of them have and will  
10          continue to result in making such areas economic and social liabilities imposing  
11          onerous parochial burdens which decrease the tax base and reduce tax revenues and  
12          cause harm to the social and economic well-being of the municipality, depreciating  
13          property values therein, and thereby depreciating further the general communitywide  
14          values.

15          (3) The prevention and elimination of slums and blight areas and their causes  
16          is a matter of public policy and concern in order that the municipality shall not  
17          continue to be endangered by areas which are focal centers of economic and social  
18          retardation, and consume an excessive proportion of its revenues because of the extra  
19          services required for police, fire, accident, and other forms of public protection,  
20          services, and facilities.

21          (4) The salvage and renewal of such areas, in accordance with sound and  
22          approved plans for their redevelopment, will promote the public health, safety,  
23          morals, and welfare.

24          (5) Certain such areas or portions thereof may be susceptible to conservation  
25          or rehabilitation by voluntary action and through existing regulatory processes in  
26          such a manner that the conditions and evils enumerated in this Section may be  
27          eliminated, remedied, and prevented; and that in certain areas blight and slum  
28          conditions are beyond remedy or reasonable control through regulatory processes  
29          and cannot be effectively dealt with under existing law without additional aids as

1 provided in this Chapter; and that such conditions often exist under circumstances  
2 in areas in which their assembly for purposes of clearance, replanning, and  
3 redevelopment is impossible without the exercise of the power of expropriation.

4 B. The powers conferred by this Chapter are for public uses, purposes, and  
5 utility for which public money may be expended and expropriation authority utilized  
6 as necessary and in the public's interest and in conformity with the approved plans  
7 of the municipality. The provisions provided by this Chapter shall apply for  
8 residential, recreational, commercial, industrial, or other purposes and otherwise  
9 encourage the provision of healthful homes, a decent living environment, and  
10 adequate places of employment for the people in the municipality. Such purposes  
11 are hereby declared as a matter of legislative determination.

12 §4720.202. Workable program

13 The Monroe City Council, for the purposes of this Chapter, may formulate  
14 a workable program for community improvement for utilizing appropriate private  
15 and public resources to eliminate and prevent the development or spread of slums  
16 and blight, to encourage needed rehabilitation, and to provide for the redevelopment  
17 of slum or blighted areas or to undertake other feasible parochial activities as may  
18 be suitably employed to achieve the objectives of such workable program.

19 §4720.203. Encouragement of private enterprise

20 The Monroe City Council, referred to in this Chapter as the "municipal  
21 governing authority", to the greatest extent it determines to be feasible in carrying  
22 out the provisions of this Chapter, shall afford maximum opportunity, consistent with  
23 the sound needs of the city of Monroe as a whole, to the rehabilitation or  
24 redevelopment of the community improvement area by private enterprise. The  
25 municipal governing authority shall give consideration to this objective in exercising  
26 its authority under this Chapter.

27 §4720.204. Authority

28 The municipal governing authority shall have all the authority and power  
29 necessary or convenient to carry out and effectuate the purposes and provisions of

1        this Chapter, including without limiting the generality of the foregoing, the following  
2        authority which shall be in addition to others granted in this Chapter:

3                (1) To undertake and carry out community improvement projects and related  
4        activities in accordance with the municipality's comprehensive plan; and to make and  
5        execute contracts and other instruments necessary or convenient to the exercise of  
6        its authority under this Chapter; and to disseminate slum clearance and community  
7        improvement information.

8                (2) To provide or to arrange or contract for the furnishing or repair by any  
9        person or agency, public or private, of services, privileges, works, streets, roads,  
10       public utilities, or other facilities for or in connection with a community  
11       improvement project, to install, construct, and reconstruct streets, utilities, parks,  
12       playgrounds, and other public improvements; and to agree to and fulfill any  
13       conditions that it may deem reasonable and appropriate attached to federal financial  
14       assistance and imposed pursuant to federal law in the undertaking or carrying out of  
15       a community improvement project and related activities; and to include in any  
16       contract let in connection with such a project and related activities, provisions to  
17       fulfill such of said conditions as it may deem reasonable and appropriate.

18                (3) Within the municipality, to acquire by purchase, lease, option, gift, grant,  
19       bequest, device, expropriation, or otherwise any real property (or personal property  
20       for its administrative purposes) together with any improvements thereon; to hold,  
21       improve, clear, or prepare for redevelopment of any such property; to mortgage,  
22       pledge, or otherwise encumber or dispose of any real property; to insure or provide  
23       for the insurance of any real or personal property or operations of the municipality  
24       against any risks or hazards, including the power to pay premiums on any such  
25       insurance; and to enter into any contracts necessary to effectuate the purpose of this  
26       Chapter; however, no statutory provision with respect to the clearance or disposition  
27       of property by public bodies shall restrict the municipal governing authority  
28       exercising powers thereunder, in the exercise of such functions with respect to a

1 community improvement project and related activities, unless the legislature shall  
2 specifically so state.

3 (4) After a public hearing as provided in R.S. 33:4720.205(C) prior to  
4 approval of a community improvement plan, or approval of any modification of the  
5 plan, to acquire real property in a community improvement area, demolish and  
6 remove any structures on the property, and pay all costs related to the acquisition,  
7 demolition, or removal, including any administrative or relocation expenses; and to  
8 agree to assume the responsibility to bear any loss that may arise as the result of the  
9 exercise of authority under this Paragraph in the event that the real property is not  
10 made a part of the community improvement plan or project.

11 (5) To invest any community improvement funds held in reserve or sinking  
12 funds, or in any such funds not required for immediate disbursement, in property or  
13 securities in which public bodies may legally invest funds subject to their control.

14 (6) To borrow money and to apply for and accept advances, loans, grants,  
15 contributions, and any other form of assistance from the federal government, the  
16 state, or other public bodies, or from any sources, public or private, for the purposes  
17 of this Chapter, and to give such security as may be required and to enter into and  
18 carry out contracts or agreements in connection therewith; and to include in any  
19 contract for financial assistance with the federal government for or with respect to  
20 a community improvement project and related activities such conditions imposed  
21 pursuant to federal laws as the municipal governing authority may deem reasonable  
22 and appropriate and which are not inconsistent with the purposes of this Chapter.

23 (7) Within the municipality, to make or have made all surveys and plans  
24 necessary to the carrying out of the purposes of this Chapter and to contract with any  
25 person, public or private, in the making and carrying out of such plans and to adopt  
26 or approve, modify, and amend such plans, which plans may include but are not  
27 limited to:

28 (a) Plans for carrying out a program of voluntary or compulsory repair or  
29 rehabilitation of buildings and improvements.

1           (b) Plans for the enforcement of state and local laws, codes, and regulations  
2           relating to the use of land and the use and occupancy of buildings and improvements  
3           and for the compulsory repair, rehabilitation, demolition, or removal of buildings and  
4           improvements.

5           (c) Appraisals, title searches, surveys, studies, and other plans and work  
6           necessary to prepare for the undertaking of community improvement projects and  
7           related activities.

8           (8) To develop, test, and report methods and techniques, and carry out  
9           demonstrations and other activities within the municipality, for the prevention and  
10           the elimination of slums and blight and developing and demonstrating new or  
11           improved means of providing housing for families and persons of low income and  
12           to apply for, accept, and utilize grants of funds from the federal government for such  
13           purposes.

14           (9) To prepare plans for and assist in the relocation of persons, including  
15           individuals, families, business concerns, nonprofit organizations, and others,  
16           displaced from a community improvement area and to make relocation payments to  
17           or with respect to such persons for moving and readjustment expenses and losses of  
18           property for which reimbursement or compensation is not otherwise made, including  
19           the making of such payments financed by the federal government; however, no  
20           person shall be required to vacate premises from which he is being displaced until  
21           the municipal governing authority has demonstrated the availability of reasonably  
22           suitable relocation resources.

23           (10) To provide, wherever feasible, a preference to such displaced persons,  
24           consistent with their status at the time of displacement, including but not limited to  
25           a homeowner, tenant, or operator of a business, to return to a community  
26           improvement area after its redevelopment, improvement, repair, or rehabilitation and  
27           to make payment or reimbursement of reasonable actual costs incurred as a result of  
28           utility relocations when such relocations are made necessary in a redevelopment

1 area, after making appropriate adjustment for any improvements or betterments to  
2 the utility's facilities made in connection with the relocation.

3 (11) To receive and expend such funds as may be necessary to carry out the  
4 purposes of this Chapter, and to apply for, accept, and utilize loans, advances, or  
5 grants of funds from the federal government or other sources for any of the purposes  
6 of this Chapter.

7 (12) To exercise all or any part or combination of powers granted to it in this  
8 Chapter.

9 §4720.205. Preparation and adoption of community improvement plan

10 A. The municipal governing authority shall not institute a community  
11 improvement plan for any area unless it has, after advice thereon by the Monroe-  
12 Ouachita Regional Planning Commission, referred to in this Chapter as "Planning  
13 and Zoning", by resolution, determined such area to be a slum or a blighted area or  
14 a combination thereof and designated such area as appropriate for a community  
15 improvement project.

16 B. The municipal governing authority may prepare or cause to be prepared  
17 a community improvement plan and is hereby authorized, in connection therewith,  
18 to apply for and receive planning advances from the federal government or other  
19 bodies. Prior to adoption of the community improvement plan, the municipal  
20 governing authority shall hold at least one public information meeting for the  
21 residents and property owners of the affected neighborhood to be called after proper  
22 notice given ten days prior to the date thereof in a newspaper of general circulation  
23 in the municipality. Prior to its approval of a community improvement plan, the  
24 municipal governing authority shall submit such plan to Planning and Zoning for  
25 review and recommendation as to its conformity with the general plan for the  
26 development of the municipality as a whole. Planning and Zoning shall submit its  
27 written recommendations with respect to the proposed community improvement plan  
28 to the municipal governing authority within forty-five days after receipt of the plan  
29 for review. Upon receipt of the approval, disapproval, or recommendations of

1        Planning and Zoning, or if no approval, disapproval, or recommendations are  
2        received within the said forty-five days, then the municipal governing authority may  
3        proceed with the hearing on the proposed community improvement plan described  
4        in Subsection C of this Section.

5            C.(1) The municipal governing authority shall hold a public hearing on the  
6        community improvement plan after notice thereof has been mailed to or deposited  
7        at every place of residence and commercial establishment within said area and after  
8        public notice has been published at least fourteen days prior to the hearing in a  
9        newspaper having a general circulation in the municipality. The notice shall include  
10       the time, date, place, and purpose of the hearing, shall generally identify the area  
11       covered by the plan, and shall outline the general scope of the project under  
12       consideration. Failure by anyone to receive such notice shall not invalidate approval  
13       of the plan.

14           (2) At the hearing, the municipal governing authority shall afford all  
15       interested persons and agencies an opportunity to be heard and shall receive, make  
16       known, and consider written recommendations regarding the community  
17       improvement plan.

18           (3) The municipal governing authority shall approve, reject, make  
19       recommendations for changes, or modify the community improvement plan as  
20       submitted. The governing authority shall not approve a community improvement  
21       plan unless it is satisfied that adequate provisions will be made to rehouse displaced  
22       families, if any, without undue hardship.

23           D. Subject to the provisions of Subsection C of this Section, a community  
24       improvement plan may be modified at any time, but if it is modified after the lease  
25       or sale by the municipal governing authority of real property in the redevelopment  
26       area, such modification shall be subject to such rights as a lessee or purchaser or his  
27       successor or successors in interest may be entitled to assert; however, no public  
28       hearing shall be required if the municipal governing authority determines by  
29       resolution that the modification is minor in nature.



1           E. Notwithstanding any other provisions of this Chapter, whenever the  
2           municipal governing authority has certified that an area is in need of redevelopment  
3           or rehabilitation as a result of an act of God, fire, bombing, riot, or other catastrophe,  
4           it may approve a community improvement plan or project with respect to such area  
5           without regard to the provisions of Subsections B and C of this Section.

6           §4720.206. Acquisition of real property in community improvement area

7           A. Subject to the requirements of R.S. 33:4720.205, and except as provided  
8           in R.S. 33:4720.204(4), the municipal governing authority may acquire by purchase,  
9           lease, option, gift, grant, bequest, or device, or by the exercise of the power of  
10           expropriation, any real property, or interest therein which it may deem necessary for  
11           or in connection with a community improvement plan or project under this Chapter.

12           B. The municipal governing authority may exercise the power of  
13           expropriation in the manner provided in the Civil Code relative to the transfer of  
14           property and the laws supplementary or amendatory thereto, or it may exercise the  
15           power of expropriation in the manner provided by law for the exercise of the power  
16           of expropriation. Property already devoted to a public use may be purchased in a  
17           like manner, but no real property belonging to the United States, the state of  
18           Louisiana, or any political subdivision of the state may be acquired without the  
19           consent of the political body owning such property.

20           C. In any proceeding to fix or assess compensation for damages for the  
21           purchase of property, or any interest therein, through the exercise of expropriation,  
22           evidence, or testimony bearing upon the following matters shall be admissible and  
23           shall be considered in fixing such compensation or damages in addition to evidence  
24           or testimony otherwise admissible:

25           (1) The institution of any legal or administrative proceedings with respect  
26           to any use, condition, occupancy, or operation of such property which is unlawful or  
27           violative of, or subject to elimination, abatement, prohibition, or correction under  
28           any law or ordinance or regulatory measure of the state, parish, municipality, or other  
29           political subdivision, or any agency thereof, in which such property is located, as

1        being unsafe, substandard, unsanitary, or otherwise contrary to the public health,  
2        safety, or welfare.

3                (2) The effect on the value of such property, of any such use, condition,  
4        occupancy, or operation, or of the elimination, abatement, prohibition, or correction  
5        of any such use, condition, or operation.

6                (3) Testimony or evidence that any public body or public officer charged  
7        with the duty or authority so to do has rendered, made, or issued any judgment,  
8        decree, determination, or order for the abatement, prohibition, elimination, or  
9        correction of any such use, condition, occupancy, or operation shall be admissible  
10       and shall be prima facie evidence of the existence and character of such use,  
11       condition, or operation.

12        §4720.207. Blighted property removal

13                A. Notwithstanding any other provision of this Chapter, the city of Monroe  
14        shall have the power to acquire by purchase, gift, bequest, expropriation, negotiation,  
15        or otherwise any blighted property as defined in this Section, either within or outside  
16        a designated community improvement area and, further, to hold, clear, manage, and  
17        dispose of said property, all in accordance with the procedures set forth in this  
18        Section, which procedures shall be exclusive for the acquisition of individual  
19        blighted property by the municipal governing authority but shall not affect any other  
20        authority of the municipal governing authority for acquisition of blighted property.

21                B. For the purposes of this Section, "blighted property" shall include those  
22        commercial or residential premises, including lots, which have been declared vacant,  
23        uninhabitable, and hazardous by Planning and Zoning. In determining whether any  
24        premises are vacant, uninhabitable, and hazardous, Planning and Zoning shall  
25        consider any or all of the following:

26                (1) Any premises which because of physical condition are considered  
27        hazardous to persons or property.

28                (2) Any premises declared to be a public nuisance.

29                (3) Any premises declared to be a fire hazard.

1           (4) Any premises declared to be vermin-infested.

2           (5) Any premises declared to be lacking in facilities or equipment required  
3 by local ordinances.

4           C. The municipal governing authority shall not acquire any blighted property  
5 by expropriation unless Planning and Zoning has held an administrative hearing on  
6 the question and has resolved such property to be blighted and has authorized the  
7 acquisition of such property by the municipal governing authority.

8           D. The procedure for certification of blighted properties shall be as follows:

9           (1) Any parochial entity responsible for inspecting property and enforcing  
10 health, housing, fire, historic district, and environmental codes, or any other entity  
11 designated by the municipal governing authority shall submit to Planning and Zoning  
12 a list of those properties which are determined to be vacant, uninhabitable, and  
13 hazardous and which otherwise meet the criteria set forth in Subsection B of this  
14 Section for the determination of blight.

15           (2) Planning and Zoning shall place each listed property on the  
16 administrative hearing docket and notify each property owner and any mortgagee  
17 listed in the mortgage records of the scheduled hearing by registered or certified mail  
18 at the address of the property owner as listed in the assessor's office of the parish of  
19 Ouachita, or in the case of a mortgagee, as listed in the mortgage recorded in the  
20 mortgage records of the parish. If the notice is returned as undeliverable or as not  
21 accepted, notice shall be given in the official journal of the city of Monroe. The  
22 notice shall include the property owner's name, the property's street address, and the  
23 date, time, and place of the hearing. The notice shall also state that the purpose of  
24 the hearing is to determine whether the property is blighted and eligible for  
25 expropriation by the municipal governing authority. Notice by mail or publication  
26 shall be accomplished at least thirty days prior to the date of such hearing.

27           (3) On the date of the hearing, interested parties may present testimony  
28 before Planning and Zoning concerning the properties under consideration. After  
29 hearing all of the information and evidence presented, Planning and Zoning shall

1       certify by order those properties which are determined to be blighted and shall  
2       authorize the municipal governing authority to acquire said properties if the  
3       municipal governing authority finds that such acquisition is necessary and feasible.

4               E.(1) Upon receipt of authorization to acquire, the municipal governing  
5       authority shall begin immediately to procure purchasers for any properties acquired  
6       pursuant to this Section in order to facilitate the immediate transfer and development  
7       thereof.

8               (2) Expropriation pursuant to this Section shall confer title to the property  
9       conveyed in the deed of sale free of all mortgages, liens, privileges, taxes, and  
10       encumbrances, provided that notice of such expropriation shall be sent at least thirty  
11       days prior to commencement of such expropriation proceedings by registered or  
12       certified mail, return receipt requested, or by personal service to all parties who have  
13       a legally protected property interest in such property including a mortgagee, and  
14       provided that such interest holder fails to respond to such notice prior to  
15       commencement of expropriation proceedings. The proceeds from the expropriation  
16       of property pursuant to this Section shall be credited and applied against the most  
17       recent taxes, mortgages, and liens imposed pursuant to R.S. 33:1236, and paving and  
18       other local improvement assessments due on the property, and any funds remaining  
19       after full payment of all taxes, mortgages, liens, and assessments shall be distributed  
20       to creditors in accordance with the priorities of distribution set forth in Article 2377  
21       of the Code of Civil Procedure. Any taxes, charges imposed pursuant to R.S.  
22       33:1236, and paving or other local improvement assessments remaining past due and  
23       unpaid after the application of the expropriation proceeds shall remain the  
24       responsibility of the previous owner of the property.

25               (3) Prior to acquisition of any properties declared blighted and in accordance  
26       with procedures established by the municipal governing authority, it shall offer  
27       technical or financial assistance as may be available for rehabilitation to the property  
28       owner.

1           (4) Except to the extent of any conflict with the provisions of this Section,  
 2           property disposed of within a community improvement area shall be disposed of  
 3           under a redevelopment contract in accordance with the provisions of R.S.  
 4           33:4720.208. Property disposed of outside a community improvement area shall be  
 5           disposed of by deed in accordance with the provisions set forth in applicable law.

6           F. The municipal governing authority may receive and utilize any federal,  
 7           state, local, or other funds as may be appropriated or otherwise made available in  
 8           order to effectuate the purposes of this Section.  
 9           §4720.208. Disposition of property in community improvement area

10           A.(1) The municipal governing authority may sell, lease, or otherwise  
 11           transfer real property or any interest therein acquired by it in community  
 12           improvement areas for residential, recreational, commercial, industrial, or other uses  
 13           or for public use, in accordance with the community improvement plan, subject to  
 14           such covenants, conditions, and restrictions, including covenants running with the  
 15           land, as it may deem to be necessary or desirable to assist in preventing the  
 16           development or spread of future slums or blighted areas or to otherwise carry out the  
 17           purposes of this Chapter.

18           (2) The purchasers or lessees and their successors and assigns shall be  
 19           obligated to devote such real property only to the uses specified in the community  
 20           improvement plan and shall be obligated to comply with such other requirements as  
 21           the municipal governing authority may determine to be in the public interest,  
 22           including the obligation to begin within a reasonable time any improvements on such  
 23           real property required by the community improvement plan.

24           (3) Such real property or interest shall be sold, leased, or otherwise  
 25           transferred at not less than its fair market value for uses in accordance with the  
 26           community improvement plan. In determining the fair market value of real property  
 27           for uses in accordance with the community improvement plan, the municipal  
 28           governing authority shall take into account and give consideration to the use  
 29           provided in such plan, the restrictions upon and the covenants, conditions, and

1 obligations assumed by the purchaser or lessee, and the objectives of such plan for  
2 the prevention of the recurrence of slum or blighted areas.

3 B. The municipal governing authority, in any instrument of conveyance to  
4 a private purchaser or lessee, may provide that such purchaser or lessee shall be  
5 without power to sell, lease, or otherwise transfer the real property without the prior  
6 written consent of the municipal governing authority until he has completed the  
7 construction of any and all improvements which he has obligated himself to  
8 construct thereon.

9 C. Real property acquired in accordance with the provisions of the  
10 community improvement plan shall be transferred as rapidly as feasible in the public  
11 interest consistent with the carrying out of the provisions of the project plan. Such  
12 plan and any substantial modification of such plan shall be filed as a public record  
13 in the office of the clerk of court and recorder of mortgages of the parish of Ouachita  
14 and any conveyance, encumbrances, or other contracts may incorporate the  
15 provisions thereof by reference which shall afford notice thereof to all parties.

16 D. The municipal governing authority may dispose of real property in a  
17 community improvement area to private persons only under such reasonable  
18 competitive bidding procedures as it shall prescribe subject to the provisions of this  
19 Subsection.

20 (1) The municipal governing authority shall provide public notice, by  
21 publication twice in ten days in a newspaper having a general circulation in the  
22 municipality not later than thirty days prior to the execution of any contract to sell,  
23 lease, or otherwise transfer real property and prior to the delivery of any instrument  
24 of conveyance with respect thereto under the provisions of this Section, invite  
25 proposals from, and make available all pertinent information to, private redevelopers  
26 or any persons interested in undertaking to redevelop or rehabilitate a community  
27 improvement area or any part thereof.

28 (2) Such notice shall identify the area or portion thereof and shall state that  
29 proposals shall be made by those in interest within thirty days after publication of

1 said notice and that such further information as is available may be obtained at such  
2 office as shall be designated in said notice.

3 (3) The municipal governing authority shall consider all such redevelopment  
4 or rehabilitation proposals and the financial and legal ability of the persons making  
5 such proposals to carry them out and may negotiate with any persons for proposals  
6 for the purchase, lease, or other transfer of any real property acquired by the  
7 municipal governing authority in the community improvement area.

8 (4) The municipal governing authority may accept such proposal as it deems  
9 to be in the public interest and in furtherance of the purposes of this Chapter; it shall  
10 adopt such proposal by local ordinance not less than thirty days prior to any such  
11 acceptance. Such proposal shall be a public record and shall include:

12 (a) The name of the redeveloper or purchaser, together with the names of its  
13 officers and principal members or shareholders and investors and other interested  
14 parties.

15 (b) The redeveloper's estimate of the cost of any residential development and  
16 rehabilitation.

17 (c) The redeveloper's estimate of rentals and sales prices of any proposed  
18 housing involved in such redevelopment and rehabilitation.

19 (5) Thereafter, the municipal governing authority may execute such contract  
20 in accordance with the provisions of this Section and deliver acts of sale, leases, and  
21 other instruments and take all steps necessary to effectuate such contract. The  
22 competitive bidding procedures provided for by this Subsection shall not apply to  
23 disposition of property to public bodies or institutions.

24 E. The municipal governing authority may temporarily operate, maintain, or  
25 lease real property acquired by it in a community improvement area for or in  
26 connection with a community improvement project pending disposition of the  
27 property as authorized in this Chapter without regard to the provisions of this Section  
28 for such uses and purposes as may be deemed desirable even though not in  
29 connection with the community improvement plan.

1           F. Real property acquired in accordance with a community improvement  
2           plan may be disposed of to a public body for public reuse or to an institution without  
3           regard to the provisions of this Section.

4           §4720.209. Definitions

5           The following terms whenever used or referred to in this Chapter shall have  
6           the following meaning unless a different meaning is clearly indicated in the context:

7           (1) "Blighted area" means an area which by reason of the presence of a  
8           substantial number of slum, deteriorated or deteriorating structures, predominance  
9           of defective or inadequate street layout, faulty lot layout in relation to size, adequacy,  
10           accessibility, or usefulness, unsanitary or unsafe conditions, deterioration of site or  
11           other improvements, diversity of ownership, tax or special assessment delinquency  
12           exceeding the fair value of the land, defective or unusual conditions of title, or the  
13           existence of conditions which endanger life or property by fire and other causes, or  
14           any combination of such factors, substantially impairs or arrests the sound growth  
15           of the municipality, retards the provision of housing accommodations or constitutes  
16           an economic or social liability and is a menace to the public health, safety, morals,  
17           or welfare in its present condition and use; but if the area consists of any disaster  
18           area referred to in R.S. 33:4720.205(E), it shall constitute a "blighted area".

19           (2) "Community improvement area" means a slum area or a blighted area or  
20           a combination thereof which the municipal governing authority designates as  
21           appropriate for a community improvement project.

22           (3) "Community improvement plan" means a general plan for a community  
23           improvement project, which plan shall conform to the general plan for the  
24           municipality as a whole except as provided in R.S. 33:4720.205(E) and shall  
25           delineate the community improvement area affected thereby. It shall be sufficient  
26           for the plan, for each community improvement area, to contain a general description  
27           of those matters proposed to be carried out in the community improvement area, such  
28           as any or all of the following: land acquisitions, demolition and removal of  
29           structures, redevelopment, improvements, rehabilitation, zoning and planning



1 changes, if any, land uses, population densities, or building requirements. Detailed,  
2 particularized proposals for the implementation of all or any portion of a community  
3 improvement plan shall be deemed modification of the plan, within the meaning of  
4 R.S. 33:4720.205(D).

5 (4) "Community improvement project" means undertakings and activities for  
6 the elimination and prevention of the development or spread of slums and blight and  
7 may involve slum clearance and redevelopment in a community improvement area,  
8 or rehabilitation or conservation in a community improvement area, or a program of  
9 code enforcement in a community improvement area, and may include open land  
10 which, because of its location or situation, or both, is necessary for sound community  
11 growth which is to be developed by replatting and planning, or any combination or  
12 part thereof in accordance with a community improvement plan. Such undertakings  
13 and activities may include:

14 (a) Acquisition of a slum or blighted area or portion thereof.

15 (b) Demolition and removal of buildings and improvements.

16 (c) Installation, construction, or reconstruction of streets, utilities, parks,  
17 playgrounds, and other improvements necessary for carrying out in the community  
18 improvement area the redevelopment objectives of this Chapter in accordance with  
19 the community improvement plan.

20 (d) Disposition of any property acquired in the community improvement  
21 area, including sale, initial leasing, or retention by the agency itself, at its fair market  
22 value for uses in accordance with the community improvement plan.

23 (e) Carrying out plans for a program of code enforcement and a program of  
24 voluntary or compulsory repair and rehabilitation of buildings or other improvements  
25 in accordance with the community improvement plan.

26 (f) Acquisition of real property in the community improvement area which,  
27 under the community improvement plan, is to be repaired or rehabilitated for  
28 dwelling use or related facilities, repair or rehabilitation of the structures, and resale  
29 of the property.

1           (g) Acquisition of any other real property in the community improvement  
2           area where necessary to eliminate unhealthful, unsanitary, or unsafe conditions,  
3           lessen density, eliminate obsolete or other uses detrimental to the public welfare, or  
4           otherwise to remove or prevent the spread of blight or deterioration, or to provide  
5           land for needed public or quasi public facilities.

6           (h) Acquisition, without regard to any requirement that the area be a slum  
7           or blighted area, of air rights in an area consisting principally of land in highways,  
8           railway or subway tracks, bridges, drainage canals, waterways, levees, wharves,  
9           warehouses, docks, tunnel entrances, or other similar facilities which have a  
10          blighting influence on the surrounding area and over which air rights sites are to be  
11          developed for the elimination of such blighting influences and for the provision of  
12          improvements and related facilities and uses set forth in the community improvement  
13          plan.

14          (i) Construction of foundations and platforms necessary for the provision of  
15          air rights sites for improvements and related facilities and uses set forth in the  
16          community improvement plan.

17          (j) The preservation of historic structures or locations within a project area  
18          by removing deleterious surroundings.

19          (k) Relocating within the project area a structure which the municipal  
20          governing authority determines to be of historic value and which will be disposed of  
21          to a public body or private nonprofit organization which will renovate and maintain  
22          such structure for historic purposes.

23          (5) "Families of low income" means those families or persons, as defined in  
24          R.S. 40:384, whose income is less than the amount determined by the Monroe City  
25          Council to be necessary to enable them without financial assistance to live in decent,  
26          safe, and sanitary dwellings without overcrowding.

27          (6) "Federal government" means a department, agency, or instrumentality,  
28          corporate or otherwise, of the United States of America.

1           (7) "Fire hazard" shall mean anything or any act which increases or may  
2           cause an increase of the hazard or menace of fire to a greater degree than that  
3           customarily recognized as normal.

4           (8) "Infestation" shall mean the presence within or around a dwelling of  
5           large numbers of insects, rodents, or other pests to the extent that they may be  
6           reasonably calculated to cause harm to a person or to the structure.

7           (9) "Nuisance" shall mean whatever is dangerous or potentially dangerous  
8           to human life or detrimental or potentially detrimental to health, including but not  
9           limited to any of the following:

10           (a) Any condition or use of any land, building, or dwelling or any operation  
11           thereon or therein that causes or may cause a person of ordinary curiosity to desire  
12           to examine such condition, use, or operation and that is reasonably calculated to  
13           cause harm to such person, whether the condition, use, or operation is located in a  
14           building, on the premises of a building, or on a vacant lot. This Paragraph includes,  
15           without limitation, any abandoned wells, shafts, basements, or excavations,  
16           abandoned refrigerators or motor vehicles, structurally unsound fences or other  
17           structures, or any lumber, trash, fence, debris, or vegetation reasonably calculated  
18           to be a hazard for inquisitive persons.

19           (b) Insufficient ventilation or illumination.

20           (c) Inadequate or unsanitary sewerage or plumbing facilities.

21           (d) Uncleanliness, as determined by the director of Planning and Zoning.

22           (e) Whatever renders air, food, or drink unwholesome or detrimental to the  
23           health of human beings as determined by the director of Planning and Zoning.

24           (f) A dwelling, building, or structure or the use thereof that is dangerous or  
25           potentially dangerous to the physical health or safety of an occupant or other person  
26           or to the general welfare.

27           (g) Scrap lumber, junk, trash, debris, glass, or used building material.

28           (h) Abandoned, discarded, or unused objects of equipment, such as  
29           automobiles, furniture, stoves, refrigerators, freezers, cans, or containers.

1           (10) "Person" means any individual, firm, partnership, corporation,  
2           company, association, joint stock association, or body politic and shall include any  
3           trustee, receiver, assignee, or other person acting in a similar representative capacity.

4           (11) "Public body" means the state and any parish or municipality and any  
5           board, commission, authority, agency, district, subdivision or department, agency,  
6           instrumentality, corporate or otherwise, of the foregoing.

7           (12) "Real property" means all lands, including improvements and fixtures  
8           thereon, and property of any nature appurtenant thereto or used in connection  
9           therewith, and every estate, interest, right or use, legal or equitable, therein,  
10           including terms for years and liens by way of judgment, mortgage, or otherwise.

11           (13) "Related activities" means planning work for the preparation of a  
12           general neighborhood renewal plan or for the preparation or completion of a  
13           communitywide plan or program and the functions related to the acquisition and  
14           demolition of real property pursuant to R.S. 33:4720.204(4).

15           (14) "Slum area" means an area in which there is a predominance of  
16           buildings or improvements, whether residential or nonresidential, which by reason  
17           of dilapidation, deterioration, age or obsolescence, inadequate provision for  
18           ventilation, light, air, sanitation, or open space, high density of population and  
19           overcrowding, or the existence of conditions which endanger life or property by fire  
20           and other causes, or an area of open land which, because of its location or situation,  
21           or both, is necessary for sound community growth, by replatting and planning and  
22           development, or any combination of such factors is conducive to ill health,  
23           transmission of disease, infant mortality, juvenile delinquency, or crime, and is  
24           detrimental to the public health, safety, morals, or welfare.

25           Section 2. This Act shall become effective upon signature by the governor or, if not  
26 signed by the governor, upon expiration of the time for bills to become law without signature  
27 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
28 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
29 effective on the day following such approval.

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**DIGEST**

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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Rosalind Jones

HB No. 1080

**Abstract:** Authorizes the city of Monroe to acquire and dispose of blighted property and to provide for the redevelopment of such property.

Proposed law contains findings of fact and legislative determination that there exists in the city of Monroe, La., areas which have become slum and blighted because of unsafe, unsanitary, inadequate, or overcrowded condition of structures, or because of inadequate planning of the area, or because of physically or functionally obsolete structures, or both, or because of excessive dwelling unit density, or because of the lack of proper light and air and open space, or because of faulty street or lot design, or inadequate public utilities or community services, or because of the conversion to incompatible types of land usage.

Proposed law also declares that prevention and elimination of slums and blight areas and their causes is a matter of public policy and concern and that salvage and renewal of such areas, in accordance with sound and approved plans for their redevelopment, will promote the public health, safety, morals, and welfare. Declares further that although certain such areas or portions thereof may be susceptible to conservation or rehabilitation by voluntary action and through existing regulatory processes, in certain areas blight and slum conditions are beyond remedy or reasonable control through regulatory processes and cannot be effectively dealt with under existing law without additional aids, including the exercise of the power of expropriation.

Proposed law authorizes the city of Monroe, for purposes of proposed law, to formulate a workable program for community improvement for utilizing appropriate private and public resources to eliminate and prevent the development or spread of slums and blight, to encourage needed rehabilitation, and to provide for the redevelopment of slum or blighted areas, or to undertake other feasible parochial activities as may be suitably employed to achieve the objectives of such workable program.

Proposed law provides that the Monroe City Council to the greatest extent it determines to be feasible in carrying out the provisions of proposed law shall afford maximum opportunity, consistent with the sound needs of the city as a whole, to the rehabilitation or redevelopment of the community improvement area by private enterprise.

Proposed law provides that the municipal governing authority has all the authority and power necessary or convenient to carry out and effectuate the purposes and provisions of proposed law, including but not limited to:

- (1) To undertake and carry out community improvement projects and related activities in accordance with the municipality's comprehensive plan.
- (2) To provide or to arrange or contract for the furnishing or repair by any person or agency, public or private, of services, privileges, works, streets, roads, public utilities, or other facilities for or in connection with a community improvement projects to install, construct, and reconstruct streets, utilities, parks, playgrounds, and other public improvements.
- (3) To acquire by purchase, lease, option, gift, grant, bequest, devise, expropriation, or otherwise any real property (or personal property for its administrative purposes) together with any improvements thereon; to hold, improve, clear, or prepare for

- redevelopment of any such property; to mortgage, pledge, or otherwise encumber or dispose of any real property; to insure or provide for the insurance of any real or personal property or operations of the municipality against any risks or hazards, including the power to pay premiums on any such insurance; and to enter into any contracts necessary to effectuate the purpose of proposed law.
- (4) After a public hearing as provided in proposed law prior to approval of a community improvement plan, or approval of any modification of the plan, to acquire real property in a community improvement area, demolish and remove any structures on the property, and pay all costs related to the acquisition, demolition, or removal, including any administrative or relocation expenses; and to agree to assume responsibility for any loss from the exercise of this power if the real property is not made a part of the community improvement plan or project.
  - (5) To invest any community improvement funds held in reserve or sinking funds or in any such funds not required for immediate disbursement, in property or securities in which public bodies may legally invest funds subject to their control.
  - (6) To borrow money and to apply for and accept advances, loans, grants, contributions, and any other form of assistance from the federal government, the state, or other public bodies, or from any sources, public or private, for the purposes of proposed law, and to give such security as may be required and to enter into and carry out contracts or agreements in connection therewith.
  - (7) To make or have made all surveys and plans necessary to the carrying out of the purposes of proposed law and to contract with any person, public or private, in the making and carrying out of such plans and to adopt or approve, modify, and amend such plans. Plans may include: a program of voluntary or compulsory repair or rehabilitation; enforcement of laws, codes, and regulations relating to use of land, buildings, and improvements and for compulsory repair, rehabilitation, demolition, or removal of buildings and improvements; and appraisals, studies, plans, and work necessary to prepare to undertake community improvement projects.
  - (8) To develop, test, and report methods and techniques, and carry out demonstrations and other activities within the municipality, for the prevention and the elimination of slums and blight.
  - (9) To prepare plans for and assist in the relocation of persons, including individuals, families, business concerns, nonprofit organizations, and others, displaced from a community improvement area and to make relocation payments. Prohibits requiring vacating of premises until reasonable relocation resources are demonstrated.
  - (10) To provide, wherever feasible, a preference to such displaced persons, consistent with their status at the time of displacement, including but not limited to a homeowner, tenant, or operator of a business, to return to a community improvement area after its redevelopment, improvement, repair, or rehabilitation.
  - (11) To receive and expend such funds as may be necessary to carry out the purposes of proposed law, to apply for, accept, and utilize loans, advances, or grants of funds from the federal government or other sources for any of the purposes of proposed law.
  - (12) To exercise all or any part or combination of powers granted to it in proposed law. Proposed law provides for the preparation and adoption of a community improvement plan by the municipal governing authority to address slum and blighted areas. Provides that such plan shall not be instituted unless the municipal governing authority has, by resolution, on the advice of the Monroe-Ouachita Regional Planning Commission, determined such area to be a slum or a blighted area or a

combination thereof and designated such area as appropriate for a community improvement project. Provides procedures for notice and hearings. Provides for plan modifications.

Proposed law provides that the municipal governing authority shall have the power to acquire by purchase, gift, bequest, expropriation, negotiation, or otherwise any blighted property as defined in proposed law either within or outside a designated community improvement area and, further, to hold, clear, manage, and dispose of said property, all in accordance with the procedures set forth in proposed law which procedures shall be exclusive for the acquisition of individual blighted property by the municipal governing authority. Provides for disposition of such property. Provides for disposition by deed of property outside a community improvement area. Provides for disposition within such an area in accordance with the community improvement plan for not less than fair market value taking into consideration obligations associated in order to carry out the plan.

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

(Adds R.S. 33:4720.201-4720.209)

#### Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Municipal, Parochial and Cultural Affairs to the original bill.

1. Added a requirement that the Monroe-Ouachita Regional Planning Commission notify any mortgagee of property to be deemed blighted. Added a requirement that any such mortgagee be notified at the address listed in the parish mortgage records.
2. Added a requirement that mortgagees be notified prior to the commencement of expropriation proceedings. Added a provision that expropriation shall convey title to property free of encumbrances only if persons holding a legally protected interest in the property fail to respond to notice prior to the commencement of the expropriation proceedings.
3. Removed provision authorizing delivery of notice of expropriation proceedings by means other than registered mail or personal service.