

Regular Session, 2011

HOUSE BILL NO. 531

BY REPRESENTATIVE ROBIDEAUX

PARISH/LAFAYETTE: Creates the Lafayette Parish Redevelopment Authority

1 AN ACT

2 To amend and reenact R.S. 44.4.1(B)(18) and to enact Chapter 13-M of Title 33 of the
3 Louisiana Revised Statutes of 1950, to be comprised of R.S. 33:4720.201, to create
4 the Lafayette Parish Redevelopment Authority; to provide for the formation of a
5 program or programs in the parish of Lafayette 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; to allow the rehabilitation, clearance, and
8 redevelopment of slum, blighted, and distressed areas; to provide for the expeditious
9 conversion of blighted or underused property into habitable residential dwellings in
10 the parish of Lafayette; to define the duties, liabilities, authority, and functions of the
11 redevelopment authority; to authorize public bodies to furnish funds, services,
12 facilities, and property in aid of redevelopment projects; and to provide for related
13 matters.

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

17 Be it enacted by the Legislature of Louisiana:

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

20 CHAPTER 13-M. LAFAYETTE PARISH REDEVELOPMENT AUTHORITY

21 §4720.201. Lafayette Parish Redevelopment Authority

22 A. This Chapter may be referred to as the "Lafayette Parish Redevelopment
23 Law".

1 B. It is hereby found and declared that:

2 (1) There exist in the parish of Lafayette areas which have become blighted
3 and distressed because of any or all of the following: the unsafe, unsanitary,
4 inadequate, or overcrowded condition of the structures therein, inadequate planning
5 for the area, physically or functionally obsolete structures, excessive dwelling unit
6 density, the lack of proper light and air and open space, faulty street or lot design,
7 inadequate public utilities or community services, failure to adequately maintain and
8 repair structures, the conversion to incompatible types of land usage, or
9 environmental conditions and circumstances. Such conditions or a combination of
10 some or all of them have and will continue to result in making such areas economic
11 and social liabilities.

12 (2) The prevention and elimination of blighted and distressed properties are
13 matters of public policy and concern, as such areas tend to consume a
14 disproportionate amount of parish revenues because of the extra services required for
15 police, fire, accident, and other forms of public protection, services, and facilities.

16 (3) The salvage, renewal, redevelopment, and reconstruction of such areas
17 will promote the public health, safety, and welfare of the public.

18 (4) The powers conferred by this Chapter are for public uses, purposes,
19 welfare, and public money may be expended as necessary in the exercise of such
20 powers. The provisions of this Chapter shall apply for residential, recreational,
21 commercial, industrial, or other purposes and otherwise to encourage the provision
22 of healthful homes, safe neighborhoods, a decent living environment, and adequate
23 places of employment for the people. Such purposes are hereby declared as a matter
24 of legislative determination.

25 (5) The object of this Chapter is to provide for the following:

26 (a) The general and economic welfare of the parish through housing,
27 commercial, office, hospitality, recreation, education, infrastructure and utility
28 capacity, manufacturing, industrial, research, retail, or other activities which will

1 create or retain jobs, maintain or diversify industry, including new or emerging
2 technologies, or maintain or increase the tax base.

3 (b) The improvement of conditions of deteriorated physical development,
4 slow economic growth, and eroded financial health of the public and private sectors.

5 (c) The control, abatement, and prevention of pollution to protect public
6 health and safety and the development and use of indigenous and renewable energy
7 resources.

8 (d) Assistance to nonprofit and governmental entities in support of health,
9 educational, charitable, community, cultural, agricultural, consumer, or other
10 services benefitting the citizens.

11 C.(1) There is hereby created in the parish of Lafayette a body politic and
12 corporate which shall exist in perpetuity and shall be known as the Lafayette Parish
13 Redevelopment Authority, referred to in this Chapter as the "authority".

14 (2) The authority shall be a special district created pursuant to Article VI,
15 Section 19 of the Constitution of Louisiana and political subdivision of the state as
16 defined in Article VI, Section 44 of the Constitution of Louisiana. The authority,
17 acting through its governing board, is hereby granted all of the rights, powers,
18 privileges, and immunities accorded by the laws and the Constitution of Louisiana
19 to political subdivisions of the state, subject to the limitations provided in this
20 Chapter.

21 D. The authority, for the purposes of this Chapter, may within its jurisdiction
22 formulate a workable program or programs for using appropriate private and public
23 resources to eliminate and prevent the development or spread of slums and blight,
24 to encourage needed rehabilitation, to provide for the redevelopment of slums or
25 blighted areas, and to undertake other feasible parochial activities as may be suitably
26 employed to achieve the objectives of such workable program.

27 E. The authority, to the greatest extent it determines to be feasible in carrying
28 out the provisions of this Chapter, shall seek out cooperative endeavors, including
29 partnerships, joint ventures, and equity participation structures, with nonprofit

1 organizations and private enterprise. The authority shall give consideration to this
2 objective in exercising the powers granted pursuant to this Chapter.

3 F.(1) The Lafayette Parish Redevelopment Authority shall be comprised of
4 all of the territory located within the parish of Lafayette, including the territory
5 comprising the municipalities of Broussard, Carencro, Duson, Scott, and
6 Youngsville, constituted on the effective date of this Chapter; however, the
7 governing authority of each municipality may opt out of being included within the
8 territorial jurisdiction of the authority.

9 (2) The authority shall be activated and implemented when the governing
10 authority of Lafayette City-Parish Consolidated Government recognizes and
11 confirms the appointment of the initial five members of the board.

12 G.(1) The Lafayette Parish Redevelopment Authority shall be governed by
13 a board of commissioners, referred to in this Chapter as the "board", consisting of
14 five members appointed as follows:

15 (a) One member shall be appointed by the city-parish president of the
16 Lafayette City-Parish Consolidated Government.

17 (b) One member shall be appointed by the governing authority of the
18 Lafayette City-Parish Consolidated Government.

19 (c) One member shall be appointed by the member or members who
20 represent Louisiana House of Representatives District No. 44.

21 (d) One member shall be appointed by the member or members who
22 represent Louisiana Senate District No. 24.

23 (e) One member appointed by the governing board of the Community
24 Foundation of Acadiana.

25 (2) All appointments shall be confirmed by the governing authority of the
26 Lafayette City-Parish Consolidated Government.

27 (3) Each appointing authority shall present its initial appointee to the
28 governing authority of the Lafayette City-Parish Consolidated Government no later
29 than December 31, 2011. Such presentations by the appointing authorities shall be

1 in writing, shall be made at an official and open meeting of the governing authority
2 of the Lafayette City-Parish Consolidated Government, and shall include information
3 sufficient to allow the governing authority to assess the qualifications and fitness of
4 the appointee for his intended duties. Upon receipt of such presentation, the
5 governing authority shall have the right to confirm or reject said appointment. Such
6 confirmation or rejection shall be made in the manner and under the procedure
7 prescribed by the governing authority. Regardless of the manner and procedure so
8 employed, if the governing authority does not reject an appointment within sixty
9 days after the presentation required by this Paragraph, then the appointment shall be
10 deemed confirmed.

11 (4) Each board member shall be a citizen of the United States, a domiciliary
12 of and a qualified voter in the parish of Lafayette for at least one year preceding the
13 date of appointment, and shall remain a domiciliary of and a qualified voter of such
14 jurisdiction during the entirety of his term of office. Furthermore, each board
15 member shall be of good character and shall possess some skill, knowledge, or
16 experience that will prove useful in the accomplishment of the goals of the authority
17 as set forth in Subsection B of this Section.

18 (5) Each board member shall serve for a term of four years unless removed
19 for cause by the board as provided in this Chapter or removed for any reason by
20 authorized action of the appointing authority. Initial terms shall be established in the
21 bylaws of the authority.

22 (6) The board shall establish rules and requirements relative to the
23 attendance and participation of members in its meetings, regular or special. Such
24 rules and regulations may prescribe a procedure whereby, should any member fail
25 to comply with such rules and regulations, the member may be disqualified and
26 removed from office by no less than a majority vote of the remaining members of the
27 board, and that member's position shall be vacant as of the first day of the next
28 calendar month. Any person removed under the provisions of this Paragraph shall

1 be ineligible for reappointment to the board unless such reappointment is confirmed
2 unanimously by the board.

3 (7)(a) A vacancy on the board shall be filled in the same manner as the
4 original appointment. In such cases a majority of the remaining board members may
5 appoint an interim member to serve until a new member is confirmed.

6 (b) When a vacancy occurs on the board, a majority of the remaining board
7 members may select an interim member to serve until a new member is appointed.

8 (8) Board members shall serve without compensation, shall have the power
9 to organize and reorganize the executive, administrative, clerical, and other
10 departments and forces of the authority and to fix the duties, powers, and
11 compensation of all employees, agents, and consultants of the authority. The board
12 may reimburse any member for expenses actually incurred in the performance of
13 duties on behalf of the authority.

14 (9) The board shall elect yearly from its number a chairman, a vice chairman,
15 a secretary, and a treasurer and shall establish their duties as may be regulated by
16 rules adopted by the board. The offices of secretary and treasurer may be held by the
17 same person. The board may meet in regular session once each month and also shall
18 meet in special session as convened by the chairman or upon written notice signed
19 by three members. A majority of the members of the board, not including vacancies,
20 shall constitute a quorum for the conduct of business.

21 (10) All actions of the board shall be approved by the affirmative vote of a
22 majority of the members of the board present and voting; however, no action of the
23 board shall be authorized on the following matters unless approved by a majority of
24 the total board membership:

25 (a) Adoption of bylaws and other rules and regulations for conduct of the
26 authority's business.

27 (b) Hiring or firing of any employee or contractor of the authority. This
28 function may by majority vote of the total board membership be delegated by the

1 board to a specified officer or committee of the authority, under such terms and
2 conditions and to the extent that the board may specify.

3 (c) The incurring of debt.

4 (d) Levy of taxes and call for any tax or other election.

5 (e) Adoption or amendment of the annual budget.

6 (f) Sale, lease, encumbrance, or alienation of real property, improvements,
7 or personal property with an assessed value of more than twenty thousand dollars.

8 (11) Vote by proxy shall not be permitted. Any member may request a
9 recorded vote on any resolution or action of the authority.

10 (12) The board shall cause minutes and a record to be kept of all its
11 proceedings. Except as otherwise provided in this Paragraph, the authority shall be
12 subject to the Public Records Law, the Open Meetings Law, and the Code of
13 Governmental Ethics. Notwithstanding the provisions of R.S. 42:14, until thirty days
14 prior to the date the board is scheduled to consummate a final sale or lease of any
15 immovable property owned by the authority, the board may meet in executive
16 session to discuss negotiations between the authority and any prospective seller,
17 purchaser, lessor, or lessee of that property. R.S. 44:31 through 35 shall not apply
18 to any records related to the negotiations of or to the terms of such a sale or lease
19 until thirty days prior to the date the board is scheduled to consummate a final sale
20 or lease. The board shall give written public notice of its intention to consummate
21 a final sale or lease at least thirty days prior to the date on which the board intends
22 to take such action. This notice shall comply with the procedural provisions of R.S.
23 42:19.

24 H. The authority, through the board, shall have all powers necessary or
25 convenient to carry out and effectuate the purposes and provisions of this Chapter,
26 including but not limited to the following:

27 (1) To sue and be sued and as such to stand in judgment.

28 (2) To adopt, use, and alter at will a corporate seal.

1 (3) To acquire by gift, grant, purchase, lease, or otherwise and to hold and
2 use any property, real, personal, mixed, tangible, or intangible, or any interest therein
3 and to engage in any action, such as the purchase of insurance, necessary or desirable
4 for the maintenance or improvement of such property. The authority shall not have
5 any power to expropriate, except that power which is granted by the appropriate
6 governing authority.

7 (4)(a) To sell, lease for a term of up to ninety-nine years, exchange, or
8 otherwise dispose of or transfer to or with other political subdivisions of this state
9 or public or private persons at public or private sale any residential, commercial,
10 industrial, or subdivision land, property, improvements, or portions thereof,
11 including real property.

12 (b) Prior to any sale, lease, conveyance, disposition, or transfer of property
13 pursuant to this Paragraph, the authority shall fix the price and terms of the sale,
14 lease, exchange, or other contract to be made with reference to the property. Such
15 sale, lease, conveyance, disposition, or transfer shall comply with the terms and
16 provisions of this Chapter.

17 (c) Any sale of land in an industrial area as provided by Chapter 8 of Title
18 51 of the Louisiana Revised Statutes of 1950 and the statutes referenced therein shall
19 be in accordance with laws providing for the disposition or transfer of such land.

20 (d) Other than the requirements of this Chapter, no other law limiting or
21 regulating the form or manner of the sale, lease, conveyance, disposition, or transfer
22 of property by public bodies, including without limitation R.S. 41:1338, shall apply
23 to the sale, lease, conveyance, disposition, or transfer of property by the authority.
24 All such sales, leases, conveyance, dispositions, or transfers of property remain
25 subject to the limitations imposed by the Constitution of Louisiana.

26 (5) To convey to the United States, the state, or to any political subdivision
27 of the state any land, property, right-of-way, easement, servitude, or other thing of
28 value which the authority may own or acquire for use by such governmental entity
29 pursuant to the terms of any appropriate cooperative endeavor agreement.

1 (6) To make and collect reasonable charges for the use of property of the
2 authority and for services rendered by the authority, and to regulate fees or rentals
3 charged for use of privately owned facilities located on property owned or sold by
4 the authority when such facilities are offered for use by the public or by a private
5 industrial, commercial, research, or other economic development entity or activity.

6 (7) To enter into contracts and agreements with public bodies or public or
7 private entities, including but not limited to contracts for professional, legal, and
8 other services and for the purchase, lease, acquisition, sale, construction, operation,
9 maintenance, marketing, and improvement of land, public works, and facilities.

10 (8) To plan, develop, regulate, operate, and maintain activities and planned
11 land uses to foster creation of new jobs, economic development, industry, health
12 care, general public and social welfare, commerce, manufacturing, tourism,
13 relocation of people and businesses to the area, shipbuilding, aviation, military,
14 warehousing, transportation, offices, recreation, housing development, and
15 conservation.

16 (9) To make decisions and conduct all activities to meet the triple bottom-
17 line development objectives of equity, economics, and environment.

18 (10) To acquire land and improvements to construct, operate, and maintain
19 facilities, improvements, and infrastructure, including buildings, roads, bridges,
20 drainage, and utilities, and to perform other functions and activities on property
21 owned or leased by the authority to accomplish the objectives and purposes of the
22 authority; however, the authority is prohibited from constructing, operating, or
23 maintaining any water, electric, or gas utility facilities which duplicate, curtail,
24 impair, or directly compete with a regulated water, electric, or gas utility facility
25 operating in or adjacent to the property owned or leased by the authority.

26 (11) To require and issue licenses.

27 (12) To levy annually and cause to be collected ad valorem taxes if such levy
28 and the amount, term, and purpose of such taxes, as set out in propositions submitted

1 to a vote in accordance with the Louisiana Election Code, are approved by a majority
2 of the qualified electors of the parish voting in an election held for that purpose.

3 (13)(a) To levy and collect sales and use taxes within the boundaries of the
4 authority for such purposes and at such rate as provided by the propositions
5 authorizing their levy, not to exceed in aggregate one percent, if the proposition
6 submitted to a vote in accordance with the Louisiana Election Code is approved by
7 a majority of the qualified electors of the parish voting in an election held for that
8 purpose. In submitting a sales tax proposition to a vote, the board may enter into a
9 cooperative endeavor agreement with the parish governing authority providing for
10 the sales tax to be divided into parts between the parish and the authority for such
11 purposes and in such amounts as may be set forth in the proposition.

12 (b) The tax shall be levied upon the sale at retail, the use, the lease or rental,
13 the consumption, the distribution, and storage for use or consumption of tangible
14 personal property, and upon the sales of services within the parish, all as defined in
15 R.S. 47:301 et seq.

16 (c) Except where inapplicable, the procedure established by R.S. 47:301 et
17 seq. shall be followed in the imposition, collection, and enforcement of the tax, and
18 procedural details necessary to supplement those Sections and to make them
19 applicable to the tax authorized by this Paragraph shall be fixed in the resolution
20 imposing the tax.

21 (d) The tax shall be imposed and collected uniformly throughout the parish.

22 (e) Any tax levied under this Paragraph shall be in addition to all other taxes
23 which the parish or any other political subdivision within the parish is now or
24 hereafter authorized to levy and collect.

25 (14) To develop, activate, construct, exchange, acquire, improve, repair,
26 operate, maintain, lease, mortgage, sell, and grant a security device affecting the
27 movable and immovable property, servitudes, facilities, and works within the parish
28 under such terms and conditions as the board may deem necessary or appropriate for

1 any public purpose, including industrial, residential, subdivision, and commercial
2 development.

3 (15) To borrow money and to pledge or grant a security device affecting all
4 or part of its revenues, leases, rents, and other advantages as security for such loans.

5 (16) To appoint officers, agents, and employees, prescribe their duties, and
6 fix their compensation.

7 (17) To undertake and carry out redevelopment projects and related
8 activities.

9 (18) To apply for and accept advances, leases, grants, contributions, and any
10 other form of financial assistance from the federal government, the state, parish, or
11 other public bodies, or from any source, public or private, for the purposes of this
12 Chapter, and to give such security as may be required and to enter into and carry out
13 contracts or agreements in connection therewith, and to include in any contract for
14 financial assistance with the federal government such conditions imposed pursuant
15 to federal laws as the board may deem reasonable and appropriate and which are not
16 inconsistent with the purposes of this Chapter.

17 (19) To make or have made all surveys and plans necessary to the carrying
18 out of the purposes of this Chapter and to adopt or approve, modify, and amend such
19 plans, which plans may include but are not limited to:

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

22 (b) Plans for the enforcement of state and local laws, codes, and regulations
23 relating to the use of land and the use and occupancy of buildings and improvements
24 and to the compulsory repair, rehabilitation, demolition, or removal of buildings and
25 improvements.

26 (c) Appraisals, title searches, surveys, studies, and other plans and work
27 necessary to prepare for the undertaking of redevelopment projects and related
28 activities.

1 (20) To develop, test, and report methods and techniques and carry out
2 demonstrations and other activities for the prevention and the elimination of slums
3 and urban blight, including developing and demonstrating new or improved means
4 of providing housing or continuing care, assisted living, or independent living or
5 other similar type housing for elderly or retired persons or other persons desiring
6 such housing facilities.

7 (21) To make and from time to time amend and repeal bylaws, orders, rules,
8 and regulations in order to effectuate the provisions of this Chapter.

9 (22) To exercise all or any part or combination of powers granted by this
10 Chapter.

11 (23) The authority shall not be deemed to be an instrumentality of the state
12 for purposes of Article X, Section 1(A) of the Constitution of Louisiana.

13 I.(1) The authority may incur debt and issue general obligation bonds under
14 the authority of and subject to the provisions of Article VI, Section 33 of the
15 Constitution of Louisiana, and Subpart A of Part III of Chapter 4 of Subtitle II of
16 Title 39 of the Louisiana Revised Statutes of 1950, for the acquisition and operation
17 of authority property or to carry out the other public purposes of this Chapter, and
18 to issue any other bonds permitted by law, borrow money, and issue certificates of
19 indebtedness, notes, and other debt obligations as evidence thereof and provide for
20 the manner and method of repayment in accordance with law.

21 (2) The authority may issue revenue bonds to finance the undertaking of a
22 redevelopment project under this Chapter, or otherwise to acquire, purchase, lease,
23 construct, or improve housing, residential development, subdivision development,
24 commercial, research, industrial, or other plant sites and buildings, or other capital
25 improvements authorized in this Chapter, including energy and pollution abatement
26 and control facilities and necessary property and appurtenances thereto, and may sell,
27 lease, sublease, or otherwise dispose of by suitable and appropriate contract to any
28 enterprise locating or existing within the jurisdiction of the authority such sites,
29 buildings, or facilities and appurtenances thereto, all or severally. The funds derived

1 from the sale of such bonds may be disbursed in whole or in part upon delivery of
2 the bonds as shall be provided in the contract between the authority and the
3 residential, commercial, research, industrial, or other enterprise to be aided,
4 encouraged, or benefitted subject to the requirements of this Chapter.

5 (3) The authority may enter into, amend, or terminate, as it determines to be
6 necessary or appropriate, any ancillary contracts to do either of the following:

7 (a) Facilitate the issuance, sale, resale, purchase, repurchase, or payments of
8 bonds, including without limitation bond insurance, letters of credit, and liquidity
9 facilities.

10 (b) Attempt to hedge risk or achieve a desirable effective interest rate or cash
11 flow, all subject to the approval of the State Bond Commission.

12 (4) Bonds issued under Paragraph (2) of this Subsection shall be authorized
13 by resolution of the board and shall be limited obligations of the authority; the
14 principal and interest, costs of issuance, and other costs incidental thereto shall be
15 payable solely from the income and revenue derived from the sale, lease, or other
16 disposition of the project or facility to be financed by the bonds issued under this
17 Subsection, or from the income and revenue derived from the sale, lease, or other
18 disposition of any existing project or facility acquired, constructed, and improved
19 under the provision of this Subsection, or from any source available for such
20 purpose; however, in the discretion of the authority, the bonds may be additionally
21 secured by mortgage or other security device covering all or part of the project from
22 which the revenues so pledged may be derived. Any refunding bonds issued
23 pursuant to this Subsection shall be payable from any source described in this
24 Paragraph or from the investment of any of the proceeds of the refunding bonds
25 authorized under this Subsection and shall not constitute an indebtedness or pledge
26 of the general credit of the parish, as appropriate, or the authority within the meaning
27 of any constitutional or statutory limitation of indebtedness and shall contain a recital
28 to that effect. Bonds of the authority issued under this Subsection shall be issued in
29 such form, shall be in such denominations, shall bear interest, shall mature in such

1 manner, and be executed by one or more members of the board as provided in the
2 resolution authorizing the issuance thereof. Such bonds may be subject to
3 redemption at the option of and in the manner determined by the board in the
4 resolution authorizing the issuance thereof.

5 (5) No bonds or other evidences of indebtedness may be issued under this
6 Subsection without the prior approval of the State Bond Commission of the terms
7 and provisions thereof.

8 (6) Bonds issued under this Subsection shall be issued, sold, and delivered
9 in accordance with the terms and provisions of a resolution adopted by the board.
10 The board may sell such bonds in such manner, either at public or at private sale, and
11 for such price as it may determine to be in the best interests of the authority, subject
12 to the approval of the State Bond Commission. The resolution issuing bonds shall
13 be published in a newspaper of general circulation within the jurisdiction of the
14 authority, and for a period of thirty days after said publication, any interested citizen
15 may bring an action to contest the bonds and the security therefor, as provided in the
16 Constitution of Louisiana. If, after the expiration of thirty days, no suit has been
17 filed, the issuance, sale, and security of the bonds shall be incontestable, and no court
18 shall have authority to entertain any action questioning or contesting such matters.

19 (7) Bonds issued by the authority under this Chapter are deemed to be
20 securities of public entities within the meaning of Chapters 13 and 13-A of Title 39
21 of the Louisiana Revised Statutes of 1950, and shall be subject to defeasance in
22 accordance with the provisions of Chapter 14 of Title 39 of the Louisiana Revised
23 Statutes of 1950, shall be subject to the refunding provisions of Chapter 14-A of
24 Title 39 of the Louisiana Revised Statutes of 1950, and may also be issued as short-
25 term revenue notes of a public entity under Chapter 15-A of Title 39 of the Louisiana
26 Revised Statutes of 1950.

27 (8) No bonds, other debt obligations, or contracts of the authority shall be a
28 charge upon the income, property, or revenue of the parish, nor shall any obligations
29 of the authority be the obligations of the parish.

1 (9) Any bonds issued by the authority shall be subject to Part XVI of Chapter
2 32 of Title 13 of the Louisiana Revised Statutes of 1950 (R.S. 13:5121 through
3 5130), pursuant to which the issuance of the bonds may be submitted to the courts
4 for validation.

5 J.(1) The exercise by the board of the powers conferred by this Chapter shall
6 be deemed and held to be an essential governmental function of the state and parish.
7 As the exercise of the powers granted by this Chapter will be in all respects for the
8 benefit of the people of the state and parish, for the increase of their commerce and
9 prosperity, and for the improvement of their health and living conditions, the
10 authority shall not be required to pay any taxes, including but not limited to sales and
11 use taxes, ad valorem, occupational licensing, income, or any other taxes of any kind
12 or nature, or fees or assessments upon any property held, acquired, or used by the
13 authority under the provisions of this Chapter, or upon the income therefrom. Any
14 bonds, certificates, or other evidences of indebtedness issued by the authority and the
15 income therefrom shall be exempt from taxation by the state and by any parish,
16 municipality, or other political subdivision of the state. The authority is deemed not
17 to be a public utility and shall not be subject in any respect to the authority, control,
18 regulation, or supervision of the Louisiana Public Service Commission.

19 (2) All property of the authority, including funds owned or held by it for the
20 purpose of this Chapter, shall be exempt from levy and sale by virtue of an
21 execution, and no execution or other judicial process shall issue against the same, nor
22 shall judgment against the parish or authority be a charge or lien upon such property;
23 however, the provisions of this Paragraph shall not apply to or limit the right of
24 obligees to pursue any remedies for the enforcement of any pledge or lien given
25 pursuant to this Chapter by the authority on its rents, fees, grants, or revenues.

26 K.(1) The authority may purchase adjudicated properties within its territorial
27 jurisdiction from any political subdivision of the state of Louisiana. No such
28 purchase shall be construed to or otherwise have the effect of extending or

1 suspending the period prescribed by law for the redemption of the property by the
2 tax debtor or any other person.

3 (2) In addition to the authority set forth in Subpart B of Part IV of Chapter
4 5 of Subtitle III of Title 47 of the Louisiana Revised Statutes of 1950, such purchases
5 by the authority may be by a direct negotiated purchase and sale agreement between
6 the authority and a political subdivision without any other requirement of a public
7 sale prior to the transfer of such properties to the authority. Such purchases by the
8 authority shall not be considered the sale of surplus property or of property owned
9 by the political subdivision.

10 (3) Effective upon the recordation of the transfer of an adjudicated property
11 to the authority pursuant to a purchase and sale agreement, the rights of the authority
12 in and to such property shall be the rights of a purchaser at a tax sale as contemplated
13 by Chapter 5 of Subtitle III of Title 47 of the Louisiana Revised Statutes of 1950,
14 subject only to the rights of redemption of the property set forth in Article VII,
15 Section 25(B) of the Constitution of Louisiana, and the property shall no longer be
16 deemed to be adjudicated property as of such recordation. For purposes of the right
17 of redemption in Article VII, Section 25(B) of the Constitution of Louisiana, the
18 three-year period commences on the date of the recordation of the initial adjudication
19 to the political subdivision and not on the date of transfer to the authority.

20 (4) Any such purchase and sale agreement shall set forth the total
21 consideration to be paid by the authority and the method and timing of payment of
22 such consideration by the authority.

23 (5) The state and any political subdivision with liens on the property may,
24 pursuant to intergovernmental agreements with the authority, cancel such liens
25 contemporaneously with or subject to the transfer of the property to the authority.

26 (6)(a) The authority shall have the right, subject to the provisions of this
27 Section, to purchase properties at tax sales conducted in accordance with R.S.
28 47:2155 and 2156, and any and all such purchases shall be a purchase pursuant to
29 R.S. 47:2155 and 2156 and not an adjudication to a political subdivision.

1 (b) A bid by the authority at a tax sale for the minimum amount shall take
2 priority over all other bids for the same quantity of property, except for a higher bid
3 submitted by a conventional mortgage holder holding a mortgage on the subject
4 property.

5 (7) The authority shall submit annual reports to the House Committee on
6 Municipal, Parochial and Cultural Affairs and the Senate Committee on Local and
7 Municipal Affairs and each member of the Iberia Parish legislative delegation
8 concerning property purchased by the authority. Such report shall be filed by March
9 first each year and shall cover the previous calendar year. Each report shall include:

10 (a) The legal description or other indication of the location of each property
11 purchased.

12 (b) The amount paid for each property.

13 (c) The minimum bid that was set for the property and the appraised value
14 of the property.

15 (d) A general description of the authority's plans for the property and how
16 such plans advance the purposes for which the authority is created.

17 L.(1) The authority shall have the power to create and execute
18 redevelopment or development plans for specified areas within its territorial
19 jurisdiction. The implementation of all such plans shall not proceed until, to the
20 extent required by law, the authority has obtained the approval of the local planning
21 commission or zoning board. In the execution of such a redevelopment plan, the
22 authority shall have the powers provided in this Subsection. The fact that a certain
23 power is expressed or implied in this Paragraph as pertinent to the authority's
24 execution of a redevelopment plan shall not suggest or imply that such power is
25 otherwise denied to the authority.

26 (2) A redevelopment plan shall include a definition of the redevelopment
27 area. This area, or any part thereof, may be further designated as a subdistrict of the
28 authority.

1 (3) The authority may sell, lease, exchange, or otherwise transfer immovable
2 property or any interest therein acquired by it for residential, recreational,
3 commercial, industrial, or other uses or for public use, subject to such covenants,
4 conditions, and restrictions, including covenants running with the land, as it may
5 deem to be necessary or desirable to assist in carrying out the purposes of this
6 Chapter. The purchasers or lessees and their successors and assigns shall be
7 obligated to devote such immovable property only to the uses as the authority may
8 determine to be in the public interest, including the obligation to begin within a
9 reasonable time any improvements on such immovable property. Such immovable
10 property or interest shall be sold, leased, exchanged, or otherwise transferred at not
11 less than its fair market value for uses in accordance with the redevelopment or
12 development plan. In determining the fair market value of immovable property for
13 uses in accordance with a redevelopment or development plan, the authority shall
14 take into account and give consideration to the use provided in such plan, the
15 restrictions upon and the covenants, conditions, and obligations assumed by the
16 purchaser or lessee, and the objectives of such plan. The authority, in any instrument
17 of conveyance to a private purchaser or lessee, may provide that such purchaser or
18 lessee shall be without power to sell, lease, exchange, or otherwise transfer the
19 immovable property without the prior written consent of the authority until such
20 purchaser or lessee has completed the construction of any and all improvements
21 which he has obligated himself to construct thereon. Immovable property acquired
22 in accordance with the provisions of a plan shall be transferred as rapidly as feasible
23 in the public interest, consistent with the carrying out of the provisions of the project
24 plan. Such plan and any substantial modification of such plan shall be filed as a
25 public record in the office of the clerk of the parish, and any conveyances,
26 encumbrances, or other contracts may incorporate the provisions thereof by reference
27 which shall afford notice thereof to all parties.

28 (4) The authority may dispose of, sell, exchange, or lease immovable
29 property in a redevelopment area to any private person for the fair market value of

1 the property as determined by a certified and competent appraiser, or to any private
2 person pursuant to reasonable competitive bidding procedures as it shall prescribe
3 subject to the provisions set forth in this Paragraph. Such reasonable bidding
4 procedures must include public notice, by publication once each week for two
5 consecutive weeks in a newspaper having a general circulation in the district,
6 inviting proposals from and making available all pertinent information to private
7 redevelopers or any persons interested in undertaking to redevelop or rehabilitate a
8 redevelopment area or any part thereof. Such notice shall identify the area, or
9 portion thereof, and shall state that proposals shall be made in writing by those in
10 interest within thirty days after publication of such notice, and that such further
11 information as is available may be obtained at such office as shall be designated in
12 the notice. The board shall consider all such redevelopment or rehabilitation
13 proposals and the financial and legal ability of the persons making such proposals
14 to carry them out, and may negotiate with any persons for proposals for the purchase,
15 lease, or other transfer of any immovable property acquired by the authority in the
16 redevelopment area. The board may accept such proposal as it deems to be in the
17 public interest and in furtherance of the purposes of this Chapter. Such notice, and
18 all contracts to sell, lease, exchange, or otherwise transfer immovable property under
19 the provisions of this Chapter, shall be a public record and shall include the name of
20 the redeveloper or purchaser, together with the names of its officers and principal
21 members or shareholders and investors and other interested parties, the redeveloper's
22 estimate of the cost of any residential development and rehabilitations, and the
23 redeveloper's estimate of rentals and sales prices of any proposed housing involved
24 in such redevelopment and rehabilitation. Thereafter, the board may execute such
25 contract in accordance with the provisions of this Chapter and deliver acts of sale,
26 leases, and other instruments and take all steps necessary to effectuate such contract.

27 (5) The authority may temporarily operate, maintain, or lease real property
28 acquired by it in a redevelopment area for or in connection with a redevelopment
29 project pending disposition of the property as authorized in this Chapter for such

1 uses and purposes as may be deemed desirable even though not in connection with
2 the redevelopment plan.

3 (6) Any real property within a redevelopment area acquired pursuant to
4 Subsection K of this Section may be disposed of without regard to the other
5 provisions of this Chapter. Real property acquired in accordance with the
6 redevelopment plan may be disposed of to a public body for public reuse without
7 regard to the provisions of this Subsection.

8 (7) Notwithstanding any other provisions of this Chapter where an area in
9 the parish is designated as a redevelopment area under the federal Area
10 Redevelopment Act (Public Law 87-27), or any act supplementary thereto, land in
11 a redevelopment project area designated under the redevelopment plan for industrial
12 or commercial uses may be disposed of to any public body or nonprofit corporation
13 for subsequent disposition as promptly as practicable by the public body or
14 corporation for redevelopment in accordance with the redevelopment plan, and only
15 the purchaser from or lessee of the public body or corporation, and his assignees,
16 shall be required to assume the obligation of beginning the building of improvements
17 within a reasonable time. Any disposition of land to a public body or corporation
18 under this Paragraph shall be at its fair market value for uses in accordance with the
19 redevelopment plan.

20 M.(1) The authority may, in the implementation of a redevelopment plan,
21 create one or more subdistricts to conduct, oversee, or assist in the implementation
22 of such redevelopment plan. The boundaries of such a subdistrict may include all
23 or part of the redevelopment area. Such a subdistrict shall have and exercise such
24 powers and responsibilities as the authority shall specify in the enabling resolution.
25 The full extent of such powers and responsibilities may include such powers as the
26 authority itself may exercise, and such other powers as are given to the subdistrict
27 by this Paragraph or any other law, but any exercise of such powers by the subdistrict
28 shall be confined solely to the geographical limits of the subdistrict. Such a
29 subdistrict may be established to exist at the pleasure of the authority, or for any

1 period of time, or until the happening of any occurrence or occurrences that the
2 authority may specify.

3 (2) The creation of a subdistrict shall in no instance result in the detachment,
4 severance, or loss of any power or responsibility granted to the authority by this
5 Chapter, and within the confines of any subdistrict, the authority shall have full
6 jurisdiction, concurrent with that of the subdistrict, to exercise said powers and
7 responsibilities. The fact that a certain power is expressed or implied as pertinent to
8 a subdistrict's conduct, overseeing, or assistance in the implementation of the
9 redevelopment plan shall not suggest or imply that such power is otherwise denied
10 to the authority; however, the authority and its subdistricts shall not collectively have
11 any greater power to tax than that granted to the authority alone.

12 (3) Unless otherwise specified in the resolution or other formal act creating
13 the subdistrict, the board members of the authority shall constitute the governing
14 authority of the subdistrict.

15 (4) Unless otherwise specified in the resolution or other formal act creating
16 the subdistrict, the subdistrict shall be a distinct and separate juridical entity, and the
17 rights, interests, and liabilities of the subdistrict shall not under any circumstances
18 be considered those of the authority.

19 (5)(a) In addition to the other powers it may be granted, a subdistrict may,
20 within its geographical boundaries, utilize tax increment financing, issue revenue
21 bonds, and exercise powers that an economic development district created by a local
22 governmental subdivision pursuant to R.S. 33:9038.32 is authorized to exercise;
23 however, the subdistrict shall remain subject to all limitations and reservations
24 applicable to the powers of the authority.

25 (b) Prior to the dedication of any state sales tax increments to be used for an
26 authorized purpose of a subdistrict, the secretary of the Department of Economic
27 Development shall submit the proposal to the Joint Legislative Committee on the
28 Budget for approval. The submittal shall also include a written evaluation and
29 determination by the department, with input from and certification by the

1 Department of Revenue, of the anticipated increase in state sales tax revenues to be
2 collected within the state over state sales tax revenues that were collected within the
3 state in the year immediately prior to the year in which the proposal is submitted to
4 the committee that would be a direct result of the proposal. In addition, any
5 cooperative endeavor agreement or other agreement providing for the expenditure
6 of funds collected by the state as state sales tax increments and dedicated to a project
7 or for the payment of revenue bonds therefor shall be subject to approval by the State
8 Bond Commission prior to execution by the state.

9 N. All banks, trust companies, bankers, savings banks and institutions,
10 building and loan associations, savings and loan associations, investment companies,
11 and other persons carrying on a banking or investment business; all insurance
12 companies, insurance associations, and other persons carrying on an insurance
13 business; and all executors, administrators, curators, trustees, and other fiduciaries
14 may legally invest any sinking funds, monies, or other funds belonging to them or
15 within their control in any bonds or other obligations issued by the authority pursuant
16 to this Chapter. Bonds and other obligations shall be authorized security for all
17 public deposits. It is the purpose of this Subsection to authorize public or private
18 persons, political subdivisions, and officers, public or private, to use any funds
19 owned or controlled by them for the purchase of any bonds or other obligations of
20 the authority. Nothing contained in this Subsection with regard to legal investments
21 shall be construed as relieving any person of any duty to exercise reasonable care in
22 selecting securities.

23 O. For the purpose of aiding in the planning, undertaking, or carrying out of
24 a redevelopment or development project and related activities authorized by this
25 Chapter, any public body may, upon such terms, with or without consideration as it
26 may determine:

27 (1) Dedicate, sell, convey, or lease any of its interest in any property or grant
28 easements, licenses, or other rights or privileges therein to the authority.

1 (2) Incur the entire expense of any public improvement made by such public
2 body.

3 (3) Do any and all things necessary to aid or cooperate in the planning or
4 carrying out of a redevelopment plan and related activities.

5 (4) Lend, grant, or contribute funds to the authority in accordance with an
6 appropriate cooperative endeavor agreement and borrow money and apply for and
7 accept advances, loans, grants, contributions, and any other form of financial
8 assistance from the federal government, the state, parish, or other public body, or
9 from any other source.

10 (5) Enter into agreements which may extend over any period,
11 notwithstanding any provision or rule of law to the contrary, with the federal
12 government or other public body respecting action to be taken pursuant to any of the
13 powers granted by this Chapter, including the furnishing of funds or other assistance
14 in connection with a redevelopment project and related activities.

15 (6) Cause public buildings and public facilities, including parks,
16 playgrounds, recreational, community, educational, water, sewer, or drainage
17 facilities, or any other works which it is otherwise empowered to undertake to be
18 furnished; furnish, dedicate, close, vacate, pave, install, grade, regrade, plan, or
19 replan streets, roads, sidewalks, ways, or other places; plan or replan, zone or rezone,
20 or make exceptions from building regulations.

21 P. Any instrument executed, in proper form and with proper certification of
22 authority, by the authority purporting to convey any right, title, or interest in any
23 property under this Chapter shall be conclusively presumed to have been executed
24 in compliance with provisions of this Chapter insofar as title or other interest of any
25 bona fide purchasers, lessees, or transferees of the property is concerned.

26 Q. Insofar as the provisions of this Chapter are inconsistent with the
27 provisions of any other law, the provisions of this Chapter shall be controlling;
28 however, the authority shall be subject to the provisions of the Local Government

1 Fair Competition Act, R.S. 45:844.41 et seq. The authority conferred by this Chapter
2 shall be in addition and supplemental to the powers conferred by any other law.

3 R.(1) In addition to other powers granted to the authority by this Chapter, the
4 authority may initiate an expedited quiet title and foreclosure action under this
5 Subsection to quiet title to immovable property held by the authority, interests in
6 property purchased by the authority at tax sales, or in formerly adjudicated properties
7 acquired by the authority from a political subdivision by recording with the
8 conveyance records of the clerk of court and ex officio recorder of mortgages a
9 notice of pending expedited quiet title and foreclosure action. The notice shall
10 include a legal description of the property; the street address of the property if
11 available; the name, address, and telephone number of the authority; a statement that
12 the property is subject to expedited quiet title proceedings and foreclosure under this
13 Subsection; and a statement that any legal interest in the property may be
14 extinguished by a district court order vesting title to the property in the authority.
15 The right of redemption from tax sales in Article VII, Section 25(B) of the
16 Constitution of Louisiana shall be terminated by these proceedings only if the time
17 period for expiration of the right of redemption has expired. If a notice is recorded
18 in error, the authority may correct the error by recording a certificate of correction
19 with the register of conveyances. A notice or certificate under this Subsection need
20 not be notarized and may be authenticated by a digital signature or other electronic
21 means. If the authority has reason to believe that a property subject to an expedited
22 quiet title and foreclosure action under this Subsection may be the site of
23 environmental contamination, the authority shall provide the Department of
24 Environmental Quality with any information in its possession that suggests the
25 property may be the site of environmental contamination.

26 (2) After recording the notice under Paragraph (1) of this Subsection, the
27 authority shall initiate a search of records identified in this Paragraph to identify the
28 owners of a property interest in the property who are entitled to notice of the quiet
29 title and foreclosure action under this Subsection. The authority may enter into a

1 contract with or may request from one or more authorized representatives a title
2 search or other title product to identify the owners of a property interest in the
3 property as required under this Paragraph or to perform the other functions set forth
4 in this Subsection required for quieting the title to property. The owner of a property
5 interest is entitled to notice under this Subsection if that owner's interest is
6 identifiable by reference to any of the following sources before the date that the
7 authority records the notice under Paragraph (1) of this Subsection:

8 (a) Land title records in the office of the recorder of mortgages and the
9 register of conveyances.

10 (b) Tax records in the office of the assessor.

11 (3) The authority may file a single petition with the district court to expedite
12 foreclosure under this Subsection listing all property subject to expedited foreclosure
13 by the authority and for which the authority seeks to quiet title. The list of properties
14 shall include all of the following that are available to the authority: a legal
15 description of, a tax parcel identification number for, and the street address of each
16 parcel of property. The petition shall seek a judgment in favor of the authority
17 against each property listed and shall include a date, within ninety days of filing, on
18 which the authority requests a hearing on the petition. The petition shall request that
19 a judgment be entered vesting absolute title in the authority, without right of
20 redemption for each parcel of property listed, as provided in this Paragraph. Prior
21 to the entry of judgment, the authority may request the court to remove property
22 erroneously included in the petition and any tax delinquent property redeemed prior
23 to the hearing.

24 (4) The district court in which a petition is filed under Paragraph (3) of this
25 Subsection shall immediately set the date, time, and place for a hearing on the
26 petition for foreclosure. The date shall be set by the court and shall not be more than
27 ten days after the date requested by the authority in the petition. In no event may the
28 court schedule the hearing later than ninety days after the filing of a petition by the
29 authority under Paragraph (3) of this Subsection.

1 (5) After completing the records search under Paragraph (2) of this
2 Subsection, the authority shall determine the address or addresses reasonably
3 calculated to inform those owners of a property interest in property subject to
4 expedited foreclosure of the pendency of the quiet title and foreclosure hearing under
5 Paragraph (11) of this Subsection. If, after conducting the title search, the authority
6 is unable to determine an address reasonably calculated to inform persons with a
7 property interest in property subject to expedited foreclosure, or if the authority
8 discovers a deficiency in notice under this Subsection, the following shall be
9 considered reasonable steps by the authority to ascertain the addresses of persons
10 with a property interest in the property subject to expedited foreclosure or to
11 ascertain an address necessary to correct a deficiency in notice under this Subsection:

12 (a) For an individual, a search of records of the recorder of mortgages and
13 the register of conveyances.

14 (b) For a business entity, a search of business entity records filed with the
15 commercial division of the Department of State.

16 (c) For a state or federal chartered depository financial institution, a search
17 of entity records filed with the Louisiana Office of Financial Institutions or with the
18 Federal Deposit Insurance Corporation (FDIC).

19 (6) Not less than thirty days before the quiet title and foreclosure hearing
20 under Paragraph (11) of this Subsection, the authority shall send notice by certified
21 mail, return receipt requested, of the hearing to the persons identified under
22 Paragraph (2) of this Subsection who have a property interest in property subject to
23 expedited foreclosure. The authority shall also send a notice via regular mail
24 addressed to the "Occupant" for each property subject to expedited foreclosure if an
25 address for the property is ascertainable.

26 (7) Not less than thirty days before the quiet title and foreclosure hearing, the
27 authority or its authorized representative or authorized agent shall visit each parcel
28 of property subject to expedited foreclosure and post on the property conspicuous
29 notice of the hearing. In addition to the requirements of Paragraph (8) of this

1 Subsection, the notice shall also include the following statement: "This Property has
2 been transferred to the Lafayette Parish Redevelopment Authority and is subject to
3 an expedited quiet title and foreclosure action. Persons with information regarding
4 the prior owner of the property are requested to contact the Lafayette Parish
5 Redevelopment Authority."

6 (8) The notices required under Paragraphs (6) and (7) of this Subsection shall
7 include:

8 (a) The date on which the authority recorded, under Paragraph (1) of this
9 Subsection, notice of the pending expedited quiet title and foreclosure action.

10 (b) A statement that a person with a property interest in the property may
11 lose his interest as a result of the quiet title and foreclosure hearing under Paragraph
12 (11) of this Subsection.

13 (c) A legal description, parcel number of the property, and the street address
14 of the property, if available.

15 (d) The person to whom the notice is addressed.

16 (e) The date and time of the hearing on the petition for foreclosure and a
17 statement that the judgment of the court may result in title to the property vesting in
18 the authority.

19 (f) An explanation of any rights of redemption and notice that the judgment
20 of the court may extinguish any ownership interest in or right to redeem the property.

21 (g) The name, address, and telephone number of the authority.

22 (h) A statement that persons with information regarding the owner or prior
23 owner of any of the properties are requested to contact the authority.

24 (9) If the authority is unable to ascertain the address reasonably calculated
25 to inform the owners of a property interest entitled to notice under this Section, or
26 is unable to provide notice under Paragraphs (6) and (7) of this Subsection, the
27 authority shall provide notice by publication. Prior to the hearing, a notice shall be
28 published for three successive weeks, once each week, in a newspaper published and
29 circulated in the parish. The published notice shall include all of the following:

1 (a) A legal description, parcel number of the property, and the street address
2 of the property, if available.

3 (b) The name of any person not notified under Paragraphs (6) and (7) of this
4 Subsection that the authority reasonably believes may be entitled to notice of the
5 quiet title and foreclosure hearing.

6 (c) A statement that a person with a property interest in the property may
7 lose his interest as a result of the foreclosure proceeding.

8 (d) The date and time of the hearing on the petition for foreclosure.

9 (e) A statement that the judgment of the court may result in title to the
10 property vesting in the authority.

11 (f) An explanation of any rights of redemption and notice that judgment of
12 the court may extinguish any ownership interest in or right to redeem the property.

13 (g) The name, address, and telephone number of the authority.

14 (h) A statement that persons with information regarding the owner or prior
15 owner of any of the properties are requested to contact the authority.

16 (10) If prior to the quiet title and foreclosure hearing the authority discovers
17 any deficiency in the provision of notice under this Subsection, the authority shall
18 take reasonable steps in good faith to correct the deficiency before the hearing. The
19 provisions of this Subsection relating to notice of the quiet title and foreclosure
20 hearing are exclusive and exhaustive. Other requirements relating to notice and
21 proof of service under other law, rule, or other legal requirement are not applicable
22 to notice or proof of service under this Subsection.

23 (11) If a petition for expedited quiet title and foreclosure is filed under
24 Paragraph (3) of this Subsection, before the hearing, the authority shall file with the
25 clerk of the district court proof of notice by certified mail under Paragraph (6) of this
26 Subsection, proof of notice by posting on the property under Paragraph (7) of this
27 Subsection, and proof of notice by publication, if applicable. A person claiming an
28 interest in a parcel of property set forth in the petition for foreclosure, including a
29 current holder of a conventional mortgage, who desires to contest that petition shall

1 file written objections with the clerk of the district court and serve those objections
2 on the authority before the date of the hearing. The district court may appoint and
3 utilize, as the court considers necessary, a curator for assistance with the resolution
4 of any objections to the foreclosure or questions regarding the title to property
5 subject to foreclosure. If the court withholds property from foreclosure, the
6 authority's ability to include the property in a subsequent petition for expedited quiet
7 title and foreclosure is not prejudiced. No injunction shall issue to stay an expedited
8 quiet title and foreclosure action under this Subsection. The district court shall enter
9 judgment on a petition to quiet title and foreclosure filed under this Subsection not
10 more than ten days after the conclusion of the hearing or contested case, and the
11 judgment shall become effective ten days after the conclusion of the hearing or
12 contested case. The district court's judgment shall specify all of the following:

13 (a) The legal description and, if known, the street address of the property
14 foreclosed.

15 (b) That title to property foreclosed by the judgment is vested absolutely in
16 the authority, except as otherwise provided in this Subsection, without any further
17 rights of redemption.

18 (c) That all liens against the property, including any lien for unpaid taxes or
19 special assessments, are extinguished.

20 (d) That, except as otherwise provided in Subparagraph (e) of this Paragraph,
21 the authority has good and marketable title to the property.

22 (e) That all existing recorded and unrecorded interests in that property are
23 extinguished, except a visible or recorded easement or right-of-way or private deed
24 restrictions.

25 (f) A finding that all persons entitled to notice and an opportunity to be heard
26 have been provided that notice and opportunity. A person shall be deemed to have
27 been provided notice and an opportunity to be heard if the authority followed the
28 procedures for provision of notice by mail, by visits to property subject to expedited

1 quiet title and foreclosure, and by publication under this Subsection, or if one or
2 more of the following apply:

3 (i) The person had constructive notice of the hearing by acquiring an interest
4 in the property after the date of the recording, under Paragraph (1) of this Subsection,
5 of the notice of pending expedited quiet title and foreclosure action.

6 (ii) The person appeared at the hearing or submitted written objections to the
7 district court under this Subsection prior to the hearing.

8 (iii) Prior to the hearing, the person had actual notice of the hearing.

9 (12) Except as otherwise provided in Subparagraph (11)(e) of this
10 Subsection, title to property set forth in a petition for foreclosure filed under
11 Paragraph (3) of this Subsection shall vest absolutely in the authority upon the
12 effective date of the judgment by the district court, and the authority shall have
13 absolute title to the property. The authority's title shall not be subject to any
14 recorded or unrecorded lien, except as provided in Paragraph (11) of this Subsection,
15 and shall not be stayed or held invalid, except as provided in Paragraph (13) of this
16 Subsection. A judgment entered under this Subsection is a final order with respect
17 to the property affected by the judgment and shall not be modified, stayed, or held
18 invalid after the effective date of the judgment, except as provided in Paragraph (13)
19 of this Subsection.

20 (13) The authority or a person claiming to have a property interest in
21 property foreclosed under this Subsection may, within twenty-one days of the
22 effective date of the judgment under this Subsection, appeal the district court's order
23 or the district court's judgment foreclosing property to the court of appeals. The
24 appeal of the judgment shall be entitled to preference and priority and shall be
25 handled on an expedited basis by the court of appeal and, if applicable, the Louisiana
26 Supreme Court. In such cases, the record shall be prepared and filed within fifteen
27 days of the granting of the order of appeal. The court of appeal shall hear the case
28 within thirty days after the filing of the appellee's brief. An appeal under this
29 Paragraph is limited to the record of the proceedings in the district court under this

1 Subsection. The district court's judgment foreclosing property shall be stayed until
2 the court of appeals has reversed, modified, or affirmed that judgment. If an appeal
3 under this Paragraph stays the district court's judgment foreclosing property, the
4 district court's judgment is stayed only as to the property that is the subject of that
5 appeal, and the district court's judgment foreclosing other property that is not the
6 subject of that appeal is not stayed. To appeal the district court's judgment
7 foreclosing property, a person appealing the judgment shall pay to the authority any
8 taxes, interest, penalties, and fees due on the property and provide notice of the
9 appeal to the authority within twenty-one days after the district court's judgment
10 becomes effective. If the district court's judgment foreclosing the property is
11 affirmed on appeal, the amount determined to be due shall be refunded to the person
12 who appealed the judgment. If the district court's judgment foreclosing the property
13 is reversed or modified on appeal, the authority shall refund the amount determined
14 to be due to the person who appealed the judgment, if any, and forward the balance
15 to the appropriate taxing jurisdictions in accordance with the order of the court of
16 appeals.

17 (14) The authority shall record a notice of judgment for each parcel of
18 foreclosed property in the office of the register of conveyances. If the authority
19 records a notice of judgment in error, the authority shall subsequently record a
20 certificate of correction. A notice or certificate under this Paragraph need not be
21 notarized and may be authenticated by a digital signature or other electronic means.
22 After the entry of a judgment foreclosing the property under this Subsection, if the
23 property has not been transferred by the authority, the authority shall cancel the
24 foreclosure by recording with the register of conveyances a certificate of error, if the
25 authority discovers any of the following:

26 (a) The description of the property used in the expedited quiet title and
27 foreclosure proceeding was so indefinite or erroneous that the foreclosure of the
28 property was void.

1 **(b) An owner of an interest in the property entitled to notice of the expedited**
2 **quiet title and proceedings against the property under this Subsection was not**
3 **provided notice sufficient to satisfy the minimum due process requirements of the**
4 **Constitution of Louisiana and the Constitution of the United States.**

5 **(c) A judgment of foreclosure was entered under this Subsection in violation**
6 **of a stay in a bankruptcy proceeding.**

7 **(15) If a judgment of foreclosure is entered under this Subsection and all**
8 **existing recorded and unrecorded interests in a parcel of property are extinguished**
9 **as provided in this Subsection, the owner of any extinguished recorded or unrecorded**
10 **interest in that property who claims that he did not receive notice of the expedited**
11 **quiet title and foreclosure action shall not bring an action for possession of the**
12 **property against any subsequent owner but may bring an action only to recover**
13 **monetary damages from the authority as provided in this Paragraph. The district**
14 **court has original and exclusive jurisdiction in any action to recover monetary**
15 **damages under this Paragraph. An action to recover monetary damages under this**
16 **Paragraph shall not be brought more than two years after a judgment for foreclosure**
17 **is entered under this Subsection. Any monetary damages recoverable under this**
18 **Paragraph shall be determined as of the date a judgment for foreclosure is entered**
19 **under this Subsection and shall not exceed the fair market value of the interest in the**
20 **property held by the person bringing the action on that date, less any taxes, interest,**
21 **penalties, and fees owed on the property as of that date. The right to sue for**
22 **monetary damages under this Paragraph shall not be transferable except by testate**
23 **or intestate succession.**

24 **(16) The owner of a property interest with notice of the quiet title and**
25 **foreclosure hearing may not assert any of the following:**

26 **(a) That notice to the owner was insufficient or inadequate in any way**
27 **because some other owner of a property interest in the property was not notified.**

28 **(b) That any right to redeem tax reverted property was extended in any way**
29 **because some other person was not notified.**

1 (17) A person holding or formerly holding an interest in tax reverted
2 property subject to expedited foreclosure under this Subsection is barred from
3 questioning the validity of the expedited foreclosure under this Subsection.

4 (18) The failure of the authority to comply with any provision of this
5 Subsection shall not invalidate any proceeding under this Subsection if a person with
6 a property interest in property subject to foreclosure was accorded the minimum due
7 process required under the Constitution of Louisiana and the Constitution of the
8 United States.

9 (19) It is the intent of the legislature that the provisions of this Subsection
10 relating to the expedited quiet title and foreclosure of property by the authority
11 satisfy the minimum requirements of due process required under the Constitution of
12 Louisiana and the Constitution of the United States but that the provisions do not
13 create new rights beyond those required under the Constitution of Louisiana or the
14 Constitution of the United States. The failure of the authority to follow a
15 requirement of this Section relating to the expedited quiet title and foreclosure of
16 property held by the authority shall not be construed to create a claim or cause of
17 action against the authority unless the minimum requirements of due process
18 accorded under the Constitution of Louisiana or the Constitution of the United States
19 are violated.

20 (20) As used in this Subsection, "authorized representative" includes one or
21 more of the following:

22 (a) A title insurance company or agent licensed to conduct business in this
23 state.

24 (b) An attorney licensed to practice law in this state.

25 (c) A person accredited in land title search procedures by a nationally
26 recognized organization in the field of land title searching.

27 (d) A person with demonstrated experience in the field of searching land title
28 records, as determined by the authority.

1 Section 3. This Act shall become effective upon signature by the governor or, if not
 2 signed by the governor, upon expiration of the time for bills to become law without signature
 3 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 4 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 5 effective on the day following such approval.

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)]

Robideaux

HB No. 531

Abstract: Creates the Lafayette Parish Redevelopment Authority to provide for the utilization of appropriate private and public resources to eliminate and prevent the development or spread of blighted and distressed areas. Defines the duties, liabilities, authority, and functions of such redevelopment authority, including the power to levy ad valorem taxes and sales and use taxes.

Proposed law creates and provides for the Lafayette Parish Redevelopment Authority to provide for the utilization of appropriate private and public resources to eliminate and prevent the development or spread of slum, blighted, and distressed areas. Provides that the authority is a special district and political subdivision of the state. Provides that the authority shall be comprised of the territory in the Lafayette Parish, including the territory comprising the municipalities of Broussard, Carencro, Duson, Scott, and Youngsville. Authorizes the governing authority of each municipality to opt out of being included within the territorial boundaries of the district. Provides that the authority shall be activated and implemented by the parish governing authority recognizing and confirming the appointment of the initial five members of the board.

Proposed law provides that the Lafayette Parish Redevelopment Authority shall be governed by a five-member board of commissioners, referred to as the "board" in proposed law, appointed as follows:

- (1) One member appointed by the city-parish president of the Lafayette City-Parish Consolidated Government.
- (2) One member appointed by the governing authority of the Lafayette City-Parish Consolidated Government.
- (3) One member appointed by the member(s) who represent House District No. 44.
- (4) One member appointed by the member(s) who represent Senate District No. 24.
- (5) One member appointed by the governing board of the Community Foundation of Acadiana.

Proposed law requires that all appointments be confirmed by the governing authority of Lafayette Parish. Requires the appointing authority to present its initial appointees to the governing authority no later than Dec. 31, 2011. Provides that the governing authority shall have the right to confirm or reject the appointment. Provides that such confirmation or rejection shall be made in the manner and under the procedure prescribed by the governing

authority. Provides that if the governing authority does not reject the appointment within 60 days after the presentation, then the appointment shall be deemed confirmed.

Proposed law requires that each board member be a citizen of the U.S., a domiciliary of and a qualified voter in Lafayette Parish for at least one year preceding the date of appointment, and shall remain a domiciliary of and a qualified voter of such jurisdiction during the entirety of the term of office. Additionally requires that each board member be of good character and possess some skill, knowledge, or experience that will prove useful in the accomplishment of the goals of the authority.

Proposed law provides that each board member shall serve for a term of four years, unless and until removed for cause by the board or removed for any reason by authorized action of the appointing authority.

Proposed law requires members of the board to serve without compensation, but authorizes the board to reimburse any member for expenses actually incurred in the performance of duties on behalf of the authority.

Proposed law provides that all actions of the board shall be approved by the affirmative vote of a majority of the members present and voting. Provides however, that no action of the board shall be authorized on the following matters unless approved by a majority of the total board membership:

- (1) Adoption of bylaws and other rules and regulations for conduct of the authority's business.
- (2) Hiring or firing of any employee or contractor of the authority. Provides that this function may by majority vote be delegated by the board to a specified officer or committee of the authority, under such terms and conditions, and to the extent, that the board may specify.
- (3) The incurring of debt.
- (4) Levy of taxes and call for any tax or other election.
- (5) Adoption or amendment of the annual budget.
- (6) Sale, lease, encumbrance, or alienation of real property, improvements, or personal property with an assessed value of more than \$20,000.

Proposed law provides that the authority, through the board, shall have all powers necessary or convenient to carry out its objectives and purposes, including but not limited to the following:

- (1) To sue and be sued and as such to stand in judgment.
- (2) To adopt, use, and alter at will a corporate seal.
- (3) To acquire, hold, and use any property. Provides that the authority shall not have any power to expropriate, except that power which is granted by the appropriate governing authority.
- (4) To convey to the U.S., the state, or to any political subdivision of the state any property or other thing of value for use by the governmental entity to accomplish the objectives and purposes of the authority, pursuant to the terms of any appropriate cooperative endeavor agreement.

- (5) To make and collect reasonable charges for the use of property of the authority and for services rendered by the authority and to regulate fees or rentals charged for use of privately owned facilities located on property owned or sold by the authority when such facilities are offered for use by the public or by a private industrial, commercial, research, or other economic development entity or activity.
- (6) To require and issue licenses.
- (7) To levy annually an ad valorem tax and sales and use tax subject to voter approval.
- (8) To borrow money and to pledge or grant a security device affecting all or part of its revenues, leases, rents, and other advantages as security for such loans.
- (9) To appoint officers, agents, and employees, prescribe their duties, and fix their compensation.

Proposed law provides that the authority shall not be deemed to be an instrumentality of the state for purposes of the state civil service provisions of the state constitution.

Proposed law authorizes the authority to incur debt and issue general obligation bonds under the authority of and subject to the provisions of state law for the acquisition and operation of authority property. Additionally authorizes the authority to issue any other bonds permitted by law, borrow money, and issue certificates of indebtedness, notes, and other debt obligations as evidence thereof and provide for the manner and method of repayment in accordance with law.

Proposed law authorizes the authority to issue revenue bonds to finance the undertaking of a redevelopment project, or otherwise to acquire, purchase, lease, construct, or improve housing, residential development, subdivision development, commercial, research, industrial, or other plant sites and buildings, or other capital improvements. Authorizes the authority to enter into, amend, or terminate, as it determines to be necessary or appropriate, any ancillary contracts for certain purposes.

Proposed law provides that the authority shall not be required to pay any taxes. Provides that any bonds, certificates, or other evidences of indebtedness issued by the authority and the income therefrom shall be exempt from taxation by the state and by any parish, municipality, or other political subdivision of the state. Proposed law further requires the authority to annually submit a report to the House and Senate committees on municipal affairs regarding the properties purchased, the amount paid for the properties, and the authority's plans for the property.

Proposed law authorizes the authority to purchase adjudicated properties within its jurisdiction from any political subdivision of the state. Provides that no such purchase shall be construed to, or otherwise have the effect of, extending or suspending the period prescribed by law for the redemption of the property by the tax debtor or any other person.

Proposed law provides that the authority shall have the power to create and execute redevelopment or development plans for specified areas within its jurisdiction. Provides that the implementation of all such plans shall not proceed until, to the extent required by law, the authority has obtained the approval of the local planning commission or zoning board. Provides that a redevelopment plan shall include a definition of the redevelopment area. Provides that the area, or any part thereof, may be further designated as a subdistrict of the authority.

Proposed law authorizes the authority to sell, lease, or otherwise transfer immovable property or any interest therein acquired by it in redevelopment areas for residential, recreational, commercial, industrial, or other uses or for public use, in accordance with the redevelopment plan, subject to such covenants, conditions, and restrictions, including

covenants running with the land, as it may deem to be necessary or desirable to assist in preventing the development or spread of future slums or blighted areas or to provide for the elimination thereof or to otherwise carry out the purposes of proposed law.

Proposed law authorizes the authority to dispose of, sell, or lease immovable property in a redevelopment area to any private person for the fair market value of the property as determined by a certified and competent appraiser, or to any private person pursuant to reasonable competitive bidding procedures as it shall prescribe subject to the provisions of proposed law. Requires that such bidding procedures include public notice.

Proposed law authorizes the authority to temporarily operate, maintain, or lease real property acquired by it in a redevelopment area for or in connection with a redevelopment project pending disposition of the property for such uses and purposes as may be deemed desirable even though not in connection with the redevelopment plan.

Proposed law provides that any real property within a redevelopment area may be disposed of without regard to the provisions of proposed law. Provides that real property acquired in accordance with a redevelopment plan may be disposed of to a public body for public reuse without regard to the provisions of proposed law.

Proposed law provides that where an area in the parish is designated as a redevelopment area under the federal Area Redevelopment Act (P.L. 87-27), or any act supplementary thereto, land in a redevelopment project area designated under the redevelopment plan for industrial or commercial uses may be disposed of to any public body or nonprofit corporation for subsequent disposition as promptly as practical by the public body or corporation for redevelopment in accordance with the redevelopment plan.

Proposed law authorizes the authority to, in the implementation of a redevelopment plan, create a subdistrict(s) to conduct, oversee, or assist in the implementation of such redevelopment plan. Provides that the boundaries of such a subdistrict may include all or part of the redevelopment area and provides that such a subdistrict shall have and exercise such powers and responsibilities as the authority shall specify in the enabling resolution.

Proposed law provides that the creation of a subdistrict shall in no instance result in the detachment, severance, or loss of any power or responsibility granted to the authority; within the confines of any subdistrict the authority shall have full jurisdiction, concurrent with that of the subdistrict, to exercise said powers and responsibilities. Further provides the restriction that the authority and any subdistrict it creates shall not collectively have any greater power to tax than that granted to the authority alone. Provides that unless otherwise specified in the resolution or other formal act creating the subdistrict, the board members of the authority shall constitute the governing authority of the subdistrict.

Proposed law provides that in addition to the other powers it may be granted, a subdistrict may enjoy, within its geographical boundaries, the powers of tax increment financing, the issuance of revenue bonds, and those other powers that may be exercised by an economic development district created by a local governmental subdivision pursuant to present law (R.S. 33:9038.2).

Proposed law provides that all banks, trust companies, bankers, savings banks and institutions, building and loan associations, savings and loan associations, investment companies, and other persons carrying on a banking or investment business; all insurance companies, insurance associations, and other persons carrying on an insurance business; and all executors, administrators, curators, trustees, and other fiduciaries may legally invest any sinking funds, monies, or other funds belonging to them or within their control in any bonds or other obligations issued by the authority.

Proposed law provides that bonds and other obligations shall be authorized security for all public deposits. Provides that it is the purpose of proposed law to authorize any public or

private persons, political subdivisions, and officers, public or private, to use any funds owned or controlled by them for the purchase of any bonds or other obligations. Provides that nothing contained in proposed law with regard to legal investments shall be construed as relieving any person of any duty to exercise reasonable care in selecting securities.

Proposed law provides that any instrument executed, in proper form and with proper certification of authority, by an authority purporting to convey any right, title, or interest in any property pursuant to proposed law shall be conclusively presumed to have been executed in compliance with provisions of proposed law insofar as title or other interest of any bona fide purchasers, lessees, or transferees of the property is concerned.

Proposed law provides that insofar as the provisions of proposed law are inconsistent with the provisions of any other law, the provisions of proposed law shall be controlling. Provides however, that the authority shall be subject to the provisions of the Local Government Fair Competition Act, R.S. 45:844.41 et seq. Additionally provides that the authority conferred by proposed law shall be in addition and supplemental to the powers conferred by any other law.

Proposed law further provides for an expedited procedure to enable the authority to more efficiently quiet title and initiate a foreclosure action regarding immovable property acquired by the authority.

Proposed law requires the authority to file a notice with the clerk of court regarding the property for which it is attempting to quiet title. Requires that the notice include the legal description of the property, the street address of the property (if any), the name, address, and telephone number of the authority, a statement that the property is subject to expedited quiet title proceeding and foreclosure, and a statement that any legal interests in the property may be extinguished by a district court order vesting title to the property in the authority. Provides for additional procedures if there is a deficiency in the notice.

Proposed law requires the authority, if it has reason to believe that a property subject to an expedited quiet title proceeding and foreclosure may be the site of environmental contamination, to provide the Dept. of Environmental Quality with any information in the possession of the authority that suggests such is the case.

Proposed law requires the authority, after recording the notice, to initiate a records search in order to determine the owners who have any interest in the property subject to the expedited procedure. Authorizes the authority to enter into a contract with or request from one or more authorized representatives a title search or other title product to identify the owners of a property interest. Provides that the owner of a property interest is entitled to notice under proposed law if that owner's interest is identifiable by reference to any of the following sources before the date that the authority records the notice:

- (1) Land title records in the office of the recorder of mortgages and the register of conveyances.
- (2) Tax records in the office of the assessor.

Proposed law authorizes the authority to file a single petition with the district court which lists all of the property subject to expedited foreclosure. Requires the authority to request a hearing on the petition within 90 days seeking a judgment in favor of the authority against each property, without the right of redemption. Requires the clerk of the district court to immediately set the date, time, and place for the hearing not more than 10 days after the date requested by the authority in the petition.

Proposed law requires the authority to send notice of the hearing, not less than 30 days prior, by certified mail to any person identified as having an interest in the property subject to the

expedited foreclosure proceeding. Requires the authority to also send notice via regular mail addressed to "Occupant" to each property subject to expedited foreclosure.

Proposed law further requires the authority, or its authorized representative, to post a written notice on each property at least 30 days prior to the expedited foreclosure hearing. Requires that each notice include specified information.

Proposed law requires the authority, if it is unable to provide the appropriate notice, to provide notice through publication for three consecutive weeks prior to the hearing on the matter in a newspaper published and circulated in the Lafayette Parish.

Proposed law requires the authority to file proof of the notice required by proposed law, proof of notice by posting on the property, if applicable, and proof of notice by publication, if applicable, with the clerk of the district court prior to the hearing. Requires any person who has an interest in the property subject to the expedited foreclosure to file written objections with the clerk and serve those objections on the authority prior to the hearing.

Proposed law requires the district court to enter judgment on the petition not more than 10 days following the conclusion of the hearing or contested case. Requires the judgment to specify certain information.

Proposed law provides that except as otherwise provided in proposed law, title to property set forth in a petition for foreclosure shall vest absolutely in the authority upon the effective date of the judgment by the district court. Provides that the authority shall have absolute title to the property, and the title is not subject to any recorded or unrecorded lien, except as otherwise provided in proposed law and shall not be stayed or held invalid except as otherwise provided in proposed law. Provides that a judgment is a final order with respect to the property affected by the judgment and shall not be modified, stayed, or held invalid after the effective date of the judgment, except as otherwise provided in proposed law.

Proposed law provides that any person with an interest in the foreclosed property may appeal the district court's order or district court's judgment within 21 days following the effective date of the judgment. Provides that the appeal of the judgment shall be entitled to preference and priority and handled on an expedited basis by the court of appeal and, if applicable, the La. Supreme Court. Provides that in such cases, the record shall be prepared and filed within 15 days of the granting of the order of appeal. Requires the court of appeal to hear the case within 30 days after the filing of the appellee's brief. Further provides that an appeal is limited to the record of the proceedings in the district court. Provides that the district court's judgment foreclosing property shall be stayed until the court of appeals has reversed, modified, or affirmed that judgment.

Proposed law provides that if an appeal stays the district court's judgment foreclosing property, the district court's judgment is stayed only as to the property that is the subject of that appeal. Provides that the district court's judgment foreclosing other property that is not the subject of that appeal is not stayed. Requires a person appealing the judgment to pay to the authority any taxes, interest, penalties, and fees due on the property and to provide notice of the appeal to the authority within 21 days after the district court's judgment is effective. Provides that if the district court's judgment foreclosing the property is affirmed on appeal, the amount determined to be due shall be refunded to the person who appealed the judgment. Provides that if the district court's judgment foreclosing the property is reversed or modified on appeal, the authority shall refund the amount determined to be due to the person who appealed the judgment, if any, and forward the balance to the appropriate taxing jurisdictions in accordance with the order of the court of appeals.

Proposed law provides that it is the intent of the legislature that the provisions of proposed law relating to the expedited quiet title and foreclosure of property by the authority satisfy the minimum requirements of due process required under the state constitution and the U.S. Constitution. Provides that the provisions do not create new rights beyond those required

under the state constitution or the U.S. Constitution. Provides that the failure of the authority to follow a requirement of proposed law shall not be construed to create a claim or cause of action against the authority unless the minimum requirements of due process accorded under the state constitution or the U.S. Constitution are violated.

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

(Amends R.S. 44:4.1(B)(18); Adds R.S. 33:4720.201)