HLS 10RS-639 ENGROSSED

Regular Session, 2010

HOUSE BILL NO. 560

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BY REPRESENTATIVE POPE

PROPERTY: Provides relative to the enforcement of privileges and liens granted in favor of a parish or municipality for costs incurred in the demolition, removal, repair, or maintenance of condemned property

1 AN ACT 2 To amend and reenact R.S. 33:4766(E)(1), relative to the condemnation of dilapidated and 3 dangerous structures; to provide relative to the enforcement of privileges and liens 4 granted in favor of a parish or municipality for the costs incurred in the demolition, 5 removal, repair, or maintenance of any such structure; to authorize a parish and 6 municipality seeking to enforce a privilege or lien as a tax against immovable 7 property to submit the attested bills for such costs to the tax assessor of the parish in 8 which the property is located as an alternative to submitting any such bill to the 9 director of administration; and to provide for related matters. 10 Be it enacted by the Legislature of Louisiana: 11 Section 1. R.S. 33:4766(E)(1) is hereby amended and reenacted to read as follows: §4766. Lien and privilege for cost of demolition, removal, and maintenance by 12 13 parish or municipality; interest; attorney fees 14 15 E.(1) The privilege and lien shall be enforced by ordinary process in the 16 district court having jurisdiction of the immovable within three years after it is 17 perfected. Alternatively, the privilege and lien may be enforced by assessing the 18 amount of the privilege and lien against the immovable as a tax against the

immovable, to be enforced and collected as any ordinary property tax lien to be

CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

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assessed against the property; said lien and privilege may be collected in the manner fixed for collection of taxes and shall be subject to the same civil penalties for delinquencies. After the parish or municipality has incurred such costs as constitute the lien and privilege on the property, the parish president, police jury, mayor, or any director of any community development department of the parish or municipality may send an attested bill of said costs and expenses which constitute the lien and privilege to the director of administration or tax assessor of the parish in which the property is located, who shall add the amount of said bill to the next tax bill of the owner. The lien obtained by the parish or municipality pursuant to proper notification and filing shall include not only the costs provided for in Subsection A of this Section but shall include all attorney fees and all costs of court incurred in the locating of the owner, the notification of the owner, and the enforcement and collection of the amount secured by the lien against the immovable and the improvements.

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Section 2. This Act shall become effective on July 1, 2010; if vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on July 1, 2010, or on the day following such approval by the legislature, whichever is later.

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)]

Pope HB No. 560

Abstract: Authorizes parishes and municipalities, seeking to enforce a privilege or lien as a tax against immovable property, to send the attested bill of costs and expenses which constitute the privilege or lien to the tax assessor of the parish in which the property is located as an alternative to sending such bill to the director of administration.

<u>Present law</u> authorizes parishes and municipalities to condemn and repair or demolish buildings in dangerous conditions. Provides procedures for service of notice to the owner of the condemnation hearing, provides in certain circumstances the ability for the owner to remedy the dangerous condition, and provides a right of appeal for the owner of the parish or municipality. Provides, under certain circumstances and upon the governor's approval, for demolition work to be performed by the national guard.

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<u>Present law</u> provides for a privilege and lien on the property in favor of the parish or municipality for the cost of demolition, removal, repair, and maintenance. Provides the procedures for the enforcement of the lien and privilege through ordinary process, as a cause of action against the owner personally, or as a tax against the immovable to be enforced and collected as any ordinary property tax lien.

Proposed law retains present law.

<u>Present law</u> provides that if the parish or municipality seeks to enforce the lien or privilege as a tax against the immovable, then the parish president, police jury, mayor, or any director of any community development department of the parish or municipality may send an attested bill of the costs and expenses which constitute the lien and privilege to the director of administration. Requires the director of administration to add the amount of the bill to the next tax bill of the owner. Provides that the lien shall include all costs, interest, and attorney fees and provides the procedures for appointing an attorney to represent an absentee, minor, or interdict.

<u>Proposed law</u> retains <u>present law</u> but additionally authorizes the parish president, police jury, mayor, or any director of any community development department of the parish or municipality to send an attested bill of the costs and expenses which constitute the lien and privilege to the tax assessor of the parish in which the property is located. Requires the tax assessor to add the amount of the bill to the next tax bill of the owner.

Effective July 1, 2010.

(Amends R.S. 33:4766(E)(1))