

Regular Session, 2010

HOUSE BILL NO. 1104

BY REPRESENTATIVE ROBIDEAUX

PARISH/LAFAYETTE: Creates the Lafayette Parish Redevelopment Authority

1 AN ACT

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

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

16 Be it enacted by the Legislature of Louisiana:

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

19 CHAPTER 13-M. LAFAYETTE PARISH REDEVELOPMENT AUTHORITY

20 §4720.201. Lafayette Parish Redevelopment Authority

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

1 B. It is hereby found and declared that:

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

13 (2) In the wake of Hurricane Katrina and Hurricane Rita, the resident
14 population of the parish of Lafayette in particular has increased dramatically,
15 creating an urgent and immediate need for affordable residential housing. Persons
16 displaced by Hurricane Katrina and Hurricane Rita should be assisted, should they
17 so desire, in obtaining long-term or permanent housing in the parish of Lafayette.

18 (3) The prevention and elimination of slum, blighted, and distressed
19 properties are matters of public policy and concern, as such areas tend to consume
20 a disproportionate amount of parish revenues because of the extra services required
21 for police, fire, accident, and other forms of public protection, services, and facilities.

22 (4) The salvage, renewal, redevelopment, and reconstruction of such slum,
23 blighted, and distressed areas will promote the public health, safety, morals, and
24 welfare of the public.

25 (5) The powers conferred by this Chapter are for public uses, purposes,
26 welfare, and utility for which public money may be expended as necessary and in the
27 public's interest. The provisions herein provided shall apply for residential,
28 recreational, commercial, industrial, or other purposes and otherwise to encourage
29 the provision of healthful homes, safe neighborhoods, a decent living environment,

1 and adequate places of employment for the people. Such purposes are hereby
2 declared as a matter of legislative determination.

3 (6) The object of this Chapter is to provide for the following:

4 (a) A unified and comprehensive response to the housing shortages and other
5 indirect effects of Hurricane Katrina and Hurricane Rita upon south central
6 Louisiana.

7 (b) The general and economic welfare of the parish through housing,
8 commercial, office, hospitality, recreation, education, infrastructure and utility
9 capacity, manufacturing, industrial, research, retail, or other activities which will
10 create or retain jobs, maintain or diversify industry, including new or emerging
11 technologies, or maintain or increase the tax base.

12 (c) The improvement of conditions of deteriorated physical development,
13 slow economic growth, and eroded financial health of the public and private sectors.

14 (d) The control, abatement, and prevention of pollution to protect public
15 health and safety, and the development and use of indigenous and renewable energy
16 resources.

17 (e) Assistance to nonprofit and governmental entities in support of health,
18 educational, charitable, community, cultural, agricultural, consumer, or other
19 services benefiting the citizens.

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

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

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

7 E. The authority, to the greatest extent it determines to be feasible in carrying
8 out the provisions of this Chapter, shall seek out cooperative endeavors, including
9 partnerships, joint ventures, and equity participation structures, with nonprofit
10 organizations and private enterprise. The authority shall give consideration to this
11 objective in exercising the powers granted pursuant to this Chapter.

12 F.(1) Lafayette Parish Redevelopment Authority shall be comprised of all
13 of the territory located within the parish of Lafayette, including the territory
14 comprising the municipalities of Broussard, Carencro, Duson, Scott, and
15 Youngsville, constituted on the effective date of this Chapter; however, the
16 governing authority of each municipality may opt out of being included within the
17 territorial jurisdiction of the authority.

18 (2) The authority shall be activated and implemented by the appropriate
19 governing authority recognizing and confirming the appointment of the initial five
20 members of the board.

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

24 (a) One member shall be appointed by the governing board of the
25 Community Foundation of Acadiana.

26 (b) One member shall be appointed by the governing board of the Greater
27 Lafayette Chamber of Commerce.

28 (c) Three members shall be appointed by the city-parish president of the
29 Lafayette City-Parish Consolidated Government.

1 (2) All appointments shall be confirmed by the appropriate governing
2 authority.

3 (3) The appointing authority shall present its appointees to the appropriate
4 governing authority. Such presentations by the appointing authorities shall be in
5 writing, shall be made at an official and open meeting of the appropriate governing
6 authority, and shall include information sufficient to allow the appropriate governing
7 authority to assess the qualifications and fitness of the appointee for his intended
8 duties. Upon receipt of such presentation, the appropriate governing authority shall
9 have the right to confirm or reject said appointment. Such confirmation or rejection
10 shall be made in the manner and under the procedure prescribed by the governing
11 authority. Regardless of the manner and procedure so employed, if the governing
12 authority does not reject said appointment within sixty days after the presentation
13 required by this Paragraph, then the appointment shall be deemed confirmed.

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

21 (5) Each board member shall serve for a term of five years, unless removed
22 for cause by the board, as provided in this Chapter, or removed for any reason by
23 authorized action of the appointing authority.

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

1 of the next calendar month. Any person removed under the provisions of this
2 Paragraph shall be ineligible for reappointment to the board, unless such
3 reappointment is confirmed unanimously by the board.

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

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

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

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

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

26 (b) Hiring or firing of any employee or contractor of the authority. This
27 function may by majority vote be delegated by the board to a specified officer or
28 committee of the authority, under such terms and conditions, and to the extent, that
29 the board may specify.

- 1 (c) The incurring of debt.
- 2 (d) Levy of taxes and call for any tax or other election.
- 3 (e) Adoption or amendment of the annual budget.
- 4 (f) Sale, lease, encumbrance, or alienation of real property, improvements,
5 or personal property with a value of more than fifty thousand dollars.

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

8 (12) The board shall cause minutes and a record to be kept of all its
9 proceedings. Except as otherwise provided in this Paragraph, the authority shall be
10 subject to the Public Records Law (Chapter 1 of Title 44 of the Louisiana Revised
11 Statutes of 1950), the Open Meetings Law (R.S. 42:4.1 et seq.), and the Code of
12 Governmental Ethics (Chapter 15 of Title 42 of the Louisiana Revised Statutes of
13 1950). Notwithstanding the provisions of R.S. 42:5, until thirty days prior to the date
14 the board is scheduled to consummate a final sale or lease of any immovable
15 property owned by the authority, the board may meet in executive session to discuss
16 negotiations between the authority and any prospective seller, purchaser, lessor, or
17 lessee of that property. R.S. 44:31 through 35 shall not apply to any records related
18 to the negotiations of or to the terms of such a sale or lease until thirty days prior to
19 the date the board is scheduled to consummate a final sale or lease. The board shall
20 give written public notice of its intention to consummate a final sale or lease at least
21 thirty days prior to the date on which the board intends to take such action. This
22 notice shall comply with the procedural provisions of R.S. 42:7.

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

- 26 (1) To sue and be sued and as such to stand in judgment.
- 27 (2) To adopt, use, and alter at will a corporate seal.
- 28 (3) To acquire by gift, grant, purchase, lease, or otherwise and to hold and
29 use any property, real, personal, mixed, tangible, or intangible, or any interest

1 therein, necessary or desirable for carrying out the objects and purposes of the
2 authority, and to engage in any action, such as the purchase of insurance, necessary
3 or desirable for the maintenance or improvement of such property. The authority
4 shall not have any power to expropriate, except that power which is granted by the
5 appropriate governing authority.

6 (4)(a) To sell, lease for a term of up to ninety-nine years, exchange, or
7 otherwise dispose of or transfer to or with other political subdivisions of this state
8 or public or private persons at public or private sale any residential, commercial,
9 industrial, or subdivision land, property, improvements, or portions thereof,
10 including real property, which is, in the opinion of the board, appropriate to
11 accomplish the objectives and purposes of the authority.

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 industrial land, as defined by Chapter 8 of Title 51 of the
18 Louisiana Revised Statutes and the statutes referenced therein, shall be in accordance
19 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

1 to accomplish the objectives and purposes of the authority, pursuant to the terms of
2 any appropriate cooperative endeavor agreement.

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

8 (7) To enter into contracts and agreements with public bodies or public
9 and/or private entities to achieve the authority's objectives and purposes, including
10 but not limited to contracts for professional, legal, and other services and for the
11 purchase, lease, acquisition, sale, construction, operation, maintenance, marketing,
12 and improvement of land, public works, and facilities, as the board may deem
13 necessary or convenient to accomplish the objectives and purposes of the authority.

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

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

28 (10) To require and issue licenses.

1 (11) To levy annually and cause to be collected ad valorem taxes, provided
2 that the amount, term, and purpose of such taxes, as set out in propositions submitted
3 to a vote in accordance with the Louisiana Election Code, shall be approved by a
4 majority of the qualified electors of the parish voting in an election held for that
5 purpose.

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

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

21 (c) Except where inapplicable, the procedure established by R.S. 47:301 et
22 seq. shall be followed in the imposition, collection, and enforcement of the tax, and
23 procedural details necessary to supplement those Sections and to make them
24 applicable to the tax herein authorized shall be fixed in the resolution imposing the
25 tax.

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

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

1 (13) To develop, activate, construct, exchange, acquire, improve, repair,
2 operate, maintain, lease, mortgage, sell, and grant a security device affecting the
3 movable and immovable property, servitudes, facilities, and works within the parish
4 under such terms and conditions as the board may deem necessary or appropriate for
5 any public purpose, including industrial, residential, subdivision, and commercial
6 development.

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

9 (15) To appoint officers, agents, and employees, prescribe their duties, and
10 fix their compensation.

11 (16) To undertake and carry out redevelopment projects and related
12 activities.

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

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

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

26 (b) Plans for the enforcement of state and local laws, codes, and regulations
27 relating to the use of land and the use and occupancy of buildings and improvements
28 and to the compulsory repair, rehabilitation, demolition, or removal of buildings and
29 improvements.

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

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

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

12 (21) To exercise all or any part or combination of powers herein granted by
13 this Chapter.

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

16 (23) To purchase property at a sale conducted pursuant to enforcement of
17 judicial mortgages created in accordance with R.S. 13:2575(C) by tendering a bid
18 equal to or greater than the minimum bid advertised, which bid may be a credit bid
19 consisting of the obligation of the authority to satisfy the bid by payment to the
20 political subdivision holding the lien being enforced in accordance with
21 intergovernmental agreements between the authority and such political subdivision.
22 Such a bid shall be given priority over all other bids regardless of amount, except for
23 a higher bid submitted by a conventional mortgage holder holding a mortgage on the
24 subject property.

25 I.(1) The authority may incur debt and issue general obligation bonds under
26 the authority of and subject to the provisions of Article VI, Section 33 of the
27 Constitution of Louisiana, and Subpart A of Part III of Chapter 4 of Subtitle II of
28 Title 39 of the Louisiana Revised Statutes of 1950, for the acquisition and operation
29 of authority property or to carry out the other public purposes of this Chapter, and

1 to issue any other bonds permitted by law, borrow money, and issue certificates of
2 indebtedness, notes, and other debt obligations as evidence thereof and provide for
3 the manner and method of repayment in accordance with law.

4 (2) The authority may issue revenue bonds to finance the undertaking of a
5 redevelopment project under this Chapter, or otherwise to acquire, purchase, lease,
6 construct, or improve housing, residential development, subdivision development,
7 commercial, research, industrial, or other plant sites and buildings, or other capital
8 improvements authorized in this Chapter, including energy and pollution abatement
9 and control facilities and necessary property and appurtenances thereto; and may sell,
10 lease, sublease, or otherwise dispose of by suitable and appropriate contract to any
11 enterprise locating or existing within the jurisdiction of the authority such sites,
12 buildings, or facilities and appurtenances thereto, all or severally. The funds derived
13 from the sale of such bonds may be disbursed in whole or in part upon delivery of
14 the bonds as shall be provided in the contract between the authority and the
15 residential, commercial, research, industrial, or other enterprise to be aided,
16 encouraged, or benefited subject to the requirements of this Chapter.

17 (3) The issuing authority may enter into, amend, or terminate, as it
18 determines to be necessary or appropriate, any ancillary contracts (a) to facilitate the
19 issuance, sale, resale, purchase, repurchase, or payments of bonds, including without
20 limitation bond insurance, letters of credit, and liquidity facilities, or (b) to attempt
21 to hedge risk or achieve a desirable effective interest rate or cash flow, all subject to
22 the approval of the State Bond Commission.

23 (4) Bonds issued under Paragraph (2) of this Subsection shall be authorized
24 by resolution of the board and shall be limited obligations of the issuing authority;
25 the principal and interest, costs of issuance, and other costs incidental thereto shall
26 be payable solely from the income and revenue derived from the sale, lease, or other
27 disposition of the project or facility to be financed by the bonds issued under this
28 Subsection, or from the income and revenue derived from the sale, lease, or other
29 disposition of any existing project or facility acquired, constructed, and improved

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1 under the provision of this Subsection, or from any source available for such
2 purpose; however, in the discretion of the issuing authority, the bonds may be
3 additionally secured by mortgage or other security device covering all or part of the
4 project from which the revenues so pledged may be derived. Any refunding bonds
5 issued pursuant to this Subsection shall be payable from any source described above
6 or from the investment of any of the proceeds of the refunding bonds authorized
7 under this Subsection and shall not constitute an indebtedness or pledge of the
8 general credit of the parish or municipality, as appropriate, or the authority within
9 the meaning of any constitutional or statutory limitation of indebtedness and shall
10 contain a recital to that effect. Bonds of the authority issued under this Subsection
11 shall be issued in such form, shall be in such denominations, shall bear interest, shall
12 mature in such manner, and be executed by one or more members of the board as
13 provided in the resolution authorizing the issuance thereof. Such bonds may be
14 subject to redemption at the option of and in the manner determined by the board in
15 the resolution authorizing the issuance thereof.

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

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

1 (7) Bonds issued by the authority under this Chapter are deemed to be
2 securities of public entities within the meaning of Chapters 13 and 13-A of Title 39
3 of the Louisiana Revised Statutes of 1950, and shall be subject to defeasance in
4 accordance with the provisions of Chapter 14 of Title 39 of the Louisiana Revised
5 Statutes of 1950, shall be subject to the refunding provisions of Chapter 14-A of
6 Title 39 of the Louisiana Revised Statutes of 1950, and may also be issued as
7 short-term revenue notes of a public entity under Chapter 15-A of Title 39 of the
8 Louisiana Revised Statutes of 1950.

9 (8) No bonds, other debt obligations, or contracts of the authority shall be a
10 charge upon the income, property, or revenue of the parish or municipality, as
11 appropriate, nor shall any obligations of the authority be the obligations of the
12 applicable parish or municipality.

13 (9) Any bonds issued by the authority shall be subject to the Bond Validation
14 Law (R.S. 13:5121), pursuant to which the issuance of the bonds may be submitted
15 to the courts for validation.

16 J.(1) The exercise by the board of the powers conferred by virtue of this
17 Chapter shall be deemed and held to be an essential governmental function of the
18 state and parish. As the exercise of the powers granted by this Chapter will be in all
19 respects for the benefit of the people of the state and parish, for the increase of their
20 commerce and prosperity, and for the improvement of their health and living
21 conditions, the authority shall not be required to pay any taxes, including but not
22 limited to sales and use taxes, ad valorem, occupational licensing, income, or any
23 other taxes of any kind or nature, or fees or assessments upon any property held,
24 acquired, or used by the authority under the provisions of this Chapter, or upon the
25 income therefrom. Any bonds, certificates, or other evidences of indebtedness issued
26 by the authority and the income therefrom shall be exempt from taxation by the state
27 and by any parish, municipality, or other political subdivision of the state. The
28 authority shall not be deemed to be a public utility and shall not be subject in any

1 respect to the authority, control, regulation, or supervision of the Louisiana Public
2 Service Commission.

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

10 K.(1) The authority may purchase adjudicated properties within its territorial
11 jurisdiction from any political subdivision of the state of Louisiana. No such
12 purchase shall be construed to, or otherwise have the effect of, extending or
13 suspending the period prescribed by law for the redemption of the property by the
14 tax debtor or any other person.

15 (2) In addition to the authority set forth in Subpart B of Part IV of Chapter
16 5 of Subtitle III of Title 47 of the Louisiana Revised Statutes of 1950, such purchases
17 by the authority may be in the manner provided for in Chapter 13-A of Title 33 of
18 the Louisiana Revised Statutes of 1950 or by a direct negotiated purchase and sale
19 agreement between the authority and a political subdivision without any other
20 requirement of a public sale prior to the transfer of such properties to the authority.
21 Such purchases by the authority shall not be considered the sale of surplus property
22 or of property owned by the political subdivision.

23 (3) Effective upon the recordation of the transfer of an adjudicated property
24 to the authority pursuant to a purchase and sale agreement, the rights of the authority
25 in and to such property shall be the rights of a purchaser at a tax sale as contemplated
26 by Chapter 5 of Subtitle III of Title 47 of the Louisiana Revised Statutes of 1950,
27 subject only to the rights of redemption of the property set forth in Article VII,
28 Section 25(B) of the Constitution of Louisiana, and the property shall no longer be
29 deemed to be adjudicated property as of such recordation. For purposes of the right

1 of redemption in Article VII, Section 25(B) of the Constitution of Louisiana, the
2 three-year period commences on the date of the recordation of the initial adjudication
3 to the political subdivision and not on the date of transfer to the authority.

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

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

10 (6)(a) The authority shall have the right, subject to the provisions of this
11 Section, to purchase properties at tax sales conducted in accordance with R.S.
12 47:2183, and any and all such purchases shall be a purchase pursuant to R.S. 47:2183
13 and not an adjudication to a political subdivision.

14 (b) Notwithstanding the provisions of Chapter 5 of Subtitle III of Title 47 of
15 the Louisiana Revised Statutes of 1950, the authority may tender a bid at a tax sale
16 which is a credit bid, consisting of the obligation of the authority to satisfy the
17 component parts of the bid by payments to the respective political subdivisions and
18 taxing entities in accordance with intergovernmental agreements between the
19 authority and such political subdivisions and taxing entities.

20 (c) A bid by the authority at a tax sale for the minimum amount shall take
21 priority over all other bids for the same quantity of property, except for a higher bid
22 submitted by a conventional mortgage holder holding a mortgage on the subject
23 property.

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

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

3 (b) The amount paid for each property.

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

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

8 L.(1) The authority shall have the power to create and execute
9 redevelopment or development plans for specified areas within its territorial
10 jurisdiction. The implementation of all such plans shall not proceed until, to the
11 extent required by law, the authority has obtained the approval of the local planning
12 commission or zoning board. In the execution of such a redevelopment plan, the
13 authority shall have the powers provided in this Subsection. The fact that a certain
14 power is expressed or implied in this Paragraph as pertinent to the authority's
15 execution of a redevelopment plan shall not suggest or imply that such power is
16 otherwise denied to the authority.

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

20 (3) The authority may sell, lease, exchange, or otherwise transfer immovable
21 property or any interest therein acquired by it for residential, recreational,
22 commercial, industrial, or other uses or for public use, subject to such covenants,
23 conditions, and restrictions, including covenants running with the land, as it may
24 deem to be necessary or desirable to assist in carrying out the purposes of this
25 Chapter. The purchasers or lessees and their successors and assigns shall be
26 obligated to devote such immovable property only to the uses as the authority may
27 determine to be in the public interest, including the obligation to begin within a
28 reasonable time any improvements on such immovable property. Such immovable
29 property or interest shall be sold, leased, exchanged, or otherwise transferred at not

1 less than its fair value for uses in accordance with the redevelopment or development
2 plan. In determining the fair value of immovable property for uses in accordance
3 with the redevelopment or development plans, the authority shall take into account
4 and give consideration to the use provided in such plan; the restrictions upon and the
5 covenants, conditions, and obligations assumed by the purchaser or lessee; and the
6 objectives of such plan. The authority, in any instrument of conveyance to a private
7 purchaser or lessee, may provide that such purchaser or lessee shall be without power
8 to sell, lease, exchange, or otherwise transfer the immovable property without the
9 prior written consent of the authority until such purchaser or lessee has completed
10 the construction of any and all improvements which he has obligated himself to
11 construct thereon. Immovable property acquired in accordance with the provisions
12 of the plan shall be transferred as rapidly as feasible in the public interest, consistent
13 with the carrying out of the provisions of the project plan. Such plan and any
14 substantial modification of such plan shall be filed as a public record in the office of
15 the clerk of the parish, and any conveyances, encumbrances, or other contracts may
16 incorporate the provisions thereof by reference which shall afford notice thereof to
17 all parties.

18 (4) The authority may dispose of, sell, exchange, or lease immovable
19 property in a redevelopment area to any private person for the fair market value of
20 the property as determined by a certified and competent appraiser, or to any private
21 person pursuant to reasonable competitive bidding procedures as it shall prescribe
22 subject to the provisions set forth in this Paragraph. Such reasonable bidding
23 procedures must include public notice, by publication once each week for two
24 consecutive weeks in a newspaper having a general circulation in the community,
25 inviting proposals from and making available all pertinent information to private
26 redevelopers or any persons interested in undertaking to redevelop or rehabilitate a
27 redevelopment area or any part thereof. Such notice shall identify the area, or
28 portion thereof, and shall state that proposals shall be made by those in interest
29 within thirty days after publication of such notice, and that such further information

1 as is available may be obtained at such office as shall be designated in the notice.
2 The board shall consider all such redevelopment or rehabilitation proposals and the
3 financial and legal ability of the persons making such proposals to carry them out,
4 and may negotiate with any persons for proposals for the purchase, lease, or other
5 transfer of any immovable property acquired by the authority in the redevelopment
6 area. The board may accept such proposal as it deems to be in the public interest and
7 in furtherance of the purposes of this Chapter. Such notice, and all contracts to sell,
8 lease, exchange, or otherwise transfer immovable property under the provisions of
9 this Chapter, shall be a public record and shall include the name of the redeveloper
10 or purchaser, together with the names of its officers and principal members or
11 shareholders and investors and other interested parties, the redeveloper's estimate of
12 the cost of any residential development and rehabilitations, and the redeveloper's
13 estimate of rentals and sales prices of any proposed housing involved in such
14 redevelopment and rehabilitation. Thereafter, the board may execute such contract
15 in accordance with the provisions of this Chapter and deliver acts of sale, leases, and
16 other instruments and take all steps necessary to effectuate such contract.

17 (5) The authority may temporarily operate, maintain, or lease real property
18 acquired by it in a redevelopment area for or in connection with a redevelopment
19 project pending disposition of the property as authorized in this Chapter for such
20 uses and purposes as may be deemed desirable even though not in connection with
21 the redevelopment plan.

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

27 (7) Notwithstanding any other provisions of this Chapter where an area in
28 the parish is designated as a redevelopment area under the Federal Area
29 Redevelopment Act (Public Law 87-27), or any Act supplementary thereto, land in

1 a redevelopment project area designated under the redevelopment plan for industrial
2 or commercial uses may be disposed of to any public body or nonprofit corporation
3 for subsequent disposition as promptly as practical by the public body or corporation
4 for redevelopment in accordance with the redevelopment plan, and only the
5 purchaser from or lessee of the public body or corporation, and their assignees, shall
6 be required to assume the obligation of beginning the building of improvements
7 within a reasonable time. Any disposition of land to a public body or corporation
8 under this Paragraph shall be at its fair value for uses in accordance with the
9 redevelopment plan.

10 M.(1) The authority may, in the implementation of a redevelopment plan,
11 create one or more subdistricts to conduct, oversee, or assist in the implementation
12 of such redevelopment plan. The boundaries of such a subdistrict may include all
13 or part of the redevelopment area. Such a subdistrict shall have and exercise such
14 powers and responsibilities as the authority shall specify in the enabling resolution.
15 The full extent of such powers and responsibilities may include such powers as the
16 authority itself may exercise, and such other powers as are given to the subdistrict
17 by this Paragraph or any other law, but any exercise of such powers by the subdistrict
18 shall be confined solely to the geographical limits of the subdistrict. Such a
19 subdistrict may be established to exist at the pleasure of the authority, or for any
20 period of time, or until the happening of any occurrence or occurrences, that the
21 authority may specify.

22 (2) The creation of a subdistrict shall in no instance result in the detachment,
23 severance, or loss of any power or responsibility granted to the authority by this
24 Chapter, and within the confines of any subdistrict, the authority shall have full
25 jurisdiction, concurrent with that of the subdistrict, to exercise said powers and
26 responsibilities. The fact that a certain power is expressed or implied in this
27 Paragraph as pertinent to a subdistrict's conduct, overseeing, or assistance in the
28 implementation of the redevelopment plan shall not suggest or imply that such power
29 is otherwise denied to the authority; however, the authority and its subdistricts shall

1 not, collectively, have any greater power to tax than that granted, in the first instance,
2 to the authority alone.

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

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

10 (5)(a) In addition to the other powers it may be granted, a subdistrict may
11 enjoy, within its geographical boundaries, the powers of tax increment financing, the
12 issuance of revenue bonds, and those other powers that may be exercised by an
13 economic development district created by a local governmental subdivision pursuant
14 to R.S. 33:9038.32; however, the subdistrict shall remain subject to all limitations
15 and reservations applicable to the powers of the authority.

16 (b) Prior to the dedication of any state sales tax increments to be used for an
17 authorized purpose of a subdistrict, the secretary of the Department of Economic
18 Development shall submit the proposal to the Joint Legislative Committee on the
19 Budget for approval. The submittal shall also include a written evaluation and
20 determination by the department, with input from and certification by the
21 Department of Revenue, of the anticipated increase in state sales tax revenues to be
22 collected within the state over state sales tax revenues that were collected within the
23 state in the year immediately prior to the year in which the proposal is submitted to
24 the committee that would be a direct result of the proposal. In addition, any
25 cooperative endeavor agreement or other agreement providing for the expenditure
26 of funds collected by the state as state sales tax increments and dedicated to a project
27 or for the payment of revenue bonds therefor shall be subject to approval by the State
28 Bond Commission prior to execution by the state.

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

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

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

21 (2) Incur the entire expense of any public improvements made by such
22 public body.

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

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

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

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

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

17 Q. As used in this Chapter, the following terms shall have the meaning
18 herein ascribed to them.

19 (1) "Appropriate governing authority" shall mean the governing authority of
20 Lafayette Parish.

21 (2) "Appropriate jurisdiction" shall mean Lafayette Parish.

22 (3) "Bonds" means any bonds, notes, interim certificates, certificates of
23 indebtedness, debenture, or other obligation.

24 (4) "Federal government" means any department, agency, or instrumentality,
25 corporate or otherwise, of the United States of America.

26 (5) "Owners of a property interest" means anyone with a corporeal or
27 incorporeal interest in immovable property filed for record in the conveyance records
28 or mortgage records of the clerk of court and ex officio recorder of mortgages for the

1 parish where the property is located, including a naked owner, a usufructuary, a
2 mortgagee, a judgment creditor, or a holder of a personal or predial servitude.

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

6 (7) "Real property" or "immovable property" means any and all right, title,
7 and interest in a tract of land, including its component parts and liens by way of
8 judgment, mortgage, or otherwise.

9 R. Insofar as the provisions of this Chapter are inconsistent with the
10 provisions of any other law, the provisions of this Chapter shall be controlling;
11 however, the authority shall be subject to the provisions of the Local Government
12 Fair Competition Act, R.S. 45:844.41 et seq. The authority conferred by this Chapter
13 shall be in addition and supplemental to the powers conferred by any other law.

14 S.(1) In addition to other powers granted to the authority pursuant to this
15 Chapter, the authority may initiate an expedited quiet title and foreclosure action
16 under this Subsection to quiet title to immovable property held by the authority,
17 interests in property purchased by the authority at tax sales, or in formerly
18 adjudicated properties acquired by the authority from a political subdivision, by
19 recording with the conveyance records of the clerk of court and ex officio recorder
20 of mortgages a notice of pending expedited quiet title and foreclosure action. The
21 notice shall include a legal description of the property; the street address of the
22 property if available; the name, address, and telephone number of the authority; a
23 statement that the property is subject to expedited quiet title proceedings and
24 foreclosure under this Subsection; and a statement that any legal interests in the
25 property may be extinguished by a district court order vesting title to the property in
26 the authority. The right of redemption from tax sales in Article VII, Section 25(B)
27 of the Constitution of Louisiana shall be terminated by these proceedings only if the
28 time period for expiration of the right of redemption has expired. If a notice is
29 recorded in error, the authority may correct the error by recording a certificate of

1 correction with the register of conveyances. A notice or certificate under this
2 Subsection need not be notarized and may be authenticated by a digital signature or
3 other electronic means. If the authority has reason to believe that a property subject
4 to an expedited quiet title and foreclosure action under this Subsection may be the
5 site of environmental contamination, the authority shall provide the Department of
6 Environmental Quality with any information in the possession of the authority that
7 suggests the property may be the site of environmental contamination.

8 (2) After recording the notice under Paragraph (1) of this Subsection, the
9 authority shall initiate a search of records identified in this Paragraph to identify the
10 owners of a property interest in the property who are entitled to notice of the quiet
11 title and foreclosure hearing under this Subsection. The authority may enter into a
12 contract with or may request from one or more authorized representatives a title
13 search or other title product to identify the owners of a property interest in the
14 property as required under this Paragraph or to perform the other functions set forth
15 in this Subsection required for the quieting of title to property. The owner of a
16 property interest is entitled to notice under this Section if that owner's interest was
17 identifiable by reference to any of the following sources before the date that the
18 authority records the notice under Paragraph (1) of this Subsection:

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

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

22 (3) The authority may file a single petition with the district court to expedite
23 foreclosure under this Subsection listing all property subject to expedited foreclosure
24 by the authority and for which the authority seeks to quiet title. If available to the
25 authority, the list of properties shall include a legal description of, a tax parcel
26 identification number for, and the street address of each parcel of property. The
27 petition shall seek a judgment in favor of the authority against each property listed
28 and shall include a date, within ninety days of filing, on which the authority requests
29 a hearing on the petition. The petition shall request that a judgment be entered

1 vesting absolute title in the authority, without right of redemption for each parcel of
2 property listed, as provided in this Paragraph. Prior to the entry of judgment under
3 this Paragraph, the authority may request the court to remove property erroneously
4 included in the petition or any tax delinquent properties redeemed prior to the
5 hearing.

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

12 (5) After completing the records search under Paragraph (2) of this
13 Subsection, the authority shall determine the address or addresses reasonably
14 calculated to inform those owners of a property interest in property subject to
15 expedited foreclosure under this Subsection of the pendency of the quiet title and
16 foreclosure hearing under Paragraph (11) of this Subsection. If, after conducting the
17 title search, the authority is unable to determine an address reasonably calculated to
18 inform persons with a property interest in property subject to expedited tax
19 foreclosure, or if the authority discovers a deficiency in notice under this Subsection,
20 the following shall be considered reasonable steps by the authority to ascertain the
21 addresses of persons with a property interest in the property subject to expedited
22 foreclosure or to ascertain an address necessary to correct a deficiency in notice
23 under this Subsection:

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

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

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

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

11 (7) Not less than thirty days before the quiet title and foreclosure hearing
12 under Paragraph (11) of this Subsection, the authority or its authorized representative
13 or authorized agent shall visit each parcel of property subject to expedited
14 foreclosure and post on the property conspicuous notice of the hearing. In addition
15 to the requirements of Paragraph (8) of this Subsection, the notice shall also include
16 the following statement: "This Property has been transferred to the Lafayette Parish
17 Redevelopment Authority and is subject to an expedited quiet title and foreclosure
18 action. Persons with information regarding the prior owner of the property are
19 requested to contact the Lafayette Parish Redevelopment Authority."

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

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

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

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

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

1 (e) The date and time of the hearing on the petition for foreclosure under
2 Paragraph (1) of this Subsection, and a statement that the judgment of the court may
3 result in title to the property vesting in the authority.

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

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

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

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

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

17 (b) The name of any person not notified under Paragraphs (6) and (7) of this
18 Subsection that the authority reasonably believes may be entitled to notice under this
19 Section of the quiet title and foreclosure hearing under Paragraph (11) of this
20 Subsection.

21 (c) A statement that a person with a property interest in the property may
22 lose his interest as a result of the foreclosure proceeding under Paragraph (11) of this
23 Subsection.

24 (d) The date and time of the hearing on the petition for foreclosure under
25 Paragraph (11) of this Subsection.

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

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

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

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

4 (10) If prior to the quiet title and foreclosure hearing under Paragraph (11)
5 of this Subsection, the authority discovers any deficiency in the provision of notice
6 under this Subsection, the authority shall take reasonable steps in good faith to
7 correct the deficiency before the hearing. The provisions of this Subsection relating
8 to notice of the quiet title and foreclosure hearing are exclusive and exhaustive.
9 Other requirements relating to notice and proof of service under other law, rule, or
10 other legal requirement are not applicable to notice or proof of service under this
11 Subsection.

12 (11) If a petition for expedited quiet title and foreclosure is filed under
13 Paragraph (3) of this Subsection, before the hearing, the authority shall file with the
14 clerk of the district court proof of notice by certified mail under Paragraph (6) of this
15 Subsection, proof of notice by posting on the property under Paragraph (7) of this
16 Subsection, and proof of notice by publication, if applicable. A person claiming an
17 interest in a parcel of property set forth in the petition for foreclosure, including a
18 current holder of a conventional mortgage, who desires to contest that petition shall
19 file written objections with the clerk of the district court and serve those objections
20 on the authority before the date of the hearing. A holder of a conventional mortgage
21 may object to the action and is entitled to a dismissal of the proceedings by the
22 district court upon a showing that it is the holder of a legally enforceable
23 conventional mortgage and upon payment of the outstanding amount of any liens,
24 taxes, and related costs. The district court may appoint and utilize as the court
25 considers necessary a curator for assistance with the resolution of any objections to
26 the foreclosure or questions regarding the title to property subject to foreclosure. If
27 the court withholds property from foreclosure, the authority's ability to include the
28 property in a subsequent petition for expedited quiet title and foreclosure is not
29 prejudiced. No injunction shall issue to stay an expedited quiet title and foreclosure

1 action under this Subsection. The district court shall enter judgment on a petition to
2 quiet title and foreclosure filed under Paragraph (3) of this Subsection not more than
3 ten days after the conclusion of the hearing or contested case, and the judgment shall
4 become effective ten days after the conclusion of the hearing or contested case. The
5 district court's judgment shall specify all of the following:

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

8 (b) That title to property foreclosed by the judgment is vested absolutely in
9 the authority, except as otherwise provided in Paragraphs (3) and (5) of this
10 Subsection, without any further rights of redemption.

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

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

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

18 (f) A finding that all persons entitled to notice and an opportunity to be heard
19 have been provided that notice and opportunity. A person shall be deemed to have
20 been provided notice and an opportunity to be heard if the authority followed the
21 procedures for provision of notice by mail, by visits to property subject to expedited
22 quiet title and foreclosure, and by publication under this Subsection, or if one or
23 more of the following apply:

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

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

1 (iii) Prior to the hearing under this Paragraph, the person had actual notice
2 of the hearing.

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

14 (13) The authority or a person claiming to have a property interest under
15 Paragraph (2) of this Subsection in property foreclosed under this Subsection may,
16 within twenty-one days of the effective date of the judgment under Paragraph (11)
17 of this Subsection, appeal the district court's order or the district court's judgment
18 foreclosing property to the court of appeals. The appeal of the judgment shall be
19 entitled to preference and priority and shall be handled on an expedited basis by the
20 court of appeal and, if applicable, the Louisiana Supreme Court. In such cases, the
21 record shall be prepared and filed within fifteen days of the granting of the order of
22 appeal. The court of appeal shall hear the case within thirty days after the filing of
23 the appellee's brief. An appeal under this Paragraph is limited to the record of the
24 proceedings in the district court under this Subsection. The district court's judgment
25 foreclosing property shall be stayed until the court of appeals has reversed, modified,
26 or affirmed that judgment. If an appeal under this Paragraph stays the district court's
27 judgment foreclosing property, the district court's judgment is stayed only as to the
28 property that is the subject of that appeal, and the district court's judgment
29 foreclosing other property that is not the subject of that appeal is not stayed. To

1 appeal the district court's judgment foreclosing property, a person appealing the
2 judgment shall pay to the authority any taxes, interest, penalties, and fees due on the
3 property and provide notice of the appeal to the authority within twenty-one days
4 after the district court's judgment becomes effective. If the district court's judgment
5 foreclosing the property is affirmed on appeal, the amount determined to be due shall
6 be refunded to the person who appealed the judgment. If the district court's
7 judgment foreclosing the property is reversed or modified on appeal, the authority
8 shall refund the amount determined to be due to the person who appealed the
9 judgment, if any, and forward the balance to the appropriate taxing jurisdictions in
10 accordance with the order of the court of appeals.

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

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

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

27 (c) A judgment of foreclosure was entered under this Subsection in violation
28 of an order issued by a United States bankruptcy court.

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

19 (16) The owner of a property interest with notice of the quiet title and
20 foreclosure hearing under Paragraph (11) of this Subsection may not assert any of
21 the following:

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

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

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

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

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

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

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

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

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

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

26 (21) As used in this Subsection, "district court" shall mean the Fifteenth
27 Judicial District Court.

28 Section 2. This Act shall become effective upon signature by the governor or, if not
29 signed by the governor, upon expiration of the time for bills to become law without signature

1 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 2 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 3 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. 1104

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 slum, 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 city-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 governing board of the Community Foundation of Acadiana.
- (2) One member appointed by the governing board of the Greater Lafayette Chamber of Commerce.
- (3) Three members appointed by the city-parish president of the Lafayette City-Parish Consolidated Government.

Proposed law requires that all appointments be confirmed by the governing authority of Lafayette Parish. 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 \$50,000.

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 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 public notice of such bidding procedures.

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 (Public Law 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. 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 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 by and within the confines of any subdistrict the authority shall have full jurisdiction, concurrent with that of the subdistrict, to exercise said powers and responsibilities.

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 persons of any duty of exercising 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 it is attempting to seize. 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 was 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.

(Adds R.S. 33:4720.201)