

2023 Regular Session

HOUSE BILL NO. 296

BY REPRESENTATIVES HILFERTY AND LANDRY

DISTRICTS/SPECIAL: Provides relative to the Mid-City Security District in Orleans Parish

1 AN ACT

2 To amend and reenact R.S. 33:9091.14(F)(1), (2)(introductory paragraph), (3)(c), and (4)
3 and to repeal R.S. 33:9091.14(F)(3)(b), relative to Orleans Parish; to provide relative
4 to the Mid-City Security District; to provide relative to district funding; to provide
5 relative to the parcel fee imposed and collected in the district; to provide for an
6 effective date; and to provide for related matters.

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

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 33:9091.14(F)(1), (2)(introductory paragraph), (3)(c), and (4) are
12 hereby amended and reenacted to read as follows:

13 §9091.14. Mid-City Security District

14 * * *

15 F. Parcel fee. The governing authority of the city of New Orleans may
16 impose and collect a parcel fee within the district subject to and in accordance with
17 the provisions of this Subsection.

18 (1) The amount of the fee shall be as requested by duly adopted resolution
19 of the board. ~~For improved residential parcels, the fee shall be a flat fee per parcel~~
20 ~~of land not to exceed two hundred fifty dollars per year for each improved residential~~

1 ~~parcel.~~ For each residential parcel which is unimproved, or contains a single-family
2 dwelling, condominium, townhouse, or two-family dwellings, the fee shall be a flat
3 fee not to exceed two hundred fifty dollars per year. For each residential parcel
4 which contains three- or four-family dwellings, the fee shall be a flat fee not to
5 exceed three hundred dollars per year. For each residential parcel which contains
6 five to nine rental units, the fee shall be a flat fee not to exceed six hundred dollars
7 per year. For each residential parcel which contains ten to nineteen rental units, the
8 fee shall be a flat fee not to exceed one thousand dollars per year. For each
9 residential parcel which contains twenty to thirty nine rental units, the fee shall be
10 a flat fee not to exceed two thousand dollars per year. For each residential parcel
11 which contains forty or more rental units, the fee shall be a flat fee not to exceed four
12 thousand dollars per year. For ~~improved~~ residential parcels subject to a special
13 assessment level pursuant to ~~La. Const. Article VII, Section 18(G)~~ Article VII,
14 Section 18(G) of the Constitution of Louisiana, the fee shall be a flat fee per parcel
15 of land not to exceed one hundred ~~and~~ fifty dollars per year. For commercial parcels,
16 the fee shall be a flat fee per parcel of land not to exceed ~~three hundred seventy-five~~
17 ~~dollars for each improved commercial parcel~~ five hundred dollars per year. Any
18 ~~improved parcel consisting of both commercial and residential uses shall be~~
19 ~~considered commercial for purposes of this Section~~ For the purposes of this Section,
20 any parcel used for both commercial and residential purposes shall be considered
21 commercial if it is comprised of fewer than four residential units and residential if
22 it is comprised of four or more residential units.

23 (2) The fee shall be imposed on each ~~improved~~ parcel located within the
24 district.

25 * * *

26 (3)

27 * * *

28 (c) If approved, the fee shall expire ~~on December 31, 2014~~ at the end of the
29 term provided for in the proposition authorizing the fee, not to exceed eight years,

1 but the fee may be renewed if approved by a majority of the registered voters of the
 2 district voting on the proposition at an election as provided in Subparagraph (a) of
 3 this Paragraph. ~~Any election to authorize the renewal of the fee shall be held at the~~
 4 ~~same time as a regularly scheduled municipal, state, or federal election.~~ Any
 5 election to authorize the renewal of the fee shall be held for that purpose in
 6 accordance with the Louisiana Election Code. If the fee is renewed, the term of the
 7 imposition of the fee shall be as provided in the proposition authorizing such
 8 renewal, not to exceed eight years.

9 (4)(a) The fee shall be collected at the same time and in the same manner as
 10 ad valorem taxes on property subject to taxation by the city are collected, except that
 11 properties exempt from ad valorem taxation pursuant to Article VII, Section 21 of
 12 the Constitution of Louisiana shall not be exempt from the parcel imposed pursuant
 13 to this Section.

14 (b) Notwithstanding the provisions of Subparagraph (a) of this Paragraph,
 15 no parcel fee shall be imposed on property exempt from ad valorem taxation
 16 pursuant to Article VII, Section 21(A) or (B) of the Constitution of Louisiana.

17 * * *

18 Section 2. R.S. 33:9091.14(F)(3)(b) is hereby repealed in its entirety.

19 Section 3. (A) The provisions of this Act shall not affect the parcel fee levied within
 20 the Mid-City Security District on the effective date of this Act. The governing authority of
 21 the city of New Orleans shall continue to levy the fee until such time as it expires, as
 22 provided in the proposition approved by a majority of the district's registered voters voting
 23 on the proposition at an election held on November 16, 2019.

24 (B) Notwithstanding the provisions of Subsection A of this Section, the board of
 25 commissioners of the Mid-City Security District may call an election for the purpose of
 26 submitting the question of the imposition of the fee authorized in this Act to the voters prior
 27 to December 31, 2024. If the imposition of the fee is approved by a majority of the district's
 28 registered voters voting on the proposition at any such election, the governing authority of
 29 the city shall then begin to levy a parcel fee as provided in the proposition.

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

DIGEST

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

HB 296 Reengrossed

2023 Regular Session

Hilferty

Abstract: Provides relative to the parcel fee imposed within the Mid-City Security District in Orleans Parish.

Present law creates the Mid-City Security District in Orleans Parish as a political subdivision of the state for the purpose of promoting and encouraging security in the area included within the district. Provides for district boundaries. Provides that the district is governed by a seven-member board of commissioners and provides for the district's powers and duties.

Proposed law retains present law.

Present law authorizes the governing authority of the city of New Orleans to impose and collect a parcel fee within the district. Provides that the amount of the fee shall be as requested by duly adopted resolution of the board of the district. Further provides that the amount of the fee shall be as follows:

- (1) For each improved residential parcel the fee shall be a flat fee per parcel of land not to exceed \$250 per year.
- (2) For improved residential parcels subject to a special assessment level pursuant to present constitution (Art. VII, Sec. 18(G)), the fee shall be a flat fee per parcel of land not to exceed \$150 per year.
- (3) For each improved commercial parcel, the fee shall be a flat fee per parcel of land not to exceed \$375 per year.

Provides that any improved parcel consisting of both commercial and residential uses shall be considered commercial.

Proposed law instead provides that the amount of the parcel fee shall be as follows:

- (1) For each residential parcel which is unimproved, or contains a single-family dwelling, condominium, townhouse, or two-family dwellings, the fee shall be a flat fee not to exceed \$250 per year.
- (2) For each residential parcel which contains three-or four-family dwellings, the fee shall be a flat fee not to exceed \$300 per year.
- (3) For each residential parcel which contains five to nine rental units, the fee shall be a flat fee not to exceed \$600 per year.

- (4) For each residential parcel which contains 10 to 19 rental units, the fee shall be a flat fee not to exceed \$1,000 per year.
- (5) For each residential parcel which contains 20 to 39 rental units, the fee shall be a flat fee not to exceed \$2,000 per year.
- (6) For each residential parcel which contains 40 or more rental units, the fee shall be a flat fee not to exceed \$4,000 per year.
- (7) For unimproved and improved residential parcels subject to a special assessment level pursuant to present constitution (Art. VII, Section 18(G)), the fee shall be a flat fee per parcel of land not to exceed \$150 per year.
- (8) For unimproved and improved commercial parcels, the fee shall be a flat fee not to exceed \$500 per year.

Provides that any unimproved or improved parcel used for commercial and residential purposes is considered commercial if it is comprised of fewer than four residential units and residential if it is comprised of four or more residential units. Provides that certain properties that are exempt from ad valorem tax pursuant to present constitution (Art. VII, Sec. 21) are not exempt from the parcel fee imposed pursuant to proposed law.

Present law provides that the fee shall be imposed only after the question of its imposition has been approved by a majority of the registered voters of the district voting on the proposition at an election held for that purpose. Provides that the amount of the fee may be changed by duly adopted board resolution, not to exceed the maximum amount authorized by present law. Provides that no other election shall be required except as provided by present law. Proposed law retains present law but authorizes the board to change the amount of the fee, without election, not to exceed the maximum amount authorized by proposed law.

Present law requires that the initial election on the question of the imposition of the fee be held at the same time as a regularly scheduled election in the city of New Orleans. Provides that the fee shall expire on Dec. 31, 2014. Authorizes renewal of the fee. Provides that any election to authorize fee renewal shall be held at the same time as a regularly scheduled municipal, state, or federal election.

Proposed law instead provides that the fee shall expire at the end of the term provided for in the proposition authorizing the fee, not to exceed eight years, but the fee may be renewed if approved by a majority of the registered voters of the district voting on the proposition at an election as provided by present law. Any election to authorize the renewal of the fee shall be held for that purpose in accordance with the La. Election Code.

Present law provides that if the fee is renewed, the term of the imposition of the fee shall be as provided in the proposition authorizing such renewal, not to exceed eight years. Proposed law retains present law.

Proposed law requires the governing authority of the city of New Orleans to continue to levy the fee until such time as it expires, as provided in the proposition approved by a majority of the district's registered voters voting on the proposition at an election held on Nov. 16, 2019. However, proposed law authorizes the board to submit the question of imposition of the fee as provided in proposed law to the voters prior to the expiration of the fee. Requires the governing authority to begin to levy a parcel fee as provided in proposed law if the parcel fee has been approved by the voters.

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

(Amends R.S. 33:9091.14(F)(1), (2)(intro. para.), (3)(c), and (4); Repeals R.S. 33:9091.14(F)(3)(b))

Summary of Amendments Adopted by House

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

1. Exempts public property and property owned by nonprofits from the parcel fee if such property is exempt from ad valorem taxes pursuant to present constitution (Art. VII, Sec. 21).
2. Adds condominiums to the list of properties subject to a parcel fee not to exceed \$250 per year.

The House Floor Amendments to the engrossed bill:

1. Limit the term of the initial fee to eight years.
2. Make technical changes.