

SENATE BILL NO. 9

BY SENATOR QUINN

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AN ACT

To amend and reenact R.S. 9:1149.4(C)(1), 2901, 2921, 5625(C), (D), and (F), and 5633(A)(1), relative to provisions of Title 9 (Civil Code - Ancillaries) of the Louisiana Revised Statutes of 1950, which are limited in applicability to certain political subdivisions or local areas based upon population classifications; to specify applicability to one or more political subdivisions or local areas; to adjust population categories to retain applicability; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 9:1149.4(C)(1), 2901, 2921, 5625(C), (D), and (F), and 5633(A)(1) are hereby amended and reenacted to read as follows:

§1149.4. Immobilization

\* \* \*

C.(1) Notwithstanding any other law to the contrary, no action to collect a tax applicable to movables which is purported to be due or became due on any purchase made on or after September 1, 2005, through December 31, 2006, of any manufactured home used solely as residential housing in **the following** parishes ~~with the following populations according to the most recent federal decennial census~~ which have been severely impacted by ~~hurricanes~~ **Hurricanes** Katrina and Rita shall be initiated or continued, if the basis of such action is the date upon which the declaration of immovability provided for in Subsection A of this Section is recorded in the conveyance or mortgage records:

(a) ~~Any parish with a population between nine thousand eight hundred and ten thousand five hundred forty~~ **The parishes of St. Helena and Cameron.**

(b) ~~Any parish with a population between fifteen thousand and fifteen thousand two hundred~~ **The parish of West Feliciana.**

1                   (c) Any parish with a population between twenty-one thousand and twenty-  
2 one thousand two hundred forty The parish of St. James.

3                   (d) Any parish with a population between twenty-one thousand three  
4 hundred and twenty-two thousand seven hundred eighty The parishes of East  
5 Feliciana, Point Coupee, and West Baton Rouge.

6                   (e) Any parish with a population between twenty-three thousand three  
7 hundred and twenty-five thousand four hundred seventy The parishes of Allen,  
8 Assumption, and Sabine.

9                   (f) Any parish with a population between twenty-six thousand and twenty-  
10 eight thousand The parish of Plaquemines.

11                   (g) Any parish with a population between thirty-one thousand two hundred  
12 and thirty-six thousand The parishes of Beauregard, Evangeline, Iberville, and  
13 Jefferson Davis.

14                   (h) Any parish with a population between forty-three thousand and ninety-  
15 two thousand The parishes of Acadia, Ascension, Iberia, Lafourche, Livingston,  
16 St. Bernard, St. Charles, St. John the Baptist, St. Landry, St. Martin, St. Mary,  
17 Vermilion, Vernon, and Washington.

18                   (i) Any parish with a population between ninety-nine thousand five hundred  
19 and one hundred ten thousand The parishes of Tangipahoa and Terrebonne.

20                   (j) Any parish with a population between one hundred sixty thousand and  
21 two hundred thousand The parishes of Calcasieu, Lafayette, and St. Tammany.

22                   (k) Any parish with a population over four hundred ten thousand The  
23 parishes of East Baton Rouge, Jefferson, and Orleans.

24   \*           \*           \*

25                   §2901. Payment of taxes prior to transfer of real property

26                   Any party to an act conveying real property located in this state outside the  
27 limits of any municipal corporation having a population of over three hundred  
28 thousand inhabitants the city of New Orleans may obtain a certificate showing  
29 whether the state, parish, municipal, and levee district taxes due thereon, except  
30 those for the year in which the conveyance takes place, have been paid.

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§2921. Payment of taxes and past due charges for local improvement assessments prior to transfer of real property

No public officer shall execute, pass, or acknowledge any act conveying real property located within the limits of ~~any municipal corporation in this state having a population of over three hundred thousand inhabitants~~ **the city of New Orleans** unless the state, parish, municipal, and levee district taxes due thereon and the past due charges for local improvement assessments due thereon are paid.

\* \* \*

§5625. Violation of zoning restriction, building restriction, or subdivision regulation

\* \* \*

C. Notwithstanding the provisions of Subsection A **of this Section**, the following provisions shall be applicable only to ~~any parish, municipality, or its instrumentality having a population over three hundred twenty-five thousand~~ **the parishes of East Baton Rouge and Jefferson or their instrumentalities**. All actions, civil or criminal, created by statute, ordinance, or otherwise, except those actions created for the purpose of amortization of nonconforming signs and billboards enacted in conformity with the provisions of R.S. 33:4722, which may be brought by such parishes, ~~municipalities~~, or their instrumentalities or by any person, firm, or corporation to require enforcement of and compliance with any zoning restriction, building restriction, or subdivision regulation, imposed by any such parish, ~~municipality~~, or their instrumentalities, and based upon the violation by any person, firm, or corporation of such restriction or regulation, must be brought within three years from the date such parish, ~~municipality~~, or its properly authorized instrumentality or agency, if such agency has been designated, received actual notice in writing of such violation, and except for violations of use regulations, all such actions, civil or criminal, must be brought within five years from the date of the first act constituting the commission of the violation. However, in a ~~parish having a population of over three hundred twenty-five thousand but not more than four hundred thousand~~ **the parish of East Baton Rouge**, and municipalities included

1 within such parish, all actions, civil or criminal, for violations of use regulations  
2 must be brought within five years from the date of the first act constituting the  
3 commission of the violation.

4 D. In ~~a parish or municipality having a population of over three hundred~~  
5 ~~twenty-five thousand~~ **the parishes of East Baton Rouge and Jefferson**, in cases  
6 where the parish, ~~municipality~~, or its instrumentality, after receiving notification of  
7 violation, institutes an investigation or other administrative or judicial proceeding in  
8 order to seek a cessation of the violation and during the course of such investigation  
9 or proceeding makes the determination that the violation has in fact ceased,  
10 prescription shall be interrupted and if any recurrence or new violation commences  
11 thereafter, prescription will begin to accrue anew upon the date the parish;  
12 ~~municipality~~, or its properly authorized instrumentality or agency, if such agency has  
13 been designated, receives actual notice in writing of such recurrence or new  
14 violation. Except for violations of use regulations, all such actions, civil or criminal,  
15 must be brought within five years from the date of the recurrence or new act  
16 constituting the commission of the violation. However, in ~~a parish having a~~  
17 ~~population of over three hundred twenty-five thousand but not more than four~~  
18 ~~hundred thousand~~ **the parish of East Baton Rouge**, and municipalities included  
19 within such parish, all actions, civil or criminal, for violations of use regulations  
20 must be brought within five years from the date of the first act constituting the  
21 commission of the violation.

22 \* \* \*

23 F. The provisions of Subsections C and D **of this Section** shall not apply in  
24 ~~parishes or municipalities having a population exceeding four hundred seventy-five~~  
25 ~~thousand~~ **the parish of Orleans or the city of New Orleans**.

26 \* \* \*

27 §5633. Blighted property; acquisitive prescription

28 A. Ownership of an immovable may be acquired by the prescription of three  
29 years without the need of just title or possession in good faith. The requirements for  
30 the acquisitive prescription of three years are as follows:

