

Regular Session, 2014

SENATE BILL NO. 530

BY SENATOR BROOME

PARISHES. Requires parishes to establish and maintain a registry of foreclosed properties.
(gov sig)

1 AN ACT

2 To enact Part IX of Chapter 14 of Title 33 of the Louisiana Revised Statutes of 1950, to be
3 comprised of R.S. 33:5011 through 5016, relative to foreclosure registry program;
4 to provide for certain information relative to foreclosed property; to provide for
5 definitions; to provide for enforcement; to provide for penalties; to provide for an
6 effective date; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Part IX of Chapter 14 of Title 33 of the Louisiana Revised Statutes of
9 1950, to be comprised of R.S. 33:5011 through 5016, is hereby enacted to read as follows:

10 **PART IX. PROPERTY FORECLOSURE REGISTRY PROGRAM**

11 **§5011. Short title**

12 **This Part shall be known as the Foreclosure Registry Program.**

13 **§5012. Legislative findings and declaration**

14 **It is the intent of the legislature for parishes to establish and maintain a**
15 **foreclosure registry program. The purpose of this program is to provide a**
16 **uniform and equitable procedure regarding foreclosed properties, with due**
17 **regard to protect neighborhoods from becoming blighted through the lack of**

1 adequate maintenance and security as a result of foreclosures.

2 §5013. Definitions

3 For the purposes of this Part, the following terms shall have the following
4 meanings unless the context clearly indicates otherwise:

5 (1) "Foreclosed Property" means a property that was placed as security
6 for a real estate loan that is to be sold at a sheriff's sale to satisfy the debt if the
7 borrower defaults.

8 (2) "Property" means any unimproved or improved residential real
9 property, or portion thereof, situated in the parish and includes the buildings
10 or structures located on the property regardless of condition.

11 (3) "Seizing Creditor" means any person, firm, corporation, partnership,
12 association, trust, or legal or commercial entity, or other group of individuals
13 however organized, with care, custody, or control of the foreclosed property.

14 §5014. Registration of properties in foreclosure

15 (A) Any seizing creditor who has had immovable property located within
16 a parish seized shall register the property in foreclosure with the governing
17 authority of the parish within thirty days after the seizure.

18 (B) The registration requirements of this Section shall be satisfied by
19 providing the governing authority of the parish with a certified copy of the
20 notice of seizure describing the property in accordance with R.S. 13:3851 and
21 the Code of Civil Procedure Article 2293.

22 (C) An annual registration fee, which shall be set by the governing
23 authority of the parish, not to exceed two hundred fifty dollars, shall be paid to
24 the governing authority at the time of registration. The fee and registration
25 shall be valid for the calendar year, or remaining portion of the calendar year,
26 in which the registration was initially required. Subsequent registrations and
27 fees are due January first of each year and must be received no later than
28 January thirty-first of the year due.

29 (1) The registration shall contain the name of the seizing creditor, the

1 direct street or office mailing address of the seizing creditor, a direct contact
 2 name and phone number of the seizing creditor, and in the case of a corporation
 3 or a foreign seizing creditor, the local property management company
 4 responsible for the security, maintenance and marketing of the property.
 5 Registration fees will not be prorated.

6 (2) A seizing creditor that has registered a property under this Section
 7 shall report any change of information contained in the registration with the
 8 governing authority of the parish within ten days of the change.

9 (3) Properties subject to this Section shall remain under the annual
 10 registration requirement as long as they remain vacant.

11 **§5015. Cancellation of registration of properties in foreclosure**

12 Recordation of a notice of cancellation of judgment shall automatically
 13 cancel the notice of seizure of property affected by the judgment and shall
 14 remove the property from the property foreclosure registry when the property
 15 is occupied.

16 **§5016. Penalties**

17 Violations of this Section shall be treated as a misdemeanor regardless
 18 of intent. Administrative penalties imposed pursuant to this Part shall not
 19 exceed five hundred dollars.

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

The original instrument and the following digest, which constitutes no part
 of the legislative instrument, were prepared by Michael Bell.

DIGEST

Broome (SB 530)

Proposed law requires parishes to establish and maintain a registry of foreclosed properties.

Proposed law provides definitions.

Proposed law provides that any seizing creditor who has had immovable property seized, shall register the property in foreclosure with the governing authority of the parish within 30 days of the seizure. Proposed law further requires the registration is satisfied by providing the governing authority of the parish with a description of the property in accordance with present law.

Proposed law provides for an annual registration fee to be set by the governing authority not to exceed \$250 to be paid to the governing authority of the parish at the time of registration, which shall be valid for the calendar year. Further, proposed law provides that properties subject to registration shall remain under the annual registration requirement as such property remains vacant.

Proposed law requires that registration contain the name of the seizing creditor, the direct street and/or office mailing address of the seizing creditor, a direct contact name and phone number of the seizing creditor and in the case of a corporation or a foreign seizing creditor, the local property management company responsible for the security, maintenance and marketing of the property. Provides registration fees will not be prorated.

Proposed law mandates a seizing creditor that has registered a property in the foreclosure registry to report any change of information contained in the registration with the governing authority of the parish within 10 days of the change.

Proposed law provides for a cancellation of the registered property when there has been a recordation of a notice of cancellation of judgment and the property is occupied.

Proposed law provides for violations to be treated as a misdemeanor regardless of intent and administrative penalties shall not exceed \$500.

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

(Adds R.S. 33:5011-5016)