

Regular Session, 2009

HOUSE BILL NO. 697

BY REPRESENTATIVE BARROW AND SENATOR BROOME

1 AN ACT

2 Solely to reenact Sections 1, 2, and 3 of Act No. 891 of the 2008 Regular Session of the  
3 Legislature as that Act was enacted by the legislature, which Act amended and  
4 reenacted R.S. 33:4720.151(B)(6), (E), (G)(5), (9), and (12), (H)(4)(b), (I)(2), (J)(1),  
5 (K), (L)(1), (3), and (4), (O)(introductory paragraph), (1), and (4), and (Q)(6), and  
6 R.S. 44:4.1(B)(18), to enact R.S. 33:4720.151(H)(23), (Q)(7), and (S), and to repeal  
7 R.S. 33:4720.151(G)(13), relative to the East Baton Rouge Redevelopment  
8 Authority; which provided relative to the purposes and objects and powers and duties  
9 of the authority; which provided relative to the members of the governing board of  
10 the authority; which authorized the authority to initiate an expedited quiet title and  
11 foreclosure action; which provided relative to the procedures for any such action;  
12 which provided relative to the rights of property owners; which provided relative to  
13 due process; and which provided for related matters.

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

17 Be it enacted by the Legislature of Louisiana:

18 Section 1. Sections 1, 2, and 3 of Act No. 891 of the 2008 Regular Session of the  
19 Legislature as that Act was enacted by the legislature are hereby reenacted to read as  
20 follows:

21 Section 1. R.S. 33:4720.151(B)(6), (E), (G)(5), (9), and (12), (H)(4)(b),  
22 (I)(2), (J)(1), (K), (L)(1), (3), and (4), (O)(introductory paragraph), (1), and (4), and  
23 (Q)(6), and are hereby amended and reenacted and R.S. 33:4720.151(H)(23), (Q)(7),  
24 and (S) are hereby enacted to read as follows:

1 §4720.151. East Baton Rouge Redevelopment Authority

2 \* \* \*

3 B. It is hereby found and declared that:

4 \* \* \*

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

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

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

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

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

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

22 \* \* \*

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

28 \* \* \*

29 G.

30 \* \* \*

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

4 \* \* \*

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

12 \* \* \*

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



1 enterprise locating or existing within the jurisdiction of the authority such sites,  
 2 buildings, or facilities and appurtenances thereto, all or severally. The funds derived  
 3 from the sale of such bonds may be disbursed in whole or in part upon delivery of  
 4 the bonds as shall be provided in the contract between ~~an~~ the authority and the  
 5 residential, commercial, research, industrial, or other enterprise to be aided,  
 6 encouraged, or benefited subject to the requirements of this Chapter.

7 \* \* \*

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

23 \* \* \*

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

29 (2) In addition to the authority set forth in Subpart B of Part IV of Chapter  
 30 5 of Subtitle III of Title 47 of the Louisiana Revised Statutes of 1950, such purchases

1 by the authority may be in the manner provided for in Chapter 13-A of Title 33 of  
2 the Louisiana Revised Statutes of 1950 or by a direct negotiated purchase and sale  
3 agreement between the authority and a political subdivision without any other  
4 requirement of a public sale prior to the transfer of such properties to the authority.  
5 Such purchases by the authority shall not be considered the sale of surplus property  
6 or of property owned by the political subdivision.

7 (3) Effective upon the recordation of the transfer of an adjudicated property  
8 to the authority pursuant to a purchase and sale agreement, the rights of the authority  
9 in and to such property shall be the rights of a purchaser at a tax sale as contemplated  
10 by Chapter 5 of Subtitle III of Title 47 of the Louisiana Revised Statutes of 1950,  
11 subject only to the rights of redemption of the property set forth in Article VII,  
12 Section 25(B) of the Constitution of Louisiana, and the property shall no longer be  
13 deemed to be adjudicated property as of such recordation. For purposes of the right  
14 of redemption in Article VII, Section 25(B) of the Constitution of Louisiana, the  
15 three-year period commences on the date of the recordation of the initial adjudication  
16 to the political subdivision and not on the date of transfer to the authority.

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

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

23 (6)(a) The authority shall have the right, subject to the provisions of this  
24 Section, to purchase properties at tax sales conducted in accordance with R.S.  
25 47:2183, and any and all such purchases shall be a purchase pursuant to R.S. 47:2183  
26 and not an adjudication to a political subdivision.

27 (b) Notwithstanding the provisions of Chapter 5 of Subtitle III of Title 47 of  
28 the Louisiana Revised Statutes of 1950, the authority may tender a bid at a tax sale  
29 which is a credit bid, consisting of the obligation of the authority to satisfy the  
30 component parts of the bid by payments to the respective political subdivisions and

1 taxing entities in accordance with intergovernmental agreements between the  
2 authority and such political subdivisions and taxing entities.

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

7 (7) The authority shall submit annual reports to the House Committee on  
8 Municipal, Parochial and Cultural Affairs and the Senate Committee on Local and  
9 Municipal Affairs and each member of the East Baton Rouge Parish legislative  
10 delegation concerning property purchased by the authority. Such report shall be filed  
11 by March first each year and shall cover the previous calendar year. Each report  
12 shall include:

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

15 (b) The amount paid for each property.

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

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

20 L.(1) The authority shall have the power to create and execute  
21 redevelopment or development plans for specified areas within its territorial  
22 jurisdiction. The implementation of all such plans shall not proceed until, to the  
23 extent required by law, the authority has obtained the approval of the local planning  
24 commission or zoning board. In the execution of such a redevelopment plan, the  
25 authority shall have the powers provided in this Subsection. The fact that a certain  
26 power is expressed or implied in this Paragraph as pertinent to the authority's  
27 execution of a redevelopment plan shall not suggest or imply that such power is  
28 otherwise denied to the authority.

29 \* \* \*

1           (3) The authority may sell, lease, exchange, or otherwise transfer immovable  
2           property or any interest therein acquired by it for residential, recreational,  
3           commercial, industrial, or other uses or for public use, subject to such covenants,  
4           conditions, and restrictions, including covenants running with the land, as it may  
5           deem to be necessary or desirable to assist in carrying out the purposes of this  
6           Chapter. The purchasers or lessees and their successors and assigns shall be  
7           obligated to devote such immovable property only to the uses as the authority may  
8           determine to be in the public interest, including the obligation to begin within a  
9           reasonable time any improvements on such immovable property. Such immovable  
10          property or interest shall be sold, leased, exchanged, or otherwise transferred at not  
11          less than its fair value for uses in accordance with the redevelopment or development  
12          plan. In determining the fair value of immovable property for uses in accordance  
13          with the redevelopment or development plans, the authority shall take into account  
14          and give consideration to the use provided in such plan; the restrictions upon and the  
15          covenants, conditions, and obligations assumed by the purchaser or lessee; and the  
16          objectives of such plan. The authority, in any instrument of conveyance to a private  
17          purchaser or lessee, may provide that such purchaser or lessee shall be without power  
18          to sell, lease, exchange, or otherwise transfer the immovable property without the  
19          prior written consent of the authority until such purchaser or lessee has completed  
20          the construction of any and all improvements which he has obligated himself to  
21          construct thereon. Immoveable property acquired in accordance with the provisions  
22          of the plan shall be transferred as rapidly as feasible in the public interest, consistent  
23          with the carrying out of the provisions of the project plan. Such plan and any  
24          substantial modification of such plan shall be filed as a public record in the office of  
25          the clerk of the parish, and any conveyances, encumbrances, or other contracts may  
26          incorporate the provisions thereof by reference which shall afford notice thereof to  
27          all parties.

28           (4) The authority may dispose of, sell, exchange, or lease immovable  
29          property in a redevelopment area to any private person for the fair market value of  
30          the property as determined by a certified and competent appraiser, or to any private



1 person pursuant to reasonable competitive bidding procedures as it shall prescribe  
 2 subject to the provisions set forth in this Paragraph. Such reasonable bidding  
 3 procedures must include public notice, by publication once each week for two  
 4 consecutive weeks in a newspaper having a general circulation in the community,  
 5 inviting proposals from and making available all pertinent information to private  
 6 redevelopers or any persons interested in undertaking to redevelop or rehabilitate a  
 7 redevelopment area or any part thereof. Such notice shall identify the area, or  
 8 portion thereof, and shall state that proposals shall be made by those in interest  
 9 within thirty days after publication of such notice, and that such further information  
 10 as is available may be obtained at such office as shall be designated in the notice.  
 11 The board shall consider all such redevelopment or rehabilitation proposals and the  
 12 financial and legal ability of the persons making such proposals to carry them out,  
 13 and may negotiate with any persons for proposals for the purchase, lease, or other  
 14 transfer of any immovable property acquired by the authority in the redevelopment  
 15 area. The board may accept such proposal as it deems to be in the public interest and  
 16 in furtherance of the purposes of this Chapter. Such notice, and all contracts to sell,  
 17 lease, exchange, or otherwise transfer immovable property under the provisions of  
 18 this Chapter, shall be a public record and shall include the name of the redeveloper  
 19 or purchaser, together with the names of its officers and principal members or  
 20 shareholders and investors and other interested parties, the redeveloper's estimate of  
 21 the cost of any residential development and rehabilitations, and the redeveloper's  
 22 estimate of rentals and sales prices of any proposed housing involved in such  
 23 redevelopment and rehabilitation. Thereafter, the board may execute such contract  
 24 in accordance with the provisions of this Chapter and deliver acts of sale, leases, and  
 25 other instruments and take all steps necessary to effectuate such contract.

26 \* \* \*

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

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

3 \* \* \*

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

9 \* \* \*

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

12 \* \* \*

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

16 (7) "Owners of a property interest" means anyone with a corporeal or  
17 incorporeal interest in immovable property filed for record in the conveyance records  
18 or mortgage records of the clerk of court and ex officio recorder of mortgages for the  
19 parish where the property is located, including a naked owner, a usufructuary, a  
20 mortgagee, a judgment creditor, or a holder of a personal or predial servitude.

21 \* \* \*

22 S.(1) In addition to other powers granted to the authority pursuant to this  
23 Chapter, the authority may initiate an expedited quiet title and foreclosure action  
24 under this Subsection to quiet title to immovable property held by the authority,  
25 interests in property purchased by the authority at tax sales, or in formerly  
26 adjudicated properties acquired by the authority from a political subdivision, by  
27 recording with the conveyance records of the clerk of court and ex officio recorder  
28 of mortgages a notice of pending expedited quiet title and foreclosure action. The  
29 notice shall include a legal description of the property; the street address of the  
30 property if available; the name, address, and telephone number of the authority; a

1 statement that the property is subject to expedited quiet title proceedings and  
 2 foreclosure under this Subsection; and a statement that any legal interests in the  
 3 property may be extinguished by a district court order vesting title to the property in  
 4 the authority. The right of redemption from tax sales in Article VII, Section 25(B)  
 5 of the Constitution of Louisiana shall be terminated by these proceedings only if the  
 6 time period for expiration of the right of redemption has expired. If a notice is  
 7 recorded in error, the authority may correct the error by recording a certificate of  
 8 correction with the register of conveyances. A notice or certificate under this  
 9 Subsection need not be notarized and may be authenticated by a digital signature or  
 10 other electronic means. If the authority has reason to believe that a property subject  
 11 to an expedited quiet title and foreclosure action under this Subsection may be the  
 12 site of environmental contamination, the authority shall provide the Department of  
 13 Environmental Quality with any information in the possession of the authority that  
 14 suggests the property may be the site of environmental contamination.

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

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

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

29 (3) The authority may file a single petition with the district court to expedite  
 30 foreclosure under this Subsection listing all property subject to expedited foreclosure

1 by the authority and for which the authority seeks to quiet title. If available to the  
2 authority, the list of properties shall include a legal description of, a tax parcel  
3 identification number for, and the street address of each parcel of property. The  
4 petition shall seek a judgment in favor of the authority against each property listed  
5 and shall include a date, within ninety days of filing, on which the authority requests  
6 a hearing on the petition. The petition shall request that a judgment be entered  
7 vesting absolute title in the authority, without right of redemption for each parcel of  
8 property listed, as provided in this Paragraph. Prior to the entry of judgment under  
9 this Paragraph, the authority may request the court to remove property erroneously  
10 included in the petition or any tax delinquent properties redeemed prior to the  
11 hearing.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14 (11) If a petition for expedited quiet title and foreclosure is filed under  
 15 Paragraph (3) of this Subsection, before the hearing, the authority shall file with the  
 16 clerk of the district court proof of notice by certified mail under Paragraph (6) of this  
 17 Subsection, proof of notice by posting on the property under Paragraph (7) of this  
 18 Subsection, and proof of notice by publication, if applicable. A person claiming an  
 19 interest in a parcel of property set forth in the petition for foreclosure, including a  
 20 current holder of a conventional mortgage, who desires to contest that petition shall  
 21 file written objections with the clerk of the district court and serve those objections  
 22 on the authority before the date of the hearing. A holder of a conventional mortgage  
 23 may object to the action and is entitled to a dismissal of the proceedings by the  
 24 district court upon a showing that it is the holder of a legally enforceable  
 25 conventional mortgage and upon payment of the outstanding amount of any liens,  
 26 taxes, and related costs. The district court may appoint and utilize as the court  
 27 considers necessary a curator for assistance with the resolution of any objections to  
 28 the foreclosure or questions regarding the title to property subject to foreclosure. If  
 29 the court withholds property from foreclosure, the authority's ability to include the  
 30 property in a subsequent petition for expedited quiet title and foreclosure is not

1           prejudiced. No injunction shall issue to stay an expedited quiet title and foreclosure  
 2           action under this Subsection. The district court shall enter judgment on a petition to  
 3           quiet title and foreclosure filed under Paragraph (3) of this Subsection not more than  
 4           ten days after the conclusion of the hearing or contested case, and the judgment shall  
 5           become effective ten days after the conclusion of the hearing or contested case. The  
 6           district court's judgment shall specify all of the following:

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

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

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

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

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

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

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

28                             (ii) The person appeared at the hearing or submitted written objections to the  
 29                             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  
30 appeal the district court's judgment foreclosing property, a person appealing the

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

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

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

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

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

28 (15) If a judgment of foreclosure is entered under Paragraph (11) of this  
29 Subsection, and all existing recorded and unrecorded interests in a parcel of property  
30 are extinguished as provided in Paragraph (11) of this Subsection, the owner of any

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

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

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

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

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

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



1 limitations are hereby continued in effect by incorporation into this Chapter by  
2 citation:

3 \* \* \*

4 (18) R.S. 33:1334, 2182, 2428, 4720.151, 9109, 9128

5 \* \* \*

6 Section 3. R.S. 33:4720.151(G)(13) is hereby repealed in its entirety.

7 Section 2.(A) This Act is remedial and curative of clerical errors in the enrollment  
8 of Act No. 891 of the 2008 Regular Session of the Legislature. As such, this Act shall have  
9 retroactive effect, but only back to July 9, 2008. This Act shall have prospective effect  
10 beginning on its effective date.

11 (B) The report required by R.S. 33:4720.151(K)(7) covering calendar year 2008  
12 shall be included with the report on calendar year 2009 and submitted by March first, 2010,  
13 as otherwise provided by R.S. 33:4720.151(K)(7).

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

\_\_\_\_\_  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
PRESIDENT OF THE SENATE

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_