

2026 Regular Session

HOUSE BILL NO. 284

BY REPRESENTATIVE WYBLE

PROPERTY/EXPROPRIATION: Authorizes certain parishes and municipalities to expropriate blighted property by declaration of taking

1 AN ACT

2 To enact Part XIII of Title 19 of the Louisiana Revised Statutes of 1950, to be comprised of
3 R.S. 19:396 through 396.12, relative to expropriation of property; to authorize
4 certain parishes and municipalities to expropriate by a declaration of taking; to
5 provide for definitions; to provide for procedures; to provide for purposes of the
6 expropriation; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Part XIII of Title 19 of the Louisiana Revised Statutes of 1950, comprised
9 of R.S. 19:396 through 396.12, is hereby enacted to read as follows:

10 PART XIII. EXPROPRIATION OF ABANDONED OR BLIGHTED PROPERTY

11 BY A DECLARATION OF TAKING BY PARISHES AND MUNICIPALITIES

12 WITH A POPULATION OF LESS THAN FIFTY THOUSAND

13 §396. Purpose

14 In an effort to control the rising number of abandoned or blighted properties
15 throughout the state and to slow urban blight, the Legislature of Louisiana finds it
16 necessary to implement a mechanism by which parishes and municipalities with a
17 population of less than fifty thousand are empowered to more readily obtain
18 abandoned or blighted properties. The provisions of this Part are intended to provide
19 a means by which governing authorities may revitalize economically depressed areas
20 by placing abandoned or blighted properties back into the economic stream of

1 commerce through the rehabilitation of the abandoned or blighted property. The
2 procedure created by this Part shall be in addition to any other procedure authorized
3 by law.

4 §396.1. Definitions

5 For the purposes of this Part, unless the context clearly otherwise requires or
6 unless otherwise defined in specific portions of this Part, the following words or
7 phrases have the respective meanings:

8 (1) "Abandoned property" means property that is vacant or not lawfully
9 occupied. The term "vacant or not lawfully occupied" includes but is not limited to
10 any premises which are not actually occupied by its owner, lessee, or other invitee
11 or if occupied, without utilities, and has been left unsecured or inadequately secured
12 from unauthorized entry to the extent that the premises could be entered and utilized
13 by vagrants or other uninvited persons as a place of harborage or any premises which
14 by reason of dilapidation, deterioration, state of disrepair, or other such status is
15 otherwise detrimental to or endangers the public safety, health, or welfare.

16 (2) "Blighted property" means any commercial or residential premises,
17 including a vacant lot, which has been declared vacant, uninhabitable, or hazardous
18 by an administrative hearing officer acting pursuant to R.S. 13:2575 and 2576, or any
19 other applicable law.

20 (3) "Governing authority" means the governing authority of any parish or
21 municipality having a population of less than fifty thousand, according to the latest
22 federal decennial census, or any assignee which is authorized by the parish or
23 municipality to carry out the purpose of this Part.

24 (4) "Notice" means the sending of written communication to a person
25 entitled to receive notice pursuant to this Part by any of the following methods:

26 (a) By means of registered or certified mail, return receipt requested, to an
27 owner at the address of the owner listed in the assessor's office for the parish in
28 which the abandoned or blighted property is located.

1 (b) In the same manner as service of citation or other process as provided for
2 in the Code of Civil Procedure and R.S. 13:3201 et seq., whether made by a sheriff,
3 deputy sheriff, or constable or as otherwise provided by law in any civil matters.

4 (c) By a duly authorized building inspector or other representative of the
5 political subdivision, as provided by ordinance.

6 (d) In the event that the owners are absent or unable to be notified in
7 accordance with Subparagraphs (4)(a) through (c) of this Section, notice may be
8 made by publication once a week for two consecutive weeks in an official journal of
9 the political subdivision in which the property is located.

10 (5) "Owner" means any person having an ownership interest in the property
11 as shown in the conveyance records of the parish in which the property is located,
12 including but not limited to ownership or leasehold interest.

13 (6) "Property" means any portion of immovable property, including
14 servitudes, leases, rights-of-way, and other rights in or to immovable property.

15 §396.2. Authority to expropriate; acquisition of abandoned or blighted property
16 prior to judgment

17 A. If a governing authority cannot amicably acquire property needed by the
18 governing authority for the rehabilitation of abandoned or blighted property in order
19 to return it to commerce, it may acquire the same by expropriation and may acquire
20 the abandoned or blighted property prior to judgment in the trial court fixing the
21 amount of compensation due to the owner of the abandoned or blighted property.

22 B. At least fifteen days prior to filing a petition for expropriation, the
23 governing authority shall send notice to the owner of its intention to expropriate the
24 property pursuant to this Part. The letter of notification shall also inform the owner
25 that if, within fifteen days after being served with the citation and pleading, he does
26 not object to the taking on the grounds that it is not for a public purpose or fails to
27 show that the abandoned or blighted conditions of the property have been
28 substantially rehabilitated and that all taxes and public liens have been paid, he shall
29 waive all defenses to the taking except claims for compensation or damages.

1 C. Except for the provisions of R.S. 48:453(E), 456(A)(3) and (B), and as
 2 otherwise provided in this Part, such expropriation by the governing authority shall
 3 be conducted in the manner that the Department of Transportation and Development
 4 may expropriate property for highway purposes, as set forth in R.S. 48:441 through
 5 460.

6 §396.3. Contents of petition for expropriation; place of filing

7 The right of expropriation granted by this Part shall be exercised in the
 8 following manner:

9 (1) A petition shall be filed by the governing authority in the district court
 10 of the parish in which the property to be expropriated is located.

11 (2) The petition shall contain a statement of the purpose for which the
 12 property is to be expropriated, a legal description of the property being expropriated,
 13 and the name of the record owner or owners.

14 (3) The petition shall have annexed to it the following:

15 (a) A certified copy of a resolution adopted by the governing authority
 16 generally authorizing the taking of abandoned or blighted property and declaring that
 17 it is necessary or useful for the purposes of this Part.

18 (b) An itemized statement of the amount of money estimated to be the full
 19 extent of the owner's loss for the actual taking, use, damage, or destruction, as the
 20 case may be. It shall be signed by a qualified and licensed real estate appraiser who
 21 made the estimate and shall include the date on which the appraisal was made.

22 (c) A copy of the letter of notification of intention to expropriate the
 23 property, as required by R.S. 19:396.2(B), and an affidavit setting forth the efforts
 24 to notify the owner.

25 §396.4. Prayer of petition; ex parte order for deposit; value determination

26 The petition shall conclude with a prayer that the abandoned or blighted
 27 property be declared taken for the purpose of rehabilitating economically depressed
 28 property by placing it back into the economic stream of commerce. Upon
 29 presentation of the petition, the court shall issue an order directing that the amount

1 of the appraisal be deposited in the registry of the court. Upon the deposit of the
2 amount of the appraisal in the registry of the court, for the use and benefit of the
3 persons entitled, the clerk shall issue a receipt showing the amount deposited, the
4 date it was deposited, the style and number of the cause, and the description of the
5 property as contained in the petition.

6 §396.5. Vesting of title

7 Upon presentation of the receipt issued by the clerk of court, the court shall
8 render an immediate ex parte order transferring and vesting full and complete right,
9 title, and ownership in and to the property unto the governing authority, free and
10 clear of all rights of all interested owners, and all such rights and interests shall be
11 transferred to and attach to the funds on deposit. The rights and interests of all
12 creditors shall be transferred and attach to the funds on deposit. Upon vesting of
13 title, the governing authority may enter upon and take possession of the property.

14 §396.6. Notice to defendant

15 Upon receipt of the deposit and the ex parte order, the clerk of court shall
16 comply with all laws governing citation as to each named defendant.

17 §396.7. Contesting validity of proposed taking; waiver of defenses

18 A. Any defendant desiring to contest and oppose the validity of the taking
19 on the grounds that the property taken was not expropriated for a public purpose or
20 the abandoned or blighted conditions of the property have been substantially
21 rehabilitated, and all taxes and governmental liens have been paid, shall file a motion
22 to dismiss the taking within fifteen days after the date on which the citation was
23 served on him or a court-appointed curator on his behalf. The motion to dismiss the
24 taking shall be served pursuant to Code of Civil Procedure Article 1314. This
25 motion shall be tried contradictorily as a summary proceeding with preference over
26 all other matters to the judge alone and shall be decided prior to fixing the case for
27 trial on the compensation or damages due to the defendant.

28 B. The ex parte order vesting title in the governing authority shall become
29 final upon the failure of the defendant to timely file the opposition provided in

1 Subsection A of this Section. If the defendant files an opposition, the ex parte order
2 becomes final upon the rendering of a judgment in favor of the governing authority
3 on the trial of the opposition or as otherwise provided in the Code of Civil Procedure.

4 §396.8. Defendant's answer; requirements; delay for filing

5 When property is expropriated pursuant to this Part, any defendant may apply
6 for a trial to the district court for the parish in which the property is located to
7 determine the measure of compensation to which he is entitled, if:

8 (1) The defendant or owner applies for a trial within fifteen days from the
9 date of service upon him, or a curator ad hoc appointed for him, or within an
10 extended period of time granted by the court for good cause not to exceed sixty days,
11 otherwise it shall be conclusively presumed that the amount deposited by the
12 governing authority is correct and the defendant or owner shall thereafter be barred
13 from disputing the deposited amount.

14 (2) His answer sets forth the amount he claims, including the value of each
15 parcel expropriated.

16 (3) His answer includes a certificate showing that a copy thereof has been
17 served personally or by mail on all parties to the suit who have not joined in the
18 answer.

19 §396.9. Encumbrances and taxes

20 A. Subsequent to the rendition of the ex parte order of expropriation, the
21 governing authority shall notify all parties having any mortgage, lien, or
22 encumbrance on the property of the pendency of the proceedings. Such notices shall
23 be sent to all such parties as may be reasonably ascertained. Notices may be sent as
24 provided for in this Part. The rights and interest of all creditors shall be transferred
25 and attach to the funds on deposit. The court may exercise summary jurisdiction to
26 rank the creditors according to law and their respective priority and order distribution
27 of the funds.

28 B. The expropriated property shall be vested in the governing authority free
29 and clear of all mortgages, liens, privileges, and encumbrances. All inscriptions for

1 taxes, tax liens, and governmental charges shall be canceled according to law upon
2 payment to the extent that the funds are available from the amount deposited into the
3 registry of the court. When the ex parte order vesting title in the governmental
4 authority becomes final, as provided in R.S. 19:396.7(B), the court shall order, upon
5 ex parte motion, the recorder of mortgages to cancel and erase all liens, mortgages,
6 and encumbrances affecting the expropriated property and shall also order the taxing
7 authority to cancel and erase all taxes, tax liens, and governmental charges against
8 the property.

9 §396.10. Acquisition by third persons

10 The governing authority shall provide an equal opportunity for all natural or
11 juridical persons, including but not limited to sole proprietorships, partnerships,
12 corporations, or limited liability companies, whether for profit or nonprofit, to
13 acquire property expropriated pursuant to the provisions of this Part when the
14 governing authority decides to sell, convey, or otherwise dispose of any property
15 expropriated pursuant to the provisions of this Part. Notwithstanding the foregoing
16 provisions, the governing authority may establish a preference for the allocation of
17 these properties to low-income families, directly or through for-profit or nonprofit
18 organizations which will have rehabilitated or constructed housing on the property.

19 §396.11. Sale of expropriated property

20 Notwithstanding any other provision of law to the contrary, the municipality
21 may sell property acquired pursuant to this Part at public or private sale. Before any
22 such sale may be made, the governing authority shall enact an ordinance generally
23 approving the sales. The ordinance shall state whether such sales shall be by public
24 or private sale. If the ordinance states that a sale shall or may be by private sale, the
25 ordinance shall establish a fair and equitable policy with uniform application for
26 determining the sale price. For purposes of this Section, the sale of property
27 acquired pursuant to this Part shall not be considered the sale of surplus property or
28 of property owned by the parish or municipality.

- of the court in an amount equal to the estimated value of the property. Upon presentation of the receipt of the deposit, the court issues an ex parte order vesting title with the governing authority. The ex parte order becomes final upon the defendant's failure to file a motion to dismiss or a judgment is rendered in favor of the governing authority on the trial of the motion.
- (4) Upon receipt of the deposit and the ex parte order, notice of the petition, along with the ex parte order and receipt of deposit, is sent by the clerk of court to all defendants.
 - (5) Provides procedures for a defendant to contest the validity of the taking, within 15 days after the date which the citation was served, that on the grounds that the property taken was not expropriated for a public purpose or that the blighted conditions on the property have been or are in the process of being rehabilitated.
 - (6) Provides for equal opportunity for all natural and juridical persons to purchase expropriated blighted property from the governing authority when the governing authority decides to sell, convey, or otherwise dispose of expropriated property.
 - (7) Requires the governing authority to provide notice of the sale of property acquired through expropriation.

(Adds R.S. 19:396-396.12)