

## HOUSE SUMMARY OF SENATE AMENDMENTS

**HB 368**

**2026 Regular Session**

**Freeman**

DISTRICTS/HISTORIC: Provides relative to historic preservation districts and landmarks commissions in the city of New Orleans

### Synopsis of Senate Amendments

1. Provides that the municipality or parish shall have a lien and privilege against the immovable property in or on which the violation occurred.

### Digest of Bill as Finally Passed by Senate

Present law (Part I of Chapter 16 of Title 25) provides generally that the governing authority of any municipality, lake commission, parish council, or similar governmental unit may establish within its borders a historic preservation district commission to promote the educational, cultural, economic, and general welfare of the public.

Present law (Part II of Chapter 16 of Title 25) provides that the governing authority of the city of New Orleans and the parishes of Franklin, Tensas, LaSalle, Catahoula, Concordia, and Caldwell may establish within their borders a historic preservation district and/or landmark commission to promote the educational, cultural, economic, and general welfare of the public.

Present law (Parts I and II of Chapter 16 of Title 25), relative to such historic preservation districts and landmarks commissions, provides procedures for establishing such districts and commissions, after study, hearings, and other procedural requirements. Provides for such commissions and districts to regulate the exterior architectural features of structures and provides for application for and approval or denial of certificates of appropriateness to erect, alter, or demolish structures. Prohibits issuance of building permits without a certificate of appropriateness. Provides for exceptions.

Present law (Parts I and II of Chapter 16 of Title 25) grants commissions the power to institute a suit in any court of competent jurisdiction to prevent any unlawful action in violation of the provisions of present law or of any of the rules and regulations adopted by the commissions. Requires that any owner, agent, lessee, or other person acting for or in conjunction with him, who violates the regulations of a commission, be fined not less than \$50 and not more than \$100 for each violation. Provides generally that each day that a violation continues constitutes a separate offense.

Present law (Part I of Chapter 16 of Title 25) provides that any owner, agent, lessee, or other person acting for or in conjunction with him who demolishes a structure or edifice without a certificate of appropriateness, may be fined a single fine of not less than \$1,000 and not more than \$10,000.

Proposed law retains present law.

Present law (Part II of Chapter 16 of Title 25) provides an additional provision applicable to the city of New Orleans. Provides that any owner, agent, lessee, or other person acting for or in conjunction with him who demolishes a structure or edifice without a certificate of appropriateness may be fined a single fine of not more than the greater of \$25,000 or 15% of the assessed value of the structure or edifice.

Proposed law increases the maximum fine authorized to be levied from \$25,000 to \$50,000.

Proposed law provides that the municipality or parish shall have a lien and privilege against

the immovable property in or on which the violation occurred. Provides that the lien and privilege shall secure all fines, costs, and penalties which are assessed by the municipality or parish. Provides that for the lien and privilege to arise and exist, the order, judgment, notice of judgment, or lien assessing any fines, costs, and penalties shall be recorded in the mortgage office of the parish in which the immovable property, or any portion thereof, in or on which the violation occurred, is situated. Further provides that the recordation shall have the effect of a judicial mortgage against the immovable property and may be enforced against the immovable property upon application of the municipality or parish to the clerk of the district court for issuance of a writ in accordance with present law (C.C.P. Art. 2253). Provides that the remedies established are nonexclusive and may be pursued independently of each other and in addition to other remedies provided by law. Provides that in order for the lien and privilege to arise, the order, judgment, notice of judgment, or lien shall be final and not subject to appeal when recorded in the mortgage office. Provides that the lien and privilege shall have ranking as provided by present law (R.S. 9:4821(A)(1)).

Proposed law requires that any liens placed against immovable property be included in the next annual ad valorem tax bill and be paid along with such taxes, subject, however, to any valid homestead exemption. Provides that failure to pay the liens shall cause the immovable property in or on which the violation occurred to be subject to the same provisions of law that govern tax sales of immovable property when the immovable property has been declared blighted or a public nuisance by an administrative hearing officer. Provides that the property owners and other parties having interests in the property shall not have a right of redemption.

Proposed law provides however, that if the immovable property has been sold for nonpayment of taxes to a tax sale purchaser other than the municipality, and if the right of redemption from the tax sale has not elapsed at least one year prior to the sale, the tax sale purchaser shall have a right of redemption from the sale until one year after the right of redemption from the tax sale elapses. Further provides that failure to pay the liens shall also cause such liens and privileges to be subject to enforcement in accordance with present law (R.S. 13:2576). Provides that any liens placed against immovable property that has a legal homestead exemption from taxes will become payable 90 days after the death of the owner thereof or immediately upon recordation of any conventional mortgage on the immovable property or transfer of title to a new owner, whichever occurs first.

(Amends R.S. 25:762.1)