RÉSUMÉ DIGEST

ACT 959 (HB 368) **2026 Regular Session** **Freeman**

Existing 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.

Existing 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 landmarks commission to promote the educational, cultural, economic, and general welfare of the public.

Existing 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.

Existing 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 existing 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.

Existing 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 an appropriate certificate of appropriateness, may be fined a single fine of not less than $1,000 and not more than $10,000.

Prior law, relative to the city of New Orleans, provided that any owner, agent, lessee, or other person acting for or in conjunction with him who demolished a structure or edifice without an appropriate certificate of appropriateness could 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.

New law increases the fine authorized to be levied to not more than the greater of $50,000 or 15% of the assessed value of the structure or edifice.

New 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 existing 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 existing law (R.S. 9:4821(A)(1)).

New 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 liens on immovable property in accordance with the property tax lien auction procedures as set forth in existing law (R.S. 47:2122 et seq.).

New law provides that failure to pay the liens shall also cause such liens and privileges to be subject to enforcement in accordance with existing 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.

Effective August 1, 2026.

(Amends R.S. 25:762.1)