

2015 Regular Session

HOUSE BILL NO. 769

BY REPRESENTATIVE BURRELL

DISTRICTS/REDEVELOPMENT: Creates the Shreveport Implementation and
Redevelopment Authority

1 AN ACT

2 To enact Chapter 13-N of Title 33 of the Louisiana Revised Statutes of 1950, to be
3 comprised of R.S. 33:4720.301, to create the Shreveport Implementation and
4 Redevelopment Authority; to provide for the formation of a program or programs in
5 the city of Shreveport for the use of appropriate private and public resources to
6 eliminate and prevent the development or spread of slum, blighted, and distressed
7 areas; to allow the rehabilitation, clearance, and redevelopment of slum, blighted,
8 and distressed areas; to provide for the expeditious conversion of blighted or
9 underused property into habitable residential dwellings in the city of Shreveport; to
10 define the duties, liabilities, authority, and functions of the redevelopment authority;
11 to authorize public bodies to furnish funds, services, facilities, and property in aid
12 of redevelopment projects; and to provide for related matters.

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

16 Be it enacted by the Legislature of Louisiana:

17 Section 1. Chapter 13-N of Title 33 of the Louisiana Revised Statutes of 1950,
18 comprised of R.S. 33:4720.301, is hereby enacted to read as follows:

1 CHAPTER 13-N. SHREVEPORT IMPLEMENTATION AND
2 REDEVELOPMENT AUTHORITY

3 §4720.301. Shreveport Implementation and Redevelopment Authority

4 A. This Chapter may be referred to as the "Shreveport Implementation and
5 Redevelopment Law".

6 B. It is hereby found and declared that:

7 (1) There exist in the city of Shreveport areas which have become slums,
8 blighted, and distressed because of the unsafe, unsanitary, inadequate, or
9 overcrowded condition of the structures therein, or because of inadequate planning
10 for the area, or because of physically or functionally obsolete structures, or because
11 of excessive dwelling unit density, or because of the lack of proper light and air and
12 open space, or because of faulty street or lot design, or inadequate public utilities, or
13 community services, or because of failure to adequately maintain and repair
14 structures, or because of the conversion to incompatible types of land usage, or
15 because of environmental conditions and circumstances. Such conditions, or a
16 combination of some or all of them, have and will continue to result in making such
17 areas economic and social liabilities.

18 (2) The prevention and elimination of slum, blighted, and distressed
19 properties are matters of public policy and concern, as such areas tend to consume
20 a disproportionate amount of city revenues because of the extra services required for
21 police, fire, accident, and other forms of public protection, services, and facilities.

22 (3) The salvage, renewal, redevelopment, and reconstruction of such slum,
23 blighted, and distressed areas will promote the public health, safety, morals, and
24 welfare of the public.

25 (4) The powers conferred by this Chapter are for public uses, purposes,
26 welfare, and utility for which public money may be expended as necessary and in the
27 public's interest. The provisions herein provided shall apply for residential,
28 recreational, commercial, industrial, or other purposes and otherwise to encourage
29 the provision of healthful homes, safe neighborhoods, a decent living environment,

1 and adequate places of employment for the people. Such purposes are hereby
2 declared as a matter of legislative determination.

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

4 (a) The general and economic welfare of the city through housing,
5 commercial, office, hospitality, recreation, education, infrastructure and utility
6 capacity, manufacturing, industrial, research, retail, or other activities which will
7 create or retain jobs, maintain or diversify industry, including new or emerging
8 technologies, or maintain or increase the tax base.

9 (b) The improvement of conditions of deteriorated physical development,
10 slow economic growth, and eroded financial health of the public and private sectors.

11 (c) The control, abatement, and prevention of pollution to protect public
12 health and safety, and the development and use of indigenous and renewable energy
13 resources.

14 (d) Assistance to nonprofit and governmental entities in support of health,
15 educational, charitable, community, cultural, agricultural, consumer, or other
16 services benefiting the citizens.

17 C.(1) There is hereby created in the city of Shreveport a body politic and
18 corporate which shall exist in perpetuity and shall be known as the Shreveport
19 Implementation and Redevelopment Authority, referred to in this Chapter as the
20 "authority".

21 (2) The authority shall be a special district created pursuant to Article VI,
22 Section 19 of the Constitution of Louisiana and political subdivision of the state as
23 defined in Article VI, Section 44 of the Constitution of Louisiana. The authority,
24 acting through its governing board, is hereby granted all of the rights, powers,
25 privileges, and immunities accorded by the laws and the Constitution of Louisiana
26 to political subdivisions of the state, subject to the limitations provided in this
27 Chapter.

28 D. The authority, for the purposes of this Chapter, shall formulate a workable
29 program or programs consistent with the Shreveport-Caddo 2030 Master Plan, an

1 approved redevelopment plan for the area, and the city of Shreveport's Consolidated
2 Strategy Plan for using appropriate private and public resources to eliminate and
3 prevent the development or spread of slums and blight, to encourage needed
4 rehabilitation, and to provide for the redevelopment of slum or blighted areas, or to
5 undertake other feasible parochial activities as may be suitably employed to achieve
6 the objectives of such workable program.

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

12 F. The boundaries of the authority shall be comprised of all of the territory
13 located within the corporate limits of the city of Shreveport as they exist now or may
14 be changed.

15 G.(1) The authority shall be governed by a board of commissioners, referred
16 to in this Chapter as the "board", consisting of seven members appointed by the
17 mayor of the city of Shreveport, three of whom shall be appointed as follows:

18 (a) One member from a list of three nominees submitted to the mayor by the
19 governing authority of the parish of Caddo.

20 (b) One member from a list of three nominees submitted to the mayor by the
21 city of Shreveport's community development department. The person appointed
22 pursuant to this Subparagraph shall be dedicated to providing housing in the city of
23 Shreveport as determined by the department.

24 (c) One member from a list of eight nominees, with one nominee submitted
25 to the mayor by each of the following persons: the Louisiana state senators who
26 represent Senate Districts 37, 38, and 39 and the Louisiana state representatives who
27 represent House District 2, 3, 4, 5, and 6.

28 (2) The board shall be representative of the city's population by race and
29 gender to ensure diversity.

1 (3) All appointments shall be confirmed by the governing authority of the
2 city of Shreveport.

3 (4) Each board member shall be a citizen of the United States, a domiciliary
4 of and a qualified voter in the city of Shreveport for at least one year preceding the
5 date of appointment, and shall remain a domiciliary of and a qualified voter of such
6 jurisdiction during the entirety of the term of office. Furthermore, each board
7 member shall be of good character and shall possess some skill, knowledge, or
8 experience that will prove useful in the accomplishment of the goals of the authority
9 as set forth in Subsection B of this Section.

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

13 (b) Members shall serve initial terms as provided in this Subparagraph. One
14 member shall serve an initial term of one year, one shall serve two years, one shall
15 serve three years, two shall serve four years, and two shall serve five years as
16 determined by lot at the first meeting of the board.

17 (6) The board shall establish rules and requirements relative to the
18 attendance and participation of members in its meetings, regular or special. Such
19 rules and regulations may prescribe a procedure whereby, should any member fail
20 to comply with such rules and regulations, such member may be disqualified and
21 removed automatically from office by no less than a majority vote of the remaining
22 members of the board, and that member's position shall be vacant as of the first day
23 of the next calendar month. Any person removed under the provisions of this
24 Paragraph shall be ineligible for reappointment to the board, unless such
25 reappointment is confirmed unanimously by the board.

26 (7) A vacancy on a board shall be filled in the same manner as the original
27 appointment.

28 (8) Board members shall serve without compensation, shall have the power
29 to organize and reorganize the executive, administrative, clerical, and other

1 departments and forces of the authority and to fix the duties, powers, and
2 compensation of all employees, agents, and consultants of the authority. The board
3 may reimburse any member for expenses actually incurred in the performance of
4 duties on behalf of the authority.

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 shall also
9 meet in special session as convened by the chairman or upon written notice signed
10 by four members. A majority of the members of the board, not including vacancies,
11 shall constitute a quorum for the conduct of business.

12 (10) All actions of the board shall be approved by the affirmative vote of a
13 majority of the members of that board present and voting. However, no action of the
14 board shall be authorized on the following matters unless approved by a majority of
15 the total board membership:

16 (a) Adoption of bylaws and other rules and regulations for conduct of the
17 authority's business.

18 (b) Hiring or firing of any employee or contractor of the authority. This
19 function may by majority vote be delegated by the board to a specified officer or
20 committee of the authority, under such terms and conditions, and to the extent, that
21 the board may specify.

22 (c) Adoption or amendment of the annual budget.

23 (d) Sale, lease, encumbrance, or alienation of real property, improvements,
24 or personal property with a value of more than fifty thousand dollars.

25 (11) Vote by proxy shall not be permitted. Any member may request a
26 recorded vote on any resolution or action of the authority.

27 (12) The board shall cause minutes and a record to be kept of all its
28 proceedings. Except as otherwise provided in this Paragraph, the authority shall be
29 subject to the Public Records Law (Chapter 1 of Title 44 of the Louisiana Revised

1 Statutes of 1950), the Open Meetings Law (R.S. 42:11 et seq.), and the Code of
2 Governmental Ethics (Chapter 15 of Title 42 of the Louisiana Revised Statutes of
3 1950). Notwithstanding the provisions of R.S. 42:14, until thirty days prior to the
4 date the board is scheduled to consummate a final sale or lease of any immovable
5 property owned by the authority, the board may meet in executive session to discuss
6 negotiations between the authority and any prospective seller, purchaser, lessor, or
7 lessee of that property. R.S. 44:31 through 35 shall not apply to any records related
8 to the negotiations of or to the terms of such a sale or lease until thirty days prior to
9 the date the board is scheduled to consummate a final sale or lease. The board shall
10 give written public notice of its intention to consummate a final sale or lease at least
11 thirty days prior to the date on which the board intends to take such action. This
12 notice shall comply with the procedural provisions of R.S. 42:19.

13 H. The authority, through the board, shall have all powers necessary or
14 convenient to carry out and effectuate the purposes and provisions of this Chapter,
15 including but not limited to the following:

16 (1) To sue and be sued and as such to stand in judgment.

17 (2) To adopt, use, and alter at will a corporate seal.

18 (3) To acquire by gift, grant, purchase, or lease, and to hold and use any
19 property, immovable, moveable, mixed, corporeal, or incorporeal, or any interest
20 therein, necessary or desirable for carrying out the objects and purposes of the
21 authority, and to engage in any action, such as the purchase of insurance, necessary
22 or desirable for the maintenance or improvement of such property.

23 (4)(a) To sell, lease for a term of up to ninety-nine years, exchange, or
24 otherwise dispose of or transfer to, or with, other political subdivisions of this state
25 or public or private persons at public or private sale any residential, commercial,
26 industrial, or subdivision land, property, improvements, or portions thereof,
27 including real property, which is, in the opinion of the board, appropriate to
28 accomplish the objectives and purposes of the authority.

1 **(b) Prior to any sale, lease, conveyance, disposition, or transfer of property**
2 **pursuant to this Paragraph, the authority shall fix the price and terms of the sale,**
3 **lease, exchange, or other contract to be made with reference to the property. Such**
4 **sale, lease, conveyance, disposition, or transfer shall comply with the terms and**
5 **provisions of this Chapter.**

6 **(c) Any sale of industrial land, as defined by Chapter 8 of Title 51 of the**
7 **Louisiana Revised Statutes and the statutes referenced therein, shall be in accordance**
8 **with laws providing for the disposition or transfer of such land.**

9 **(d) Other than the requirements of this Chapter, no other law limiting or**
10 **regulating the form or manner of the sale, lease, conveyance, disposition, or transfer**
11 **of property by public bodies, including without limitation R.S. 41:1338, shall apply**
12 **to the sale, lease, conveyance, disposition, or transfer of property by the authority.**
13 **All such sales, leases, conveyance, dispositions, or transfers of property remain**
14 **subject to the limitations imposed by the Constitution of Louisiana.**

15 **(5) To convey to the United States, the state, or to any political subdivision**
16 **of the state any land, property, right-of-way, easement, servitude, or other thing of**
17 **value, which the authority may own or acquire, for use by such governmental entity**
18 **to accomplish the objectives and purposes of the authority, pursuant to the terms of**
19 **any appropriate cooperative endeavor agreement.**

20 **(6) To make and collect reasonable charges for the use of property of the**
21 **authority and for services rendered by the authority and to regulate fees or rentals**
22 **charged for use of privately owned facilities located on property owned or sold by**
23 **the authority when such facilities are offered for use by the public or by a private**
24 **industrial, commercial, research, or other economic development entity or activity.**

25 **(7) To enter into contracts and agreements with public bodies or public or**
26 **private entities to achieve the authority's objectives and purposes, including but not**
27 **limited to contracts for professional, legal, and other services and for the purchase,**
28 **lease, acquisition, sale, construction, operation, maintenance, marketing, and**

1 improvement of land, public works, and facilities, as the board may deem necessary
2 or convenient to accomplish the objectives and purposes of the authority.

3 (8) To plan, develop, regulate, operate, and maintain activities and planned
4 land uses to foster creation of new jobs, economic development, industry, health
5 care, general public and social welfare, commerce, manufacturing, tourism,
6 relocation of people and businesses to the area, shipbuilding, aviation, military,
7 warehousing, transportation, offices, recreation, housing development, and
8 conservation.

9 (9) To acquire land and improvements to construct, operate, and maintain
10 facilities, improvements, and infrastructure, including buildings, roads, bridges,
11 drainage, and utilities, and to perform other functions and activities on property
12 owned or leased by the authority to accomplish the objectives and purposes of the
13 authority. However, the authority is prohibited from constructing, operating, or
14 maintaining any water, electric, or gas utility facilities which duplicate, curtail,
15 impair, or directly compete with a regulated water, electric, or gas utility facility
16 operating in or adjacent to the property owned or leased by the authority.

17 (10) To require and issue licenses.

18 (11) To develop, activate, construct, exchange, acquire, improve, repair,
19 operate, maintain, lease, mortgage, sell, and grant a security device affecting the
20 movable and immovable property, servitudes, facilities, and works within the
21 jurisdiction of the authority under such terms and conditions as the board may deem
22 necessary or appropriate for any public purpose, including industrial, residential,
23 subdivision, and commercial development.

24 (12) To borrow money and to pledge or grant a security device affecting all
25 or part of its revenues, leases, rents, and other advantages as security for such loans.

26 (13) To appoint officers, agents, and employees, prescribe their duties, and
27 fix their compensation.

28 (14) To undertake and carry out redevelopment projects and related
29 activities.

1 (15) To apply for and accept advances, leases, grants, contributions, and any
2 other form of financial assistance from the federal government, the state, parish of
3 Caddo, city of Shreveport, or other public bodies, or from any sources, public or
4 private, for the purposes of this Chapter, and to give such security as may be required
5 and to enter into and carry out contracts or agreements in connection therewith; and
6 to include in any contract for financial assistance with the federal government such
7 conditions imposed pursuant to federal laws as the board may deem reasonable and
8 appropriate and which are not inconsistent with the purposes of this Chapter.

9 (16) To make or have made all surveys and plans necessary to the carrying
10 out of the purposes of this Chapter and to adopt or approve, modify, and amend such
11 plans, which plans may include but are not limited to:

12 (a) Plans for carrying out a program of voluntary or compulsory repair and
13 rehabilitation of buildings and improvements.

14 (b) Plans for the enforcement of state and local laws, codes, and regulations
15 relating to the use of land and the use and occupancy of buildings and improvements
16 and to the compulsory repair, rehabilitation, demolition, or removal of buildings and
17 improvements.

18 (c) Appraisals, title searches, surveys, studies, and other plans and work
19 necessary to prepare for the undertaking of redevelopment projects and related
20 activities.

21 (17) To develop, test, and report methods and techniques and carry out
22 demonstrations and other activities for the prevention and the elimination of slums
23 and urban blight, including developing and demonstrating new or improved means
24 of providing housing or continuing care, assisted living, or independent living or
25 other similar type housing for elderly or retired persons or other persons desiring
26 such housing facilities.

27 (18) To make and from time to time amend and repeal bylaws, orders, rules,
28 and regulations in order to effectuate the provisions of this Chapter.

1 (19) To exercise all or any part or combination of powers herein granted by
2 this Chapter.

3 (20) The authority shall not be deemed to be an instrumentality of the state
4 for purposes of Article X, Section 1(A) of the Constitution of Louisiana.

5 (21) To purchase property at a sale conducted pursuant to enforcement of
6 judicial mortgages created in accordance with R.S. 13:2575(C) by tendering a bid
7 equal to or greater than the minimum bid advertised, which bid may be a credit bid
8 consisting of the obligation of the authority to satisfy the bid by payment to the
9 political subdivision holding the lien being enforced in accordance with
10 intergovernmental agreements between the authority and such political subdivision.
11 Such a bid shall be given priority over all other bids regardless of amount, except for
12 a higher bid submitted by a conventional mortgage holder holding a mortgage on the
13 subject property.

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

1 (2) All property of the authority, including funds owned or held by it for the
2 purpose of this Chapter, shall be exempt from levy and sale by virtue of an
3 execution, and no execution or other judicial process shall issue against the same, nor
4 shall judgment against the city of Shreveport or the authority be a charge or lien
5 upon such property. However, the provisions of this Subsection shall not apply to
6 or limit the right of obligees to pursue any remedies for the enforcement of any
7 pledge or lien given pursuant to this Chapter by the authority on its rents, fees,
8 grants, or revenues.

9 J.(1) The authority may purchase adjudicated properties within its territorial
10 jurisdiction from any political subdivision of the state of Louisiana. No such
11 purchase shall be construed to, or otherwise have the effect of, extending or
12 suspending the period prescribed by law for the redemption of the property by the
13 tax debtor or any other person.

14 (2) In addition to the authority set forth in Subpart B of Part IV of Chapter
15 5 of Subtitle III of Title 47 of the Louisiana Revised Statutes of 1950, such purchases
16 by the authority may be by a direct negotiated purchase and sale agreement between
17 the authority and a political subdivision without any other requirement of a public
18 sale prior to the transfer of such properties to the authority. Such purchases by the
19 authority shall not be considered the sale of surplus property or of property owned
20 by the political subdivision.

21 (3) Effective upon the recordation of the transfer of an adjudicated property
22 to the authority pursuant to a purchase and sale agreement, the rights of the authority
23 in and to such property shall be the rights of a purchaser at a tax sale as contemplated
24 by Chapter 5 of Subtitle III of Title 47 of the Louisiana Revised Statutes of 1950,
25 subject only to the rights of redemption of the property set forth in Article VII,
26 Section 25(B) of the Constitution of Louisiana, and the property shall no longer be
27 deemed to be adjudicated property as of such recordation. For purposes of the right
28 of redemption in Article VII, Section 25(B) of the Constitution of Louisiana, the

1 three-year period commences on the date of the recordation of the initial adjudication
2 to the political subdivision and not on the date of transfer to the authority.

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

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

9 (6)(a) The authority shall have the right, subject to the provisions of this
10 Section, to purchase properties at tax sales conducted in accordance with Part III of
11 Chapter 5 of Subtitle III of Title 47 of the Louisiana Revised Statutes of 1950, and
12 any and all such purchases shall be a purchase pursuant to those provisions and not
13 an adjudication to a political subdivision.

14 (b) Notwithstanding the provisions of Chapter 5 of Subtitle III of Title 47 of
15 the Louisiana Revised Statutes of 1950, the authority may tender a bid at a tax sale
16 which is a credit bid, consisting of the obligation of the authority to satisfy the
17 component parts of the bid by payments to the respective political subdivisions and
18 taxing entities in accordance with intergovernmental agreements between the
19 authority and such political subdivisions and taxing entities.

20 (7) The authority shall submit annual reports to the House Committee on
21 Municipal, Parochial and Cultural Affairs and the Senate Committee on Local and
22 Municipal Affairs and each member of the Shreveport legislative delegation
23 concerning property purchased by the authority. Such report shall be filed by March
24 first each year and shall cover the previous calendar year. Each report shall include:

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

27 (b) The amount paid for each property.

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

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

3 K.(1) The authority shall have the power to create and execute
4 redevelopment or development plans for specified areas within its territorial
5 jurisdiction. The implementation of all such plans shall not proceed until, to the
6 extent required by law, the authority has obtained the approval of the local planning
7 commission or zoning board. In the execution of such a redevelopment plan, the
8 authority shall have the powers provided in this Subsection. The fact that a certain
9 power is expressed or implied in this Paragraph as pertinent to the authority's
10 execution of a redevelopment plan shall not suggest or imply that such power is
11 otherwise denied to the authority.

12 (2) A redevelopment plan shall include a definition of the redevelopment
13 area. This area, or any part thereof, may be further designated as a subdistrict of the
14 authority.

15 (3) The authority may sell, lease, exchange, or otherwise transfer immovable
16 property or any interest therein acquired by it for residential, recreational,
17 commercial, industrial, or other uses or for public use, subject to such covenants,
18 conditions, and restrictions, including covenants running with the land, as it may
19 deem to be necessary or desirable to assist in carrying out the purposes of this
20 Chapter. The purchasers or lessees and their successors and assigns shall be
21 obligated to devote such immovable property only to the uses as the authority may
22 determine to be in the public interest, including the obligation to begin within a
23 reasonable time any improvements on such immovable property. Such immovable
24 property or interest shall be sold, leased, exchanged, or otherwise transferred at not
25 less than its fair value for uses in accordance with the redevelopment or development
26 plan. In determining the fair value of immovable property for uses in accordance
27 with the redevelopment or development plans, the authority shall take into account
28 and give consideration to the use provided in such plan; the restrictions upon and the
29 covenants, conditions, and obligations assumed by the purchaser or lessee; and the

1 objectives of such plan. The authority, in any instrument of conveyance to a private
2 purchaser or lessee, may provide that such purchaser or lessee shall be without power
3 to sell, lease, exchange, or otherwise transfer the immovable property without the
4 prior written consent of the authority until such purchaser or lessee has completed
5 the construction of any and all improvements which he has obligated himself to
6 construct thereon. Immovable property acquired in accordance with the provisions
7 of the plan shall be transferred as rapidly as feasible in the public interest, consistent
8 with the carrying out of the provisions of the project plan. Such plan and any
9 substantial modification of such plan shall be filed as a public record in the office of
10 the clerk of the parish, and any conveyances, encumbrances, or other contracts may
11 incorporate the provisions thereof by reference which shall afford notice thereof to
12 all parties.

13 (4) The authority may dispose of, sell, exchange, or lease immovable
14 property in a redevelopment area to any private person for the fair market value of
15 the property as determined by a certified and competent appraiser, or to any private
16 person pursuant to reasonable competitive bidding procedures as it shall prescribe
17 subject to the provisions set forth in this Paragraph. Such reasonable bidding
18 procedures must include public notice, by publication once each week for two
19 consecutive weeks in a newspaper having a general circulation in the community,
20 inviting proposals from and making available all pertinent information to private
21 redevelopers or any persons interested in undertaking to redevelop or rehabilitate a
22 redevelopment area or any part thereof. Such notice shall identify the area, or
23 portion thereof, and shall state that proposals shall be made by those in interest
24 within thirty days after publication of such notice, and that such further information
25 as is available may be obtained at such office as shall be designated in the notice.
26 The board shall consider all such redevelopment or rehabilitation proposals and the
27 financial and legal ability of the persons making such proposals to carry them out,
28 and may negotiate with any persons for proposals for the purchase, lease, or other
29 transfer of any immovable property acquired by the authority in the redevelopment

1 area. The board may accept such proposals as it deems to be in the public interest
2 and in furtherance of the purposes of this Chapter. Such notice, and all contracts to
3 sell, lease, exchange, or otherwise transfer immovable property under the provisions
4 of this Chapter, shall be a public record and shall include the name of the redeveloper
5 or purchaser, together with the names of its officers, principal members or
6 shareholders, investors and other interested parties, the redeveloper's estimate of the
7 cost of any residential development and rehabilitations, and the redeveloper's
8 estimate of rentals and sales prices of any proposed housing involved in such
9 redevelopment and rehabilitation. Thereafter, the board may execute such contracts
10 in accordance with the provisions of this Chapter and deliver acts of sale, leases, and
11 other instruments and take all steps necessary to effectuate such contracts.

12 (5) The authority may temporarily operate, maintain, or lease immovable
13 property acquired by it in a redevelopment area for or in connection with a
14 redevelopment project pending disposition of the property as authorized in this
15 Chapter for such uses and purposes as may be deemed desirable even though not in
16 connection with the redevelopment plan.

17 (6) Any immovable property within a redevelopment area acquired pursuant
18 to Subsection J of this Section may be disposed of without regard to the other
19 provisions of this Chapter. Immovable property acquired in accordance with the
20 redevelopment plan may be disposed of to a public body for public reuse without
21 regard to the provisions of this Subsection.

22 (7) Notwithstanding any other provisions of this Chapter where an area in
23 the city of Shreveport is designated as a redevelopment area under the Federal Area
24 Redevelopment Act (Public Law 87-27), or any Act supplementary thereto, land in
25 a redevelopment project area designated under the redevelopment plan for industrial
26 or commercial uses may be disposed of to any public body or nonprofit corporation
27 for subsequent disposition as promptly as practical by the public body or corporation
28 for redevelopment in accordance with the redevelopment plan, and only the
29 purchaser from or lessee of the public body or corporation, and their assignees, shall

1 be required to assume the obligation of beginning the building of improvements
2 within a reasonable time. Any disposition of land to a public body or corporation
3 under this Paragraph shall be at its fair value for uses in accordance with the
4 redevelopment plan.

5 L.(1) The authority may, in the implementation of a redevelopment plan,
6 create one or more subdistricts to conduct, oversee, or assist in the implementation
7 of such redevelopment plan. The boundaries of such a subdistrict may include all
8 or part of the redevelopment area. Such a subdistrict shall have and exercise such
9 powers and responsibilities as the authority shall specify in the enabling resolution.
10 The full extent of such powers and responsibilities may include such powers as the
11 authority itself may exercise, and such other powers as are given to the subdistrict
12 by this Paragraph or any other law, but any exercise of such powers by the subdistrict
13 shall be confined solely to the geographical limits of the subdistrict. Such a
14 subdistrict may be established to exist at the pleasure of the authority, or for any
15 period of time, or until the happening of any occurrence or occurrences, that the
16 authority may specify.

17 (2) The creation of a subdistrict shall in no instance result in the detachment,
18 severance, or loss of any power or responsibility granted to the authority by this
19 Chapter, and within the confines of any subdistrict, the authority shall have full
20 jurisdiction, concurrent with that of the subdistrict, to exercise such powers and
21 responsibilities. The fact that a certain power is expressed or implied in this
22 Paragraph as pertinent to a subdistrict's conduct, oversight, or assistance in the
23 implementation of the redevelopment plan shall not suggest or imply that such power
24 is otherwise denied to the authority. However, the authority and its subdistricts shall
25 not, collectively, have any greater power to tax than that granted, in the first instance,
26 to the authority alone.

27 (3) Unless otherwise specified in the resolution or other formal act creating
28 the subdistrict, the board members of the authority shall constitute the governing
29 authority of the subdistrict.

1 (4) Unless otherwise specified in the resolution or other formal act creating
2 the subdistrict, the subdistrict shall be a distinct and separate juridical entity, and the
3 rights, interests, and liabilities of the subdistrict shall not under any circumstances
4 be considered those of the authority.

5 (5) In addition to the other powers it may be granted, a subdistrict may
6 enjoy, within its geographical boundaries, the powers of tax increment financing, the
7 issuance of revenue bonds, and those other powers that may be exercised by an
8 economic development district created by a local governmental subdivision pursuant
9 to R.S. 33:9038.32. The subdistrict shall remain subject to all limitations and
10 reservations applicable to the powers of the authority.

11 M. All banks, trust companies, bankers, savings banks and institutions,
12 building and loan associations, savings and loan associations, investment companies,
13 and other persons carrying on a banking or investment business; all insurance
14 companies, insurance associations, and other persons carrying on an insurance
15 business; and all executors, administrators, curators, trustees, and other fiduciaries
16 may legally invest any sinking funds, monies, or other funds belonging to them or
17 within their control in any bonds or other obligations issued by the authority pursuant
18 to this Chapter. Bonds and other obligations shall be authorized security for all
19 public deposits. It is the purpose of this Subsection to authorize any public or private
20 persons, political subdivisions, and officers, public or private, to use any funds
21 owned or controlled by them for the purchase of any bonds or other obligations.
22 Nothing contained in this Subsection with regard to legal investments shall be
23 construed as relieving any persons of any duty of exercising reasonable care in
24 selecting securities.

25 N. For the purpose of aiding in the planning, undertaking, or carrying out of
26 a redevelopment or development project and related activities authorized by this
27 Chapter, any public body may, upon such terms, with or without consideration as it
28 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 (2) Incur the entire expense of any public improvements made by such
4 public body.

5 (3) Do any and all things necessary to aid or cooperate in the planning or
6 carrying out of a redevelopment plan and related activities.

7 (4) Lend, grant, or contribute funds to the authority in accordance with an
8 appropriate cooperative endeavor agreement and borrow money and apply for and
9 accept advances, loans, grants, contributions, and any other form of financial
10 assistance from the government of the United States, the state of Louisiana, parish
11 of Caddo, city of Shreveport, or other public body, or from any other source.

12 (5) Enter into agreements which may extend over any period
13 notwithstanding any provision or rule of law to the contrary with the federal
14 government or other public body respecting action to be taken pursuant to any of the
15 powers granted by this Chapter, including the furnishing of funds or other assistance
16 in connection with a redevelopment project and related activities.

17 (6) Cause public buildings and public facilities, including parks,
18 playgrounds, recreational, community, educational, water, sewer, or drainage
19 facilities, or any other works which it is otherwise empowered to undertake to be
20 furnished; furnish, dedicate, close, vacate, pave, install, grade, regrade, plan, or
21 replan streets, roads, sidewalks, ways, or other places; plan or replan, zone or rezone,
22 or make exceptions from building regulations.

23 O. Any instrument executed, in proper form and with proper certification of
24 authority, by the authority purporting to convey any right, title, or interest in any
25 property under this Chapter shall be conclusively presumed to have been executed
26 in compliance with provisions of this Chapter insofar as title or other interest of any
27 bona fide purchasers, lessees, or transferees of the property is concerned.

28 P. As used in this Chapter, the following terms shall have the meaning herein
29 ascribed to them.

1 (1) "Bonds" means any bonds, notes, interim certificates, certificates of
2 indebtedness, debenture, or other obligation.

3 (2) "Federal government" means any department, agency, or instrumentality,
4 corporate or otherwise, of the United States of America.

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

10 (4) "Public body" means the state, any parish and any city and any board,
11 authority, agency, district, subdivision, department, or instrumentality, corporate or
12 otherwise, of the state, parish, or city.

13 (5) "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 Q. Insofar as the provisions of this Chapter are inconsistent with the
17 provisions of any other law, the provisions of this Chapter shall be controlling.
18 However, the authority shall be subject to the provisions of the Local Government
19 Fair Competition Act, R.S. 45:844.41 et seq. The authority conferred by this Chapter
20 shall be in addition and supplemental to the powers conferred by any other law.

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

1 (3) The authority may file a single petition with the district court to expedite
2 foreclosure under this Subsection listing all property subject to expedited foreclosure
3 by the authority and for which the authority seeks to quiet title. If available to the
4 authority, the list of properties shall include a legal description of, a tax parcel
5 identification number for, and the street address of each parcel of property. The
6 petition shall seek a judgment in favor of the authority against each property listed
7 and shall include a date, within ninety days of filing, on which the authority requests
8 a hearing on the petition. The petition shall request that a judgment be entered
9 vesting absolute title in the authority for each parcel of property listed, as provided
10 in this Paragraph. Prior to the entry of judgment under this Paragraph, the authority
11 may request the court to remove property erroneously included in the petition or any
12 tax delinquent properties redeemed prior to the hearing.

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

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

1 foreclosure or to ascertain an address necessary to correct a deficiency in notice
2 under this Subsection:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21 (11) If a petition for expedited quiet title and foreclosure is filed under
22 Paragraph (3) of this Subsection, before the hearing, the authority shall file with the
23 clerk of the district court proof of notice by certified mail under Paragraph (6) of this
24 Subsection, proof of notice by posting on the property under Paragraph (7) of this
25 Subsection, and proof of notice by publication, if applicable. A person claiming an
26 interest in a parcel of property set forth in the petition for foreclosure, including a
27 current holder of a conventional mortgage, who desires to contest that petition shall
28 file written objections with the clerk of the district court and serve those objections
29 on the authority before the date of the hearing. A holder of a conventional mortgage

1 may object to the action and is entitled to a dismissal of the proceedings by the
2 district court upon a showing that it is the holder of a legally enforceable
3 conventional mortgage and upon payment of the outstanding amount of any liens,
4 taxes, and related costs. The district court may appoint and utilize as the court
5 considers necessary a curator for assistance with the resolution of any objections to
6 the foreclosure or questions regarding the title to property subject to foreclosure. If
7 the court withholds property from foreclosure, the authority's ability to include the
8 property in a subsequent petition for expedited quiet title and foreclosure is not
9 prejudiced. No injunction shall issue to stay an expedited quiet title and foreclosure
10 action under this Subsection. The district court shall enter judgment on a petition to
11 quiet title and foreclosure filed under Paragraph (3) of this Subsection not more than
12 ten days after the conclusion of the hearing or contested case, and the judgment shall
13 become effective ten days after the conclusion of the hearing or contested case. The
14 district court's judgment shall specify all of the following:

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

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

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

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

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

27 (f) A finding that all persons entitled to notice and an opportunity to be heard
28 have been provided that notice and opportunity. A person shall be deemed to have
29 been provided notice and an opportunity to be heard if the authority followed the

1 procedures for provision of notice by mail, by visits to property subject to expedited
2 quiet title and foreclosure, and by publication under this Subsection, or if one or
3 more of the following apply:

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

7 (ii) The person appeared at the hearing or submitted written objections to the
8 district court under this Subsection prior to the hearing.

9 (iii) Prior to the hearing under this Paragraph, the person had actual notice
10 of the hearing.

11 (12) Except as otherwise provided in Subparagraph (11)(e) of this
12 Subsection, title to property set forth in a petition for foreclosure filed under
13 Paragraph (3) of this Subsection shall vest absolutely in the authority upon the
14 effective date of the judgment by the district court, and the authority shall have
15 absolute title to the property. The authority's title shall not be subject to any
16 recorded or unrecorded lien, except as provided in Paragraph (11) of this Subsection,
17 and shall not be stayed or held invalid, except as provided in Paragraph (13) of this
18 Subsection. A judgment entered under this Subsection is a final order with respect
19 to the property affected by the judgment and shall not be modified, stayed, or held
20 invalid after the effective date of the judgment, except as provided in Paragraph (13)
21 of this Subsection.

22 (13) The authority or a person claiming to have a property interest under
23 Paragraph (2) of this Subsection in property foreclosed under this Subsection may,
24 within twenty-one days of the effective date of the judgment under Paragraph (11)
25 of this Subsection, appeal the district court's order or the district court's judgment
26 foreclosing property to the court of appeals. The appeal of the judgment shall be
27 entitled to preference and priority and shall be handled on an expedited basis by the
28 court of appeal and, if applicable, the Louisiana Supreme Court. In such cases, the
29 record shall be prepared and filed within fifteen days of the granting of the order of

1 appeal. The court of appeal shall hear the case within thirty days after the filing of
2 the appellee's brief. An appeal under this Paragraph is limited to the record of the
3 proceedings in the district court under this Subsection. The district court's judgment
4 foreclosing property shall be stayed until the court of appeals has reversed, modified,
5 or affirmed that judgment. If an appeal under this Paragraph stays the district court's
6 judgment foreclosing property, the district court's judgment is stayed only as to the
7 property that is the subject of that appeal, and the district court's judgment
8 foreclosing other property that is not the subject of that appeal is not stayed. To
9 appeal the district court's judgment foreclosing property, a person appealing the
10 judgment shall pay to the authority any taxes, interest, penalties, and fees due on the
11 property and provide notice of the appeal to the authority within twenty-one days
12 after the district court's judgment becomes effective. If the district court's judgment
13 foreclosing the property is affirmed on appeal, the amount determined to be due shall
14 be refunded to the person who appealed the judgment. If the district court's
15 judgment foreclosing the property is reversed or modified on appeal, the authority
16 shall refund the amount determined to be due to the person who appealed the
17 judgment, if any, and forward the balance to the appropriate taxing jurisdictions in
18 accordance with the order of the court of appeals.

19 (14) The authority shall record a notice of judgment for each parcel of
20 foreclosed property in the office of the register of conveyances. If the authority
21 records a notice of judgment in error, the authority may subsequently record a
22 certificate of correction. A notice or certificate under this Paragraph need not be
23 notarized and may be authenticated by a digital signature or other electronic means.
24 After the entry of a judgment foreclosing the property under this Subsection, if the
25 property has not been transferred by the authority, the authority may cancel the
26 foreclosure by recording with the register of conveyances a certificate of error, if the
27 authority discovers any of the following:

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

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

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

10 (15) If a judgment of foreclosure is entered under Paragraph (11) of this
11 Subsection, and all existing recorded and unrecorded interests in a parcel of property
12 are extinguished as provided in Paragraph (11) of this Subsection, the owner of any
13 extinguished recorded or unrecorded interest in that property who claims that he did
14 not receive notice of the expedited quiet title and foreclosure action shall not bring
15 an action for possession of the property against any subsequent owner but may only
16 bring an action to recover monetary damages from the authority as provided in this
17 Paragraph. The district court has original and exclusive jurisdiction in any action to
18 recover monetary damages under this Paragraph. An action to recover monetary
19 damages under this Paragraph shall not be brought more than two years after a
20 judgment for foreclosure is entered under Paragraph (11) of this Subsection. Any
21 monetary damages recoverable under this Paragraph shall be determined as of the
22 date a judgment for foreclosure is entered under Paragraph (11) of this Subsection
23 and shall not exceed the fair market value of the interest in the property held by the
24 person bringing the action under this Subsection on that date, less any taxes, interest,
25 penalties, and fees owed on the property as of that date. The right to sue for
26 monetary damages under this Paragraph shall not be transferable except by testate
27 or intestate succession.

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

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

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

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

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

16 (19) It is the intent of the legislature that the provisions of this Subsection
17 relating to the expedited quiet title and foreclosure of property by the authority
18 satisfy the minimum requirements of due process required under the Constitution of
19 Louisiana and the Constitution of the United States but that the provisions do not
20 create new rights beyond those required under the Constitution of Louisiana or the
21 Constitution of the United States. The failure of the authority to follow a
22 requirement of this Section relating to the expedited quiet title and foreclosure of
23 property held by the authority shall not be construed to create a claim or cause of
24 action against the authority unless the minimum requirements of due process
25 accorded under the Constitution of Louisiana or the Constitution of the United States
26 are violated.

27 (20) As used in this Subsection, "authorized representative" includes one or
28 more of the following:

- 1 (a) A title insurance company or agent licensed to conduct business in this
 2 state.
- 3 (b) An attorney licensed to practice law in this state.
- 4 (c) A person accredited in land title search procedures by a nationally
 5 recognized organization in the field of land title searching.
- 6 (d) A person with demonstrated experience in the field of searching land title
 7 records, as determined by the authority.
- 8 (21) As used in this Subsection, "district court" shall mean the First Judicial
 9 District Court.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 769 Reengrossed

2015 Regular Session

Burrell

Abstract: Creates the Shreveport Implementation and Redevelopment Authority to provide for the utilization of appropriate private and public resources to eliminate and prevent the development or spread of slum, blighted, and distressed areas. Defines the duties, liabilities, authority, and functions of such redevelopment authority.

Proposed law creates and provides for the Shreveport Implementation and Redevelopment Authority to provide for the utilization of appropriate private and public resources to eliminate and prevent the development or spread of slum, blighted, and distressed areas. Provides that the authority is a special district and political subdivision of the state. Provides that the authority shall be comprised of all of the territory located within the corporate limits of the city of Shreveport. Provides that the authority shall be activated and implemented by the city governing authority recognizing and confirming the appointment of the initial seven members of the board.

Proposed law provides that the Shreveport Implementation and Redevelopment Authority shall be governed by a seven-member board of commissioners, referred to as the "board" in proposed law, three of whom shall be appointed as follows:

- (1) One member from a list of three nominees submitted to the mayor by the governing authority of the parish of Caddo.
- (2) One member from a list of three nominees submitted to the mayor by the city of Shreveport's community development department. Requires that such person be dedicated to providing housing in the city of Shreveport as determined by the department.
- (3) One member from a list of eight nominees, with one nominee submitted to the mayor by each of the following persons: the Louisiana state senators who represent Senate Districts 37, 38, and 39 and the Louisiana state representatives who represent House District 2, 3, 4, 5, and 6.

Proposed law requires that each board member be a citizen of the U.S., a domiciliary of and a qualified voter in the city of Shreveport for at least one year preceding the date of appointment and shall remain a domiciliary of and a qualified voter of such jurisdiction during the entirety of the term of office. Additionally requires that each board member be of good character and possess some skill, knowledge, or experience that will prove useful in the accomplishment of the goals of the authority.

Proposed law requires members of the board to serve without compensation, but authorizes the board to reimburse any member for expenses actually incurred in the performance of duties on behalf of the authority.

Proposed law provides that all actions of the board shall be approved by the affirmative vote of a majority of the members present and voting. Provides however, that no action of the board shall be authorized on the following matters unless approved by a majority of the total board membership:

- (1) Adoption of bylaws and other rules and regulations for conduct of the authority's business.
- (2) Hiring or firing of any employee or contractor of the authority. Provides that this function may by majority vote be delegated by the board to a specified officer or committee of the authority, under such terms and conditions, and to the extent, that the board may specify.
- (3) Adoption or amendment of the annual budget.
- (4) Sale, lease, encumbrance, or alienation of property, improvements, or personal property with an assessed value of more than \$50,000.

Proposed law provides that the authority, through the board, shall have all powers necessary or convenient to carry out its objectives and purposes, including but not limited to the following:

- (1) To sue and be sued and as such to stand in judgment.
- (2) To adopt, use, and alter at will a corporate seal.
- (3) To acquire, hold, and use any property.
- (4) To convey to the U.S., the state, or to any political subdivision of the state any property or other thing of value for use by the governmental entity to accomplish the objectives and purposes of the authority, pursuant to the terms of any appropriate cooperative endeavor agreement.
- (5) To make and collect reasonable charges for the use of property of the authority and for services rendered by the authority and to regulate fees or rentals charged for use of privately owned facilities located on property owned or sold by the authority when such facilities are offered for use by the public or by a private industrial, commercial, research, or other economic development entity or activity.
- (6) To require and issue licenses.
- (7) To borrow money and to pledge or grant a security device affecting all or part of its revenues, leases, rents, and other advantages as security for such loans.
- (8) To appoint officers, agents, and employees, prescribe their duties, and fix their compensation.

Proposed law provides that the authority shall not be deemed to be an instrumentality of the state for purposes of the state civil service provisions of the state constitution.

Proposed law provides that the authority shall not be required to pay any taxes. Provides that any bonds, certificates, or other evidences of indebtedness issued by the authority and the income therefrom shall be exempt from taxation by the state and by any parish, municipality, or other political subdivision of the state.

Proposed law authorizes the authority to purchase adjudicated properties within its jurisdiction from any political subdivision of the state. Provides that no such purchase shall be construed to, or otherwise have the effect of, extending or suspending the period prescribed by law for the redemption of the property by the tax debtor or any other person.

Proposed law provides that the authority shall have the power to create and execute redevelopment or development plans for specified areas within its jurisdiction. Provides that the implementation of all such plans shall not proceed until, to the extent required by law, the authority has obtained the approval of the local planning commission or zoning board. Provides that a redevelopment plan shall include a definition of the redevelopment area. Provides that the area, or any part thereof, may be further designated as a subdistrict of the authority.

Proposed law authorizes the authority to sell, lease, or otherwise transfer immovable property or any interest therein acquired by it in redevelopment areas for residential, recreational, commercial, industrial, or other uses or for public use, in accordance with the redevelopment plan, subject to such covenants, conditions, and restrictions, including covenants running with the land, as it may deem to be necessary or desirable to assist in preventing the development or spread of future slums or blighted areas or to provide for the elimination thereof or to otherwise carry out the purposes of proposed law.

Proposed law authorizes the authority to dispose of, sell, or lease immovable property in a redevelopment area to any private person for the fair market value of the property as determined by a certified and competent appraiser, or to any private person pursuant to reasonable competitive bidding procedures as it shall prescribe subject to the provisions of proposed law. Requires public notice of such bidding procedures.

Proposed law authorizes the authority to temporarily operate, maintain, or lease property acquired by it in a redevelopment area for or in connection with a redevelopment project pending disposition of the property for such uses and purposes as may be deemed desirable even though not in connection with the redevelopment plan.

Proposed law provides that any property within a redevelopment area may be disposed of without regard to the provisions of proposed law. Provides that property acquired in accordance with a redevelopment plan may be disposed of to a public body for public reuse without regard to the provisions of proposed law.

Proposed law provides that where an area in the city is designated as a redevelopment area under the Federal Area Redevelopment Act (Public Law 87-27), or any act supplementary thereto, land in a redevelopment project area designated under the redevelopment plan for industrial or commercial uses may be disposed of to any public body or nonprofit corporation for subsequent disposition as promptly as practical by the public body or corporation for redevelopment in accordance with the redevelopment plan.

Proposed law authorizes the authority to, in the implementation of a redevelopment plan, create a subdistrict(s) to conduct, oversee, or assist in the implementation of such redevelopment plan. Provides that the boundaries of such a subdistrict may include all or part of the redevelopment area and provides that such a subdistrict shall have and exercise such powers and responsibilities as the authority shall specify in the enabling resolution. Provides that unless otherwise specified in the resolution or other formal act creating the

subdistrict, the board members of the authority shall constitute the governing authority of the subdistrict.

Proposed law provides that the creation of a subdistrict shall in no instance result in the detachment, severance, or loss of any power or responsibility granted to the authority by and within the confines of any subdistrict the authority shall have full jurisdiction, concurrent with that of the subdistrict, to exercise said powers and responsibilities. Provides that the board members of the authority shall be the governing authority of the subdistrict.

Proposed law provides that all banks, trust companies, bankers, savings banks and institutions, building and loan associations, savings and loan associations, investment companies, and other persons carrying on a banking or investment business; all insurance companies, insurance associations, and other persons carrying on an insurance business; and all executors, administrators, curators, trustees, and other fiduciaries may legally invest any sinking funds, monies, or other funds belonging to them or within their control in any bonds or other obligations issued by the authority.

Proposed law provides that bonds and other obligations shall be authorized security for all public deposits. Provides that it is the purpose of proposed law to authorize any public or private persons, political subdivisions, and officers, public or private, to use any funds owned or controlled by them for the purchase of any bonds or other obligations. Provides that nothing contained in proposed law with regard to legal investments shall be construed as relieving any persons of any duty of exercising reasonable care in selecting securities.

Proposed law provides that any instrument executed, in proper form and with proper certification of authority, by an authority purporting to convey any right, title, or interest in any property pursuant to proposed law shall be conclusively presumed to have been executed in compliance with provisions of proposed law insofar as title or other interest of any bona fide purchasers, lessees, or transferees of the property is concerned.

Proposed law provides that insofar as the provisions of proposed law are inconsistent with the provisions of any other law, the provisions of proposed law shall be controlling. Provides however, that the authority shall be subject to the provisions of the Local Government Fair Competition Act, R.S. 45:844.41 et seq. Additionally provides that the authority conferred by proposed law shall be in addition and supplemental to the powers conferred by any other law.

Proposed law further provides for an expedited procedure to enable the authority to more efficiently quiet title and initiate a foreclosure action regarding immovable property acquired by the authority.

Proposed law requires the authority to file a notice with the clerk of court regarding the property it is attempting to seize. Requires that the notice include the legal description of the property, the street address of the property (if any), the name, address, and telephone number of the authority, a statement that the property is subject to expedited quiet title proceeding and foreclosure, and a statement that any legal interests in the property may be extinguished by a district court order vesting title to the property in the authority. Provides for additional procedures if there is a deficiency in the notice.

Proposed law requires the authority, if it has reason to believe that a property subject to an expedited quiet title proceeding and foreclosure may be the site of environmental contamination, to provide the Dept. of Environmental Quality with any information in the possession of the authority that suggests such is the case.

Proposed law requires the authority, after recording the notice, to initiate a records search in order to determine the owners who have any interest in the property subject to the expedited procedure. Authorizes the authority to enter into a contract with or request from one or more authorized representatives a title search or other title product to identify the

owners of a property interest. Provides that the owner of a property interest is entitled to notice under proposed law if that owner's interest was identifiable by reference to any of the following sources before the date that the authority records the notice:

- (1) Land title records in the office of the recorder of mortgages and the register of conveyances.
- (2) Tax records in the office of the assessor.

Proposed law authorizes the authority to file a single petition with the district court which lists all of the property subject to expedited foreclosure. Requires the authority to request a hearing on the petition within 90 days seeking a judgment in favor of the authority against each property. Requires the clerk of the district court to immediately set the date, time, and place for the hearing not more than 10 days after the date requested by the authority in the petition.

Proposed law requires the authority to send notice of the hearing, not less than 30 days prior, by certified mail to any person identified as having an interest in the property subject to the expedited foreclosure proceeding. Requires the authority to also send notice via regular mail addressed to "Occupant" to each property subject to expedited foreclosure.

Proposed law further requires the authority, or its authorized representative, to post a written notice on each property at least 30 days prior to the expedited foreclosure hearing. Requires that each notice include specified information.

Proposed law requires the authority, if it is unable to provide the appropriate notice, to provide notice through publication for three consecutive weeks prior to the hearing on the matter in a newspaper published and circulated in the jurisdiction of the authority.

Proposed law requires the authority to file proof of the notice required by proposed law, proof of notice by posting on the property, if applicable, and proof of notice by publication, if applicable, with the clerk of the district court prior to the hearing. Requires any person who has an interest in the property subject to the expedited foreclosure to file written objections with the clerk and serve those objections on the authority prior to the hearing.

Proposed law requires the district court to enter judgment on the petition not more than 10 days following the conclusion of the hearing or contested case. Requires the judgment to specify certain information.

Proposed law provides that except as otherwise provided in proposed law, title to property set forth in a petition for foreclosure shall vest absolutely in the authority upon the effective date of the judgment by the district court. Provides that the authority shall have absolute title to the property and the title is not subject to any recorded or unrecorded lien, except as otherwise provided in proposed law and shall not be stayed or held invalid except as otherwise provided in proposed law. Provides that a judgment is a final order with respect to the property affected by the judgment and shall not be modified, stayed, or held invalid after the effective date of the judgment, except as otherwise provided in proposed law.

Proposed law provides that any person with an interest in the foreclosed property may appeal the district court's order or district court's judgment within 21 days following the effective date of the judgment. Provides that the appeal of the judgment shall be entitled to preference and priority and handled on an expedited basis by the court of appeal and, if applicable, the La. Supreme Court. Provides that in such cases, the record shall be prepared and filed within 15 days of the granting of the order of appeal. Requires the court of appeal to hear the case within 30 days after the filing of the appellee's brief. Further provides that an appeal is limited to the record of the proceedings in the district court. Provides that the district court's judgment foreclosing property shall be stayed until the court of appeals has reversed, modified, or affirmed that judgment.

Proposed law provides that if an appeal stays the district court's judgment foreclosing property, the district court's judgment is stayed only as to the property that is the subject of that appeal. Provides that the district court's judgment foreclosing other property that is not the subject of that appeal is not stayed. Requires a person appealing the judgment to pay to the authority any taxes, interest, penalties, and fees due on the property and to provide notice of the appeal to the authority within 21 days after the district court's judgment is effective. Provides that if the district court's judgment foreclosing the property is affirmed on appeal, the amount determined to be due shall be refunded to the person who appealed the judgment. Provides that if the district court's judgment foreclosing the property is reversed or modified on appeal, the authority shall refund the amount determined to be due to the person who appealed the judgment, if any, and forward the balance to the appropriate taxing jurisdictions in accordance with the order of the court of appeals.

Proposed law provides that it is the intent of the legislature that the provisions of proposed law relating to the expedited quiet title and foreclosure of property by the authority satisfy the minimum requirements of due process required under the state constitution and the U.S. Constitution. Provides that the provisions do not create new rights beyond those required under the state constitution or the U.S. Constitution. Provides that the failure of the authority to follow a requirement of proposed law shall not be construed to create a claim or cause of action against the authority unless the minimum requirements of due process accorded under the state constitution or the U.S. Constitution are violated.

(Adds R.S. 33:4720.301)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Municipal, Parochial and Cultural Affairs to the original bill:

1. Remove authority for the authority to acquire property by expropriation or any means other than gift, grant, purchase, or lease.

The House Floor Amendments to the engrossed bill:

1. Remove authority for the authority to levy sales and use and ad valorem taxes.
2. Remove provisions relative to the authority for the authority to issue bonds.
3. Remove provision that the authority's bid on property at a tax sale took priority over all other bids except those of a conventional mortgage holder.
4. Relative to quiet title and foreclosure actions, remove requirement that the authority's petition for title be a request for title without right of redemption.