

RÉSUMÉ DIGEST

ACT 432 (HB 769)

2015 Regular Session

Burrell

New law creates and provides for the Shreveport Implementation and Redevelopment Authority (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 political subdivision of the state comprised of all of the territory located within the corporate limits of the city of Shreveport.

New law provides that the authority is governed by a nine-member board of commissioners appointed by the mayor, six of whom are appointed from nominations as follows: one from a list of three names from the membership of the Greater Shreveport Chamber of Commerce, one from a list of three names from the membership of the Shreveport Bar Assoc., one from a list of three names from the membership of the Shreveport Chapter of the Society of La. Certified Public Accountants, one from a list of three names from the membership of The Community Foundation of North La., one member from a list of three names from the membership of the Northwest La. Assoc. of REALTORS, and one from a list of three names from the membership of the Home Builders Assoc. of Northwest La.

New law provides that members serve staggered five-year terms. 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.

New 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.

New law provides that no action of the board is authorized on the following matters unless approved by a majority of the total board membership: adoption of bylaws and other rules and regulations for conduct of the authority's business, hiring or firing of any employee or contractor of the authority, adoption or amendment of the annual budget, and sale, lease, encumbrance, or alienation of property with an assessed value of more than \$50,000.

New law provides that the authority has all powers necessary or convenient to carry out its objectives and purposes, including:

- (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.
- (5) To make and collect reasonable charges for the use of property and for services rendered and to regulate fees or rentals charged for use of privately owned facilities located on property owned or sold by the authority.
- (6) 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.
- (7) To appoint officers, agents, and employees, prescribe their duties, and fix their compensation.

New 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.

New law provides that the authority shall not be required to pay any taxes and does not have the power to expropriate, impose taxes, issue licenses, or issue bonds or otherwise incur debt.

New 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.

New law provides that the authority has the power to create and execute redevelopment or development plans for specified areas within its jurisdiction. Provides that the implementation of all such plans cannot 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 must include a definition of the redevelopment area.

New law authorizes the authority to sell, lease, or otherwise transfer immovable property in accordance with the redevelopment plan. New law authorizes such transfers of property to any private person for the fair market value or pursuant to reasonable competitive bidding procedures as the authority prescribes subject to the provisions of new law. Requires public notice of such bidding procedures.

New law authorizes the authority to temporarily operate, maintain, or lease property acquired in a redevelopment area for or in connection with a redevelopment project pending disposition of the property even though not in connection with the redevelopment plan.

New law provides that any property within a redevelopment area acquired as adjudicated property may be disposed of without regard to the provisions of new 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 new law.

New 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.

New law authorizes the authority to create subdistricts, conduct, oversee, or assist in the implementation of a 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 will have the powers and responsibilities as specified by the authority in the enabling resolution.

New 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 as follows:

- (1) Requires the authority to file a notice with the clerk of court regarding the pending expedited quiet title and foreclosure action. Requires that the notice include the legal description of the property, 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.
- (2) Requires the authority, if a property 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.
- (3) Requires the authority, after recording the notice, to initiate a records search to determine the owners of interest in the property. Provides that the owner of an identifiable property interest is entitled to notice under new law and specifies the meaning of identifiable for such purpose.

- (4) 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.
- (5) Requires the authority to send notice of the hearing to any person having an interest in the property. Requires the authority to also send notice addressed to "Occupant" to each property. Requires the authority to post a written notice on each property. 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 parish.
- (6) Requires the authority to file proof of the notice with the clerk of the district court prior to the hearing. Requires any person who has an interest in the property to file written objections with the clerk and to serve those objections on the authority prior to the hearing.
- (7) 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.
- (8) Provides that except as otherwise provided in new law, title to the property shall vest absolutely in the authority upon the effective date of the judgment by the district court. The title is not subject to any recorded or unrecorded lien, except as otherwise provided in new law and shall not be stayed or held invalid except as otherwise provided in new law.
- (9) Provides relative to appeals of the district court's order or judgment.
- (10) Provides that its provisions relating to the expedited quiet title and foreclosure are intended to satisfy the minimum requirements of due process required under the state constitution and the U.S. Constitution.

Effective August 1, 2015.

(Adds R.S. 33:4720.301)