

2017 Regular Session

SENATE BILL NO. 228

BY SENATOR BARROW

PARISHES. Provides for uniform minimum standards for mobile home parks in East Baton Rouge Parish. (gov sig)

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AN ACT

To enact Chapter 15-A of Title 33 of the Louisiana Revised Statutes of 1950, to be comprised of 33:5071 through 5075, relative to East Baton Rouge Parish; to provide with respect to mobile home parks; to require occupancy permits; to require reporting of violations; to provide for records and signage; to provide for enforcement; to provide for definitions; and to provide for related matters.

Notice of intention to introduce this Act has been published.

Be it enacted by the Legislature of Louisiana:

Section 1. Chapter 15-A of Title 33 of the Louisiana Revised Statutes of 1950, comprised of R.S. 33:5071 through 5075, is hereby enacted to read as follows:

CHAPTER 15-A EAST BATON ROUGE PARISH

MOBILE HOME PARK SAFETY ACT

§5071. This Chapter shall be referred to as the "East Baton Rouge Parish

Mobile Home Park Safety Act".

§5072. Findings, declaration of necessity, and purpose

It is hereby found and declared that:

A. The legislature finds and declares that the standards and

1 requirements established for occupancy and use of mobile home parks should
2 guarantee park residents maximum protection of their investment and a decent
3 living environment.

4 B. There are areas in the parish of East Baton Rouge, Louisiana, which
5 have become slum and blighted due to one or more of the following reasons:

6 (1) Unsafe, unsanitary, inadequate, or overcrowded conditions of the
7 mobile homes therein;

8 (2) Inadequate planning of the mobile home park;

9 (3) Physically or functionally obsolete mobile homes;

10 (4) Excessive dwelling unit density;

11 (5) Lack of proper light and air and open space;

12 (6) Faulty street or lot design;

13 (7) Inadequate public utilities or community services;

14 (8) Conversion to incompatible types of land usage and facilities which
15 are functionally obsolescent due to the passage of time and the resulting wear
16 and tear.

17 C. Theses conditions, or a combination of some or all of them, have and
18 will continue to result in making the mobile home parks economic and social
19 liabilities imposing onerous municipal burdens which decrease the tax base and
20 reduce tax revenues and cause harm to the social and economic well-being of the
21 municipality, depreciating property values therein, and thereby depreciating
22 further the general community-wide values.

23 D. The prevention and elimination of slums and blighted areas and their
24 causes is a matter of public policy and concern in order that the municipality
25 shall not continue to be endangered by areas which are focal centers of
26 economic and social lag and consume an excessive proportion of its revenues
27 because of the extra services required for police, fire, accident, and other forms
28 of public protection, services, and facilities.

29 E. Certain such areas or portions thereof may be susceptible to

1 conservation or rehabilitation by voluntary action and through existing
2 regulatory processes in such a manner that the conditions and evils enumerated
3 in this Section may be eliminated, remedied, and prevented. In certain areas
4 blight and slum conditions are beyond remedy or reasonable control through
5 regulatory processes and cannot be effectively addressed under existing law
6 without additional aids.

7 §5073. Occupational permit required

8 A. Notwithstanding any other provision of law to the contrary, it shall
9 be unlawful for any owner to operate a mobile home park within East Baton
10 Rouge Parish, unless the person first obtains an occupational permit.

11 B. Occupational permits to own and operate mobile home parks in East
12 Baton Rouge Parish may be issued to persons applying for an occupational
13 permit with the governing authority of East Baton Rouge Parish. The permits
14 shall be issued on an annual basis, shall expire on December 31st of each year,
15 and must be renewed annually. The cost of the permits shall be determined by
16 the governing authority of East Baton Rouge Parish.

17 C. Mobile home park occupational permits shall be conspicuously posted
18 in the main office of each mobile home park. Should the mobile home park not
19 have a main office, the permit shall be conspicuously posted in a protected area
20 near the entrance of the mobile home park.

21 §5074. Operating requirements

22 A. The owner or operator of a mobile home park shall be responsible for
23 operating and maintaining the mobile home park in accordance with all
24 applicable laws and regulations of the United States of America, this state, and
25 the parish of East Baton Rouge.

26 B. Mobile home lots shall be individually numbered and individual signs
27 designating the number of each lot shall be conspicuously posted throughout the
28 mobile home park.

29 C. The owner or operator of each mobile home park shall post, at the

1 main entrance to the mobile home park, a chart or map designating and
2 depicting the location of each lot within the mobile home park by lot number.

3 D. The owner or operator shall, at all times, maintain a current record
4 of all mobile home owners or occupants of the mobile home park. The records
5 shall contain the following information:

6 (1) The make, model, and year of each mobile home and the lot number
7 which it occupies.

8 (2) The name of the owner or occupant of each mobile home within the
9 mobile home park.

10 E. For the protection of life and property, every mobile home lot located
11 within the parish shall be equipped with adequate foundations and tie-downs to
12 secure the mobile home against movement, settling, and overturning. It shall
13 be the responsibility of the mobile home park owner or operator to notify
14 tenants of the foundation and tie-down requirements. Should the tenant refuse
15 to comply with such requirements, it shall be the responsibility of the owner or
16 operator to notify the governing authority of East Baton Rouge of such refusal.
17 The governing authority of East Baton Rouge Parish shall take enforcement
18 procedures as deemed necessary to ensure compliance with the provisions of
19 this Subsection.

20 F. The governing authority of East Baton Rouge shall furnish a copy of
21 the requirements to operate a mobile home park to each owner or operator of
22 a mobile home park as notification to such owner of his responsibilities
23 pursuant to this Chapter.

24 G. All owners and managers, whether corporation, partnership, or
25 individual owners, of mobile home parks shall erect a sign designating the name
26 and address of the mobile home park. The sign shall be placed on the public
27 right-of-way adjacent to the mobile home or trailer park in such a manner as
28 to make it visible to passing motorists. The sign shall be of a size not less than
29 three feet in width by two feet in height and shall be lettered in clear

1 recognizable letters of not less than four inches in height.

2 §5075. Enforcement of ordinances in East Baton Rouge Parish

3 A. In addition to the authority for criminal prosecutions provided in R.S.
4 14:107.3 and other authority provided by law or home rule charter for civil
5 enforcement of health, safety, and welfare ordinances, including but not limited
6 to the authority provided in Chapter 8-C of Title 13 of the Louisiana Revised
7 Statutes of 1950, and permitting, vegetation and nuisance ordinances, in East
8 Baton Rouge Parish the public authority may enforce health, safety, and welfare
9 statutes or ordinances, or otherwise seek to eliminate blighted property, unsafe
10 structures and equipment, unlawful structures and structures unfit for human
11 occupancy, housing violations, or public nuisances in any court of competent
12 jurisdiction in accordance with this Chapter.

13 B. The following terms, whenever used or referred to in any proceedings
14 pursuant to this Chapter shall have the following respective meanings, unless
15 a different meaning clearly appears from the context:

16 (1) "Blighted property" means residential premises, including lots, which
17 are vacant, uninhabitable, and hazardous, and because of their physical
18 condition are considered hazardous to persons or property or have been
19 declared or certified blighted and have been declared to be a public nuisance by
20 a court of competent jurisdiction or by an administrative hearing officer acting
21 pursuant to competent jurisdiction, or any other applicable law.

22 (2) "Deleterious premises" means any property, including any yard,
23 garden, outhouses, accessory structures and appurtenances, upon which is
24 located any structure which is deemed an "unsafe structure", an "unlawful
25 structure", a "structure unfit for human occupancy", or a structure that
26 contains "unsafe equipment" or "housing violations", or is otherwise defined
27 as "blighted property", or a "public nuisance".

28 (3) "Housing violations" means those conditions in privately owned
29 structures which contravene the provisions of state statute or local ordinances

1 and are determined to constitute a threat or danger to the public health, safety,
2 and welfare or to the environment by a court of competent jurisdiction, or any
3 other applicable law.

4 (4) "Manufactured home" and "manufactured housing" means a
5 structure designed for human habitation that is a factory-built, residential
6 dwelling unit constructed to standards and codes as promulgated by the United
7 States Department of Housing and Urban Development (HUD), under the
8 National Manufactured Housing Construction and Safety Standards Act of
9 1974, 42 U.S.C. §5401 et seq., as amended. Further, the terms "manufactured
10 home" and "manufactured housing" may be used interchangeably and apply
11 to structures bearing the permanently affixed seal of the United States
12 Department of Housing and Urban Development or to factory-built, residential
13 dwellings that are mounted on a chassis.

14 (5) "Mobile home" means a structure designed for human habitation
15 that is a factory-built, residential dwelling unit built to voluntary standards
16 prior to the passage of the National Manufactured Housing Construction and
17 Safety Standards Act of 1974. This term includes and is interchangeable with
18 the term "house trailer", but does not include the term "manufactured home",
19 as only manufactured homes are built to federal construction standards. It does
20 not include recreational vehicles or travel trailers.

21 (6) "Mobile home park" means any parcel or tract of land where two or
22 more lots are rented or leased or held out for rent or lease to accommodate
23 manufactured homes or mobile homes used for human habitation. The term
24 includes a parcel of land for rent either to persons owning their own mobile
25 homes or for rent by the owner or operator who rents a mobile home and lot as
26 a unit.

27 (7) "Owner" or "operator" means an owner or manager of a mobile
28 home park or an agent or representative authorized to act on his behalf in
29 connection with matters relating to a tenancy in the park.

1 (8) "Public authority" means state or local government or any
2 department, agency, or branch thereof charged with the enforcement of health,
3 fire, permitting, or building regulations, or otherwise charged with the
4 regulation of activities concerning property maintenance.

5 (9) "Public nuisance" means any garage, shed, barn, house, building, or
6 structure that by reason of the condition in which it is permitted to remain may
7 endanger the health, life, limb, or property of any person, or cause any hurt,
8 harm, damages, injury, or loss to any person in any one or more of the following
9 conditions:

10 (a) The property is dilapidated, decayed, unsafe, or unsanitary, is
11 detrimental to health, morals, safety, public welfare, and the well-being of the
12 community, endangers life or property, or is conducive to ill health,
13 delinquency, and crime.

14 (b) The property is a fire hazard.

15 (c) The conditions present on the property and its surrounding grounds
16 are not reasonably or adequately maintained, thereby causing deterioration and
17 creating a blighting influence or condition on nearby properties and thereby
18 depreciating the value, use, and enjoyment to such an extent that it is harmful
19 to the public health, welfare, morals, safety and the economic stability of the
20 area, community, or neighborhood in which such public nuisance is located.

21 (10) "Public officer" means any public officer, public employee, or agent
22 authorized by the state or local government to exercise the powers prescribed
23 in the laws and ordinances governed by the provisions of this Chapter.

24 (11) "Unfit for human occupancy structure" means any structure which
25 meets one or more of the following conditions:

26 (a) Is an unsafe structure or an unlawful structure;

27 (b) Is in such a degree of disrepair due to lack of maintenance, it has
28 become unsanitary, vermin or rat infested, or a source of extreme filth and
29 contamination;

1 (c) Lacks ventilation, illumination, sanitary or heating facilities, or other
2 essential equipment required by state statute or local ordinances;

3 (d) Because of the location of the structure, constitutes a hazard to the
4 occupants of the structure or to the public.

5 (12) "Unlawful structure" means any structure, in whole or in part, that
6 is occupied by more persons than permitted under state statute or local
7 ordinances, or was erected, altered, or occupied contrary to state statute or local
8 ordinances.

9 (13) "Unsafe equipment" means any unsafe equipment, including but not
10 limited to any boiler, heating equipment, elevator, moving stairway, electrical
11 wiring or device, flammable liquid containers, or other equipment on the
12 premises or within a structure which is in such disrepair or condition that such
13 equipment is a hazard to life, health, property, or safety of the public or
14 occupants of the premises or structure.

15 (14) "Unsafe structure" means a structure that is found to be dangerous
16 to the life, health, property, or safety of the public or the occupants of the
17 structure by not providing the minimum safeguards to protect or warn
18 occupants in the event of fire, or because such structure contains unsafe
19 equipment, or because such structure is so damaged, decayed, dilapidated,
20 structurally unsafe, or of such faulty construction or unstable foundation that
21 a partial or complete collapse is possible.

22 C. Local ordinances in East Baton Rouge Parish may authorize public
23 officers to exercise any powers necessary or convenient to carry out and
24 effectuate the purposes and provisions of ordinances governed by this Chapter.
25 Additionally, public officers shall have the authority pursuant to this Chapter
26 to:

27 (1) Investigate the conditions of premises to determine whether the
28 premises are unfit for human habitation and to request and obtain search
29 warrants for entry if necessary.

1 **(2) Obtain and receive evidence.**

2 **(3) Enter upon any premises for the purpose of making examinations**
3 **provided the entries are made in such manner as to cause the least possible**
4 **inconvenience to the persons in possession.**

5 **D. Any civil judicial proceeding instituted in accordance with this**
6 **Chapter may be heard by summary proceeding.**

7 **E. The court may order remedial action be taken, including but not**
8 **limited to repair of the premises to appropriate standards, securing premises**
9 **from entry by others, and demolition of any unsafe structures unfit for human**
10 **occupancy.**

11 Section 2. This Act shall become effective upon signature by the governor or, if not
12 signed by the governor, upon expiration of the time for bills to become law without signature
13 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
14 vetoed by the governor and subsequently approved by the legislature, this Act shall become
15 effective on the day following such approval.

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Michael Bell.

DIGEST

SB 228 Original

2017 Regular Session

Barrow

Proposed law creates the "East Baton Rouge Parish Mobile Home Park Safety Act".

Proposed law provides for an owner to operate a mobile home park within East Baton Rouge Parish, he must first obtain an occupational permit, which shall be issued on an annual basis, and expire on December 31 of each year, and must be renewed annually. The cost of the permit is to be determined by the governing authority of East Baton Rouge Parish.

Proposed law requires that the occupational permits must be posted in the main office of each mobile home park, or if the mobile home park does not have a main office, the permit must be posted in a protected area near the entrance of the mobile home park.

Proposed law requires the owner or operator of a mobile home park to be responsible for operating and maintaining the mobile home park in accordance with all applicable laws.

Proposed law requires the owner or operator of each mobile home park to post, at the main entrance to the mobile home park a chart or map designating and depicting the location of each lot within the mobile home park, by lot number. Proposed law further requires the owner or operator to maintain a current record of all mobile home owners and/or occupants of the mobile home park. The records shall contain the make, model, and year of each mobile home and the lot number which it occupies, and the name of owner or occupant each mobile home within the mobile home park.

Proposed law provides for every mobile home lot located within the parish to be equipped with adequate foundations and tiedowns to secure such mobile home against movement, settling, and overturning. Proposed law further provides that it is the responsibility of the mobile home park owner or operator to notify tenants of the foundation and tiedown requirements and should the tenant refuse to comply with such requirements, it shall be the responsibility of the owner or operator to notify the governing authority of East Baton Rouge of such refusal.

Proposed law requires all owners and managers, whether corporation, partnership or individual owners, of mobile home parks to erect a sign designating the name and address of the mobile home park.

Proposed law authorizes the public authority to enforce health, safety and welfare statutes or ordinances to eliminate blighted property, unsafe structures and equipment, unlawful structures and structures unfit for human occupancy, housing violations, or public nuisances in any court of competent jurisdiction in accordance with law.

Proposed law provides for the following definitions:

- (1) "Blighted property" means residential premises, including lots, which are vacant, uninhabitable, and hazardous and because of their physical condition are considered hazardous to persons or property or have been declared or certified blighted and have been declared to be a public nuisance by a court of competent jurisdiction or by an administrative hearing officer acting pursuant to competent jurisdiction, or any other applicable law.
- (2) "Deleterious premises" means any property, including any yard, garden, outhouse, accessory structures and appurtenances upon which is located any structure which is deemed an "unsafe structure", an "unlawful structure", a "structure unfit for human occupancy", or a structure that contains "unsafe equipment" or "housing violations", or is otherwise defined as "blighted property," or a "public nuisance".
- (3) "Housing violations" means those conditions in privately owned structures which contravene the provisions of state statute or local ordinances and are determined to constitute a threat or danger to the public health, safety, and welfare or to the environment by a court of competent jurisdiction or any other applicable law.
- (4) "Manufactured home" and "manufactured housing" means a structure designed for human habitation that is a factory-built, residential dwelling unit constructed to standards and codes, as promulgated by the United States Department of Housing and Urban Development (HUD), under the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. §5401 et seq., as amended. Further, the terms "manufactured home" and "manufactured housing" may be used interchangeably and apply to structures bearing the permanently affixed seal of the United States Department of Housing and Urban Development or to factory-built, residential dwellings that are mounted on a chassis.
- (5) "Mobile home" means a structure designed for human habitation that is a factory-built, residential dwelling unit built to voluntary standards prior to the passage of the National Manufactured Housing Construction and Safety Standards Act of 1974. This term includes and is interchangeable with the term "house trailer", but does not include the term "manufactured home", as only manufactured homes are built to federal construction standards. It does not include recreational vehicles or travel trailers.
- (6) "Mobile home park" means any parcel or tract of land where two or more lots are rented or leased or held out for rent or lease to accommodate manufactured homes or mobile homes used for human habitation. The term includes a parcel of land for

- rent either to persons owning their own mobile homes or for rent by the owner or operator who rents a mobile home and lot as a unit.
- (7) "Owner" or "operator" means an owner or manager of a mobile home park or an agent or representative authorized to act on his behalf in connection with matters relating to a tenancy in the park.
- (8) "Public authority" means state or local government or any department, agency, or branch thereof charged with the enforcement of health, fire, permitting, or building regulations, or otherwise charged with the regulation of activities concerning property maintenance.
- (9) "Public nuisance" means any garage, shed, barn, house, building, or structure that by reason of the condition in which it is permitted to remain may endanger the health, life, limb, or property of any person, or cause any hurt, harm, damages, injury, or loss to any person in any one or more of the following conditions:
- (a) The property is dilapidated, decayed, unsafe, or unsanitary, is detrimental to health, morals, safety, public welfare and the well-being of the community, endangers life or property, or is conducive to ill health, delinquency, and crime.
 - (b) The property is a fire hazard.
 - (c) The conditions present on the property and its surrounding grounds are not reasonably or adequately maintained, thereby causing deterioration and creating a blighting influence or condition on nearby properties and thereby depreciating the value, use, and enjoyment to such an extent that it is harmful to the public health, welfare, morals, safety and the economic stability of the area, community, or neighborhood in which such public nuisance is located.
- (10) "Public officer" means any public officer, public employee, or agent authorized by the state or local government to exercise the powers prescribed in the laws and ordinances governed by the provisions of proposed law.
- (11) "Unfit for human occupancy structure" means any structure which is an unsafe structure or an unlawful structure or otherwise is in such a degree of disrepair due to lack of maintenance, it has become unsanitary, vermin or rat infested, a source of extreme filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by state statute or local ordinances, or because of the location of the structure constitutes a hazard to the occupants of the structure or to the public.
- (12) "Unlawful structure" means any structure, in whole or in part, that is occupied by more persons than permitted under state statute or local ordinances or was erected, altered, or occupied contrary to state statute or local ordinances.
- (13) "Unsafe equipment" means any unsafe equipment, including but not limited to any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers, or other equipment on the premises or within a structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.
- (14) "Unsafe structure" means a structure that is found to be dangerous to the life, health, property, or safety of the public or the occupants of the structure by not providing the minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment, or because such structure is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable

foundation that a partial or complete collapse is possible.

Proposed law authorizes the public officers to investigate the conditions of premises to determine whether the premises are unfit for human habitation and to request and obtain search warrants for entry if necessary, to obtain and receive evidence, and to enter upon any premises for the purpose of making examinations provided the entries are made in such manner as to cause the least possible inconvenience to the persons in possession.

Proposed law provides for a civil judicial summary proceeding to enforce any violations of law.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Adds R.S. 33:5071-5075)