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

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SB 228 Original	DIGEST 2017 Regular Session	Barrow
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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 interchangeable 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 manufacture 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)