

Regular Session, 2011

SENATE BILL NO. 120

BY SENATOR MURRAY

SPECIAL DISTRICTS. Provides relative to French Quarter-Marigny Historic Area Management District. (8/15/11)

AN ACT

To amend and reenact the heading of Part V of Chapter 16 of Title 25 of the Louisiana Revised Statutes of 1950, and R.S. 25:796, 797(A)(5) and (B), 798(1) and (3), 799(A)(1), (B), (C)(1)(b), (g), (j), and (k), (D)(2)(b), (F), (I), and (K)(2) and to repeal R.S. 25:799(J)(3), relative to the French Quarter-Marigny Historic Area Management District; to provide relative to the name, boundaries, purpose, powers, governance, and funding of the district; to remove authority for special ad valorem tax and parcel fee; to provide for the creation of subdistricts; 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. The heading of Part V of Chapter 16 of Title 25 of the Louisiana Revised Statutes of 1950, and R.S. 25:796, 797(A)(5) and (B), 798(1) and (3), 799(A)(1), (B), (C)(1)(b), (g), (j), and (k), (D)(2)(b), (F), (I), and (K)(2) are hereby amended and reenacted to read as follows:

PART V. FRENCH QUARTER ~~MARIGNY HISTORIC AREA~~

MANAGEMENT DISTRICT

§796. Short title

1                   This Part shall be referred to as the "French Quarter-~~Marigny Historic Area~~  
2                   Management District."

3                   §797. Findings; declaration of necessity; and purpose

4                   A. The legislature finds that:

5   \*           \*           \*

6                   (5) Although the city of New Orleans increased its funding of sanitation and  
7                   public safety services in the French Quarter ~~and Marigny Triangle~~ post-Katrina, the  
8                   city's resources are limited and must be divided city-wide among its many  
9                   neighborhoods destroyed by Hurricane Katrina. Therefore, to protect and improve  
10                  Louisiana's tourism industry and economy and to preserve public health, safety, and  
11                  welfare, it is necessary and essential for the state to assist in revitalizing New  
12                  Orleans' flagging tourism industry by creating and funding, subject to appropriations,  
13                  an historic area management district to respond to post-Katrina dynamics that is  
14                  composed of the state's most historic district, the French Quarter, ~~and a section of its~~  
15                  ~~third most historic district, the Faubourg Marigny.~~

16                  B. Purpose. The purpose of the district shall be to strengthen the district as  
17                  a **National Historic Landmark, a historic residential district, and a** vital  
18                  component of Louisiana's tourism industry by investing and reinvesting public funds  
19                  in the district to aid in the preservation of the district's architecture, quaint charm,  
20                  and tout ensemble, to beautify its appearance, to improve public safety, to foster  
21                  quality experiences and quality of life within its boundaries, and to improve  
22                  commercial and residential vitality; thereby vastly increasing the quantity of the  
23                  district's local, national, and international visitors and full-time residents, as well as  
24                  to protect and improve the tourism industry and to promote economic development  
25                  throughout the state.

26                  §798. Definitions

27                  As used in this Part, unless the context requires otherwise, the following  
28                  terms shall have the following meaning:

29                  (1) "Board" means the board of commissioners of the French Quarter =

1 ~~Marigny Historic Area~~ Management District.

2 \* \* \*

3 (3) "District" means the French Quarter ~~Marigny Historic Area~~ Management  
4 District.

5 §799. Creation of the French Quarter ~~Marigny Historic Area~~ Management District

6 A. Creation. (1) There is hereby created within the city of New Orleans a  
7 body politic and corporate which shall be known as the French Quarter ~~Marigny~~  
8 ~~Historic Area~~ Management District. The district shall be a political subdivision of  
9 the state, as defined in the Constitution of Louisiana, to exist until June 30, ~~2014~~  
10 **2021**, unless such date is extended by law.

11 \* \* \*

12 B. Boundaries. The district shall be comprised of the area of the city of New  
13 Orleans lying within the following boundaries: the Mississippi River, the center line  
14 of Canal Street, the rear property line of the properties fronting on the lake side of  
15 North Rampart Street, the rear property line of the properties fronting on the  
16 downriver side of Esplanade Avenue, ~~the rear property line of the properties fronting~~  
17 ~~on the lake side of Royal Street, the rear property line of the properties fronting on~~  
18 ~~the upriver side of Touro Street, the rear property line of the properties fronting on~~  
19 ~~the lake side of North Rampart Street, and the center line of Elysian Fields Avenue~~  
20 to the Mississippi River.

21 C. Governance. (1) The district shall be governed by a board of  
22 commissioners consisting of thirteen members as follows:

23 \* \* \*

24 (b) One person who is ~~either domiciled, owns or operates a business, or~~  
25 ~~employed full-time, and a qualified elector~~ in the district, appointed by the Vieux  
26 Carre Property Owners, Residents and Associates, Inc.

27 \* \* \*

28 (g) One person who is either employed full-time, or owns or operates a  
29 business, in the district, appointed by the ~~Bourbon Street Merchants Association.~~

**Bourbon Business Alliance.**

\* \* \*

(j) One person who is domiciled, ~~owns or operates a business located, or is employed full-time,~~ **and a qualified elector** in the district, appointed by the French Quarter Citizens, Inc.

(k) One person who is domiciled, ~~owns or operates a business, or is employed full-time,~~ **and a qualified elector** in the district, appointed by the Faubourg Marigny Improvement Association, Inc. **North Rampart Main Street, Inc.**

\* \* \*

D.

\* \* \*

\* \* \*

(2) Notwithstanding any power or authority granted elsewhere in this Part, the board shall have no power or authority:

\* \* \*

(b) Related to creating bond indebtedness, exercising eminent domain, zoning, regulating historic preservation or land use, permitting, or prosecuting or citing violations. Notwithstanding the foregoing, the board shall have the power and authority to **prosecute and to** cite violations if the governing authority of the city of New Orleans delegates such power and authority to the board.

\* \* \*

F. Funding. The board may apply for, contract for, receive, and expend for its purposes any appropriation or grant from the state, its political subdivisions, the federal government, or any other public or private source. ~~However, the board shall use the proceeds of a tax or parcel fee authorized by Subsection I of this Section solely for the purposes described in that Subsection.~~

\* \* \*

~~I. Taxing authority. (1) The governing authority of the city of New Orleans is hereby authorized to levy and collect annually a special ad valorem tax or parcel fee described in this Subsection on each parcel located in the district subject to and~~

1 in accordance with the provisions of this Subsection.

2 (2) The amount of the annual tax or parcel fee shall be as follows, based on  
3 the classification of the parcel:

4 (a) For each Tier One Parcel, a flat parcel fee of one hundred eighty-five  
5 dollars per year.

6 (b) For each Tier Two Parcel, a flat parcel fee of three hundred ninety-five  
7 dollars per year.

8 (c) For each Tier Three Parcel, an ad valorem tax in the amount of two and  
9 one-half mills per year on the assessed value of the parcel for 2009.

10 (3) The parcels that shall be classified as Tier Three Parcels and the amount  
11 of the annual tax assessed against a Tier Three Parcel are fixed based on the assessed  
12 value of that parcel in 2009 and shall not increase or decrease with an increase or  
13 decrease in the assessed value of the parcel.

14 (4) The amount of the tax or parcel fee for each parcel classification shall be  
15 fixed and shall not change prior to the expiration of the term of this tax or parcel fee.

16 (5) The following defined terms are used in this Subsection:

17 (a) The term "parcel" means a tract of land in the district, including all  
18 buildings and improvements thereon, excluding any property that is exempt in full  
19 from ad valorem taxation.

20 (b) The term "Tier One Parcel" means a parcel that is used solely for  
21 residential purposes as either a single family dwelling or a multiple family dwelling  
22 with no more than four residential units. If any unit or portion of the parcel is used  
23 for commercial or any other non-residential purpose, the entire parcel shall not be  
24 a Tier One Parcel and instead shall be classified as either a Tier Two Parcel or a Tier  
25 Three Parcel. Except for a timeshare unit, which is classified as provided in this  
26 Subsection, a parcel that is used in whole or in part for short term rentals of less than  
27 sixty days at a time shall not be a Tier One Parcel and instead shall be classified as  
28 either a Tier Two Parcel or a Tier Three Parcel.

29 (c) The term "Tier Two Parcel" means a parcel that does not qualify as a Tier

1       One Parcel and for which the amount of ad valorem taxes payable with respect to  
2       that parcel for 2009 was less than \$50,000.

3               (d) The term "Tier Three Parcel" means a parcel that does not qualify as a  
4       Tier One Parcel and for which the amount of ad valorem taxes payable for 2009 was  
5       equal to or exceeded \$50,000.

6               (6) Each condominium parcel as defined in R.S. 9:1121.103 shall be a  
7       separate parcel for purposes of this Subsection, and, pursuant to R.S. 9:1121.105, the  
8       tax or parcel fee authorized by this Subsection shall be assessed against each  
9       individual condominium parcel. However, condominium property consisting  
10      exclusively of parking spaces shall be deemed to be a single parcel and the tax or  
11      parcel fee authorized by this Subsection shall be assessed against the entire  
12      condominium property as a single entity and shall be payable by the condominium  
13      association.

14              (7) Each timeshare unit as defined in R.S. 9:1131.2 (and not each use period)  
15      shall be classified as a separate parcel for purposes of this Subsection, and, pursuant  
16      to R.S. 9:1131.9, the tax or parcel fee authorized by this Subsection shall be assessed  
17      against the timeshare property as a single entity unless the timeshare property is  
18      subject to the Louisiana Condominium Act, R.S. 9:1121.101 et seq., in which case  
19      the tax or parcel fee shall be assessed as provided in R.S. 9:1121.105.

20              (8) No tax or parcel fee shall be imposed under this Subsection upon any  
21      parcel whose owner qualifies under the Louisiana Special Assessment Level  
22      pursuant to Article VII, Section 18(G)(1) of the Constitution of Louisiana.

23              (9) The proceeds of the tax and parcel fee shall be used solely and exclusively  
24      for the following purposes:

25                      (a) Public safety, security, and crime prevention.

26                      (b) Hiring an executive director.

27                      (c) Reasonable operating and administrative expenses of the district.

28              (10) (a) The tax or parcel fee shall be levied and collected only after the  
29      question of its imposition has been submitted to and approved by a majority of

1       ~~registered voters of the district voting on the question at an election to be conducted~~  
2       ~~in accordance with the Louisiana Election Code on a date selected by the board.~~

3               ~~(b) The authority to levy the tax or parcel fee shall expire after the levy of the~~  
4       ~~tax or parcel fee for 2014.~~

5               ~~(c) The tax or parcel fee authorized by this Subsection may be renewed for~~  
6       ~~an additional term not to exceed five years only after both of the following have~~  
7       ~~occurred:~~

8                   ~~(i) The renewal is authorized by additional legislation.~~

9                   ~~(ii) The question of renewal is submitted to and approved by a majority of~~  
10       ~~registered voters of the district voting on the question at an election to be conducted~~  
11       ~~in accordance with the Louisiana Election Code on a date selected by the board.~~

12               ~~(11) The tax or parcel fee shall be collected in the same manner and at the~~  
13       ~~same time as ad valorem taxes on property subject to taxation by the city are levied~~  
14       ~~and collected.~~

15               ~~(12) Any tax or parcel fee which is unpaid shall be added to the tax rolls of~~  
16       ~~the city and shall be enforced with the same authority and subject to the same~~  
17       ~~penalties and procedures as unpaid ad valorem taxes.~~

18               ~~(13) The proceeds of the tax or parcel fee shall be paid over to the Board of~~  
19       ~~Liquidation, City Debt, day-by-day as the same are collected and received by the~~  
20       ~~appropriate officials of the city of New Orleans and maintained in a separate account.~~  
21       ~~The proceeds shall be paid out by the Board of Liquidation, City Debt, solely for the~~  
22       ~~purposes provided in this Subsection upon warrants or drafts on the Board of~~  
23       ~~Liquidation, City Debt, by the appropriate officials of the city and the treasurer of~~  
24       ~~the district.~~

25               ~~(14) It is the purpose and intent of this Subsection that any services provided~~  
26       ~~by the district shall be for the enhancement of public safety, security, and crime~~  
27       ~~prevention in the district and shall be supplemental to, and not in lieu of, personnel,~~  
28       ~~police, and other services provided in the district by the city of New Orleans and its~~  
29       ~~agencies and departments.~~

~~(15) If the district ceases to exist, the authority to levy the tax or parcel fee provided by this Subsection shall immediately cease and all remaining unspent funds of the district, if any, shall be transmitted to the city of New Orleans and such funds shall be maintained in a separate account by the city and shall be used only for enhancement of public safety, security, and crime prevention in the district.~~

**I. Subdistricts. (1) The district shall consist of four subdistricts: the Vieux Carre, the Iberville Corridor, the Treme, and the Faubourg Marigny.**

**(a) The View Carre subdistrict shall be comprised of the area of the district lying within the following boundaries: the Mississippi River, the center line of Iberville Street, the center line of North Rampart Street, the center line of Esplanade Avenue to the Mississippi River.**

**(b) The Iberville Corridor subdistrict shall be comprised of the area of the district lying within the following boundaries: the Mississippi River, the center line of Canal Street, the center line of North Rampart Street, the center line of Iberville Street to the Mississippi River.**

**(c) The Treme subdistrict shall be comprised of the area of the district lying within the following boundaries: the center line of Canal Street, the rear property line of the properties fronting on the lake side of North Rampart Street, the rear property line of the properties fronting on the down river side of Esplanade Avenue, the center line of North Rampart Street to the center line of Canal Street.**

**(d) The Faubourg Marigny subdistrict shall be comprised of the area of the district lying within the following boundaries: the Mississippi River, the center line of Esplanade Avenue, the center line of North Rampart Street, the rear property line of the properties fronting on the down river side of Esplanade Avenue to the Mississippi River.**

	*	*	*
K. Miscellaneous.	*	*	*
	*	*	*



- 1 (2) A person who serves as a member of the board **or a committee** of the  
 2 district shall not be individually liable for any act or omission as provided in R.S.  
 3 9:2792.4 or any other provision of law.  
 4 Section 2. R.S. 25:799(J)(3) is hereby repealed in its entirety.

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

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#### DIGEST

Present law creates the French Quarter-Marigny Historic Area Management District and provided for the district's boundaries.

Proposed law retains present law but changes the name of the district to the French Quarter Management District and changes the boundaries.

Present law provides that the purpose of the district shall be to strengthen the district as a vital component of Louisiana's tourism industry by investing and reinvesting public funds in the district to aid in the preservation of the district's architecture, quaint charm, and tout ensemble, to beautify its appearance, to improve public safety, to foster quality experiences and quality of life within its boundaries, and to improve commercial and residential vitality; thereby vastly increasing the quantity of the district's local, national, and international visitors and full-time residents, as well as to protect and improve the tourism industry and to promote economic development throughout the state.

Proposed law retains present law but adds the distinctions of National Historic Landmark and historic residential district to the French Quarter Management District.

Present law provides that the district shall be governed by a board of commissioners consisting of thirteen members as follows:

- (a) The chairman of the Vieux Carre Commission or his designee.
- (b) One person who is either domiciled, owns or operates a business, or employed full-time, in the district, appointed by the Vieux Carre Property Owners, Residents and Associates, Inc.
- (c) One person who either owns one or more restaurants in the district or is a corporate representative of a company owning and operating one or more restaurants in the district, appointed by the Louisiana Restaurant Association, Inc.
- (d) One person who is either employed full-time, or owns or operates a hotel, in the district between the center line of Canal Street and the middle of Iberville Street, appointed by the Greater New Orleans Hotel and Lodging Association, Inc.
- (e) One person who is either employed full-time, or owns or operates a hotel, in the Vieux Carre or Faubourg Marigny sections of the district, appointed by the Greater New Orleans Hotel and Lodging Association, Inc.
- (f) One person who is either employed full-time, or owns or operates a business, in the district, appointed by the French Quarter Business Association of Louisiana.
- (g) One person who is either employed full-time, or owns or operates a business, in the district, appointed by the Bourbon Street Merchants Association.

- (h) One person who owns a business headquartered in the district, appointed by the mayor of New Orleans.
- (i) One person who is domiciled and a qualified elector in either of the parts of the Vieux Carre designated as VCR-1 or VCR-2, appointed by the mayor of New Orleans.
- (j) One person who is domiciled, owns or operates a business located, or is employed full-time, in the district, appointed by the French Quarter Citizens, Inc.
- (k) One person who is domiciled, owns or operates a business, or is employed full-time, in the district, appointed by the Faubourg Marigny Improvement Association, Inc.
- (l) One person who is employed full-time or owns or operates a business, in the district, appointed by the New Orleans Metropolitan Convention and Visitors Bureau, Inc.
- (m) One person who is domiciled, employed full-time, or owns or operates a business, in the district, appointed by the New Orleans City Council member representing City Council District "C".

Proposed law changes the board to be constituted as follows:

- (a) The chairman of the Vieux Carre Commission or his designee.
- (b) One person who is domiciled and a qualified elector in the district, appointed by the Vieux Carre Property Owners, Residents and Associates, Inc.
- (c) One person who either owns one or more restaurants in the district or is a corporate representative of a company owning and operating one or more restaurants in the district, appointed by the Louisiana Restaurant Association, Inc.
- (d) One person who is either employed full-time, or owns or operates a hotel, in the district between the center line of Canal Street and the middle of Iberville Street, appointed by the Greater New Orleans Hotel and Lodging Association, Inc.
- (e) One person who is either employed full-time, or owns or operates a hotel, in the Vieux Carre or Faubourg Marigny sections of the district, appointed by the Greater New Orleans Hotel and Lodging Association, Inc.
- (f) One person who is either employed full-time, or owns or operates a business, in the district, appointed by the French Quarter Business Association of Louisiana.
- (g) One person who is either employed full-time, or owns or operates a business, in the district, appointed by the Bourbon Business Alliance.
- (h) One person who owns a business headquartered in the district, appointed by the mayor of New Orleans.
- (i) One person who is domiciled and a qualified elector in either of the parts of the Vieux Carre designated as VCR-1 or VCR-2, appointed by the mayor of New Orleans.
- (j) One person who is domiciled, and a qualified elector in the district, appointed by the French Quarter Citizens, Inc.
- (k) One person who is domiciled and a qualified elector in the district, appointed by the North Rampart Main Street, Inc.

- (l) One person who is employed full-time or owns or operates a business, in the district, appointed by the New Orleans Metropolitan Convention and Visitors Bureau, Inc.
- (m) One person who is domiciled, employed full-time, or owns or operates a business, in the district, appointed by the New Orleans City Council member representing City Council District "C".

Present law provides that the board shall have the power and authority to cite violations if the governing authority of the city of New Orleans delegates such power and authority to the board.

Proposed law retains present law but gives the board the power and authority to prosecute violations if the governing authority of the city of New Orleans delegates such power and authority to the board.

Present law provides for the taxing authority of the district.

Proposed law removes the taxing authority of the district.

Proposed law provides for the creation of subdistricts. These subdistricts shall be:

1. The Vieux Carre.
2. The Iberville Corridor.
3. The Treme.
4. The Faubourg Marigny.

Effective August 15, 2011.

(Amends the heading of Part V of Chapter 16 of Title 25 and R.S. 25:796, 797(A)(5) and (B), 798(1) and (3), 799(A)(1), (B), (C)(1)(b), (g), (j), and (k), (D)(2)(b), (F), (I), and (K)(2); repeals R.S. 25:799(J)(3))