
DIGEST

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Billiot

HB No. 1117

Abstract: Provides for the awarding of attorney fees and court costs incurred in the defense of a wrongfully recorded and enforced grass-cutting lien.

Present law authorizes police juries and other parish governing authorities to pass ordinances to compel property owners to cut grass and obnoxious weeds on their property.

Present law provides that if the owners of lots located within subdivisions outside municipalities in the parish fail to cut and remove the grass and weeds when requested to do so, within 15 days after receipt of a registered or certified letter by the police jury, the police jury shall have authority to have the grass and weeds cut and removed and to charge the property owners for the cutting and removal.

Present law provides that upon failure of the property owner to pay the charges, the police jury may file and record a certified copy of the charges with the recorder of mortgages which shall operate as a lien and privilege in favor of the parish against the property, and that lien and privilege shall have the same ranking as an ad valorem tax lien on immovable property.

Present law authorizes parishes to pass ordinances to add grass-cutting charges to the annual ad valorem tax bill of the property involved if the charges remain unpaid.

Proposed law provides that if any police jury or other parish governing authority passes an ordinance and enforces a lien pursuant to the provisions of present law against a person or his property, and that person establishes that he is not the owner of the property subject to the lien, the police jury or other parish governing authority shall be liable for the payment of the reasonable attorney fees and court costs incurred for the removal of the wrongfully recorded lien and for the defense of any action taken for the enforcement of the lien by the police jury or other parish governing authority.

(Amends R.S. 33:1236(21)(a)(i))