

---

The original instrument was prepared by Michelle Ducharme. The following digest, which does not constitute a part of the legislative instrument, was prepared by Cathy R. Wells.

---

## DIGEST

Morrell (SB 265)

Proposed law authorizes the state fire marshal to declare any building or structure as blighted when such building or structure is in a dilapidated and dangerous condition that endangers the public welfare.

Proposed law defines "blighted building or structure" as any building or structure which meets any or all of the following criteria:

1. The building or structure is likely to partially or completely collapse because of (i) dilapidation, deterioration or decay; (ii) faulty construction; (iii) the removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building or structure; (iv) the deterioration, decay or inadequacy of its foundation; or (v) any other causes.
2. The building or structure is likely to cause sickness or disease when sought to be used for its intended purpose because of dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, or otherwise is determined by any code enforcement officer or the building or structure inspector or his assignee to be unsanitary or unfit for human habitation.
3. It has been determined by the fire marshal chief that the building or structure is a fire hazard because of obsolescence, dilapidated conditions, deterioration, damage, lack of sufficient fire-resistive construction, faulty electric wiring, gas connections or heating apparatus, or other causes as provided in R.S. 33:4770.6.
4. It has been determined that any portion of the building or structure remaining on a site, after the demolition or destruction of such building or structure, or whenever an unsecured building or structure has been abandoned so as to constitute the building or structure or portion thereof a hazard to the public.
5. Whenever the building or structure, exclusive of the foundation, shows thirty-three percent or more damage or deterioration of its supporting member or members, or fifty percent or more of damage or deterioration of its non-supporting members, enclosing or outside walls or coverings.
6. Whenever the building or structure has been so damaged by fire, wind, flood or other natural occurrence, or has become so dilapidated or deteriorated as to become an attractive nuisance to children or a harbor for vagrants.

7. Whenever any building or structure is in such a condition as to be deemed or declared a public nuisance by a court of competent jurisdiction.
8. Whenever an owner keeps the doors and windows of a vacant building or structure open or the building or structure is deficient and lacking the appropriate number of walls in such a manner as to allow unauthorized entry.
9. Whenever any building or structure lacks illumination, ventilation or sanitation facilities adequate to protect the health or safety of the occupants or the public.

Proposed law requires the state fire marshal to prepare a written report declaring such property as blighted and to serve notice to the owner of such property, along with the written report and a requirement for the owner to publish an announcement listing why such building or structure is blighted and the date when such building will be repaired and no longer considered dangerous to the public. Proposed law provides the procedure for serving notice to the owner.

Proposed law requires such announcement to be published, without cost to the parish or municipality, in the official journal of the parish or municipality where the property is located on two separate days within 90 days of receipt of the notice and written report by the state fire marshal.

Proposed law subjects the owner to a \$50 per day penalty, not to exceed \$5000 per property for failure to publish the required announcement.

Present law creates the Louisiana Blighted Property Reclamation Revolving Loan Fund and allows any parish or municipality to obtain funding from the fund for the purposes of maintenance, repair, removal, or demolition of dangerous structures pursuant to the law governing the removal of dangerous structures in the parishes and municipalities.

Proposed law requires that any penalties collected be remitted by the parish or municipality to the Louisiana Blighted Property Reclamation Revolving Loan Fund as provided for in present law.

Effective August 1, 2012.

(Adds R.S. 40:1651 and 1652)

#### Summary of Amendments Adopted by Senate

##### Committee Amendments Proposed by Senate Committee on Judiciary B to the original bill

1. Removes provisions of proposed law relative to the authority of the state fire marshal to demolish, remove, or repair any dilapidated and dangerous building or

structure.

2. Removes provisions of proposed law relative to certain notice to owners, hearings, and notices filed with the recorder of mortgages on the demolition or removal of any dilapidated and dangerous building or structure.
3. Removes provisions of proposed law relative to liens and privileges for costs of demolitions and removal of buildings.
4. Adds provisions requiring an owner to publish an announcement on such blighted property.
5. Adds civil penalties for failure of owners of such blighted property to publish the required announcement and for the disposition of any fines collected.

#### Senate Floor Amendments to engrossed bill

1. Removes authority of state fire marshal to condemn certain properties.
2. Authorizes the state fire marshal to declare certain properties as "blighted".
3. Defines "blighted building or structure".
4. Increases the time of the announcement publication from 60 to 90 days within receipt of the notice and written report.