

Regular Session, 2012

ACT No. 196

HOUSE BILL NO. 430

BY REPRESENTATIVE BROSSETT

1 AN ACT

2 To enact R.S. 33:4720.58.1, relative to Orleans Parish; to provide relative to the New
3 Orleans Redevelopment Authority; to provide relative to the powers and duties of the
4 authority; to authorize the authority to purchase adjudicated properties located within
5 its territorial jurisdiction from political subdivisions of the state; to provide
6 procedures for such purchases; to provide relative to the powers and duties of the
7 state and its political subdivisions with regard to such purchases; to require the
8 authority to submit reports regarding its purchases to certain legislative committees;
9 and to provide for related matters.

10 Notice of intention to introduce this Act has been published
11 as provided by Article III, Section 13 of the Constitution of
12 Louisiana.

13 Be it enacted by the Legislature of Louisiana:

14 Section 1. R.S. 33:4720.58.1 is hereby enacted to read as follows:

15 §4720.58.1. Acquisition of adjudicated properties

16 A. The authority may purchase adjudicated properties within its territorial
17 jurisdiction from any political subdivision of the state of Louisiana. No such
18 purchase shall be construed to, or otherwise have the effect of, extending or
19 suspending the period prescribed by law for the redemption of the property by the
20 tax debtor or any other person.

21 B. In addition to the authority set forth in Subpart B of Part IV of Chapter
22 5 of Subtitle III of Title 47 of the Louisiana Revised Statutes of 1950, such purchases
23 by the authority may be by a direct negotiated purchase and sale agreement between
24 the authority and a political subdivision without any other requirement of a public

1 sale prior to the transfer of such properties to the authority. Such purchases by the
2 authority shall not be considered the sale of surplus property or of property owned
3 by the political subdivision.

4 C. Effective upon the recordation of the transfer of an adjudicated property
5 to the authority pursuant to a purchase and sale agreement, the rights of the authority
6 in and to such property shall be the rights of a purchaser at a tax sale as contemplated
7 by Chapter 5 of Subtitle III of Title 47 of the Louisiana Revised Statutes of 1950,
8 subject only to the rights of redemption of the property set forth in Article VII,
9 Section 25(B) of the Constitution of Louisiana, and the property shall no longer be
10 deemed to be adjudicated property as of such recordation. For purposes of the right
11 of redemption in Article VII, Section 25(B) of the Constitution of Louisiana, the
12 redemptive period commences on the date of the recordation of the initial
13 adjudication to the political subdivision and not on the date of transfer to the
14 authority.

15 D. Any such purchase and sale agreement shall set forth the total
16 consideration to be paid by the authority and the method and timing of payment of
17 such consideration by the authority.

18 E. The state and any political subdivision with liens on the property may,
19 pursuant to intergovernmental agreements with the authority, cancel such liens
20 contemporaneously with or subject to the transfer of the property to the authority.

21 F.(1) The authority shall have the right, subject to the provisions of this
22 Section, to purchase properties at tax sales conducted in accordance with R.S.
23 47:2155 and 2156, and any and all such purchases shall be a purchase pursuant to
24 R.S. 47:2155 and 2156 and not an adjudication to a political subdivision.

25 (2) Notwithstanding the provisions of Chapter 5 of Subtitle III of Title 47 of
26 the Louisiana Revised Statutes of 1950, the authority may tender a bid at a tax sale
27 which is a credit bid, consisting of the obligation of the authority to satisfy the
28 component parts of the bid by payments to the respective political subdivisions and
29 taxing entities in accordance with intergovernmental agreements between the
30 authority and such political subdivisions and taxing entities.

1 (3) A bid by the authority at a tax sale for the minimum amount shall take
 2 priority over all other bids for the same quantity of property, except for a higher bid
 3 submitted by a conventional mortgage holder holding a mortgage on the subject
 4 property.

5 G. The authority shall submit annual reports to the House Committee on
 6 Municipal, Parochial and Cultural Affairs and the Senate Committee on Local and
 7 Municipal Affairs and each member of the Orleans Parish legislative delegation
 8 concerning property purchased by the authority. Such report shall be filed by March
 9 first each year and shall cover the previous calendar year. Each report shall include:

10 (1) The legal description or other indication of the location of each property
 11 purchased.

12 (2) The amount paid for each property.

13 (3) The minimum bid that was set for the property and the appraised value
 14 of the property.

15 (4) A general description of the authority's plans for the property and how
 16 such plans advance the purposes for which the authority is created.

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

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____