

Article VI. – Blighted or Abandoned Property

Sec. 10-62. – Definitions.

“Blighted property” is the legal word for those commercial or residential property, including vacant lots, which have been declared by an administrative hearing officer acting pursuant to La. RS 13:2575 or 2576 or other applicable law as uninhabitable, dilapidated, hazardous or unattractive, being unsafe or damaging to the health, safety, or morals of the occupants of such buildings or other residents of the area OR that have a bad impact on properties in the neighborhood.

“Criminal blighting of property” is the intentional or criminally negligent permitting of the existence of a condition of deterioration of property by the owner which is deemed to have occurred when the property has been declared or certified as blighted after an administrative hearing, pursuant to La RS 13:2575 or 2576, and after all reviews or appeals have occurred.

“Housing violations” means only those conditions in privately owned structures which are determined to constitute a threat or danger to the public health, safety, and welfare of the environment.

“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 of 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.

“Abandoned property” is property that is found in such a state as to make it likely that the owner has intentionally given up all dominion and control over the property, with no intent of returning to or recovering the property.

Sec. 10-63. – Authority of parish police jury

La RS 13:2575 Blighted or Abandoned Property

The parish police jury (hereinafter referred to as the Jury and parish governing authority) may prescribe civil fines (La RS 14:107.3), actions, or a combination thereof, for blighted property or abandoned property ordinance violations within their jurisdiction in the parish by owners of immovable property, their agents, tenants, or representatives pursuant to the procedures for administrative adjudication provided in this Chapter.

Sec. 10-64. – Notice to owner; hearing

Before the Jury may declare a property blighted or abandoned, there must be submitted to it a written report deeming the property blighted or abandoned signed by the parish health officer, parish engineer or any other person appointed by the Jury to act in such matters for the Jury.

The Jury shall thereupon serve notice on the owner or owners of the property requiring him to show cause at a hearing of the Jury why the property should not be declared blighted or abandoned.

The Jury may adopt an ordinance or ordinances establishing an administrative adjudication hearing procedure under the provisions of this Chapter. The ordinance shall provide for the appointment of one or more hearing officers who may be the director of health for the parish or the health officer for the parish or a person who shall have been licensed to practice law in Louisiana for two years. The ordinance or ordinances shall provide for a time period for persons charged with owning such property to have a hearing under the provisions of this Chapter. The date and hour of the meeting shall be stated in the notice which shall be served at least ten (10) days prior to the date of the hearing. This notice shall notify the property owner of the time, date, and location of the hearing, the alleged violations.

The notice may be served:

- (1) by the sheriff or deputy sheriff having jurisdiction and power to serve legal process where the owner of the building or structure is found in the state and the officer shall make return of the service as in ordinary cases. If the owner be absent from the state or unrepresented therein, then the notice shall be served upon the occupant of the condemned building or structure, if any, and also upon an attorney-at-law appointed by the president of the jury to represent the absentee. Domiciliary service may be made as in ordinary cases.
- (2) By sending a registered or certified US mail to the violator. The date of the postmark shall be deemed to be the date of delivery. Any notification so sent and returned by the USPS shall be considered as having fulfilled the notification requirement.

- (3) Failure of any person charged with a violation to appear at the hearing shall be considered an admission of liability for the charged violation.

Upon adopting an ordinance establishing an administrative adjudication hearing procedure for determining property to be blighted or abandoned, the Jury shall provide notice to the property owner(s) and to all mortgagees of record as provided in the provisions of this Chapter.

Any administrative adjudication hearing held under the provisions of this Chapter shall be conducted in accordance with the rules of evidence of the Administrative Procedure Act. Testimony by any person shall be taken under oath. The person charged with the ordinance violation may present any relevant evidence and testimony as such hearing and may be represented by an attorney at law. However, his physical presence shall not be required at the hearing if documentary evidence, duly verified by such person, is submitted to the hearing officer prior to the date of the hearing.

The Jury shall have the authority to empower the hearing officer(s) with authority to:

- (1) Administer oaths and affirmations
- (2) Issue orders compelling the attendance of witnesses and defendants and the production of documents.
- (3) Levy fines, fees, penalties, and hearing costs, the maximum of which shall not exceed those established for the parish or municipal courts.
- (4) Order violators to correct violations, if possible, within a stipulated time.
- (5) Take necessary and lawful measures to effect correction or removal of the violation if the violator fails to do so within the time allocated by the hearing officer.
- (6) Record orders, judgments, notices of judgments, or liens in the mortgage office of the parish in which immovable property, or any portion thereof, in or on which the violation occurred is situated.

Sec 10-65. – Decision of the Jury; Order to Abate the Violation

After the hearing, the hearing officer shall issue an order within thirty (30) days, excluding legal holidays, of the hearing stating whether or not cause was presented to declare the property blighted or abandoned. If in the opinion of the hearing officers the facts justify it, an order shall be entered declaring the property blighted or abandoned accompanied by their

recommendation to abate the violation. Any fines, penalties, costs, or fees assessed against the owner shall also be declared if applicable. If repairs will correct the dilapidated, dangerous or unsafe condition, the Jury may grant the owner the option of making such repairs, but in such case the general nature or extent of the repairs to be made, the time thereof, and the defects to be corrected shall be specified in the decision of the Jury.

The decision and order of the Jury shall be in writing and shall be final unless appealed within five (5) days after the hearing to the District Court.

If no appeals are filed, the hearing officer shall within thirty (30) days after the hearing, excluding legal holidays, send written post-hearing notice to the property owner and each mortgagee of record explaining whether the hearing officer determined the subject property condemned and the building(s) or structure(s) removed. The post-hearing notice should state whether any fines, penalties, costs, or fees are assessed.

Sec 10-66. – Appeal from decision

The owner, occupant, agent or other representative of the owner may appeal from the decision of the Jury to the Twelfth Judicial District Court. The appeal shall be made by the filing of a suit against the Jury, setting forth the reasons why the decision or order of the Jury is illegal or improper and the issue shall be tried de novo (new trial) and by preference in the district court.

Either party may appeal from the judgment of the district court as in other cases.

Sec 10-67. – Compliance with decision

The owner or his designated agent may proceed to abate the blighted condition of the property, demolish and remove the abandoned building or have it repaired in accordance with the order of the Jury within the required time.

In the event the owner or occupant of the building or structure fails or refuses to comply with the decision of the Jury and fails to appeal therefrom within the legal delays provided herein, then, in that event, the Jury may proceed with the abatement of the blighted property or to demolish and remove the condemned building or structure in which case the Jury shall not be liable in damages.

Prior to the demolition or removal of the abandoned building or structure by the Jury, the Jury shall serve notice on the owner or his agent and on the occupant of the building if there be one, or upon the attorney-at-law appointed to represent the minor interdict or absentee owner, giving the time when the work will begin for the demolition or removal of the building.

Sec 10-68. – Lien and privilege for cost of abatement by the Jury

If the court ordered the abatement of the blighted property, demolition or removal of the abandoned building or structure and the costs are not paid by the landowner, tenant, or agent, all costs incurred by the Jury in the process under the provisions of this article shall constitute a lien and privilege against the immovable property upon which such buildings or structures existed.

In order to preserve the lien and privilege, it shall be the duty of the Jury to prepare and sign a sworn statement of facts giving the description of the property and the approximate cost of the abatement of the blighted property, demolishing or removing the abandoned building or structure, which statement of facts he shall cause to be filed and recorded in the mortgage records of the parish and the jury shall be entitled to recover the amount of this expense together with all costs of court by ordinary process in the Twelfth Judicial District Court in and for the parish.

The lien shall secure all fines, costs, and penalties which are assessed by the Parish in accordance with this Section and described in the order, judgment, notice of judgment, or lien. In order for the lien and privilege to arise, the order, judgment, notice of judgment, or lien shall be final and not subject to appeal when recorded in the Clerk of Court's mortgage office. The lien and privilege shall have ranking as provided by La. RS 9:4821(1).

Such lien shall be notice to all persons from the time of its recording and shall bear interest at the legal rate thereafter until satisfied.

Any liens placed against such immovable property shall be included in the next annual ad valorem tax bill and shall be paid along with such taxes, subject however, to any valid homestead exemption. Failure to pay the liens shall cause the immovable property in or on which the violation occurred to be subject to the same provisions of law as govern tax sales of immovable property. The property owners and other parties having interest in the property shall not have a right of redemption.