

ORDINANCE NO. JO-077-2021

A JOINT ORDINANCE OF THE LAFAYETTE CITY COUNCIL AND THE LAFAYETTE PARISH COUNCIL AMENDING THE LAFAYETTE CITY-PARISH CONSOLIDATED GOVERNMENT CODE OF ORDINANCES CHAPTER 72, “PROPERTY MANAGEMENT”, SPECIFICALLY ARTICLE II, “MANAGEMENT AND DISPOSITION OF ADJUDICATED PROPERTIES”

BE IT ORDAINED by the Lafayette City Council and the Lafayette Parish Council, that:

WHEREAS, the Lafayette City-Parish Council adopted Ordinance O-246-2015 updating the Lafayette Consolidated City-Parish Consolidated Government process for the disposition of adjudicated properties, located at Chapter 72, Article II of the Lafayette City-Parish Consolidated Government Code of Ordinances; and

WHEREAS, the Lafayette City Council and Lafayette Parish Council find that certain revisions to Chapter 72, Article II are necessary.

NOW, THEREFORE, BE IT FURTHER ORDAINED by the Lafayette City Council and the Lafayette Parish Council that:

SECTION 1: All of the aforescribed “Whereas” clauses are adopted as part of this ordinance.

SECTION 2: Division 1 and Section 72-14(c) of Article II, “Management and Disposition of Adjudicated Properties” of Chapter 72, “Property Management” of the Lafayette City-Parish Consolidated Government Code of Ordinances is hereby amended to read:

Article II. Management and Disposition of Adjudicated Properties

Division 1: Provisions common to different modes of disposition

Sec. 72-14(c) Terms and conditions on transfer of property

- (1) All recordations required by this article;
- (2) The property must be maintained and kept up in a clean and sanitary condition and in full compliance with all applicable laws and ordinances;
- (3) For those properties sold at public bid, the applicant’s intended use identified at Sec. 72-30(a) or, if different, the intended use incorporated into the resolution approved pursuant to Sec. 72-30(e).

SECTION 3: Division 1 and Section 72-16 of Article II, “Management and Disposition of Adjudicated Properties” of Chapter 72, “Property Management” of the Lafayette City-Parish Consolidated Government Code of Ordinances is hereby amended to read:

Article II. Management and Disposition of Adjudicated Properties

Division 1: Provisions common to different modes of disposition

Sec. 72-16 Required filings

(a) All recordation(s) required by this article shall be at the expense of the acquiring person(s). Evidence of recordation shall be provided to the administrator upon request.

(b) The administrator shall require the acquiring person(s), prior to undertaking the notice required by LA. R.S. 47:2206 (A), to file for recordation in the Lafayette Parish Clerk of Court's mortgage records evidence of taxes, penalties, interest, or other statutory impositions not already reflected therein. Such filing may conform to any form promulgated by the tax collector(s) for this purpose; or it may consist of tax-history reports procured from the offices of the tax collector(s).

(c) After publication of the notice required by LA. R.S. 47:2206 (B), the administrator shall require the acquiring person(s) to file for recordation in the Lafayette Parish Clerk of Court's mortgage records a copy of the notice mailed to the owner(s) or tax debtor(s).

(d) Upon expiration of the 60-day or six-month periods referred to by LA. R.S. 47:2206 (A) and (B), and upon satisfaction of all terms and conditions imposed by this article, the administrator shall authenticate an act of cash sale or of donation, as applicable, using the statutory safe-harbor form provided by LA. R.S. 47:2207 (B) and (C). The act shall include all terms and conditions imposed by this article, by the city-parish council and by the administrator. The administrator shall require the acquiring person(s) to execute the act and file it for recordation into the Lafayette Parish Clerk of Court's conveyance records.

(e) Contemporaneously with or subsequent to the filing of the act of sale or donation, the administrator shall require the acquiring person(s) to file into the mortgage records of the Lafayette Parish Clerk of Court an affidavit indicating how the tax sale parties whose interest the acquiring person, his successors, or assigns, intends to be terminated were identified, how the address of each tax sale party was obtained, how the written notice was sent, the results of sending the written notice, and the dates of publication. The affidavit may also contain a statement of the interest to which the acquiring person(s) take subject; and it shall contain a description of the interest held by each tax sale party. The administrator shall require the acquiring person(s) to use the statutory safe-harbor form provided by LA. R.S. 47:2208 (A).

SECTION 4: Division 2 and Section 72-31(e) of Article II, "Management and Disposition of Adjudicated Properties" of Chapter 72, "Property Management" of the Lafayette City-Parish Consolidated Government Code of Ordinances is hereby amended to read:

Article II. Management and Disposition of Adjudicated Properties

Division 2: Provisions governing sale of adjudicated properties

Sec. 72-31(e) Sale of adjudicated property by the administrator

(e) Should an interested party who has initiated the sale and deposited the sums required of him with the administrator fail to be the highest bidder at a public sale, the money deposited shall be returned to him. However, if no one bids the minimum amount adopted by the administrator, or should the depositor submit the winning bid, any money deposited shall be retained to pay the expenses of the sale. Any money remaining after the expenses are paid shall be returned to the depositor.

SECTION 5: Division 2 and Section 72-32 of Article II, "Management and Disposition of Adjudicated Properties" of Chapter 72, "Property Management" of the Lafayette City-Parish Consolidated Government Code of Ordinances is hereby amended to read:

Article II. Management and Disposition of Adjudicated Properties

Division 1: Provisions governing sale of adjudicated properties

Sec. 72-32 Disposition of proceeds from sale of adjudicated property

Except as otherwise agreed by holders of statutory impositions and governmental liens, proceeds from the sale of adjudicated property, if any remain after deduction of the costs of the sale, shall be paid pro rata to those holders to the extent of their interests, and any amounts remaining shall be retained by the administrator. The administrator shall maintain one account for such retained funds derived from the sale of properties inside the City of Lafayette, and another account for such retained funds derived from the sale of properties outside the City of Lafayette. Proceeds shall not be distributed to holders of statutory impositions and governmental liens until after the later of 1) expiration of the notice periods described by LA. R.S. 47:2206 (A) or 2) the filing of the sale or donation transferring the property as set forth in LA. R.S. 47:2207.

SECTION 6: All ordinances or resolutions, or parts thereof, in conflict herewith are hereby repealed.

SECTION 7: EFFECTIVE DATE. After first having been adopted by majority of the authorized membership of both the Lafayette Parish Council and the Lafayette City Council, this Joint Ordinance shall become effective upon signature of this Joint Ordinance of the Lafayette Mayor-President, the elapse of ten (10) days after receipt by the Lafayette Mayor-President without signature or veto, or upon override of a veto, whichever occurs first.

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Internal Memorandum

30-077-2021
RECEIVED

SEP 20 2021

Lafayette Consolidated Government
Chief Administrative Officer

Community Development and Planning Department
Office of the Director (9010)

TO: Cydra Wingerter **DATE:** September 20, 2021
FROM: Mary Sliman, Director
SUBJ: *AMENDMENT TO THE ADJUDICATED PROPERTY DISPOSITION PROCESS
JOINT ORDINANCE FOR INTRODUCTION – OCTOBER 5, 2021*

Enclosed for your review and consideration is a proposed ordinance amending the Lafayette City-Parish Consolidated Government Code of Ordinances, Chapter 72, Property Management, Article II, "Management and Disposition of Adjudicated Properties."

More specifically, the Ordinance amends Sections

1. 72-14(c) to add subsection (3), which obligates buyers of properties sold at public bid to conform to the original applicant's renovation plan, or to that renovation plan alternatively approved by the Council(s) by resolution approving the sale;
2. 72-16 to insert subsection (b), which ensures that taxes, penalties, interest, and other impositions on adjudicated property which are not yet recorded (either because one of the City or Parish did not adjudicate the property, or because they have accrued since the property was adjudicated and has not been returned to tax sale) are recorded, so that the tax collectors are required to be noticed and the cancellations that arise from completion of *Mennonite* notice are up to date;
3. 72-31(e) to ensure that LCG retains an applicant's deposit to cover LCG's advertising cost when the applicant is the high bidder but fails to follow through on acquisition; and
4. 72-32 to correct that ownership is not transferred, and therefore sale proceeds should not be distributed, until expiration of the *Mennonite* notice periods or filing of the act of sale/donation, whichever comes later.

Please find enclosed the following:

1. Submittal Item Justification Form; and,
2. The Ordinance amending the Adjudicated Properties Disposition Process

If all is in order, please submit for introduction on the October 5, 2021 agenda.

A handwritten signature in cursive script, appearing to read 'Mary Sliman', written over a horizontal line.

Mary Sliman, Director

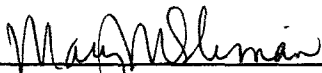
MS/kdt

LAFAYETTE JOINT COUNCIL MEETING

AGENDA ITEM SUBMITTAL FORM

- 1) **JUSTIFICATION FOR REQUEST:** A joint ordinance of the Lafayette City Council and the Lafayette Parish Council amending the Lafayette City-Parish Consolidated Government Code of Ordinances Chapter 72, "Property Management", specifically Article II, "Management and Disposition of Adjudicated Properties", particularly Secs. 72-14(c), 72-16, 72-31(e), and 72-32.
- 2) **ACTION REQUESTED:** Adoption of the attached ordinance amending the Lafayette City-Parish Consolidated Government Code of Ordinances.
- 3) **REQUEST ACTION OF COUNCIL:**
 - A. INTRODUCTION: October 5, 2021
 - B. FINAL ADOPTION: October 19, 2021
- 4) **DOCUMENTATION INCLUDED WITH THIS REQUEST:**
 - A. Cover letter from Director (1 page)
 - B. Submittal Form (1 page)
 - C. Ordinance (3 pages)
- 5) **FISCAL IMPACT:**
 Fiscal Impact (will be detailed in Cost-Revenue Analysis)
 No Fiscal Impact

RECOMMENDED BY:



MARY SHIMAN, DIRECTOR

APPROVED FOR AGENDA:



CHIEF ADMINISTRATIVE OFFICER

DISPOSITION OF ORDINANCE NO. JO-077-2021

1. This ordinance was introduced: October 5, 2021
YEAS: Tabor, K. Naquin, Carlson, Guilbeau, Rubin
NAYS: None
ABSENT: None
ABSTAIN: None

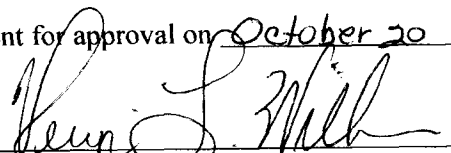
Final disposition by **Parish Council**:
October 19, 2021
YEAS: Tabor, K. Naquin, Carlson, Guilbeau, Rubin
NAYS: None
ABSENT: None
ABSTAIN: None

This ordinance was introduced:
YEAS: Lewis, A. Naquin, Hebert, Cook, Lazard
NAYS: None
ABSENT: None
ABSTAIN: None

Final disposition by **City Council**:
YEAS: Lewis, A. Naquin, Hebert, Cook, Lazard
NAYS: None
ABSENT: None
ABSTAIN: None

2. Notice of Public Hearing: This ordinance was published by Title and Notice of Public Hearing was published in the Advertiser on October 8, 2021.

3. This ordinance was presented to the Mayor-President for approval on October 20, 2021, at 10:30 o'clock a.m.


CLERK OF THE COUNCIL

4. Disposition by Mayor-President:

I hereby:

A. Approve this ordinance, the 27 day of OCTOBER, 2021, at 1:10 o'clock p.m.

B. Veto this ordinance, the _____ day of _____, 2021, at _____ o'clock ____m., veto message is attached.

C. Line item veto certain items this _____ day of _____, 2021, at _____ o'clock ____m., veto message is attached.


MAYOR-PRESIDENT

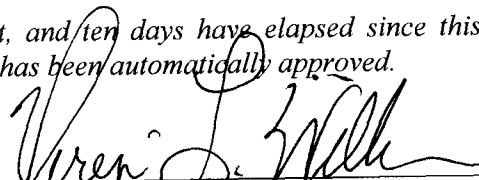
5. Returned to Council Office ~~with~~/without veto message on October 27, 2021, at 4:16 o'clock p.m.

6. Reconsideration by Council (if vetoed):

On _____, 2021, the Councils did/refused to adopt this ordinance after the Mayor-President's veto.

7. Returned to the Council Office without signature of Mayor-President (*unsigned*) on _____, 2021, at _____ o'clock ____m.

If not signed or vetoed by the Mayor-President, and ten days have elapsed since this ordinance was presented to him for action, same has been automatically approved.


CLERK OF THE COUNCIL

8. Full publication of this ordinance was made in the Advertiser on October 22, 2021.