

On motion Heath Ardoin, seconded by Allen Courville, the following ordinance was offered:

**ORDINANCE NO. 6572**

An ordinance to repeal Chapter 2 Administration, Article II Police Jury, Division I Generally, Section 2-40, Sale of adjudicated or surplus immovable property; to create new Chapter 86, Taxation Article IV, Sale of Adjudicated Property. (Parishwide)

**WHEREAS**, the Allen Parish Police Jury executed a task order with Desire Line, LLC to draft amendments to the Code of Ordinances, to streamline processes and support the successful notice and adjudication of blighted and abandoned properties in Allen Parish; and

**WHEREAS**, the sale of adjudicated property standards provided in the Code of Ordinance aim to protect the due process rights of tax debtors, to facilitate the sale of adjudicated properties back into the flow of commerce in Allen Parish, to increase property values, and to generally improve the quality of life in Allen Parish; and

**WHEREAS**, the location of the Sale of adjudicated property ordinance within Chapter 2, Administration, of the Allen Parish Code of Ordinances is inconsistent with the organization of the Revised Statutes of the State of Louisiana, in which Statutes pertaining to property adjudication are located within Title 47, Revenue and Taxation; and

**WHEREAS**, the existing notice requirements for advertising prior to public sale do not specify the advertisement timelines as required under R.S. 47:2203, in which the public sale must be advertised in the Official Journal of the Police Jury at least once thirty (30) days prior to the date of the public sale and again at least seven (7) days prior to the date of the public sale; and

**WHEREAS**, the existing ordinance placed requirements upon the Parish that are additional to the minimum requirements for the sale of adjudicated property under State law, including requiring that the Parish receive an appraisal of each property, determine that the property is not surplus public property, and post a sign on the property prior to the date of the sale; and

**WHEREAS**, the existing ordinance placed requirements upon prospective buyers that are additional to the minimum requirements for purchasing adjudicated property under State law, including requiring that a prospective buyer submit an offer letter, receive a conveyance certificate, and remit 25% of the purchase price to the Parish to be held in escrow prior to completion of the sale; and

**WHEREAS**, the existing requirement that purchasers make a written request to the Allen Parish Police Jury to notify those persons and/or companies identified by the purchaser to have an interest in the property that the property has been sold is confusing and burdensome to purchasers and to the Parish alike; and

**WHEREAS**, repealing the existing ordinance will allow the Parish to move new ordinance language to Chapter 86, Taxation, to be in accordance with the organization of the Revised Statutes of the State of Louisiana; and

**WHEREAS**, amending the ordinance to specify the advertising timelines required by R.S. 47:2203 will clarify advertising procedures; and

**WHEREAS**, repealing sale requirements upon the Parish and prospective buyers that are in addition to the minimum requirements for the sale of adjudicated properties under State law will improve the efficiency of sale of adjudicated properties by the Parish; and

**WHEREAS**, amending the ordinance to require that notification of sale be the responsibility of the prospective buyer is in accordance with R.S. 47:2159 and R.S. 47:2206 and creates a less confusing and burdensome process to the Parish and to purchasers; and

**WHEREAS**, amending the ordinance to include Sections to provide general context, objectives, outcomes, and definitions provides clarifying information for prospective buyers and all members of the public; and

**WHEREAS**, amending the ordinance to clarify and emphasize the due process protections of tax debtors provides additional protection and information to the public; and

**WHEREAS**, proposed amendments support and strengthen Allen Parish's objectives to protect due process rights, to facilitate the sale of adjudicated properties back into the flow of commerce in Allen Parish, to increase property values, and to generally improve the quality of the life in Allen Parish; and

**WHEREAS**, the Administrator of this Parish has caused to be duly advertised, as prescribed by law, a public hearing in connection with the text amendment was held on January 9, 2023; and

**WHEREAS**, a public hearing was held by the Allen Parish Police Jury, in accordance with the law.

**NOW, THEREFORE, THE ALLEN PARISH POLICE JURY HEREBY ORDAINS:**

**SECTION 1.** That Chapter 2 Administration, Article II Police Jury, Division I Generally, Sec. 2-40. - Sale of adjudicated or surplus immovable property be repealed and struck from the Code of Ordinances.

**SECTION 2.** That Chapter 86, Taxation, of the Code of Ordinances be amended to include a Section IV – Sale of Adjudicated Property, to read as follows:

\* \* \*

**Sec. 86-87 – 89. Reserved**

**Article IV – Sale of Adjudicated Property**

**Sec. 86-90. Generally.**

- (1) *Context.* Property adjudication occurs when property taxes are not paid on real or immovable property and the property is not sold at a subsequent tax sale. The property is then adjudicated to the Parish and can be sold by the Parish.
- (2) *Objective.* The provisions of this Section are intended to streamline the process and procedures by which Allen Parish may place adjudicated properties back into commerce.
- (3) *General procedure and outcomes.* The Allen Parish Assessor's Office creates the property tax roll and forwards the tax roll to the Allen Parish Sheriff's Department. The Sheriff's Department identifies properties with unpaid property tax and notifies the tax debtors that the properties will be going to tax sale. Properties that are not sold at tax sale are adjudicated to Allen Parish. The Allen Parish Police Jury, working in conjunction with the Sheriff's Office, oversees the sale of adjudicated properties and, after required public notice is complete, selects the appropriate bid.
- (4) *Limited effect.* Subsections (a), (b), and (c) above provide information and clarification to users of this Code and shall not be interpreted to misconstrue the meaning and regulations that follow below. Where there is a conflict between subsections (a), (b), and (c) above, the following standards shall take precedence.

**Sec. 86-91. Definitions.**

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

*Adjudicated property* means property whose tax sale title has been acquired by Allen Parish Police Jury pursuant to R.S. 47:2196.

**Sec. 86-92. Initiation and advertisement.**

- (1) *Tax debtor right to redeem.* A tax debtor has an absolute right to redeem the property for a period of five years from the date the property was adjudicated.
- (2) *Tax debtor preference and timing.* At any moment before the sale of adjudicated property takes place, if the tax debtor or any person redeeming the tax title in the tax debtor's name , pays to the parish tax collector all taxes, interest, costs, penalties, charges, or local improvement assessments imposed pursuant to R.S. 33:1236; the tax debtor or the person redeeming in the tax debtor's name will be given preference over all other bidders, though they may bid larger sums.
- (3) *Sale of adjudicated property after expiration of redemption period.* After the expiration time of five years fixed by law for redemption of adjudicated property, and after a property is not sold at a tax sale, the Allen Parish Police Jury may sell the property in accordance with this section.
  - a. *Sale initiation.* The Allen Parish Police Jury or an interested party may initiate the sale of adjudicated property.
  - b. *Resolution placed on Police Jury agenda.* An interested party shall initiate the sale through a formal request that the Allen Parish Police Jury add a resolution to its agenda to publicly advertise an adjudicated parcel for bids at its next regularly scheduled meeting. The resolution shall contain:
    1. A title or subject line that reads "Request for Adjudicated Parcel [NUMBER OF PARCEL] Advertisement."
    2. A parcel report obtained from the Allen Parish Tax Assessors Office.
    3. A deposit of \$250 to cover the cost of advertising the property.
    4. A history of the name of the previous owner in whose name the property was sold (adjudicated) and the year of the most recent tax sale.
  - c. *Public hearing on Resolution.* The Allen Parish Police Jury shall place the resolution on the agenda of the Allen Parish Police Jury requesting that the property be sold in accordance with R.S. 47:2196—47:2237.
  - d. *Required advertisement.* After the resolution has been placed on agenda and approved, the public sale must be advertised three times in the Official Journal of the Police Jury, including at least thirty days prior to the date of the public sale, and seven days prior to the date of the public sale, as required by R.S. 44:2203. The advertisement shall provide for the minimum bid, the latest date written bids will be accepted, the time and date of in-person bidding, and any other terms of sale. It is the responsibility of the interested party to view the advertisement and comply with any bidding details therein.

**Sec. 86-93. Public hearing to consider bids for adjudicated property.**

- (1) *Public hearing on bids.* Upon competition of required advertisement in accordance with Sec. 86-92, a public hearing will be held to facilitate consideration of bids for adjudicated property. Sealed bids will be opened publicly and read aloud during the meeting. If there is no opposition or higher offer, the Allen Parish Police Jury will recommend that the interested party's offer be accepted or rejected. The results of the bidding process will then be submitted to the Police Jury for final action. Unsuccessful bidders' checks shall be returned by mail.
- (2) *Individual responsibility.* If an interested party submits an offer on any property, the party is responsible for finding out the date and time of the scheduled public hearing and must attend the hearing to be sure that a higher offer has not been received and to bid higher if the interested party so desires. Hearings may be continued without prior notice.
- (3) Sealed bids shall, at a minimum, contain:
  - a. The exterior of the sealed bid shall state "SEALED BID FOR ADJUDICATED PARCEL [NUMBER OF PARCEL]".

- b. A check for the bid amount made out to the Allen Parish Police Jury.
  - c. The bidder's contact information.
  - d. Sealed bids shall be received at the Allen Parish Police Jury Office (602 Court Street, PO Drawer G, Oberlin, LA 70655) no later than 6:00 p.m. the day of the 2<sup>nd</sup> regularly scheduled Police Jury Meeting following the meeting to approve advertisement.
- (4) *Closing.* After a bid is selected, the purchaser is required to notify all persons and/or companies with a potential interest in the property in accordance with R.S. 47:2159 and R.S. 47:2206. The purchaser must wait 60 days after providing notice to allow for tax debtors or other interested parties to redeem the property.
- a. At the time of closing, the purchaser is to provide the Allen Parish Policy Jury with a sworn statement that they provided the notice required and the 60 days has passed since the above required notice was made or attempted and that the property has not been redeemed by payment of the taxes owed.
  - b. The Police Jury is authorized to execute a sale of the property once the mandated number of days has elapsed after notice as required above.
- (5) *Act of sale.* The act of sale shall be without any warranty or recourse whatsoever (including warranty of title), even for the return or any reduction of the purchase price, but with subrogation to all rights and actions of warranty that the Parish may have. These waivers of warranty shall be self-operative regardless of whether the waivers are contained in the act of sale, regardless of whether they are clear and unambiguous, and regardless of whether they are brought to the attention of the acquiring person. The Parish shall reserve all oil, gas and other mineral rights in and to the property to be conveyed, but shall convey the surface rights of the said property. The Allen Parish Police Jury will not make any determination as to whether the property is "vacant or not lawfully occupied" and the Allen Parish Police Jury's attorney will not advise the purchaser as to this status.

The foregoing ordinance having been submitted to a vote, the vote thereon was as follows:

YEAS: 6                      NAYS: 0                      ABSENT: 1

This ordinance was declared to be adopted on January 9, 2023 and shall become effective immediately, if signed forthwith by the Parish President. If vetoed by the Parish President and subsequently approved by the Council, this ordinance shall become effective on the day of such approval.