

LEGAL NOTICE

NOTICE OF INTENTION FOR A PUBLIC HEARING TO ADOPT

ORDINANCE NO. ~~889~~ 2020

AN ORDINANCE OF THE OPELOUSAS MAYOR AND BOARD OF ALDERMEN AMENDING THE CODE OF ORDINANCES TO ADDRESS THE USE OF “ADJUDICATED PROPERTIES” AND ADOPTING A NEW ORDINANCE FOR THE DISPOSITION OF ADJUDICATED PROPERTIES ADDING TO THE CODE OF ORDINANCES PERMITTING THE DISPOSITION OF ADJUDICATED PROPERTY; AND, CONTROL OF PUBLIC PROPERTY FOR THE CITY OF OPELOUSAS GOVERNMENT CODE OF ORDINANCES

BE IT ORDAINED by the Mayor and Board of Aldermen, that;

WHEREAS, the former law of Louisiana governing disposition of adjudicated properties was of great age, chaotically organized and insufficient to meet the demands of federal constitutional law, resulting in the Legislature’s wholesale renovation in 2008 of the law on tax sales, redemptions and adjudications; and

WHEREAS, the Louisiana State Law Institute’s revision to state law accomplishes numerous goals having positive impact on political subdivisions, such as the City of Opelousas and the Parish of St. Landry, burdened with large numbers of adjudicated properties, those goals including; recognition that tax sale title does not confer ownership unless and until its holder takes certain affirmative steps; shifting from government to an interested party the burden of satisfying notice requirements imposed by federal law; replacing an expensive quiet-title lawsuit with a simple affidavit in order to clear title to acquired adjudicated property; supplying statutory safe-harbor forms; limiting the grounds on which a tax sale may be challenged; and consolidating the scattered state law on acquisition of adjudicated property; and

WHEREAS, in order to take advantage of Title 47, Subtitle III, Chapter 5, Part IV, as amended and enacted by Act No. 819 of the 2008 Louisiana Legislature, the new law of adjudicated property, the City of Opelousas is required to enact an ordinance establishing its processes to those mandated by Louisiana law, as revised; and

WHEREAS, the established process for the disposition of adjudicated property by sale or donation; and for waiver of taxes, penalties, interest and other charges against adjudicated property created hereby shall be administered by the Office of the Mayor who will designate an Administrator or Consultant Administrator, as established herein after.

WHEREAS, The City of Opelousas desires to address the problems created by the adjudicated properties within the city limits; and

WHEREAS, both the City of Opelousas and the Parish of St. Landry have the delinquent tax burden, maintenance, expenses and legal expenses associated with adjudicated properties and there exist an urgent need for a cooperative endeavor agreement by and between the City and the Parish for said agreement; and

NOW THEREFORE BE IT ORDAINED, that the City of Opelousas is hereby authorized, empowered and request the Mayor to enter into a Cooperative Endeavor Agreement with the Parish of St. Landry which will facilitate the adjudicated property issues and hereinafter authorize the disposal of said properties for the expressed mutual interest to place said properties back in commerce and relieve the cost burdens and provide for tax collection relief to both the City of Opelousas and the Parish of St. Landry.

BE IT FURTHER ORDAINED, that the City of Opelousas shall be fully committed and the Mayor fully empowered and authorized to execute all documents required to seize, clear and dispose of said real property in the manner he deems appropriate through the use of any qualified housing development not for profit corporation by a donation or by public advertisement and bidding for said adjudicated properties as prescribed hereinafter in this ordinance.

NOW, THEREFORE, BE IT FURTHER ORDAINED by the Mayor and Board of Aldermen that:

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

SECTION 2: All sections for “Adjudicated Properties,” for “Property Management,” of the City of Opelousas Code of Ordinances are hereby repealed or amended hereby.

SECTION 3: “Property Management” of the Code of Ordinances is hereby redesignated herewith.

SECTION 4: “Management and Disposition of Adjudicated Properties” of “Property Management,” of the Opelousas Code of Ordinances are hereby created to read, as follows:

Article I. Management and Disposition of Adjudicated Properties

Division I: Provisions common to different modes of disposition

Sec. 1 Establishment and findings

(a) The City of Opelousas finds that sale or donation of adjudicated property is in the best interests of the City of Opelousas and Parish of St. Landry, both for housing and economic redevelopment purposes. Further, the City finds that accumulation of taxes, interest, penalties and other charges against adjudicated property are “blights” due to the depressive effect of under- or un-utilized properties on surrounding property values; and that adjudicated property is thus “blighted” as that term is used by the Constitution of Louisiana.

(b) There is hereby created and established within the Administrative Office of the Mayor (hereinafter the “Department”) a process for disposition of adjudicated property by sale or donation; and for waiver of taxes, penalties, interest and other charges against adjudicated property upon compliance with constitutional strictures on donation of public rights. The Department shall oversee the determinations, notifications and transactions described herein, as well as promulgate appropriate forms to expedite post-adjudication procedures.

(c) This post-adjudication process is adopted as contemplated by and is intended to comply with, Title 47, Subtitle III, Chapter 5, Part IV, Subpart B, La. R.S. 47:2201 *et. seq.*; and to give effect to constitutional provisions, at LSA-Const. Art. VII, Sec. 14(B), permitting waiver of public charges against blighted properties.

Sec. 2 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:

Acquiring person means any purchaser, vendee, donee, or other person, nonprofit corporation or entity receiving adjudicated immovable property, by any means, through the procedures described herein.

Adjoining landowner means an owner of immovable property, not subject to any liens for non-payment of taxes or other statutory charges, which shares at least a portion of at least one boundary with an adjudicated parcel or parcels.

Adjudicated property means immovable property within the City of Opelousas that has been adjudicated for non-payment of taxes and has been “bid in” at tax sale for the City and Parish, pursuant to La. R.S. 47:2196.

Administrator means the Administrative Office of the Mayor, a designated consultant or a specific designee appointed by the Mayor.

Arm’s length transfer means sale of adjudicated property, for a price below the property’s appraised value and in connection with a property renovation plan approved by an administrative hearing officer, between one or more owners and one or more arm’s length transferees or donations.

Arm’s length transferee means a transferee, or his successors or assigns, seeking waiver of taxes, penalties, interest and other charges against adjudicated property in order to facilitate its below-appraised-value sale or donation, who is not a member of the immediate family of an owner of a particular piece of adjudicated property, or any member of that owner’s immediate family, has a substantial economic interest.

Immediate family has the meaning given that term in La. R.S. 42:1102.

Non-profit organization has the meaning given such term by Article VII, Section 14(B) of the Constitution of Louisiana.

Owner means a person who holds an ownership interest that has not been terminated pursuant to La. R.S. 47:2121(C).

Qualified non-profit means a nonprofit organization which is recognized by the Internal Revenue Service as a 501(c)(3) or 501(c)(4) nonprofit housing development organization and which has development capacity and experience.

Substantial economic interest has the meaning given that term by La. R.S. 42:1102.

Taxing body means City and Parish Government and their subsidiary bodies established by State law such as the Parish Library Board, a Redevelopment District, or Economic Development District, etc.

Tax debtor means any of those persons listed on the Parish Assessor’s tax rolls as co-owners of a particular tax parcel, as required by La. R.S. 47: 2126.

Tax notice party means the tax debtor(s) and any person requesting notice pursuant to La. R.S. 47:2159.

Tax sale party means any tax notice party, any owner, and any tax sale purchaser.

Tax sale property means immovable property for which tax sale title is sold pursuant to La. R.S. 47:2154.

Tax sale purchaser means the purchaser of tax sale property, his heirs, successors, and assigns.

Words, terms and phrases used in this Article, when not otherwise defined by this Article, have that meaning given them by Chapter 5 of Title 47 of the Louisiana Revised Statutes.

Sec. 3 Functions, powers and duties of Administrator

The Administrator or a retained consultant shall be the designee by the Mayor shall have the following powers and duties:

(a) Accept and approve for consideration by the City applications for sale of adjudicated property to interested parties, including adjoining landowners, pursuant to La. R.S. 47:2202 and 47:2203.

(b) Accept and approve for consideration by the City applications for donation of adjudicated property to non-profit organizations pursuant to La. R.S. 47:2205 and La. Const. Art. VII, Sec. 14(B)(6).

(c) Accept and approve for consideration by the City applications for waiver of taxes, penalties, interest and other charges against adjudicated property in order to facilitate below-appraised-value sale to one or more arm's length transferees, as contemplated by La. Const. Art. VII, Sec. 14(B)(7) and (8).

(d) Appoint administrative hearing officers with powers to review and approve, if warranted, property renovation plans submitted by owner(s) or arm's length transferee(s) seeking waiver of charges in connection with an arm's length transfer.

(e) Conduct sales of adjudicated property pursuant to La. R.S. 47:2202 *et. seq.*

(f) Engage in the notice and notification procedures included herein.

(g) Execute or authenticate any documents required by state law or this Article to be executed or authenticated.

(h) File, or cause to be filed, for recordation with the St. Landry Parish Clerk of Court any documents required by state law or the Article to be recorded.

(i) Confect and execute documents of sale or donation which, in addition to functioning as acts translatve of title, impose upon vendees or donees such terms and conditions as are authorized by this Article.

(j) Following sale of adjudicated property, distribute net proceeds (after administrative costs) *pro rata* to political subdivisions holding statutory impositions and governmental liens pursuant to La. R.S. 47:2211.

(k) In the event the Administrator declines an application for sale or donation or arm's length transfer, for any reason, he shall notify the applicant.

(l) Collect, maintain, regularly provide to City and/or make available to the City Alderpersons upon request, information on:

(1) Each application for sale, donation or arm's length transfer of adjudicated property;

(2) Each disposition of adjudicated property, including district, transferee, transferor where applicable, costs, price where applicable, renovation plans where applicable, conditions imposed, notices given, recordations made, proceeds dispersed where applicable, and taxes, penalties, interest and other charges waived where applicable; and

(3) Each revocation of disposition, including recordations made, references to law enforcement where applicable, and any actions taken to recover expenses.

(m) Promulgate rules, subject to approval by the City Alderpersons:

(1) Establishing a process for submitting to the Mayor and Alderpersons for resolution any determination between conflicting applications for disposition, when at least one such application is for donation;

(2) Imposing any additional terms and conditions on disposition of adjudicated property;

(3) Determining whether an applicant appears capable of complying with the terms and conditions to be imposed on disposition of adjudicated property;

(4) Determining whether an applicant's intended use comports with the character of the surrounding area and contributes to neighborhood stabilization and/or revitalization;

(5) Determining whether an applicant's submitted property renovation plan is acceptable;

(6) Determining what penalties are imposed for violation or failure to comply with terms and conditions imposed on transfer of property under this Article; and

(7) Establishing a process by which any applicant or other person dissatisfied with a decision or determination by the Administrator under this Article may have recourse to action of the Mayor and Alderpersons to otherwise instruct the Administrator.

(n) The Administrator shall consult, to the extent practicable, with nearby homeowners, residents, business owners, and local community groups in his determinations pursuant to rules promulgated under authority of the Article.

Sec 4 Terms and conditions on transfer of property

(a) The following terms and conditions shall be imposed upon all acquiring persons, by whatever means, pursuant to the Article:

(1) No tax debtor or owner is or will become, directly or indirectly, an acquiring person;

(2) No employee, contractor, officer, director, elected or appointed official of any taxing body, nor any member of the immediate family of any of the above, nor any entity in which any of them has a substantial economic interest, will become, directly, an acquiring person;

(3) For those properties whose sale is directed by ordinance of the City, any terms and conditions imposed in that ordinance or resolution;

(4) For those properties whose donation is directed by ordinance of the City, any terms and conditions imposed in that ordinance;

(5) Agreement to re-entry and/or inspection, by agents of State and of the Administrator, in order to verify compliance with terms and conditions imposed.

(b) The following terms and conditions, in addition to any others applicable, shall be imposed upon every arm's length transfer:

(1) Waiver of taxes, penalties, interest and other charges is conditioned on timely payment of future taxes and other charges imposed against the property. In the event taxes or other charges on the property become delinquent, those taxes, penalties, interest and other charges previously waived are reinstated against the property.

(2) Waiver of taxes, penalties, interest and other charges is conditioned on ownership of the property remaining in the hands of one or more arm's length transferees or donee. In the event any ownership interest in the property is acquired by an original owner, by a member of an original owner's immediate family, or by any entity in which any of them has a substantial economic interest, those taxes, penalties, interest and other charges previously waived are reinstated against the property.

(c) The following terms and conditions, in addition to any others applicable, shall be imposed upon all vendees of property sold pursuant to this Article:

(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.

(d) The following terms and conditions, in addition to any others applicable, shall be imposed upon all donees of property donated pursuant to this Article:

(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.

(e) In addition to those terms and conditions listed herein, the Administrator may impose on acquiring persons such further requirements as he may deem appropriate, whether upon all of them, or upon particular ones. Such further requirements shall comply with the federal and state constitutions, federal and state law, and this Code.

(f) Except where otherwise dictated by this Article, upon violation or failure to comply with terms and conditions imposed on transfer of property under this Article, the Administrator shall impose such penalties as have been promulgated by rule under the authority of this Article or as have been otherwise dictated by the City. Where required or allowed, the Administrator shall refer possible criminal violations to appropriate law enforcement authorities.

(g) Although the Administrator may (or where required by this Article, may) make forms, rules, processes, procedures and other information available online and/or in electric format, nothing in the Article shall be construed to permit the Administrator to conduct the sale of adjudicated property online, whether directly or through any third party.

Sec. 5 Notice of sale or donation of adjudicated property

(a) After completion of the bidding process preceding sale of adjudicated property by the Administrator; or upon the City Mayor's signature of an ordinance or resolution approving the donation of adjudicated property, the Administrator shall require the acquiring person(s) to notify by U.S. Mail any tax sale party whose interest the vendee or donee intends to terminate pursuant to La. R.S. 47:2206(A), using the statutory safe-harbor form provided by that Section. If the property sold or donated has been adjudicated property for less than five (5) years at the time of the notice required by this Article, the notice shall indicate that tax sale parties have six (6) months from the date of the notice to preserve their rights; otherwise, the notice shall have 60 days.

(b) Contemporaneously with the notice required by La. R.S. 47:2206(A), the Administrator shall require the acquiring person(s) to publish the notice required by La. R.S. 47:2206(B), using the statutory safe-harbor form provided by that Section. If the property sold or donated has been adjudicated property

for less than five (5) years at the time of the notice required by this Article, the notice shall indicate that tax sale parties have six (6) months from the date of the notice to preserve their rights; otherwise, the notice shall indicate that tax sale parties have 60 days.

(c) The Administrator shall require the acquiring person(s) to place upon the property no less than 60 days prior to transfer of the adjudicated property one or more signs on the street right-of-way nearest the property, no fewer than every 500 linear feet of property frontage, advising (on both sides of each sign) that the property has been adjudicated, that transfer of ownership is pending, and that the adjudicated property may be redeemed by the tax debtor prior to the transfer, along with the telephone number and address of the Administrator.

Sec. 6 Required filings

(a) All recordations 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) 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 St. Landry Parish Clerk of Court's mortgage records a copy of the notice mailed to the owner(s) or tax debtor(s).

(c) Upon expiration of the 60 day or six (6) 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 and by the Administrator. The Administrator shall require the acquiring person(s) to execute the act and file it for recordation in the St. Landry Parish Clerk of Court's conveyance records.

(d) Contemporaneously with or subsequent to the filing of the act of sale or donation, the Administrator shall require the acquiring person(s) to file in the mortgage records of the St. Landry 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).

Sec. 7 Participation by tax debtor or owner

In the event the Administrator becomes aware or is made aware that a tax debtor or owner is or has become an acquiring person under this Article through donation or sale by the Administrator, any sums deposited with the Administrator by the tax debtor or owner shall be treated as if made in partial or complete redemption of the property. The Administrator shall invoke the necessary terms and conditions imposed on the sale or donation in order to revoke it. The Administrator shall refer, where required or permitted by law, any tax debtor or owner who is or has become an acquiring person under this Article to appropriate law enforcement authorities for prosecution. The Administrator shall file for recordation such documents with the St. Landry Parish Clerk of Court as are necessary to revoke any cancellation of mortgages, liens, privileges and other encumbrances on the property. At the discretion of the City Attorney, the Administrator may seek to recover from the violating tax debtor or owner the expenses incurred in revoking cancellation of encumbrances on the property.

Sec. 8 Redemption of property prior to foreclosure of rights

(a) Should property sought to be sold or donated be entirely redeemed prior to expiration of the 60 day or six (6) month notice periods described by La. R.S. 47:2206, the Administrator shall collect from the tax collector(s) the amounts expended by the Administrator which are incorporated into the redemption price by La. R.S. 47:2244, including expenses incurred in the procedures mandated by La. R.S. 47:2203 and 2206. The Administrator shall not be required to take any action to unwind the process of sale or donation; but the Administrator shall accommodate reasonable requests by the owner(s) of the property to execute and authenticate such documents as the owner(s) may request in order to unwind the process of sale or donation.

(b) In the event a redemption certificate is issued under La. R.S. 47:2245 despite failure to pay those expenses incorporated into the redemption price by La. R.S. 47:2244, the Administrator shall inform the tax collector which issued the redemption certificate that it was issued in error. An erroneous redemption certificate shall not affect any rights acquired by acquiring persons. Unless and until the full redemption price is paid and the Administrator's expended costs are reimbursed as provided by La. R.S. 47:2244, the Administrator shall regard an erroneous redemption certificate as invalid and shall not accommodate requests by the tax debtor or owner(s) to facilitate unwinding of the sale or donation.

(c) Notwithstanding the provisions of other subsections, the Administrator shall not authenticate an act of cash sale or of donation, as applicable, regardless of expiration of the notice periods specified at La. R.S. 47:2206, if the tax debtor, owner(s), or any other person demonstrates to the Administrator that they have negotiated, and are current with, a payment plan with the applicable tax collector(s) which will result, within three years of the commencement of payments, in complete redemption of the property (including all taxes which will become due on the property during the term of the payment plan). Any person, including the tax collector(s) or an acquiring person, may at any time during that three (3) year period bring to the Administrator's attention verified proof from the tax collector(s) that the payment plan has not been complied with, at which time any applicable subsections shall cease to be applicable and no further delay shall prevent the Administrator's compliance with said subsection. The provisions of this subsection shall be operative only once with regard to any particular adjudicated property. The Administrator shall have no affirmative duty to inquire into compliance with any payment plan negotiated between the tax collector(s) and any person.

Sec. 9 Preferences in disposition of property

(a) Redemption of adjudicated property shall be favored and may be accomplished at any time prior to recordation of transfer in the conveyance records of the office of the Clerk of Court for St. Landry Parish and upon satisfaction of the requirements.

(b) The acquisition of an adjudicated property by the City of Opelousas in the Parish of St. Landry or other political subdivisions to which the property has been adjudicated, shall have priority over any application to obtain ownership of the property.

(c) Dispositions of adjudicated property shall prioritize the following categories of applicants for the identified forms of disposition, in the order they are specified in the subsection:

(1) For sale or arm's length transfer of adjudicated property, an adjoining property owner who asserts, and provides a sworn statement attesting to, their continuous maintenance of the adjudicated property for a period of at least one (1) year. Maintenance shall include but not be limited to the mowing of grass, trimming of hedges and plants, cleaning of litter and debris, to secure the property and maintain the overall appearance of the neighborhood.

(2) For sale or arm's length transfer of adjudicated property, community or local organizations whose primary area of operation or concentration is within the boundaries of the traditional or historic neighborhood in which the property is situated; or political subdivisions within whose geographic boundaries the property is situated.

(3) For sale or arm's length transfer of adjudicated property, a person who acquires the property in their own name and who will improve, maintain and personally occupy the property for a minimum of two years following the date of acquisition.

(4) For donation of adjudicated property to a qualified Louisiana and IRS 501(c)(3) non-profit that will improve and maintain the property until conveyance to a person who will personally occupy the property as their principal residence for a minimum of two (2) years following acquisition.

(5) For sale or arm's length transfer of adjudicated property, natural persons domiciled within the boundaries of the traditional or historic neighborhood in which the property is situated.

(6) For sale or donation at arm's length transfer of adjudicated property for any non-residential use not listed above.

(d) Nothing in this Article shall be construed to permit the sale, donation or arm's length transfer of property for residential lease. No property renovation plan required by this Article which includes residential lease as an intended use of the property at any time shall be approved by the Administrator.

Division II: Provisions governing sale of adjudicated properties

Sec.10 Initiation of sale of property by interested properties

(a) The Administrator shall promulgate a form with which potential purchasers may apply for sale of specified adjudicated property or properties. The form shall require specification of the purchaser's intended use for the property.

(b) Upon receipt of a potential purchaser's application, the Administrator shall determine whether the application conforms to such terms and conditions as this Article and rules promulgated under its authority impose on sale of the specified property or properties. No application shall be considered unless all potential acquiring persons verify by affidavit that they are neither owners nor tax debtors.

(c) The Administrator may request of the applicant such further information as he may deem necessary to reach a determination. No application shall be considered for sale of property which has been adjudicated property for less than two (2) years and six (6) months. Subsequent adjudications of the property shall not prevent consideration of an application for sale.

(d) If the Administrator concludes that the applicant appears capable of complying with the terms and conditions to be imposed on sale of the specified property or properties, he shall further consider whether the applicant's intended use comports with the character of the surrounding area and contributes to neighborhood stabilization and/or revitalization. The Administrator shall take into account input, if available, from community groups encompassing the property or properties (including but not limited to neighborhood coteries, community associations and homeowner's associations) as well as any criteria imposed by ordinance, by resolution or by rules promulgated under the authority of this Article.

(e) Upon preliminary approval of an application for sale made by an adjoining landowner, the Administrator shall determine whether the adjoining landowner has maintained the adjudicated property he seeks to purchase for a period of one (1) year prior to the sale. If the Administrator so determines, he shall

submit for the City Government approval a resolution adopting the anticipated costs of the sale as the sale price. Upon that resolution's approval, the Administrator shall proceed with sale of the property to the adjoining landowner in the same manner as a completed public sale, pursuant to La. R.S. 47:2202(B)

(f) Except for property to be donated and upon preliminary approval of any other interested party's application for sale or transfer of adjudicated property, the Administrator shall adopt as the minimum bid price 75% of the property's fair market value, as that term is defined by La. R.S. 47:2321, as derived from the property's most current assessment in the Tax Assessor's files.

(g) The Administrator shall require of the interested purchaser the deposit of an amount of money the Administrator deems sufficient to pay the estimated expenses of the sale as permitted by La. R.S. 47:2203(B). Upon receipt of the required funds, the Administrator shall submit for the City Alderpersons' consideration a resolution approving, and upon that resolution's approval shall initiate, sale of the property by public bid or act of donation.

Sec. 11 Sale of adjudicated property by the Administrator

(a) Upon approval of an interested party's application for sale of adjudicated property, other than that of an adjoining landowner, after deposit of the amounts permitted by La. R.S. 47:2203(B), and after the City Alderpersons' approval of the appropriate resolution; and after the City Alderpersons' approval of the appropriate resolution; or at the direction, by ordinance or resolution, of the City Alderpersons pursuant to La. R.S. 47:2203(A), the Administrator shall cause a public sale to be advertised twice in the official journal of the political subdivision: first, 30 or more days before the date of the sale; and second, no more than seven (7) days before the date of the sale. The advertisement shall inform the public of the minimum bid amount, the latest date written bids will be accepted, the time and date of in-person bidding, and any other terms and conditions to be imposed upon the sale.

(b) After publication of the advertisements required by this Article, the Administrator shall conduct the public sale in the manner and on the date given in the advertisements.

(c) Should a property for which the Administrator has set the minimum bid at two-thirds of the appraised value fail to sell, the Administrator shall cause a second public sale to be held, preceded by advertisements in the same manner as was the first sale. For this second public sale, the Administrator shall adopt as the minimum bid one-third (1/3) of the appraised value.

(d) Should a property for which the Administrator has set the minimum bid at the amount of the total of statutory impositions, governmental liens and costs of sale fail to sell, no second public sale shall be held.

(e) Should an interested party who has initiated the sales 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, 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.

Sec. 12 Disposition of proceeds for 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 Opelousas. Proceeds shall not be distributed to holders of statutory impositions and governmental liens until after expiration of the notice periods described by La. R.S. 47:2206 and all expenses therefore have been paid.

Division III: Provisions governing donation of adjudicated properties

Sec. 13 Initiation of donation of adjudicated property

(a) The Administrator shall promulgate a form with which qualified Louisiana and IRS 501(c)(3) non-profits may apply for donation of specified adjudicated property or properties. The form shall require specification of the applicant's intended use for the property. The form shall require the applicant to submit a proposed act of donation, which document must explicitly incorporate all terms and conditions of donation imposed by this Article, and must bind the qualified non-profit to renovate and maintain the sought property until its conveyance. No application shall be considered for donation of property which has been adjudicated property for less than two (2) years and six (6) months. Subsequent adjudications of the property shall not prevent consideration of an application for donation.

(b) Upon receipt of a potential donee's application, the Administrator shall determine whether the application conforms with such terms and conditions as this Article and rules promulgated under its authority impose on donation of the specified property or properties. No application shall be considered unless all potential acquiring persons verify by affidavit that they are neither owners nor tax debtors. The Administrator may request of the applicant such further information as he may deem necessary to reach his determination.

(c) If the Administrator concludes that the applicant appears capable of complying with the terms and conditions to be imposed on donation of the specified property or properties, he shall further consider whether the applicant's intended use comports with the character of the surrounding area and contributes to neighborhood stabilization and/or revitalization. The Administrator shall take into account input, if available, from community groups encompassing the property or properties (including but not limited to neighborhood coteries, community associations and homeowner's associations) as well as any criteria imposed by ordinance, by resolution or by rules promulgated under the authority of this Article.

(d) Upon preliminary approval of an application for donation made by a qualified non-profit, the Administrator shall recommend the donation to the City Alderpersons, including in his recommendation the proposed act of donation.

(e) Should the City Alderpersons by ordinance or resolution, and the Mayor by execution, approve the donation, the Administrator shall require the notices required by this Article in the Section entitled "Notice of sale or donation of adjudicated property."

(f) All qualified non-profits approved for donation by the Administration pursuant to this section shall pay a fee of \$500 to the City Government as a condition of the donation and to pay municipal cost related thereto.

Division IV: Provisions governing arm's length transfer of adjudicated property

Sec. 14 Waiver, property renovation plans and arm's length transfers

(a) The Administrator shall promulgate a form with which potential arm's length transferees and owners may apply for waiver of taxes, penalties, interest and other charges against adjudicated property in order to facilitate below-appraised-value transfer between them, as contemplated by La. Const. Art. VII, Sec. 14(B)(7) and (8).

(b) The Administrator shall not consider any application for waiver in connection with arm's length transfer unless all involved parties, including all owners and at least one potential arm's length transferee, join in the application. Each potential arm's length transferee shall verify such status, as defined by this Article, by affidavit prior to submission of the application. The Administrator shall not be required to contact involved parties or otherwise assist in development of an application for waiver. The Administrator shall not be required to contact other political subdivisions for, or otherwise assist in, waiver of charges owed to other political subdivisions. The Administrator shall not consider any application for waiver in connection with arm's length transfer unless it includes a property renovation plan which, at minimum, incorporates explicitly all elements required under this Article, including but not limited to those contained within the Section of this Article entitled "Terms and conditions on transfer of property."

(c) Upon receipt of an application for arm's length transfer, the Administrator shall determine whether the application conforms to such terms and conditions as this Article and rules promulgated under its authority impose on sale of the specified property or properties, including verification of whether the potential transferee(s) are arm's length transferees. The Administrator may request of the applicants such further information as he may deem necessary to reach his determination.

(d) If the Administrator concludes that the potential arm's length transferee(s) appear capable of complying with the terms and conditions to be imposed on transfer of the specified property or properties, he shall further consider whether the applicants' intended use comports with the character of the surrounding area and contributes to neighborhood stabilization and/or revitalization. The Administrator shall take into account input, if available, from community groups encompassing the property or properties (including but no limited to neighborhood coteries, community associations and homeowners' associations) as well as any criteria imposed by ordinance, by resolution or by rules promulgated under the authority of this Article.

(e) Upon approval of an application for waiver of taxes, penalties, interest and other charges, the Administrator or his designee shall submit for the City Alderpersons consideration a resolution approving the waiver, and upon that resolution's approval certify in writing to the applicants that the Administrator, as an administrative hearing officer of the City approves their property renovation plan in compliance with La. Const. Art. VII, Sec. 14(B)(7) and (8).

(f) Upon receipt of applicants' proof of recordation of the arm's length transfer, which recordation must include all terms and conditions imposed by this Article, the Administrator shall confect a document memorializing waiver of taxes, penalties, interest and other charges owed against the sold property to the City and file the document for recordation in the mortgage records of the St. Landry Parish Clerk of Court. Unless otherwise agreed by other political subdivisions, the Administrator's recorded document shall not waive charges held by them.

(g) The Administrator is authorized to, on behalf of the City to enter into a cooperative endeavor or local services agreements with other political subdivisions providing that arm's length transfers under this Article shall serve to waive taxes, penalties, interest and other charges owed against the sold property to such political subdivisions. When such an agreement is in place, such charges owed against property sold under this Section shall be included among those waived in the document confected and rcorDED by the Administrator.

(h) In the event the Administrator becomes aware or is made aware that taxes or other charges on the sold property have become delinquent after the transfer, he shall as soon as practicable file for recordation a revocation of the waiver. The Administrator shall not so revoke the waiver as a result of taxes or other charges imposed on the property prior to the arm's length transfer.

(i) In the event the Administrator becomes aware or is made aware that any ownership interest in the property has been acquired by an original owner, by a member of an original owner's immediate family, or by any entity in which any of them has a substantial economic interest, he shall as soon as practicable file for recordation a revocation of the waiver.

SECTION 5: All ordinances or resolutions, or parts thereof, in conflict herewith are hereby repealed.

SECTION 6: This ordinance shall become effective upon signature of the Opelousas Mayor or upon the lapse of ten (10) days after receipt by the Mayor without signature or veto, or upon override of a veto, whichever comes first.

A PUBLIC HEARING SHALL BE HELD ON TUESDAY, OCTOBER 13, 2020 AT 5:00 P.M., AT THE REGULAR MEETING PLACE OF THE BOARD OF ALDERMEN, CITY HALL COUNCIL ROOM, 105 N. MAIN STREET, OPELOUSAS, LOUISIANA.

/s/ Juilus Alsandor, Mayor
/s/ Leisa S. Anderson, City Clerk