

ORDINANCE NO. 2008 - O - 10

AN ORDINANCE REGULATING BLIGHTED PROPERTIES
IN THE PARISH OF VERMILION

BE IT ORDAINED by the Vermilion Parish Police Jury that there is a need to protect the public safety, health and welfare of the citizens of the Parish of Vermilion in regards to blighted properties located within the Parish of Vermilion, Louisiana.

BE IT FURTHER ORDAINED by the Police Jury of Vermilion Parish, in regular session convened on this 5th day of May, 2008, that the Vermilion Parish Police Jury adopt Parish Ordinance No. 2008-O-10 as follows:

Sec. 1. Findings

The Vermilion Parish Police Jury finds that:

- (1) The existence of blighted and uninhabitable housing creates public health problems, diminishes the property values of neighboring properties, has a negative effect on the quality of life of adjacent property owners, increases the risk of property damage through arson and vandalism, and discourages neighborhood stability and revitalization.
- (2) Blighted and abandoned residential housing properties should be rehabilitated and preserved to maintain the character of neighborhoods and simultaneously provide an opportunity for the Vermilion Parish Police Jury to arrange for the renovation or rehabilitation of such residential housing properties.
- (3) Local governmental subdivisions and their instrumentalities must be provided an additional tool in order to access and invest funds to renovate abandoned, blighted, and uninhabitable housing units within a judicially approved framework so that: (a) neighborhoods are not negatively impacted by blighted and abandoned properties; (b) owners will be assured that neighborhoods are safe places to live and that their reinvestment in rebuilding will not be devalued by the negative influence of blighted and abandoned properties in their neighborhood; (c) decent, safe, sanitary, and affordable housing may be provided to displaced persons and other priority tenants; (d) the statewide housing crisis may be alleviated; and (e) the substantial delays associated with blighted property may be avoided.

Sec. 2 Definitions

As used in this article, the following terms shall have the following meanings, to-wit:

- (1) "Adjudicated property" means a residential housing property on which taxes were due and which has been sold in accordance with law without appraisal following advertisement in the official journal of the local governmental subdivision and for which a tax deed by the local governmental subdivision's tax collector has been issued that constitutes prima facie evidence that a valid sale was made.
- (2) "Alternate plan" means a renovation or rehabilitation plan for either a residential housing property below minimum habitability standards or a blighted housing property prepared by the owner or other secured party that preserves the historic integrity of the residential building and restores such property to minimum habitability standards as evidenced by (a) a physical condition assessment identifying components of the blighted housing property requiring repair, replacement, or improvement to restore the property to minimum habitability standards in a cost-effective manner, (b) an estimate and certificate of costs executed by the owner or other secured party, including a schedule of values executed by a contractor committed to complete the repairs, replacements, or improvements identified in the physical condition assessment within the estimate of

costs, (c) evidence of funding commitments from government or commercial lenders sufficient to finance all costs identified in the estimate and certificate of costs, (d) a timetable evidencing the time frame within which the rehabilitation plan may be completed which shall include a date certain by which the rehabilitation will be completed, and (e) a detailed financial feasibility analysis, including documentation of the economic feasibility of the proposed reuse if the residential housing property is not to be occupied as the principal residence of the owner, including operating budgets or resale prices, or both, as appropriate.

- (3) "Approving resolution" means a resolution adopted by the Vermilion Parish Police Jury following an administrative hearing at which the owner and secured parties were provided notice and each given an opportunity to show cause why a rehabilitation plan for the residential housing property should not be prepared and implemented and which resolution determines that (a) the residential housing property is confirmed to be a blighted housing property and (b) the owner and secured parties either failed to submit an acceptable alternate plan or submitted an unacceptable alternate plan.
- (4) "Blighted housing property" means (a) any residential housing property for which environmental remediation is required by state law, rule, or regulation and the condition of which is found or declared by the public officer to be harmful to the health or welfare, including the economic welfare, of the residents of Vermilion Parish wherein the residential property is located, (b) any residential housing property that, as of the effective date of this Chapter, had been determined to be a blighted property or an adjudicated property by the local governmental subdivision, (c) any residential housing property that (i) is offered by a party in interest for inclusion on a blighted housing properties list and (ii) the current condition of which is declared by the Vermilion Parish Police Jury to be below minimum habitability standards and unfit for human habitation, occupancy, or use, or (d) any residential housing property that (i) has not been legally occupied for eighteen months prior to the time a public officer makes a determination that the property has been vacant for such eighteen-month period and (ii) has been determined to be a public nuisance by the Vermilion Parish Police Jury, except no residential housing property in an area impacted by Hurricane Katrina or Hurricane Rita which was occupied as of August 28, 2005, shall be included if the owner is eligible for and receives assistance under the Road Home Housing Program.
- (5) "Blighted housing property list" means a list prepared and periodically updated by a designated public official that identifies blighted housing properties in the jurisdiction of the Vermilion Parish Police Jury.
- (6) "Capital recovery payment" means a monthly payment to the Vermilion Parish Police Jury or qualified rehabilitation entity after completion of the rehabilitation or renovation of the residential housing property based upon the amount of any costs incurred by the Vermilion Parish Police Jury or qualified entity, including any new funds for reserves, repairs, transaction costs, or similar property costs.
- (7) "Commitment" means a legally binding agreement to receive and use a specific amount of money to complete construction or rehabilitation that can reasonably be expected to start within six months of the agreement date.
- (8) "Cost-effective manner" means the rehabilitation costs of a blighted housing property is less than fifty percent of the replacement costs of such property unless the blighted housing property has historic significance that must be preserved.
- (9) "Court" means the district court, city court, parish court, or municipal court with jurisdiction for the Vermilion Parish Police Jury in which the blighted housing property is located.
- (10) "Designated official" means the President of the Vermilion Parish Police Jury or such other person designated to act on behalf of the President by the Vermilion Parish Police Jury.

- (11) "Governing authority" means the Vermilion Parish Police Jury.
- (12) "Hearing officer" means an officer of the Vermilion Parish Police Jury appropriately qualified to carry out the responsibilities of hearing appeals and who does not report to the public officer.
- (13) "Local governmental subdivision" means the Vermilion Parish Police Jury.
- (14) "Minimum habitability standards" means the minimum property standards requirements set forth by the United States Department of Housing and Urban Development (HUD) in 24 CFR 200.929(b), particularly those standards in HUD 4910.1(HUD Minimum Property Standards for Housing).
- (15) "Municipality" means an incorporated city, town, or village as defined in Article VI, Section 44(3) of the Constitution of Louisiana of 1974.
- (16) "Owner" means the holder or holders of title to a blighted housing property.
- (17) "Party in interest" means (a) any individual, association, and corporation who has an interest of record in a residential housing property and any who has the right to possession of such property, (b) any owner of property adjacent to the residential housing property, or (c) any neighborhood association of property owners recognized by the local governmental subdivision covering an area inclusive of a residential housing property that is below minimum habitability standards.
- (18) "Public officer" means an officer of the Vermilion Parish Police Jury appropriately qualified to carry out the responsibilities of inspecting housing properties to determine whether such properties comply with state and local building codes and local health and safety codes and designated by resolution of the Vermilion Parish Police Jury in which the housing property is located.
- (19) "Qualified rehabilitation entity" means any person or entity designated by the Vermilion Parish Police Jury or the state housing agency on the basis of having demonstrated knowledge and substantial experience in the construction or rehabilitation of residential housing properties, the provision of affordable housing, the restoration of blighted property, the revitalization and improvement of neighborhoods and that is well qualified by virtue of its staff, professional consultants, financial resources, and prior activities to carry out the rehabilitation of blighted residential housing properties.
- (20) "Receiver" means either the Vermilion Parish Police Jury, secured party, or a qualified rehabilitation entity approved by the court.
- (21) "Receivership" means the judicially established framework for real property interest which is created by the court with respect to a blighted housing property pursuant to which a receiver is designated to preserve, rehabilitate, restore, and operate the blighted housing property.
- (22) "Receivership term" means the period of time established by the court commencing as of the date that the receivership is established and ending not earlier than the date required by the receiver to collect all capital recovery payments and not later than the date the owner is approved by the court to take possession and use of the property. In no event shall a receivership term be longer than five years.
- (23) "Rehabilitation plan" means (a) a renovation or rehabilitation plan for a blighted housing property approved by the Vermilion Parish Police Jury that is consistent with any neighborhood redevelopment strategy, preserves the historic integrity of the residential housing property and restores such property to minimum habitability standards based upon (i) a physical condition assessment identifying components of the blighted housing property requiring repair, replacement, or improvement to restore the property to minimum habitability standards in a cost-effective manner, (ii) an estimate and certificate of costs executed by a public officer, including a

schedule of values executed by a contractor committed to complete the repairs, replacements, or improvements identified in the physical condition assessment within the estimate of costs, (iii) evidence of funding commitments from government or commercial lenders sufficient to finance all costs identified in the estimate and certificate of costs, and (iv) a tentative timetable evidencing the time frame within which the rehabilitation plan may be completed, (b) an operating budget, including any required or permitted capital recovery payment, and (c) a receivership term.

- (24) "Replacement costs" means the costs of constructing a housing unit of the same size and with the same features on the sight of the blighted housing property.
- (25) "Secured party" means any lienholder, mortgagee, or other secured party with an interest in the blighted housing property that is recorded in the Vermilion Parish mortgage, conveyance, or clerk of court records or the secretary of state's records.
- (26) "State housing agency" means the Louisiana Housing Finance Agency, a public body corporate and politic constituting a political subdivision and instrumentality of the state of Louisiana, created and organized pursuant to and in accordance with the provisions of Chapter 3-A of Title 40 of the Louisiana Revised Statutes of 1950, as amended.

Sec. 3. Blighted Housing property list, creation, maintenance and challenges

A. Creation and content

- (1) The Secretary-Treasurer, Administrator or other public officer of the Vermilion Parish Police Jury shall identify residential housing properties below minimum habitability standards for the purpose of establishing a blighted housing property list which may be a list of such properties throughout the Parish of Vermilion or only within those parts of the Parish of Vermilion as the Vermilion Parish Police Jury may designate by resolution.
- (2) The public officer may exclude from the inventory of blighted housing property any property for which the expense to the Vermilion Parish Police Jury of determining the cost of environmental remediation required under state or federal law would be excessive in the judgment of the Vermilion Parish Police Jury.
- (3) Each blighted housing property on the inventory so identified shall include the tax block and lot number, the name of the owner of record, if known, and the street address of the lot. No residential housing property in an area impacted by Hurricane Katrina or Hurricane Rita which was occupied as of August 28, 2005, shall be included on the inventory as a blighted housing property if the owner is eligible for and receives assistance under the Road Home Housing Program.
- (4) Evidence of utility connections, including sewer, water, electric, or gas and billings to an occupant for the month of July or August 2005 shall be presumptive evidence that a residential housing property was occupied as of August 28, 2005.

B. Maintenance of blighted housing property list

- (1) Once an inventory has been conducted and blighted housing properties have been identified, the public officer shall establish and maintain a list of blighted housing properties, to be known as the "blighted housing property list".
- (2) The Vermilion Parish Police Jury may add properties to the blighted housing property list at any time and may delete properties at any time when

the public officer finds that the property no longer meets the definition of a blighted housing property. Any party in interest may request that a residential housing property below minimum habitability standards be included on the blighted housing property list by filing an affidavit with the public officer certifying the basis for such person being a party in interest and the conditions of the property that make the property unfit for human habitation, occupancy, or use.

- (3) Upon receipt of such an affidavit, the public officer or any qualified rehabilitation entity designated by the Vermilion Parish Police Jury shall be empowered to inspect the property and make a determination as to whether the property should be declared a blighted housing property. A residential housing property that is below minimum habitability standards shall not be included on the blighted housing property list if rehabilitation is being performed by the owner in a timely manner, as evidenced by building permits issued and diligent pursuit of rehabilitation work authorized by those permits, or by the filing of a rehabilitation plan approved by the court.

C. Rules and regulations prescribing risk guidelines. In accordance with LSA-R.S. 40:600.34, the state housing agency, in conjunction with the state departments of environmental quality and health and hospitals, has or will adopt rules and regulations prescribing guidelines and criteria for assessing and determining if a residential housing property is harmful to the health or welfare, including the economic welfare, of the residents of the local governmental subdivision wherein the residential housing property is located, or unfit for human habitation, occupancy, or use, and whether such property is undergoing rehabilitation in a timely manner within the meaning of Subsection B of this Section. The public officer may apply such standards in conducting any inventory pursuant to this Section.

D. Notice to owners with properties on the blighted housing properties list.

- (1) The public officer, within thirty days of the completion of the blighted housing property list, or any additions thereto, shall send a notice, by certified mail, return receipt requested, and by regular mail, to the owner of record of every property included on the list and shall cause the list, including periodic updates to the list, to be published in the official journal of the Vermilion Parish Police Jury, which publication shall constitute public notice, and, to the extent that the Vermilion Parish Police Jury maintains an informational web site, post the list on the Parish's informational web site.
- (2) The published and mailed notices shall identify property determined to be blighted housing property setting forth the owner of record, if known, the tax lot and block number, and street address.
- (3) The public officer, in consultation with the tax collector, shall also send out a notice by regular mail to any mortgagee, servicing organization, or property tax processing organization that receives a duplicate copy of the tax bill. When the owner of record is not known for a particular property and cannot be ascertained by the exercise of reasonable diligence by the public officer, notice shall not be mailed but instead shall be posted on the property and published in the official journal of the Vermilion Parish Police Jury.
- (4) The mailed notice shall include the factual basis for the public officer's finding that the property is blighted housing property, specifying the information relied upon in making such finding, and the owner's right and procedures to appeal the finding.

E. Challenges to listing on blighted housing property list.

- (1) An owner or secured party may challenge the inclusion of his property on the blighted housing property list by appealing that determination to the hearing officer within sixty days of the owner's receipt of the certified notice.
- (2) In the case of a notice that is returned as undeliverable or an owner whose identity was not known to the public officer, the owner shall have ninety days from the date upon which notice was published or posted, whichever is later, to challenge the inclusion of a property on the blighted housing property list.
- (3) For good cause shown, the hearing officer shall accept a late filing of an appeal. Within thirty days of receipt of a request for an appeal of the findings, the hearing officer shall schedule a hearing of the matter at which the owner or any party in interest may present oral or written testimony that the property should not be included on the list.
- (4) The owner or any party in interest may submit documentation including but not limited to photographs, repair invoices, bills, and construction contracts to challenge the inclusion of the property on the list.
- (5) The hearing officer shall render a decision on the appeal within thirty days of the hearing and shall promptly, by certified mail, return receipt requested, notify the property owner of the decision and the reasons therefor.

F. Appeal of blighted property designation. The property owner may challenge an adverse determination of an appeal with the hearing officer, by filing an appeal in the court in the parish in which the property is located. Such action shall be instituted within thirty days of the date of the notice of decision mailed by the hearing officer. The failure to institute an action of appeal on a timely basis shall constitute a jurisdictional bar to challenging the adverse determination, except that, for good cause shown, the court may extend the deadline for instituting the action.

G. Removal of properties from blighted housing property list. The public officer shall promptly remove any property from the blighted housing property list that has been determined not to be a blighted housing property on appeal.

Sec. 4. Statewide blighted housing property list

The Vermilion Parish Police Jury shall submit its blighted housing property list to the State housing agency no later than December 31st of each year.

Sec. 5 Filing of action to implement rehabilitation plan; notice to secured parties

A. Form of notice to secured parties. Prior to the Vermilion Parish Police Jury filing an action with the consent of the owner to establish a receivership in connection with a blighted housing property on a blighted housing property list, the designated official shall serve notice on the secured party which notice shall state that:

- (1) The Vermilion Parish Police Jury has determined the residential housing property of the owner to be a blighted housing property and has placed such property on the Vermilion Parish Police Jury's blighted housing property list.
- (2) The Vermilion Parish Police Jury and the owner will arrange for a rehabilitation plan to be prepared and submitted to the court to restore the property to minimum habitability standards.
- (3) A secured party may request a copy of such rehabilitation plan upon its submission to the court.

- (4) A secured party may submit an alternate plan to the public officer within forty-five days of the date of the notice.
 - (5) If a secured party does not present to the public officer an alternate plan within forty-five days of the date of the notice, the secured party may file an objection to the local governmental subdivision's action to implement a rehabilitation plan in the court.
- B. Service of notice.** The notice shall be served on the secured parties by registered or certified mail, postage prepaid, addressed to the secured party at their last known addresses.
 - C. Recordation of notice.** Any notice served pursuant to this Section shall be filed with the recorder of mortgages where the property is located. Once filed, said notice shall be deemed notice to all subsequent transferees. Any transferee of such property takes the property subject to all recorded liens, mortgages, and notices thereunto pertaining.

Sec. 6. Action to establish a receivership

- A. Action and determination of court.** An action to establish a receivership that transfers possession and control of blighted housing property to the Vermilion Parish Police Jury or a qualified rehabilitation entity may be brought by the Vermilion Parish Police Jury in the court in the parish in which the blighted housing property is located.
- B.** An action submitted to a court to establish a receivership shall include:
 - (1) The documentation supporting the residential housing property being designated a blighted housing property.
 - (2) An affidavit executed by the designated official stating that (a) the residential housing property was listed on the blighted housing property list, (b) the owner of the property has consented to placing the property in receivership, (c) notice was delivered to the secured parties in accordance with the provisions of this Chapter and was filed as required in the mortgage record of the Vermilion Parish Police Jury, or that there are no secured parties, (d) a rehabilitation plan for the blighted housing property was offered to the secured parties for review, (e) the secured party did not submit an acceptable alternate plan to the public officer, (f) a statement has been received by an individual holding appropriate professional qualifications that there are sound reasons that the blighted housing property should be rehabilitated rather than demolished based upon the physical, aesthetic, or historical character of the residential housing property or the relationship of such residential housing property to other buildings and lands within its immediate vicinity, and (g) the Vermilion Parish Police Jury approved the implementation of the rehabilitation plan pursuant to an approving resolution.
 - (3) An affidavit from the owner consenting to placing the property in receivership and agreeing to the cost of the rehabilitation plan.
 - (4) A certified copy of the approving resolution.
 - (5) A copy of the rehabilitation plan.
 - (6) A request that the court establish a receivership for the blighted housing property, appoint a receiver, and approve and authorize the receiver to implement the rehabilitation plan.
- C.** Prior to establishing a receivership, the court shall consider any objections filed by secured parties and evaluate any alternate plans submitted by secured parties. The

court may approve a secured party's alternate plan that, in the judgment of the court, is realistic and likely to result in the expeditious rehabilitation of the property to minimum habitability standards and a return of the blighted housing property to commerce. If the court approves the secured party's alternate plan, then the court shall appoint the public officer to act as monitor of the secured party's compliance. If the secured party fails to carry out any step in the approved alternate plan, then the Vermilion Parish Police Jury may apply to the court to complete the Vermilion Parish Police Jury's rehabilitation plan.

D.

- (1) If the court finds that the property is blighted property and that the secured party has failed to submit an acceptable alternate plan or to take any action to restore the blighted housing property to minimum habitability standards, then the court shall authorize the Vermilion Parish Police Jury or a qualified rehabilitation entity designated by the Vermilion Parish Police Jury to take possession, control, and use of the blighted housing property for the receivership term and to implement the rehabilitation plan.
- (2) The possession of the property by the Vermilion Parish Police Jury or qualified rehabilitation entity shall continue in receivership for the receivership term established by the court. In no event shall the receivership term exceed five years.
- (3) The costs to rehabilitate the property contained in the rehabilitation plan submitted for approval by the court shall be a lien against the property, which lien may be satisfied through capital recovery payments or by the maintenance of the receivership for the receivership term unless the owner applies to the court as otherwise provided in this Chapter for reinstatement of possession and control of the property and meets the criteria for reinstatement, including satisfying any and all liens, imposed by the court.

E. Other proceedings in court. The Vermilion Parish Police Jury or the qualified rehabilitation entity granted possession and control as receiver may commence and maintain any further proceedings in the court as may be necessary for the conservation, protection, rehabilitation, or disposition of the property or as may be necessary to recoup the cost and expenses of rehabilitation.

F. Receiver subject to direction and control by court. Any receiver so appointed shall be under the direction and control of the court and shall have full power over the property and shall, upon appointment by the court, commence and maintain all actions for the conservation, protection, or disposal of the residential housing property as the court may deem proper.

G. Technical advisory assistance to court. The state housing agency shall serve as a technical advisor to a court and may review each alternate plan and rehabilitation plan submitted to the court and advise the court as to the feasibility or viability of such plans; monitor on behalf of the court the implementation of the receivership over the receivership term; and advise the court as may be necessary and appropriate concerning revisions or adjustments to an alternate plan or a rehabilitation plan.

Sec. 7 Local governmental subdivision as receiver

- A. The court shall grant the Vermilion Parish Police Jury possession of the property if it finds that:
- (1) The rehabilitation plan is appropriate.
 - (2) The Vermilion Parish Police Jury or its designated qualified rehabilitation entity is qualified to undertake the rehabilitation plan.
 - (3) The rehabilitation plan submitted by the Vermilion Parish Police Jury

represents a realistic and timely plan for the rehabilitation and reuse of the blighted housing property.

- B.
- (1) The Vermilion Parish Police Jury shall take all steps necessary and appropriate to further the rehabilitation and reuse of the property consistent with the rehabilitation plan submitted to the court.
 - (2) In making its findings pursuant to this Section, the court may consult with qualified parties and, upon request by a party in interest, may hold a hearing on the plan.
 - (3) Regardless of whether the Vermilion Parish Police Jury exercises its rights directly or designates a qualified rehabilitation entity pursuant to this Section, while in possession of a blighted housing property, the Vermilion Parish Police Jury shall maintain, safeguard, and maintain insurance on the blighted housing property.
- C. Notwithstanding the Vermilion Parish Police Jury's possession of the blighted housing property during the receivership term, nothing in this Chapter shall be deemed to relieve the owner of the property of any civil or criminal liability or any duty imposed by reason of acts or omissions of the owner, or of any obligation the owner or any other person may have for the payment of taxes or other municipal liens and charges, or mortgages or liens to any party, whether those taxes, charges, or liens are incurred before or after the appointment of the receiver.

Sec. 8. Designation of qualified rehabilitation entity

- A. The Vermilion Parish Police Jury may exercise its rights pursuant to R. S. 40:600.38 directly or may designate a qualified rehabilitation entity to act as its designee for the purpose of exercising the Vermilion Parish Police Jury's rights where that designation will further the rehabilitation and reuse of the property consistent with the rehabilitation plan. This designation shall be made by resolution of the Vermilion Parish Police Jury.
- B. **Assignment of receivership by local governmental subdivision to a qualified rehabilitation entity.** Where the Vermilion Parish Police Jury has been granted possession by the court in the name of the Vermilion Parish Police Jury, the Vermilion Parish Police Jury may seek the approval of the court to assign its rights to another entity, which approval shall be granted by the court when it finds that the entity to which the Vermilion Parish Police Jury's rights will be assigned is a qualified rehabilitation entity and the assignment will further the purposes of this Chapter.
- C. **Reports.** Where the Vermilion Parish Police Jury has designated a qualified rehabilitation entity to act on its behalf, the qualified rehabilitation entity shall provide quarterly reports to the Vermilion Parish Police Jury on its activities and progress toward rehabilitation and reuse of the property. The Vermilion Parish Police Jury or qualified rehabilitation entity, as the case may be, shall provide such reports to the court as the court determines to be necessary. If the court finds that the Vermilion Parish Police Jury or its designee have failed to take diligent action toward rehabilitation of the property within six months from the grant of possession, then the court may request the Vermilion Parish Police Jury to designate another qualified rehabilitation entity to exercise its rights, or if the Vermilion Parish Police Jury fails to do so, may terminate the receivership and return the property to its owner.

Sec. 9. Permits, taxes, liens, and notice of completion

- A. **Permits.** If Vermilion Parish Police Jury, secured party, or qualified rehabilitation entity has been granted possession of a property, the Vermilion Parish Police Jury, secured party, or qualified rehabilitation entity shall be deemed to have an

ownership interest in the property for the purpose of filing plans with public agencies and boards, seeking and obtaining construction permits and other approvals, and submitting applications for financing or other assistance to public or private entities.

- B. Legal control.** For the purposes of any program of grants or loans, possession of a blighted housing property pursuant to the provisions of this Chapter shall be considered legal control of the property.
- C. Liens.** The court may approve the borrowing of funds by the Vermilion Parish Police Jury, with the consent of the property owner, to rehabilitate the property. Prior to seeking approval to borrow funds, the Vermilion Parish Police Jury shall have exhausted all grant opportunities. The court may grant a lien or security interest in the property for the amount of the borrowed funds.
- D. Recordation of liens.** No lien authorized by the court shall take effect unless recorded in the mortgage office of the parish in which the property is located.
- E. Notice of completion.** The Vermilion Parish Police Jury shall file a notice of completion with the court, and shall also serve a copy on the owner and any mortgage holder or lienholder, at such time as the Vermilion Parish Police Jury has determined that at least fifty percent of the rehabilitation plan is complete. This notice shall include an affidavit of the public officer attesting to the frame within which that rehabilitation can realistically be anticipated to be complete and a statement setting forth such actions as it plans to undertake to ensure that reuse of the property is consistent with the plan.

Sec. 10. Reinstatement of owner in possession

An owner may petition for reinstatement of the owner's control and possession of the property at any time during the receivership term.

Sec. 11. Petition for reinstatement

- A. Any petition for reinstatement of the owner's control and possession of the property filed pursuant to LSA-R.S. 40:600.41 shall:
 - (1) Include an agreement by the owner to complete the rehabilitation plan.
 - (2) Provide legally binding assurances that the owner will comply with all conditions of any grant or loan secured by the Vermilion Parish Police Jury or repay those grants or loans in full, at the discretion of the maker of the loan or grant.
- B. If the requirements of the petition are met, the court shall reinstate the owner to possession, control, and use of the property.

Sec 12. Sale of property

- A.
 - (1) The Vermilion Parish Police Jury, at the end of the receivership term, may petition the court to sell the property if the owner has not petitioned for reinstatement of ownership.
 - (2) The owner shall be served with a copy of the petition in accordance with the Code of Civil Procedure Article 1201, et seq. and be given an opportunity to respond.
- B. Any sale of property pursuant to the provisions of this Section shall be for the fair market value of the rehabilitated property, but not less than the amount necessary to recoup the costs incurred in rehabilitating the property.

- C. Any proceeds resulting from the sale in excess of the amount necessary to recoup the costs incurred in rehabilitating the property shall be returned to the property owner.

Sec 13. Preference to affected areas

Pursuant to the Robert T. Stafford Act as provided in 42 U.S.C.A. § 5150, in the expenditure of federal funds, under the provisions of this Chapter, in the carrying out of activities by contract or agreement with private organizations, firms, or individuals, preference shall be given, to the extent feasible and practicable, to those organizations, firms, and individuals residing or doing business in the state of Louisiana.

Sec. 14. Repeal of conflicting ordinances.

All ordinances or resolutions or parts thereof in conflict herewith are hereby repealed.

Sec. 15. Severability.

Should any part of this ordinance be declared null, void, invalid, illegal or unconstitutional, the remainder of the said ordinance shall remain in full force and effect.

Sec.16. Effective date.

This ordinance shall become effective upon the signature of the President of the Vermilion Parish Police Jury.



This ordinance having been submitted in writing, having been read and adopted at a public meeting of the Vermilion Parish Police Jury, State of Louisiana, was then submitted to an official vote as a whole, the vote was thereon being as follows:

YEAS: Dane Hebert, Chris Beraud, Nathan Granger, Ronald Darby, Wayne Touchet, Mark Poche`, Errol J. Domingues, Gerald Butaud, Ronald Menard, Pervis Gaspard, Cloris J. Boudreaux, T. J. Prejean, Jr., Leon Broussard

NAYS:

ABSENT: Keith Meaux

ADOPTED: May 5, 2008

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I, Chris Theriot, Administrative/Secretary-Treasurer, of the Vermilion Parish Police Jury, do hereby certify that the above is a true and exact copy of an ordinance adopted by the Vermilion Parish Police Jury, at the regular meeting of May 5, 2008, at which a quorum was present and acting.

Chris Theriot
Administrative/Secretary-Treasurer
Vermilion Parish Police Jury