
AMENDMENT NO. 1 TO ORDINANCE NO. 25 OF 2022

ORDINANCE NO. 25 OF 2022

**AN ORDINANCE TO AMEND
CHAPTER 38, ARTICLE II, DIVISION 8,
SECTION 72 OF THE CITY OF
SHREVEPORT CODE OF
ORDINANCES RELATIVE TO THE
ADMINISTRATIVE COST ASSESSED
BY THE CITY FOR PROPERTY
ABATEMENT AND TO OTHERWISE
PROVIDE WITH RESPECT THERETO**

AMENDMENT PROPOSED BY:

David Kaplovitz, Assistant City Attorney

INSTRUCTIONS:

Delete and remove from the files the original proposed Fact Sheet and Ordinance No. 25 of 2022 and substitute the attached Amendment No. 1 to Ordinance No. 25 of 2022.

EXPLANATION OF THE AMENDMENT:

1. This amendment revises language in the original proposed Fact Sheet and Ordinance which indicated that the increase in lien recording fees in the Caddo Parish Clerk of Courts Office occurred **after** the adoption of Sections 38-71 and 38-72 of the Code of Ordinances on October 22, 2019. Further research has indicated that this increase in lien recording fees actually occurred back on August 1, 2017. The amendment reflects the earlier date this increase occurred.

2. The amendment also corrects a typographical error in the Fact Sheet which indicated the increase in lien recording fees at the Caddo Parish Clerk of Courts Office was in the amount of two-hundred dollars (\$200.00). The correct increase was actually in the amount of two hundred percent (200%), an increase from thirty-five dollars (\$35.00) to one-hundred five dollars (\$105.00). The amendment now reflects the two hundred percent (200%) increase in the lien recording fees.

FACT SHEET

<u>TITLE</u> An ordinance to amend Chapter 38, Article II, Division 8, Section 72 of the City of Shreveport, Louisiana, Code of Ordinances relative to the administrative cost assessed by the City for property abatement and to otherwise provide with respect thereto.	<u>DATE</u> February 22, 2022	<u>ORIGINATING DEPARTMENT</u> Department of Property Standards <u>COUNCIL DISTRICT</u> City-wide <u>SPONSOR</u>
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PURPOSE
To amend Chapter 38, Art. II, Div. 8, Section 72 of the City of Shreveport, Louisiana Code of Ordinances.

BACKGROUND INFORMATION
Chapter 38-71 provides that the City “shall have a lien and privilege for the cost of abating any violation on any property located within the corporate limits of the city.” Pursuant to Chapter 38, Section 72 of the City of Shreveport Code of Ordinances, if a property owner or party-in-interest of a property fails to comply with notice sent pursuant to this Chapter or fails to comply with any order or determination rendered by the Director of Property Standards, the Hearing Officer of the Environmental Court, or the City Council, the City may cause the property to be abated with City resources or by private contractor. In such event, the City is entitled to assess and collect all costs associated with performing such work and assess a \$200 administrative cost.

The amount of this \$200.00 charge considers administrative costs incurred by the City, including in the recording of liens with the Caddo Parish Clerk of Court. As of August 1, 2017, the recording fee assessed by the Caddo Parish Clerk of Court has increased from \$35.00 to \$105.00 (200%). In 2021, this increase prompted significant expenses for both the Revenue/Compliance Division and the Property Standards Department and a combined total of \$58,200.00 for both departments in administrative charges, resulting in a deficit of at least \$171,800.00. By increasing the relevant administrative charge from \$200 to \$500 (150%) the City will be able to eliminate this expense.

<u>TIMETABLE</u> Introduction: February 22, 2022 Final Passage: March 8, 2022	<u>ATTACHMENTS</u>
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SPECIAL PROCEDURAL REQUIREMENTS
NA

<u>FINANCES</u> NA	<u>SOURCE OF FUNDS</u> NA
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ALTERNATIVES
(1) Adopt the ordinance as submitted, or (2) Amend the ordinance, or (3) Reject the ordinance.

RECOMMENDATION
It is recommended that the City Council adopt the ordinance.

FACT SHEET PREPARED BY: David H. Kaplovitz,
Assistant City Attorney

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BY COUNCILMEMBER:

WHEREAS, the City of Shreveport Code of Ordinances Chapter 38, Article II, Division 8, Section 71 provides that the City of Shreveport “shall have a lien and privilege for the cost of abating any violation on any property located within the corporate limits of the city.

WHEREAS, the City of Shreveport Code of Ordinances Chapter 38, Article II, Division 8, Section 72 also provides that “If the owner and party in interest of [a] property shall fail to comply with any notice sent pursuant to any provision of this chapter or applicable provisions of state law, or shall fail to comply with any order, decision or determination rendered by the director, the hearing officer, or the city council as provided in this chapter, the city may cause such work to be performed by city resources or a private contractor, and in such event, the city shall be entitled to assess and collect all costs incurred in performing such work, together with an administrative charge of \$200.00. This charge shall be levied on any case appealed prior to the granting of any time extension by the hearing officer or by the city council.

WHEREAS, the Department of Property Standards is tasked with enforcing Chapter 38 of the City of Shreveport Code of Ordinances, otherwise known as the “Property Standards Code” and is the department tasked with assessing the two hundred dollar (\$200) administrative cost and the recording of necessary liens for purposes of property abatement within the City.

WHEREAS, as of August 1, 2017, the recording fees assessed by the Caddo Parish Clerk

of Court's Office for the recording of liens has risen from thirty-five dollars (\$35.00) to one hundred five dollars (\$105.00), a two hundred percent (200%) rise.

WHEREAS, due to this rise in the parish's lien recording fees, it is essential for the City of Shreveport to amend the relevant administrative cost.

WHEREAS, in the calendar year 2021, the City of Shreveport's Revenue/Compliance division incurred significant expenses for the recording of lien cancellations, with the Department Property Standards experiencing expenses in a near equal amount for the initial recording of liens. In the same calendar year, Revenue and Property Standards collected a combined total of \$58,200.00 in administrative charges resulting in a deficit of at least \$171,800.00.

AND WHEREAS by increasing the relevant administrative charge from \$200 to \$500 (150%) the City of Shreveport will be able to eliminate this expense.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Shreveport, in due, legal, and regular session convened, that Chapter 38, Article II, Division 8, Section 72 of the City of Shreveport, Louisiana Code of Ordinances is hereby amended to read as follows:

Sec. 38-72. - Administrative charges, lien and privilege for cost of performing work.

- (a) If the owner and party in interest of the property shall fail to comply with any notice sent pursuant to any provision of this chapter or applicable provisions of state law, or shall fail to comply with any order, decision or determination rendered by the director, the hearing officer, or the city council as provided in this chapter, the city may cause such work to be performed by city resources or a private contractor, and in such event, the city shall be entitled to assess and collect all costs incurred in performing such work, together with an administrative charge of \$500.00. This charge shall be levied on any case appealed prior to the granting of any time extension by the hearing officer or by the city council

BE IT FURTHER ORDAINED that if any provision or item of this Ordinance or the application thereof is held invalid, such invalidity shall not affect other provisions, items or applications of this Ordinance which can be given affect without the invalid provisions, items or applications and to this end the provisions of this Ordinance are hereby declared severable.

BE IT FURTHER ORDAINED that all Ordinances or parts thereof in conflict herewith are hereby repealed.

THUS DONE AND ORDAINED by the City Council of the City of Shreveport, Louisiana.

APPROVED AS TO LEGAL FORM:

City Attorney's Office