



Louisiana

District 69

2019 Session Update (Week 2)

Representative Paula P. Davis

We are entering the second week of the 2019 Regular Session, which will be a short work week due to Holy Thursday, Good Friday and Easter. Wishing you and your families an early happy and safe Easter.

House Appropriations – the House budget committee – will continue reviewing appropriations proposed in HB 105 (the ordinary operating expenses of state government). Due to differences in priorities between Republicans, Democrats and Independents (as well as differences in priorities between different parts of Louisiana), the budget and specific appropriations will be vigorously debated – to put it mildly.

House Civil Law & Procedure will consider several legal reform bills this session. One of the first is HB 51, which proposes to allow evidence of a plaintiff’s failure to wear a seat belt in a car wreck to establish comparative negligence and damages (except when plaintiff is younger than 16 or when defendant is driving while intoxicated). Present law requires drivers and passengers to wear seat belts (you can be ticketed for failing to wear a seat belt) but doesn’t allow a judge or jury to consider a plaintiff’s failure to wear a seat belt when looking at the cause and extent of any injuries.

In Ways & Means, we’re scheduled to hear bills on tax credits/rebates/exclusions/exemptions on topics like rehabilitation of historic structures, purchases of motor vehicles with certain modifications related to orthopedic disabilities, funeral-related goods and services, and installation of surveillance cameras in commercial vehicles; and various sales tax holidays. While there are public policy and economic development reasons for certain credits/rebates/exclusions/exemptions, we need to be mindful as we weigh the merits because each credit/rebate/exclusion/exemption that we add means there is less revenue being collected. Adding a credit/rebate/exclusion/exemption means we must either cut something of equal value from the budget or raise taxes to accommodate the associated loss in revenue.

This session, I continue my efforts to improve our communities. After the 2016 floods, many homeowners discovered that they were unable to qualify for disaster relief funds because they didn’t have clear title to their homes (government records didn’t show them as the homeowner). Thousands of people live in homes that have been passed down through generations by family agreement, without legal documentation.

To provide relief to Louisiana residents living in homes without proof of ownership, I authored Act 96 (2017) – the Louisiana Small Successions Act – to expand the use of heirship affidavits, a mechanism that makes it easier to transfer ownership of inherited property to legal heirs and permits more people to enjoy the economic rewards of property ownership when the property does not exceed \$125,000. This law also allows families to use affidavits for properties of any value where the person died more than 20

years ago. Helping more families swiftly and cost-effectively prove ownership is critical to disaster recovery.

Another way to help improve our communities is the elimination of blighted properties. Blighted properties are crime magnets, safety hazards, and detrimental to the value of properties that are taken care of by responsible owners. Of course, tearing down blighted properties won't magically solve high-



crime problems but it should help eliminate locations for criminal activity like homicides, hiding stolen property and weapons, drug dealing, and prostitution.

A study led by the LSU Department of Sociology shows a connection between homicide and blighted properties in Baton Rouge. Blight, which the researchers define as “hazardous to the health, safety or welfare of the public, and/or conditions which are detrimental to property values, economic

stability or to the quality of the environment,” is a growing problem in Baton Rouge and throughout Louisiana. The study found that if you live within 2.5 blocks of a blighted property in Baton Rouge, the risk of homicide increases by 13 times. [Advocate Staff Photo by Patrick Dennis]

Tracking down owners of blighted properties and making sure they're given the required notice before the blighted properties are sold in public tax sales is difficult, if not impossible, because owners of blighted properties have moved out of town, died or heirs cannot be found. Working with the Baton Rouge Area Chamber and others, I filed HB 466 to establish parameters for what a parish tax collector must do to demonstrate that a “reasonable effort” has been made to provide a delinquent property tax owner with notice of a pending tax sale.

HB 466 takes into consideration U.S. Supreme Court decisions, constitutional rights under the 14th Amendment, and a Louisiana Supreme Court decision. This bill aims to make buying blighted properties out of public tax sales less risky and encourage investment in redeveloping blighted properties, while not infringing on property rights of owners of blighted properties. It sounds silly to be so respectful of the property rights of *owners of blighted properties* (some suggest owners of blighted properties don't care about the properties or our community), but well-defined and strongly protected property rights are critical to our personal prosperity, community development and rights we enjoy in America.

At the 10th Annual Good Apple Gala hosted this year by Louisiana Appleseed, I was honored with a Pro Bono Award for my wide-ranging advocacy efforts to improve our communities, specifically in the areas of property ownership and small successions. Louisiana Appleseed is a non-profit that recruits professionals through organizations like the LSU and Southern University Law Centers and Baton Rouge Bar Association to donate pro bono time to help solve community problems.

Thank you for the great feedback on the issues and bills of interest to you. As always, thank you for putting me in position to continue problem-solving for District 69, Baton Rouge and Louisiana.

Paula

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