

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO: 6017

ORDINANCE COUNCIL SERIES NO: \_\_\_\_\_

COUNCIL SPONSOR: BLANCHARD/BRISTER PROVIDED BY: LEGAL DEPARTMENT

INTRODUCED BY: MR. LORINO

SECONDED BY: MR. TOLEDANO

ON THE 2 DAY OF AUGUST , 2018

ORDINANCE TO REPEAL ORDINANCE COUNCIL SERIES NUMBER 05-1167 THAT PROVIDED FOR AMENDMENTS TO THE ST. TAMMANY PARISH CODE OF ORDINANCES PERTAINING TO REAL ESTATE AND/OR IMMOVABLE PROPERTY TRANSFERS.

WHEREAS, Ordinance C.S. No. 05-1167, adopted on August 4, 2005, amended and restated the St. Tammany Parish Code of Ordinances to set out certain obligations and requirements for the procurement of title insurance policies, responsibility for closing and other costs relating to transfers of real estate and/or other immovable property, and/or related matters (collectively the "Title Requirements"); and

WHEREAS, application of the Title Requirements as relating to the transfer of immovable property has often proven to be unduly inefficient and onerous, resulting in delayed transfers of immovable property and often obligating St. Tammany Parish Government (the "Parish") and/or third party transferors to incur unnecessary costs, fees and obligations for transfers of immovable property, whether for cash consideration or otherwise, that are not necessary or contemplated pursuant to state or federal law; and

WHEREAS, although the Louisiana Title Insurance Act, La. R.S. 22:511, *et seq.*, regulates the title insurance industry in Louisiana, neither federal nor state law generally requires the procurement of title insurance policies for acquisitions of immovable property, and, where not required pursuant to grant specification or other regulations, it is essential that Parish retain discretion concerning the necessity and manner of procuring title insurance policies for acquisitions of immovable property, where applicable, as well as the ability to negotiate the terms of funding any such policies and/or other related closing costs; and

WHEREAS, after further review and consideration, and given the foregoing, the Parish now deems it to be in the best interest of the Parish and its citizens to repeal in their entirety the aforementioned obligations and requirements for the transfers of real estate and immovable property, as codified in Section(s) 2-598, 2-599 and 2-600, formerly designated as Section 1-020.00, Section 1-020.01 and Section 1-020.02 of the 1998 codification of the St. Tammany Parish Code of Ordinances.

THE PARISH OF ST. TAMMANY HEREBY ORDAINS: that St. Tammany Parish Ordinance Council Series No. 05-1167, as formally codified in the St. Tammany Parish Code of Ordinances Section(s) 2-598, 2-599 and 2-600, formerly designated as Section 1-020.00, Section 1-020.01 and Section 1-020.02 of the 1998 codification of the St. Tammany Parish Code of Ordinances, be repealed in their entirety.

REPEAL: All ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SEVERABILITY: If any provision of this Ordinance shall be held to be invalid, such invalidity shall not affect other provisions herein which can be given effect without the invalid provision and to this end the provisions of this Ordinance are hereby declared to be severable.

EFFECTIVE DATE: This Ordinance shall become effective fifteen (15) days after adoption.

MOVED FOR ADOPTION BY: \_\_\_\_\_ SECONDED BY: \_\_\_\_\_

WHEREUPON THIS ORDINANCE WAS SUBMITTED TO A VOTE AND RESULTED IN THE FOLLOWING:

YEAS: \_\_\_\_\_

NAYS: \_\_\_\_\_

ABSTAIN: \_\_\_\_\_

ABSENT: \_\_\_\_\_

THIS ORDINANCE WAS DECLARED DULY ADOPTED AT A REGULAR MEETING OF THE PARISH COUNCIL ON THE 6 DAY OF SEPTEMBER , 2018 ; AND BECOMES ORDINANCE COUNCIL SERIES NO \_\_\_\_\_.

\_\_\_\_\_  
S. MICHELE BLANCHARD, COUNCIL CHAIRMAN

ATTEST:

\_\_\_\_\_  
THERESA L. FORD, COUNCIL CLERK

\_\_\_\_\_  
PATRICIA P. BRISTER, PARISH PRESIDENT

Published Introduction: JULY 25 , 2018

Published Adoption: \_\_\_\_\_ , 2018

Delivered to Parish President: \_\_\_\_\_ , 2018 at \_\_\_\_\_

Returned to Council Clerk: \_\_\_\_\_ , 2018 at \_\_\_\_\_

## **ORDINANCE ADMINISTRATIVE COMMENT**

ORDINANCE TO REPEAL ORDINANCE COUNCIL SERIES NUMBER 05-1167 THAT PROVIDED FOR AMENDMENTS TO THE ST. TAMMANY PARISH CODE OF ORDINANCES PERTAINING TO REAL ESTATE AND/OR IMMOVABLE PROPERTY TRANSFERS.

Parish seeks the repeal of Parish Ordinance Council Series No. 05-1167, as formally codified in the St. Tammany Parish Code of Ordinances Section(s) 2-598, 2-599 and 2-600, formerly designated as Section 1-020.00, Section 1-020.01 and Section 1-020.02 of the 1998 codification of the St. Tammany Parish Code of Ordinances (the "Provisions"). Upon further review and consideration, the Provisions as currently codified are inefficient and often serve to unfairly burden Parish and/or third party transferors with the cost of title insurance, as well as other costs and obligations, when the same are not necessary under law or otherwise. Furthermore, the Provisions further serve to prohibit, discourage or delay donations and transfers of immovable property to Parish, in fee simple or otherwise, when said donations and transfers may clearly be in Parish's best interest.