

September 21, 2022

**Via Electronic Mail ([dennis.murphy@nola.gov](mailto:dennis.murphy@nola.gov))**

Dennis P. Murphy  
Senior Building Plans Examiner  
New Orleans & CBD Historic District Landmarks Commission  
Office of Business and External Services  
1300 Perdido Street, 7<sup>th</sup> Floor  
New Orleans, LA

Re: 1218 Valmont Street

Dear Mr. Murphy:

During the Historic District Landmarks Commission (“HDLC”) meeting held on September 7, 2022, the Commission requested that the City Attorney provide clarification regarding whether House Bill No. 193 to enact La. R.S. 25:762.1 in the 2022 Regular Legislative Session applies prospectively versus retroactively. As you know, the property at 1218 Valmont Street was demolished on July 29, 2022 and the referenced law has an effective date of August 1, 2022—after the demolition occurred.

We are writing to provide the following information regarding long-established principles of statutory construction under Louisiana law and precedent from the Louisiana Supreme Court (cited below). Article 6 of the Louisiana Civil Code provides “[i]n the absence of contrary legislative expression, substantive laws apply prospectively. Procedural and interpretive laws apply both prospectively and retroactively, unless there is a legislative expression to the contrary.”

As an initial matter, there is no language in the newly enacted law that expresses any intent that the law would apply retroactively. The law only speaks to the effective date. The inclusion of a delayed effective date provision in a legislative enactment evidences a clear legislative intent that the enactment be given prospective application only. *See Jacobs v. City of Bunkie*, 737 So. 2d 14, 20 (La. 1999); *St. Paul Fire & Marine Ins. Co. v. Smith*, 609 So. 2d 809, 817 (La. 1992).

If there is still any question about whether the law should only apply prospectively, there should be a consideration of whether the law is procedural, interpretive or substantive. Substantive laws are laws that impose new duties, obligations or responsibilities upon parties, or laws that establish new rules, rights and duties or change existing ones. Interpretive laws clarify the meaning of a statute. Procedural laws prescribe a method for enforcing a substantive law. *See Jacobs v. City of Bunkie*, 737 So. 2d 14, 20 (La. 1999);

In this case, HB 193 is a substantive law. It imposes a new obligation (i.e. increased

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finest/penalties) on parties; therefore, the law only applies prospectively and does not apply to any demolitions that occurred before August 1, 2022, such as the demolition of 1218 Valmont. Accordingly, the new fines imposed by HB 193 do not apply in this instance.

Please let us know if there is any additional information we can provide regarding these issues.

Very truly yours,

**S.R. Williams Consulting, LLC**  
**Counsel for 1218 Valmont**

A handwritten signature in black ink, appearing to read "Sharonda R. Williams", with a long horizontal flourish extending to the right.

By: \_\_\_\_\_  
Sharonda R. Williams