2022 Regular Session

HOUSE BILL NO. 1058     (Substitute for House Bill No. 387 by Representative Hollis)

BY REPRESENTATIVE HOLLIS

PROPERTY/IMMOVABLE: Provides relative to property disclosures regarding building restrictions and restrictive covenants

1

AN ACT

2 To amend and reenact R.S. 9:3198(A)(2)(a) and (3), relative to the sale of immovable property; to provide for property disclosure requirements regarding homeowners' associations; to provide for property disclosures regarding restrictive covenants and building restrictions; and to provide for related matters.

3 Be it enacted by the Legislature of Louisiana:

4 Section 1. R.S. 9:3198(A)(2)(a) and (3) are hereby amended and reenacted to read as follows:

5 §3198. Duties of the seller; delivery of property disclosure document; termination of real estate contract; information contained in document and inaccuracies; required disclosure of information relative to homeowners' associations and restrictive covenants; liability of seller

6 A.

7 * * *

8 (2)(a) Included with the property disclosure documents required by this Section shall be a statement of notification to the purchaser as to whether or not he is obligated to be a member of a homeowners' association as a homeowner in the community in which he is purchasing property and whether the residential

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CODING: Words in struck through type are deletions from existing law; words underscored are additions.
property he is purchasing is subject to a common regime of restrictive covenants or
building restrictions, or both.

(3) The statement shall inform the purchaser that the information included
in the disclosure statement relative to any homeowners' association is summary in
nature and that the covenants and association governing documents restrictive
covenants and building restrictions are a matter of public record. The statement shall
further inform the purchaser how such documents can be obtained. The statement
shall also include notification to the purchaser that homeowners' association
governing documents may be requested from the seller and how to obtain documents
regarding any restrictive covenants and building restrictions governing the property
to be purchased.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part
of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute
part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 1058 Engrossed 2022 Regular Session Hollis

Abstract: Provides for notification to the purchaser of the presence of restrictive covenants
and building restrictions governing the use of the property being purchased.

Present law requires the seller of residential property to provide property disclosures
notifying the purchaser of certain information regarding the property, including whether the
property is subject to a mandatory homeowners' association.

Proposed law retains present law and further requires the seller to notify the purchaser of
whether the property is subject to a common regime of either covenants or building
restrictions, or both.

Proposed law also requires that the disclosures include a statement informing the purchaser
that the disclosure statement is a summary of the homeowners' association's regulations, and
restrictive covenants and building restrictions are part of the public record.

Proposed law requires the statement to contain a provision notifying the purchaser that he
is authorized to request homeowners' association governing documents from the seller and
information on how to obtain documents regarding restrictive covenants or building
restrictions.

(Amends R.S. 9:3198(A)(2)(a) and (3))

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are additions.