ENROLLED

2022 Regular Session

ACT No. 481

HOUSE BILL NO. 549

BY REPRESENTATIVES BOYD, AMEDEE, BROWN, ROBBY CARTER, WILFORD CARTER, GAROFALO, JEFFERSON, NELSON, AND SEABAUGH

AN ACT

To amend and reenact R.S. 9:1141.8 and to enact R.S. 9:1122.103(C), 1131.5(C), and 2734, relative to immovable property; to provide relative to restrictions on immovable property; to prohibit restrictions based on race or religion; to provide relative to condominium associations, timeshare associations, and homeowners associations; to provide relative to community documents; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 9:1141.8 is hereby amended and reenacted and R.S. 9:1122.103(C), 1131.5(C), and 2734 are hereby enacted to read as follows:

§1122.103. Construction and validity of declaration and bylaws

* * *

C. Notwithstanding any law or agreement to the contrary, provisions in the declaration and bylaws restricting conveyance based on race or religion shall be void as provided by R.S. 9:2734.

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§1131.5. Construction and validity of declaration

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C. Notwithstanding any law or agreement to the contrary, provisions in the plan restricting conveyance based on race or religion shall be void as provided by R.S. 9:2734.

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§1141.8. Community documents; force of law

A. The community documents of residential planned communities shall have the force of law between the homeowners association and the individual lot owners.
and as between individual lot owners. The remedies for breach of any obligation
imposed on lot owners or the association shall include damages, injunctions, or such
other remedies as are provided by law.

B. Notwithstanding any law or agreement to the contrary, provisions in the
community documents restricting conveyance based on race or religion shall be void
as provided by R.S. 9:2734.

C. A residential planned community acting through a majority vote of its full
board membership, instead of a majority approval of the owners, may amend the
community documents for the purpose of removing any restriction, covenant, or
condition that prohibits or limits the conveyance, encumbrance, rental, occupancy,
or use of immovable property on the basis of race, color, religion, sex, disability,
familial status, or national origin as defined in the Louisiana Equal Housing
Opportunity Act.

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§2734. Prohibited private restrictive covenants

Any promise, covenant, or restriction in a contract, mortgage, lease, deed, or
conveyance or in any other agreement affecting immovable property that limits,
restrains, prohibits, or otherwise provides against the sale, grant, gift, transfer,
assignment, conveyance, ownership, lease, rental, use, or occupancy of immovable
property to or by any person based on race or religion shall be void, against public
policy, and wholly unenforceable and shall not constitute a defense in any action,
suit, or proceeding.