

RÉSUMÉ DIGEST**ACT 240 (SB 77)****2026 Regular Session****Miller**

Prior law (C.C. Art. 2674) provided for effects of leases by nonowners between the parties to the lease.

New law retains prior law and provides for circumstances under which leases of goods by nonowners have effect against the owner of the goods.

Prior law (C.C. Art. 2681) provided form requirements for leases and provides that leases of immovables have effect against third persons upon being filed for registry.

New law (C.C. Arts. 2681 and 2681.1) retains and restructures prior law.

New law (C.C. Art. 2681.2) provides that leases of goods have effect against third persons upon delivery. New law also provides for the cessation of this effect upon return of the goods.

Prior law (C.C. Art. 2711) provided that the transfer of a leased thing by the lessor does not terminate the lease unless the parties have agreed to the contrary.

Prior law (C.C. Art. 2712) provided that the transferee of an immovable subject to an unrecorded lease is not bound by the obligations of the transferor under the lease. Prior law also provided that the lessor is liable to a lessee who has sustained a loss as a result of such a transfer, unless the parties have agreed to the contrary.

New law (C.C. Arts. 2711 and 2712) retains, clarifies, and restructures prior law.

Prior law (C.C. Art. 2713) provided that a lessee has the right to sublease or to assign or encumber the lessee's rights in the lease, unless prohibited by the terms of the lease.

New law retains prior law and clarifies that the right to assign or encumber lease rights applies to the lessor in addition to the lessee.

Prior law (C.C. Art. 2713) provided that a lease term prohibiting sublease or assignment or encumbrance of the lessee's rights in the lease is deemed to prohibit all of these transactions, unless a contrary intent is expressed. Prior law also provided that a lease term containing such a prohibition is to be strictly construed against the lessor.

New law limits the applicability of prior law to leases of immovables.

New law (C.C. Art. 2713.1) clarifies that a sublessee or a person to whom a lessee assigns the lessee's rights in the lease acquires no greater rights than the lessee, except as otherwise provided by legislation.

Effective August 1, 2026.

(Amends C.C. Arts. 2674, 2681, 2711, 2712, and 2713; adds C.C. Arts. 2681.1, 2681.2, and 2713.1)