HLS 22RS-657 ENGROSSED

2022 Regular Session

HOUSE BILL NO. 549

1

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

AN ACT

HOUSING: Provides relative to certain deed restrictions

2	To amend and reenact R.S. 9:1141.8 and to enact R.S. 9:1122.103(C), 1131.5(C), and 2734,
3	relative to immovable property; to provide relative to restrictions on immovable
4	property; to prohibit restrictions based on race or religion; to provide relative to
5	condominium associations, timeshare associations, and homeowners associations;
6	to provide relative to community documents; and to provide for related matters.
7	Be it enacted by the Legislature of Louisiana:
8	Section 1. R.S. 9:1141.8 is hereby amended and reenacted and R.S. 9:1122.103(C),
9	1131.5(C), and 2734 are hereby enacted to read as follows:
10	§1122.103. Construction and validity of declaration and bylaws
11	* * *
12	C. Notwithstanding any law or agreement to the contrary, provisions in the
13	declaration and bylaws restricting conveyance based on race or religion shall be void
14	as provided by R.S. 9:2734.
15	* * *
16	§1131.5. Construction and validity of declaration
17	* * *

1	C. Notwithstanding any law or agreement to the contrary, provisions in the
2	plan restricting conveyance based on race or religion shall be void as provided by
3	R.S. 9:2734.
4	* * *
5	§1141.8. Community documents; force of law
6	A. The community documents of residential planned communities shall have
7	the force of law between the homeowners association and the individual lot owners
8	and as between individual lot owners. The remedies for breach of any obligation
9	imposed on lot owners or the association shall include damages, injunctions, or such
10	other remedies as are provided by law.
11	B. Notwithstanding any law or agreement to the contrary, provisions in the
12	community documents restricting conveyance based on race or religion shall be void
13	as provided by R.S. 9:2734.
14	* * *
15	§2734. Prohibited private restrictive covenants
16	Any promise, covenant, or restriction in a contract, mortgage, lease, deed, or
17	conveyance or in any other agreement affecting immovable property that limits,
18	restrains, prohibits, or otherwise provides against the sale, grant, gift, transfer,
19	assignment, conveyance, ownership, lease, rental, use, or occupancy of immovable
20	property to or by any person based on race or religion shall be void, against public
21	policy, and wholly unenforceable and shall not constitute a defense in any action,
22	suit, or proceeding.

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 549 Engrossed

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Boyd

Abstract: Prohibits restrictive covenants based on race or religion from enforceability.

<u>Proposed law</u> (R.S. 9:2734) prohibits the enforceability of immovable property covenants that are restrictive on race or religion by providing that such provisions are void.

CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

<u>Present law</u> (R.S. 9:1122.103) provides for the declaration and bylaws of condominium associations.

<u>Proposed law</u> retains <u>present law</u> and provides that no provision in the declaration or bylaws may restrict conveyance based on race or religion and provides that such provisions are void.

Present law (R.S. 9:1131.5) provides for timeshare plans.

<u>Proposed law</u> retains <u>present law</u> but provides that no provision in the plan may restrict conveyance based on race or religion and provides that such provisions are void.

Present law (R.S. 9:1141.8) provides for community documents of homeowners associations.

<u>Proposed law</u> retains <u>present law</u> but provides that no provision in the community documents may restrict conveyance based on race or religion and provides that such provisions are void.

<u>Proposed law</u> provides a general prohibition against any restrictive covenant based on race or religion in any conveyance of immovable property and provides that such provisions are void.

(Amends R.S. 9:1141.8; Adds R.S. 9:1122.103(C), 1131.5(C), and 2734)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by <u>House Committee on Civil Law and</u> Procedure to the original bill:

1. Remove requirements that restrictions that are void be "declared" as void.