

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
3 property; to provide for property disclosure requirements regarding homeowners'
4 associations; to provide for property disclosures regarding restrictive covenants and
5 building restrictions; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

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

9 §3198. Duties of the seller; delivery of property disclosure document; termination
10 of real estate contract; information contained in document and inaccuracies;
11 required disclosure of information relative to homeowners' associations and
12 restrictive covenants; liability of seller

13 A.

14 * * *

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

1 property he is purchasing is subject to a common regime of restrictive covenants or
2 building restrictions, or both.

3 * * *

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

13 * * *

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))