

1 WHEREAS, making succession proceedings more financially available to low
2 income families where the only asset may be a low value residence, or an undivided interest
3 in immovable property, may help ensure the proper and timely transfer of property, which
4 would in turn make land title records more accurate; and

5 WHEREAS, pursuant to Article VII, Section 20 of the Constitution of Louisiana,
6 homestead exemption is limited to land that is owned and occupied by persons who own and
7 occupy the land in indivision and the homestead exemption is limited to the pro rata
8 ownership interest of that person or persons occupying the homestead; and only the owner
9 of immovable property is authorized to claim homestead exemption; and

10 WHEREAS, without a judgment of possession rendered in a succession opened
11 judicially or an affidavit of small succession recognizing the ownership interest of a person
12 or persons who are residing on the property, those persons who otherwise would be entitled
13 to claim homestead exemption may not do so; and

14 WHEREAS, an alternative to a succession opened judicially or an affidavit of small
15 succession proceeding may be beneficial to low income families and allow such families to
16 claim homestead exemption.

17 THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby
18 authorize and direct the Louisiana State Law Institute to study succession proceedings and
19 alternatives for low income families and low value properties and to report its findings to the
20 legislature prior to February 1, 2024.

21 BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the
22 director of the Louisiana State Law Institute.

23 BE IT FURTHER RESOLVED that the Louisiana State Law Institute shall submit
24 one print copy and one electronic copy of any report produced pursuant to this Resolution
25 to the David R. Poynter Legislative Research Library as required by R.S. 24:772.

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)]

HCR 121 Engrossed

2023 Regular Session

Gaines

Directs the La. State Law Institute to study succession proceedings and alternatives for low income families and low value properties.

Summary of Amendments Adopted by House

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

1. Provide that the costs of opening a succession may be a reason discouraging heirs from opening a succession.
2. Provide that additional study is needed to determine if a party may proceed in forma pauperis in succession proceedings.
3. Provide that the homestead exemption is limited to the exceptions provided by Article VII, Section 20 of the Constitution of La.