

2024 Regular Session

HOUSE BILL NO. 23

BY REPRESENTATIVE MELERINE

PRESCRIPTION: Provides relative to the prescription of actions for violation of building restrictions

1 AN ACT

2 To amend and reenact Civil Code Article 781, relative to building restrictions; to provide for
3 a noticeable violation of building restrictions; to provide for a definition; and to
4 provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. Civil Code Article 781 is hereby amended and reenacted to read as
7 follows:

8 Art. 781. Termination; liberative prescription.

9 No action for injunction or for damages on account of the violation of a
10 building restriction may be brought after two years from the commencement of a
11 noticeable violation. A violation is noticeable when an apparent activity has
12 occurred on the immovable in violation of the building restriction. The recordation
13 of an instrument that provides for a violation of the building restriction does not
14 constitute a noticeable violation. After the lapse of this period, the immovable on
15 which the violation occurred is freed of the restriction that has been violated.

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 23 Engrossed

2024 Regular Session

Melerine

Abstract: Provides for a definition of "noticeable violation" of building restrictions.

Present law provides that an action for the violation of building restrictions is barred after two years from the commencement of a noticeable violation.

Present law provides that after the lapse of the two year time period, the immovable on which the violation occurred is freed of the violated restriction.

Proposed law defines "noticeable violation".

(Amends C.C. Art. 781)

Summary of Amendments Adopted by House

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

1. Make technical changes.
2. Define "noticeable violation".
3. Remove the exception that an immovable sold pursuant to a tax or sheriff's sale shall not free the immovable from building restrictions.