

2024 Regular Session

HOUSE CONCURRENT RESOLUTION NO. 80

BY REPRESENTATIVE FARNUM

A CONCURRENT RESOLUTION

To authorize and direct the Louisiana State Law Institute to study the Private Works Act and provisions relative to protecting homeowners from claims when conducting home improvement projects and protecting homeowners from having to pay twice for work in order to avoid claims by unpaid claimants under the Private Works Act and report its findings to the legislature no later than January 25, 2025.

WHEREAS, the Private Works Act, R.S. 9:4801 et seq., governs the rights of parties to be paid when performing improvements on immovable property; and

WHEREAS, the Private Works Act applies to all construction projects in this state and there may be a need to provide additional special protections for homeowners when conducting residential improvement projects; and

WHEREAS, the protections that are available under the Private Works Act for property owners are often not known to or practical for homeowners when conducting residential improvement projects; and

WHEREAS, the Private Works Act only allows a homeowner to be relieved of claims against him when the claims arise from the performance of a contract by a general contractor for whom a bond is given and maintained as required by R.S. 9:4812 and when notice of the contract with the bond is properly filed as required by R.S. 9:4811; and

WHEREAS, circumstances arise in which the homeowner has paid the contractor in full, but because the homeowner does not have a bond and notice filed, the homeowner is not relieved of claims against him.

THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby authorize and direct the Louisiana State Law Institute to study the Private Works Act relative to the possibility of protecting a homeowner who conducts a residential improvement project from having to pay twice for some or all of the work in order to avoid claims by unpaid subcontractors, suppliers, laborers, and other claimants or in order to avoid or discharge privileges asserted by such claimants against the homeowners, and report its findings no later than January 25, 2025.

BE IT FURTHER RESOLVED that the Legislature of Louisiana does hereby authorize and direct the Louisiana State Law Institute to include representatives of the stakeholders impacted by the issues to be studied including but not limited to the Louisiana Bankers Associations, ABC Louisiana, Louisiana AGC, Louisiana Homebuilders Association, Louisiana Concrete Association, Louisiana Land Title Association, representatives of suppliers, and homeowners, to the extent not already included in the study.

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

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

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE