

Regular Session, 2014

HOUSE BILL NO. 524

BY REPRESENTATIVE NANCY LANDRY

CONDOMINIUMS: Provides relative to the Louisiana Condominium Act

1 AN ACT

2 To amend and reenact R.S. 9:1123.107 and 1123.112(E), relative to the Louisiana
3 Condominium Act; to provide for the duty to maintain and repair condominium
4 units; to provide for damages caused by the failure to maintain and repair; to prohibit
5 the recovery of damages under the association's insurance in certain circumstances;
6 and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 9:1123.107 and 1123.112(E) are hereby amended and reenacted to
9 read as follows:

10 §1123.107. Upkeep of the condominium

11 A. Except to the extent provided by the declaration, or Section 1123.112, the
12 association is responsible for maintenance, repair, and replacement of the common
13 elements, and each unit owner is responsible for maintenance, repair and
14 replacement of his unit.

15 B. In the event a unit owner fails to properly maintain or repair his unit, he
16 is responsible for the damages caused to any other unit and for any damages caused
17 to property of the association.

18 * * *

19 §1123.112. Insurance

20 * * *

1 E.(1) An insurance policy issued to the association does not prevent a unit
2 owner from obtaining insurance for his own benefit.

3 (2) Any damages caused by the neglect of a unit owner is the exclusive
4 responsibility of that unit owner, as provided by R.S. 9:1123.107, and recovery for
5 such damages is not permissible under the provisions of this Section.

6 * * *

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)]

Nancy Landry

HB No. 524

Abstract: Provides that the owner of a condominium unit is responsible for any damages caused to other units and association property by his failure to maintain his unit.

Present law provides that the condominium association is responsible for maintenance, repair, and replacement of the common elements, and each unit owner is responsible for maintenance, repair and replacement of his unit. Proposed law retains present law and provides that the unit owner is responsible for the damages caused to any other unit and for any damages caused to association property if the unit owner fails to properly maintain or repair his unit.

Present law provides that an insurance policy issued to the association does not prevent a unit owner from obtaining insurance for his own benefit. Proposed law provides that any damages caused by the neglect of a unit owner is the exclusive responsibility of that unit owner, and recovery for such damages is not permissible under the provisions of present law relative to the association's insurance policy.

(Amends R.S. 9:1123.107 and 1123.112(E))