

2022 Regular Session

HOUSE BILL NO. 9

BY REPRESENTATIVE HOLLIS

PROPERTY/RIGHTS: Provides relative to homeowners associations

1 AN ACT

2 To amend and reenact R.S. 9:1141.8, relative to homeowners associations; to provide for the
3 protection of the constitutional rights of persons whose property is subject to certain
4 restrictions; to provide for limitations on community documents; and to provide for
5 related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 9:1141.8 is hereby amended and reenacted to read as follows:

8 §1141.8. Community documents; force of law

9 A. The community documents of residential planned communities shall have
10 the force of law between the homeowners association and the individual lot owners
11 and as between individual lot owners. The remedies for breach of any obligation
12 imposed on lot owners or the association shall include damages, injunctions, or such
13 other remedies as are provided by law.

14 B. Any provision of a community document which restricts a constitutional
15 right of a lot owner or a person residing in a residential planned community shall be
16 null and void.

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 9 Original

2022 Regular Session

Hollis

Abstract: Prohibits homeowner association community documents from restricting lot owners' rights to protect their property and persons domiciled on their property.

Present law (R.S. 9:1141.8) provides that community documents of residential planned communities shall have the force of law between the homeowners association and the individual lot owners.

Present law (R.S. 9:1141.3) provides that provisions of the Louisiana Homeowners Association Act shall not be construed to affect the validity or superiority of community documents. The Louisiana Homeowners Association Act is only applicable to the extent that the community documents are silent.

Present law (R.S. 9:1141.3) provides that the Louisiana Homeowners Association Act shall not impair any right that is guaranteed or protected by the United States or Louisiana constitution.

Proposed law (R.S. 1141.8) provides that any provision in the community documents of residential planned communities shall be null and void if it restricts the constitutional rights of a lot owner or person residing in the residential planned community.

(Amends R.S. 9:1141.8)