
DIGEST

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HB 403 Engrossed

2022 Regular Session

Jefferson

Abstract: Provides for use and occupancy of community property.

Present law (R.S. 9:374) authorizes the court to award the use and occupancy of community movables or immovables to either spouse, after a petition for divorce is filed, and prior to partition.

Proposed law retains present law but separates an award of the family residence or other community immovables or a community manufactured home from an award of community movables for clarity.

Present law allows the court to determine whether to award rent for the use and occupancy at the time use and occupancy is awarded to a spouse.

Proposed law provides that a spouse may, at any time, request an award of rent from a spouse exercising exclusive use and occupancy of a residence. Proposed law further provides that an award of rent may be retroactive to the date of filing the motion, but shall only be awarded for the actual period of time the other spouse was occupying the residence.

Proposed law provides that the court's authority to award the use of community property is not limited to a specific dollar amount or percentage.

(Amends R.S. 9:374(B), (C), (D), and (E); Adds R.S. 9:374(F) and (G))

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.