

2022 Regular Session

HOUSE BILL NO. 57

BY REPRESENTATIVE HOLLIS

1 AN ACT

2 To amend and reenact R.S. 9:1145 and 1147, relative to homeowners associations; to
3 provide relative to privileges; to provide for notice to certain owners; to provide for
4 time periods; to provide for procedures for cancellation of certain privileges; to
5 provide for attorney fees; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 9:1145 and 1147 are hereby amended and reenacted to read as
8 follows:

9 §1145. Association of owners; privilege; notice to owner; definition

10 A.(1) If an individual lot owner has failed to pay the charges, expenses, or
11 dues imposed upon his lot by the association of owners of lots in a residential or
12 commercial subdivision, the association shall deliver a written demand for past due
13 charges, expenses, or dues owed to the association to the owner by certified or
14 registered mail, by commercial courier as defined in Code of Civil Procedure Article
15 1313, or at the address and method on file with the association.

16 (2) The individual lot owner shall have thirty days after delivery of the
17 written demand to deliver payment for the amount owed to the association. After the
18 thirty days has run, the association may file a sworn detailed statement in accordance
19 with this Part.

20 B. Upon the filing of a sworn detailed statement in accordance with this Part,
21 an association of owners of lots in a residential or commercial subdivision shall have
22 a privilege upon the lot and improvements thereon of an owner in the subdivision

1 who fails to pay charges, expenses or dues imposed upon such lot and improvements
 2 thereon in accordance with recorded restrictions, servitudes, or obligations affecting
 3 such subdivision. ~~An association of owners refers to a nonprofit corporation,
 4 partnership, association, or other legal entity whose members are owners of lots in
 5 the subdivision, and which maintains certain portions of the land or improvements
 6 in such subdivision for the use and benefit of the owners of lots in such subdivision.~~
 7 The privilege shall secure unpaid charges, expenses or dues imposed by the
 8 association of owners, together with legal interest from the date due and reasonable
 9 ~~attorney's~~ attorney fees.

10 C. For actions brought pursuant to this Section, the court may award the
 11 prevailing party costs of court, reasonable attorney fees, and other related costs, as
 12 well as any other sanctions and relief requested pursuant to Code of Civil Procedure
 13 Article 863.

14 D. For the purposes of this Part, an association of owners refers to a
 15 nonprofit corporation, partnership, association, or other legal entity whose members
 16 are owners of lots in the subdivision, and which maintains certain portions of the
 17 land or improvements in such subdivision for the use and benefit of the owners of
 18 lots in such subdivision.

19 * * *

20 §1147. Privilege; ~~five year period~~

21 A.(1) A recorded sworn statement shall preserve the privilege against the lot
 22 or lots and improvements thereon for charges assessed to the owner for alleged
 23 violations of community documents for a period of five years one year after the date
 24 of recordation. The effect of recordation shall cease and the privilege preserved by
 25 this recordation shall preempt unless a suit to enforce the privilege is filed within
 26 ~~five years~~ one year after the date of its recordation and a notice of the filing of such
 27 suit is filed in the mortgage records of the parish in which the subdivision is located.

28 (2) This Subsection shall not apply to the affirmative duty of a homeowner
 29 to pay monthly or periodic dues or fees, or assessments for particular expenses or

1 capital improvements that are reasonable for the maintenance, improvement, or
2 safety, or any combination thereof, of the planned community.

3 B. A recorded sworn statement shall preserve the privilege against the lot or
4 lots and improvements thereon for dues, fees, or assessments as provided in
5 Paragraph (A)(2) of this Section for a period of five years after the date of
6 recordation. The effect of recordation shall cease and the privilege preserved by this
7 recordation shall preempt unless a suit to enforce the privilege is filed within five
8 years after the date of its recordation and a notice of the filing of such suit is filed in
9 the mortgage records of the parish in which the subdivision is located.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____