

2024 Regular Session

HOUSE BILL NO. 23

BY REPRESENTATIVE MELERINE

PRESCRIPTION: Provides relative to the prescription of actions for violation of building restrictions

1 AN ACT

2 To amend and reenact Civil Code Article 781, relative to building restrictions; to provide
3 relative to immovable property sold at tax sale or sheriff's sale; to provide for an
4 exception; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. Civil Code Article 781 is hereby amended and reenacted to read as
7 follows:

8 Art. 781. Termination; liberative prescription.

9 No action for injunction or for damages on account of the violation of a
10 building restriction may be brought after two years from the commencement of a
11 noticeable violation. After the lapse of this period, the immovable on which the
12 violation occurred is freed of the restriction that has been violated. However, a sale
13 of an immovable pursuant to a tax sale or sheriff's sale shall not free the immovable
14 of any building restriction.

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 23 Original

2024 Regular Session

Melerine

Abstract: Provides that a sale of an immovable pursuant to a tax or sheriff's sale shall not free the immovable of any building restriction.

Present law provides that an action for the violation of building restrictions is barred after two years from the commencement of a noticeable violation.

Present law provides that after the lapse of the two year time period, the immovable on which the violation occurred is freed of the violated restriction.

Proposed law provides that a sale of an immovable pursuant to a tax or sheriff's sale shall not free the immovable of any building restriction.

(Amends C.C. Art. 781)