

Regular Session, 2014

HOUSE BILL NO. 394

BY REPRESENTATIVE THOMPSON

PROPERTY/IMMOVABLE: Provides relative to building restrictions

1 AN ACT

2 To amend and reenact R.S. 9:1141.6(B)(2) and to enact R.S. 9:1141.6(B)(4), relative to
3 building restrictions; to provide for the vote required for establishing or amending
4 certain assessments or fees; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 9:1141.6(B)(2) is hereby amended and reenacted and R.S.
7 9:1141.6(B)(4) is hereby enacted to read as follows:

8 §1141.6. Establishment, amendment, or termination of building restrictions

9 * * *

10 B. In the absence of a provision for the establishment, amendment, or
11 termination of such building restrictions in the community documents:

12 * * *

13 (2) ~~Existing~~ Notwithstanding the provisions of Paragraph (4) of this
14 Subsection, existing building restrictions may be made more onerous or increased
15 by agreement of two-thirds of the lot owners.

16 * * *

17 (4) An assessment or fee for maintenance of association property may be
18 established, increased, reduced, or terminated by agreement of more than one-half
19 of the lot owners.

20 * * *

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)]

Thompson

HB No. 394

Abstract: Provides that a majority vote is required for establishing, increasing, decreasing, or terminating an assessment or fee for maintenance of association property.

Present law provides for the establishment of building restrictions affecting association property, including lots or common areas, or those imposing an affirmative duty.

Present law provides that in the absence of a provision for the establishment, amendment, or termination of such building restrictions in community documents, building restrictions may be: (1) established by agreement of three-fourths of the lot owners; (2) made more onerous or increased by agreement of two-thirds of the lot owners; and (3) made less onerous, reduced, or terminated by agreement of more than one-half of the lot owners.

Proposed law retains present law and provides that an assessment or fee for maintenance of association property may be established, increased, reduced, or terminated by agreement of more than one-half of the lot owners.

(Amends R.S. 9:1141.6(B)(2); Adds R.S. 9:1141.6(B)(4))