

Regular Session, 2014

SENATE CONCURRENT RESOLUTION NO. 104

BY SENATORS MILLS AND WARD

LEGIS POWERS/FUNCTIONS. Requests the Louisiana State Law Institute to study and make recommendations regarding present Louisiana property law governing common interest ownership regimes.

A CONCURRENT RESOLUTION

To urge and request the Louisiana State Law Institute to study and make recommendations to the Louisiana Legislature regarding state laws governing common interest ownership regimes, including but not limited to homeowners associations, condominium developments, townhomes, and real estate cooperatives.

WHEREAS, R.S. 9:1121.101 provides for the Louisiana Condominium Act, R.S. 9:1131.1 provides for the Louisiana Timesharing Act, and R.S. 9:1141.1 provides for the Louisiana Homeowners Association Act; and

WHEREAS, these various legal regimes, often called common interest ownership regimes, each provide a framework for the governance of certain real estate developments, the ability of multiple parcel or unit owners within a development to share an ownership interest in certain common areas, and a mechanism to enforce shared obligations and responsibilities for the maintenance and care of the development; and

WHEREAS, Louisiana real estate developments are increasingly comprised of these common interest ownership regimes because they can provide for a sustained level of quality and shared governance among the various owners within the larger planned community; and

WHEREAS, there has been a prevailing movement across many states to enact comprehensive common interest ownership statutes that contemplate a single, flexible, legal

1 framework that can be used for all types of common interest ownership developments; and

2 WHEREAS, one such national model adopted by several states is the Uniform
3 Common Interest Ownership Act, promulgated most recently in 2008 by the Uniform Law
4 Commission, which governs the formation, management, and termination of a common
5 interest community, whether that community is a condominium, planned community, or real
6 estate cooperative; and

7 WHEREAS, presently Louisiana law does not comprehensively address common
8 interest communities, creating uncertainty and forcing many developers and their legal
9 counsel to consider various disparate statutes in attempting to confect a legal framework that
10 properly supports the purpose and economic viability of the development; and

11 WHEREAS, it is important that Louisiana's law governing common interest
12 communities enables and encourages such communities and provides an appropriate level
13 of balance between the rights of owners and the rights of developers.

14 THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby
15 urge and request the Louisiana State Law Institute to study legal issues surrounding present
16 Louisiana law governing common interest communities and to report and recommend in the
17 form of proposed legislation any needed revisions to present law, including but not limited
18 to the adoption, in whole or in part, of the Uniform Common Interest Ownership Act.

19 BE IT FURTHER RESOLVED that the Louisiana State Law Institute shall report
20 its finding and recommendations to the Legislature of Louisiana on or before January 1,
21 2016.

22 BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the
23 director of the Louisiana State Law Institute.

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Julie J. Baxter.

DIGEST

Mills

SCR No. 104

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present Louisiana property law governing common interest ownership regimes.