

2025 Regular Session

HOUSE BILL NO. 446

BY REPRESENTATIVE SPELL

1 AN ACT

2 To amend and reenact R.S. 33:101.1, relative to the development of parishes and
3 municipalities; to provide relative to planning commissions; to provide relative to the
4 powers and duties of planning commissions; to provide relative to judicial review of
5 local subdivision ordinances and certain acts of a governing authority, planning
6 commission, or planning administrator; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 33:101.1 is hereby amended and reenacted to read as follows:

9 §101.1. Subdivision approval a legislative function

10 Except as otherwise provided in this Subpart, the act of approving or
11 disapproving a subdivision plat is hereby declared a legislative function involving
12 the exercise of legislative discretion by the planning commission, based upon data
13 presented to it; provided that any subdivision ordinance enacted by the governing
14 authority of a parish or municipality or the acts of the governing authority, the
15 planning commission, or planning administrator shall be subject to judicial review
16 only on the grounds that such ordinance or act is arbitrary and capricious thereby
17 constituting of an abuse of discretion, unreasonable exercise of police powers, an
18 excessive use of the power herein granted, or denial of the right of due process. The
19 judicial review shall be confined to the record established before the governing
20 authority, the planning commission, or planning administrator whose decision is
21 being appealed. The right of judicial review of a subdivision ordinance shall not be

1 limited by the foregoing, however, nothing contained in this Subpart or in any
 2 subdivision ordinance adopted by a parish or municipality shall be construed as
 3 imposing upon such parish or municipality a duty, special or otherwise, to or for the
 4 benefit of any individual person or group of persons.

5 Section 2. This Act shall become effective upon signature by the governor or, if not
 6 signed by the governor, upon expiration of the time for bills to become law without signature
 7 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 8 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 9 effective on the day following such approval.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____