

2026 Regular Session

HOUSE BILL NO. 793

BY REPRESENTATIVE MUSCARELLO

LOCAL GOVERNMENT: Provides relative to recorded instruments affecting subdivisions

1 AN ACT

2 To amend and reenact R.S. 33:5052 and to repeal R.S. 33:5053, relative to certain
3 instruments filed for recordation; to provide relative to certification of such
4 instruments; to provide relative to the validity of the instruments; to provide for
5 violations; to provide for penalties; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 33:5052 is hereby amended and reenacted to read as follows:

8 §5052. ~~Enforcement of requirements~~ Validity of instruments; violations; penalties

9 ~~All clerks and ex-officio recorders and notaries public in all the parishes, the~~
10 ~~parish of Orleans excepted, shall refuse to place on record any deeds of sale of~~
11 ~~property to which R.S. 33:5051 applies until the provisions of R.S. 33:5051 have~~
12 ~~been complied with. They shall report to the district attorney all violations thereof~~
13 ~~coming within their knowledge.~~

14 A. Notwithstanding any provision of law to the contrary, any act of sale,
15 deed, plat, map, or other instrument filed for recordation in the conveyance records
16 of a parish to which R.S. 33:5051 through 33:5054, or R.S. 33:101 through 33:120.1,
17 or any local subdivision or zoning regulation applies, shall, by virtue of recordation,
18 constitute a certification by the filer that the instrument complies with all applicable
19 statutory and local requirements, including any required approval by the planning
20 commission or governing authority.

1 B. Any recorded instrument described in Subsection A of this Section that
2 does not comply with the requirements of state law or applicable local ordinances
3 shall be void ab initio and shall have no force or effect whatsoever, regardless of
4 when the defect is discovered.

5 C. The invalidity of any instrument declared void under Subsection B of this
6 Section shall not be cured or validated by prescription. No action or inaction by any
7 person or governing authority shall be deemed to create rights under such an
8 instrument.

9 D. Any person who knowingly files or causes to be filed a deed, plat, or
10 other instrument in violation of this Section shall be subject to both of the following:

11 (1) A civil penalty of not less than five hundred dollars and not more than
12 five thousand dollars per violation, recoverable by the governing authority or district
13 attorney.

14 (2) Criminal prosecution for filing a false public record pursuant to R.S.
15 14:133, where applicable.

16 E. Nothing in this Section shall impair the rights of third parties who acquire
17 property in good faith reliance on a properly approved and recorded plat or
18 subdivision, nor limit the remedies available to a governing authority for
19 enforcement of subdivision or zoning regulations.

20 Section 2. R.S. 33:5053 is hereby repealed in its entirety.

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 793 Original

2026 Regular Session

Muscarello

Abstract: Provides relative to certain acts of sale, deeds, plats, maps, or other instruments filed for recordation in the conveyance records of a parish.

Present law (R.S. 33:5051) provides that whenever the owner of any real estate desires to lay off the same into squares or lots with streets or alleys between the squares or lots and with the intention of selling or offering for sale any of the squares or lots, he shall, before selling any square or lot or any portion of same:

- (1) Cause the real estate to be surveyed and platted or subdivided by a licensed land surveyor into lots or blocks, or both, each designated by number.
- (2) Set monuments at all of the corners of every lot and block thereof.
- (3) Write the lot designation on the plat or map, and cause it to be made and filed in the office of the keeper of notarial records of the parish wherein the property is situated and copied into the conveyance record book of such parish, and a duplicate thereof filed with the assessor of the parish, a correct map of the real estate so divided. Provides further with respect to the requirements of the map.

Proposed law retains present law.

Present law (R.S. 33:5052) requires all clerks and ex-officio recorders and notaries public in all the parishes, the parish of Orleans excepted, to refuse to place on record any deeds of sale of property to which present law (R.S. 33:5051) applies until the provisions of present law (R.S. 33:5051) have been complied with. Requires them to report to the district attorney all violations thereof coming within their knowledge.

Present law (R.S. 33:5053) provides that any person, agent, or attorney in fact who violates present law (R.S. 33:5051 or 5052) shall be fined not less than \$10 nor more than \$500 for each offense.

Proposed law repeals present law and provides that any act of sale, deed, plat, map, or other instrument filed for recordation in the conveyance records of a parish to which present law (R.S. 33:5051 through 5054 or R.S. 33:101 through 120.1), or any local subdivision or zoning regulation applies, shall, by virtue of recordation, constitute a certification by the filer that the instrument complies with all applicable statutory and local requirements, including any required approval by the planning commission or governing authority.

Proposed law provides that any recorded instrument that does not comply with the requirements of state law or applicable local ordinances shall be void ab initio and shall have no force or effect whatsoever, regardless of when the defect is discovered. Provides that the invalidity of any instrument declared void shall not be cured or validated by prescription.

Proposed law provides that any person who knowingly files or causes to be filed a deed, plat, or other instrument in violation of proposed law shall be subject to both of the following:

- (1) A civil penalty of not less than \$500 and not more than \$5,000 per violation, recoverable by the governing authority or district attorney.
- (2) Criminal prosecution for filing a false public record pursuant to present law (R.S. 14:133), where applicable.

Proposed law provides that nothing shall impair the rights of third parties who acquire property in good faith reliance on a properly approved and recorded plat or subdivision, nor limit the remedies available to a governing authority for enforcement of subdivision or zoning regulations.

(Amends R.S. 33:5052; Repeals R.S. 33:5053)