

SENATE RESOLUTION NO. 18

BY SENATOR FOIL

A RESOLUTION

To urge and request the Louisiana State Law Institute to study the feasibility of allowing an exception to the homestead exemption from seizure for certain unpaid or accelerated costs subject to the Louisiana Condominium Act.

WHEREAS, Louisiana law establishes a bona fide homestead which consists of a residence occupied by the owner and the land on which the residence is located, including any building and appurtenances located thereon, and any contiguous tracts up to a total of five acres if the residence is within a municipality, or up to a total of two hundred acres of land if the residence is not located in a municipality; and

WHEREAS, the homestead is exempt from seizure and sale under any writ, mandate, or process whatsoever, except in limited circumstances prescribed by law; and

WHEREAS, the homestead exemption generally extends to thirty-five thousand dollars in value of the homestead with limited exceptions in the case of obligations arising directly as a result of a catastrophic or terminal illness or injury; and

WHEREAS, Louisiana law protects the right of condominium associations to collect unpaid assessments and fees from condominium owners and creates a privilege for the condominium association on a condominium parcel for all unpaid or accelerated sums assessed by the association, any fines or late fees in excess of two hundred fifty dollars, and interest at the rate provided in the condominium declaration or, in the absence, at the legal interest rate; and

WHEREAS, a properly recorded claim of privilege by the association preserves the privilege against the condominium parcel for a period of five years from the date of recordation, unless a notice of filing of suit on the claim is recorded within five years from the date of the recordation of the inscription of the claim; and

WHEREAS, the privilege ranks superior to all other liens and encumbrances on a condominium unit except privileges, mortgages, and encumbrances recorded before the recordation of the declaration, privileges, mortgages, and encumbrances on the unit recorded before the recordation of the privilege; immovable property taxes; and governmental assessments in which the unit is specifically described; and

WHEREAS, the homestead exemption does not include an exception for certain unpaid or accelerated condominium association costs.

THEREFORE, BE IT RESOLVED that the Senate of the Legislature of Louisiana does hereby urge and request the Louisiana State Law Institute to study and recommend legislation relative to the feasibility of allowing an exception to the homestead exemption from seizure for certain unpaid or accelerated costs subject to the Louisiana Condominium Act.

BE IT FURTHER RESOLVED that the Louisiana State Law Institute report its findings and recommendations to the legislature on or before March 1, 2027.

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

---

PRESIDENT OF THE SENATE