HLS 23RS-2882 ORIGINAL

2023 Regular Session

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HOUSE CONCURRENT RESOLUTION NO. 121

BY REPRESENTATIVE GAINES

SUCCESSIONS: Directs the La. State Law Institute to study succession proceedings and alternatives for low income families and low value properties

A CONCURRENT RESOLUTION

2	To authorize and direct the Louisiana State Law Institute to study succession proceedings
3	and alternatives for low income families and low value properties, and to report its
4	findings to the legislature prior to February 1, 2024.
5	WHEREAS, the average cost of succession proceedings for smaller estates in
6	Louisiana range from one thousand five hundred dollars to three thousand dollars; and
7	WHEREAS, an affidavit of small succession is an alternative to a full succession but
8	it is limited to estates valued at less than one hundred twenty-five thousand dollars; and
9	WHEREAS, to many individuals, succession proceedings are cost prohibitive
10	preventing such individuals from opening a succession for a deceased family member; and
11	WHEREAS, an affidavit to proceed in forma pauperis may be an avenue for low
12	income families not wishing or unable to open successions; and
13	WHEREAS, more study is needed to determine if proceeding in forma pauperis can
14	be applicable to succession proceedings; and
15	WHEREAS, making succession proceedings more financially available to low
16	income families may help ensure the proper and timely transfer of property, which would
17	in turn make land title records more accurate; and
18	WHEREAS, only the owner of immovable property is authorized to claim homestead
19	exemption; and

1 WHEREAS, transfer of property through a succession proceeding is the proper way 2 for an heir to obtain ownership of the deceased relative's property and claim homestead 3 exemption; and 4 WHEREAS, an alternative to a succession proceeding may be beneficial to low 5 income families to encourage the proper transfer of ownership and allow such families to 6 claim homestead exemption. 7 THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby 8 authorize and direct the Louisiana State Law Institute to study succession proceedings and 9 alternatives for low income families and low value properties and to report its findings to the 10 legislature prior to February 1, 2024. 11 BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the 12 director of the Louisiana State Law Institute. BE IT FURTHER RESOLVED that the Louisiana State Law Institute shall submit 13 14 one print copy and one electronic copy of any report produced pursuant to this Resolution 15 to the David R. Poynter Legislative Research Library as required by R.S. 24:772.

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)]

HCR 121 Original

2023 Regular Session

Gaines

Directs the La. State Law Institute to study succession proceedings and alternatives for low income families and low value properties.