

2025 Regular Session

SENATE BILL NO. 225

BY SENATOR DUPLESSIS

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

PLANNING/ZONING. Provides for a cause of action for operation of short-term rentals.
(8/1/25)

1 AN ACT

2 To enact R.S. 9:3258.2, relative to civil actions; to provide relative to operation of short-
3 term rentals; to provide relative to licensing requirements; to provide with respect
4 to violation of local planning and zoning ordinances; to provide for certain
5 definitions; to provide relative to a right and cause of action; to provide relative to
6 certain remedies; to provide relative to nonprofit organizations; to provide relative
7 to written notice and time delays; to provide relative to certain relief; to provide
8 relative to prescription; to provide relative to certain terms, conditions, and
9 procedures; and to provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 9:3258.2 is hereby enacted to read as follows:

12 **§3258.2. Short-term rentals; cause of action; remedies; prescription**

13 **A. For the purposes of this Section:**

14 **(1) "Dwelling unit" means a room or group of rooms providing**
15 **complete, independent living facilities, including permanent provisions for**
16 **living, sleeping, eating, cooking, and sanitation for one or more persons.**

17 **(2) "Guests" means one or more persons who occupy a dwelling unit**

1 pursuant to a short-term rental.

2 (3) "Person" means an individual, firm, corporation, partnership,
3 limited liability company, trust, association, or any other business entity or
4 juridical person, whether operating on a for-profit or nonprofit basis.

5 (4) "Short-term rental" means the provision of a dwelling unit, or any
6 portion thereof, to guests for a period of less than thirty consecutive days in
7 exchange for money or other valuable consideration. "Short-term rental" does
8 not include hotels, motels, bed and breakfasts, and other property uses explicitly
9 defined and regulated by any other provision of law, or any other property use
10 explicitly exempted by applicable local ordinance.

11 (5) "Short-term rental platform" means a third-party person who
12 operates a website or digital application that advertises the availability of short-
13 term rental dwelling units on behalf of the property owner, operator, or
14 manager and receives compensation for facilitating reservations or processing
15 booking transactions.

16 B. No person shall provide a short-term rental without the required
17 license or permit, if applicable, or in violation of any applicable local zoning,
18 land use, property use, or related regulatory ordinance.

19 C.(1) A civil action for relief as provided in this Subsection may be
20 brought against the person providing the short-term rental in violation of this
21 Section by the following parties:

22 (a) A person owning or leasing immovable property located within three
23 hundred feet of the short-term rental.

24 (b) A lawfully organized nonprofit homeowners, condominium, or
25 neighborhood association with one or more members residing within three
26 hundred feet of the short-term rental.

27 (c) A lawfully organized nonprofit hotel or lodging trade association with
28 one or more members operating a place of business located within three
29 hundred feet of the short-term rental.

1 **(2) The distance provided for in this Subsection shall be measured using**
2 **a straight-line method from the nearest point of property line to property line**
3 **without regard to intervening structures, objects, or property boundaries. The**
4 **measurement shall be made horizontally, parallel to the ground surface, and**
5 **shall not account for changes in elevation or topography.**

6 **(3) Appropriate relief to prevent a violation of this Section in a civil**
7 **action brought against the person providing the short-term rental shall include**
8 **injunctive or declaratory relief, a protective order or prohibition.**

9 **(4) No civil action shall be brought against a short-term rental platform**
10 **pursuant to this Section.**

11 **(5) In an action brought pursuant to this Section, the court may, in its**
12 **discretion, award reasonable attorney fees and costs to the prevailing party.**

13 **D.(1) Prior to bringing the cause of action provided for in this Section,**
14 **the plaintiff shall:**

15 **(a) Provide written notice of the violations alleged pursuant to**
16 **Paragraph B of this Section to the defendant and the local governing authority**
17 **code enforcement or zoning department.**

18 **(b) Allow sixty days from the date of delivery of the written notice to the**
19 **local governing authority.**

20 **(2) The plaintiff may bring the cause of action if the local governing**
21 **authority fails to address the violations.**

22 **E. The prescriptive period in all actions brought pursuant to this Section**
23 **shall be governed by R.S. 9:5625.**

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Senate Legislative Services. The keyword, summary, 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)]

DIGEST

SB 225 Reengrossed 2025 Regular Session Duplessis

Proposed law provides the following definitions:

- (1) "Dwelling unit" means a room or group of rooms providing complete, independent living facilities, including permanent provisions for living, sleeping, eating, cooking, and sanitation for one or more persons.
- (2) "Guests" means one or more persons who occupy a dwelling unit pursuant to a short-term rental.
- (3) "Person" means an individual, firm, corporation partnership, limited liability company, trust, association, or any other business entity or juridical person, whether operating on a for-profit or nonprofit basis.
- (4) "Short-term rental" means the provision of a dwelling unit, or any portion thereof, to guests for a period of less than thirty consecutive days in exchange for money or other valuable consideration.
- (5) "Short-term rental platform" means a third-party person who operates a website or digital application that advertises the availability of short-term rental dwelling units on behalf of the property owner, operator, or manager and receives compensation for facilitating reservations or processing booking transactions.

Proposed law provides that "short term rental" does not include hotels, motels, bed and breakfast, and other property uses explicitly defined and regulated by any other provision of law, or any other property use explicitly exempted by applicable local ordinance.

Proposed law provides that no person shall provide a short-term rental without the required license or permit, if applicable, or in violation of any applicable local zoning, land use, property use, or related regulatory ordinance.

Proposed law provides that a civil action for relief as provided in proposed law may be brought against the person providing the short-term rental in violation of proposed law by the following parties:

- (1) A person owning or leasing immovable property within 300 feet of the short-term rental.
- (2) A lawfully organized nonprofit homeowners, condominium, or neighborhood association with one or more members residing within 300 feet of the short-term rental.
- (3) A lawfully organized nonprofit hotel or lodging trade association with one or more members operating a place of business located within 300 feet of the short-term rental.

Proposed law provides that appropriate relief to prevent a violation of proposed law in a civil action brought against the person providing the short-term rental shall include injunctive or declaratory relief, a protective order or prohibition.

Proposed law provides that no civil action shall be brought against a short-term rental platform pursuant to proposed law.

Proposed law provides that in an action brought pursuant to proposed law, the court may, in its discretion, award reasonable attorney fees and costs to the prevailing party.

Proposed law provides that, prior to bringing the cause of action provided for in proposed law, the plaintiff shall:

- (1) Provide written notice of the violations alleged pursuant to proposed law to the defendant and the local governing authority code enforcement or zoning department
- (2) Allow 60 days from the date of delivery of the written notice to the local governing authority

Proposed law provides that the plaintiff may bring a cause of action pursuant to proposed law if the local governing authority fails to address the violations.

Proposed law provides that the prescriptive period in all actions brought pursuant to proposed law shall be governed by R.S. 9:5625.

Effective August 1, 2025.

(Adds R.S. 9:3258.2)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary A to the original bill

1. Removes definition for "short-term rental structure", provides definitions for "dwelling unit", "guests", and "person". Clarifies definition for "short-term rental", by adding that "short-term rental" does not include any property use explicitly exempted by applicable local ordinance.
2. Provides that no person shall provide a short-term rental without the required license or permit, if applicable, or in violation of any applicable local zoning, land use, property use, or related regulatory ordinance.
3. Provides that those parties who may bring a civil action for relief under proposed law include:
 - (a) A person owning or leasing immovable property within 500 feet of the short-term rental.
 - (b) A nonprofit neighborhood association with one or more members residing within 500 feet of the short-term rental.
 - (c) A nonprofit housing or lodging trade association with one or more members operating a place of business located within 500 feet of the short-term rental.
 - (d) A historic, economic development, crime prevention, development, or management district that is a political subdivision of the state whose boundaries encompass the short-term rental.
4. Provides that appropriate relief in a civil action brought against a person providing the short-term rental includes injunctive or declaratory relief, a

protective order or prohibition, or writ of mandamus.

5. Provides that a person bringing a civil actions against the provider of a short-term rental may be entitled to recover, at the discretion of the court, attorney fees and costs.
6. Prior to bringing the cause of action provided for in proposed law, requires the plaintiff to:
 - (a) Provide written notice of the violations alleged pursuant to proposed law to the defendant and the local governing authority code enforcement or zoning department.
 - (b) Allow 60 days from the date of delivery of the written notice to the local governing authority.
7. Specifies that the plaintiff may bring a cause of action pursuant to proposed law if the local governing authority fails to address the violations.
8. Clarifies that in accordance with (C.C. Art. 3493.1), the cause of action created by proposed law is subject to a liberative prescription of two years from the date the plaintiff became aware of the violation.

Senate Floor Amendments to engrossed bill

1. Defines "short-term rental platform".
2. Changes the distance allowing a person owning or leasing immovable property to file a civil action for relief under proposed law, from 500 feet to 300 feet.
3. Changes the nonprofit neighborhood association which may file a civil action for relief under proposed law if one or more members are residing within 500 feet of the short-term rental to a lawfully organized nonprofit homeowners, condominium, or neighborhood association in which one or more members reside within 300 feet of the short-term rental.
4. Changes the nonprofit housing or lodging trade association which may file a civil action for relief under proposed law if one or more members operate a place of business located within 500 feet of the short-term rental to a lawfully organized hotel or lodging trade association with one or more members operating a place of business located within 300 feet of the short-term rental.
5. Removes the provision allowing a historic, economic development, crime prevention, development or management district that is a political subdivision of the state whose boundaries encompass the short-term rental, to file a civil action for relief under proposed law.
6. Removes writ of mandamus as a type of appropriate relief under proposed law.
7. Provides that no civil action shall be brought against a short-term platform pursuant to proposed law.
8. Provides that in an action brought pursuant to proposed law, the court may, in its discretion, award reasonable attorney fees and costs to the prevailing party.

9. Provides that the prescriptive period in all actions brought pursuant to proposed law shall be governed by R.S. 9:5625.