
DIGEST

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HB 1255 Engrossed

2026 Regular Session

Muscarello

Abstract: Provides relative to the prescriptive period for actions brought for the violation of certain regulations imposed on immovable property.

Present law provides that all actions civil or criminal, created by statute, ordinance, or otherwise, which may be brought by parishes, municipalities, or their instrumentalities or by any person, firm, or corporation to require enforcement of and compliance with any zoning restriction, building restriction, or subdivision regulation, imposed by any parish, municipality, or an instrumentality thereof, and based upon the violation by any person, firm, or corporation of such restriction or regulation, must be brought within five years from the first act constituting the commission of the violation. Excepts those actions created for the purpose of amortization of nonconforming signs and billboards enacted in conformity with the provisions of present law (R.S. 33:4722).

Proposed law retains present law.

Present law provides that all actions, civil or criminal, related to violations of use regulations must be brought within five years from the date the parish, municipality, and the properly authorized instrumentality or agency thereof if such agency has been designated, first had been actually notified in writing of the violation. Excepts those actions created for the purpose of amortization of nonconforming signs and billboards in conformity with the provisions of present law (R.S. 33:4722).

Proposed law removes reference to the designated agency. Proposed law otherwise retains present law.

Proposed law provides that if no map, plat, survey, or other instrument evidencing a violation of a subdivision regulation imposed on a certain parcel of immovable property has been filed or recorded in the conveyance or mortgage records of the parish in which the immovable property is located prior to August 1, 2026, then the filing or recordation of a map, plat, survey, or other instrument evidencing noncompliance with applicable subdivision regulations shall not be the first act constituting the commission of the violation for the purposes of the prescriptive period established in present law.

Present law provides that any prescription accrued by the passage of two years shall not be interrupted, disturbed, or lost by operation of the provisions of present law. Excepts prescription as relates to nonconforming signs and billboards.

Proposed law retains present law.

Present law provides that in all cases where the prescription has accrued, the particular property involved in the violation of the zoning restriction, building restriction or subdivision regulation shall enjoy the same legal status as land uses, construction features of buildings or subdivisions made nonconforming by the adoption of any zoning restriction, building restriction or subdivision regulation. Provides that the governing authority may provide for the removal of nonconforming signs and billboards in accord with the provisions of present law (R.S. 33:4722).

Proposed law removes provisions that authorize the governing authority to provide for the removal of nonconforming signs and billboards in accordance with the provisions of present law (R.S. 33:4722). Specifies that the particular property involved in the violation enjoys the same legal status *regarding the violation* as land uses, construction features of buildings or subdivisions made nonconforming by the adoption of any zoning restriction, building restriction or subdivision regulation.

Present law provides that the prescriptive period provided for in present law regarding any action to enforce a zoning restriction or regulation or a violation thereof in the Vieux Carre section of the city of New Orleans shall begin to run on the date the properly authorized agency of the city *actually* receives written notice of the violation.

Proposed law removes the term *actually* from the provisions of 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.

Proposed law directs the La. State Law Institute to study the prescription of actions to enforce zoning, subdivision, and land use regulations by political subdivisions in light of the recent court decisions and to propose legislation that balances the public purpose of regulating land use and the right of property owners not to be deprived of property without due process of law and just compensation.

Proposed law has prospective application only.

(Amends R.S. 9:5625(A)(1), (3), and (4), (B), and (G)(3)(a); Adds R.S. 9:5625(A)(5) and (H); Repeals R.S. 33:5052 and 5053)