

2024 Regular Session

HOUSE BILL NO. 171

BY REPRESENTATIVE CREWS

PROPERTY: Provides relative to the maintenance of property leased by political subdivisions

1 AN ACT

2 To enact Chapter 5 of Code Title IX of Code Book III to be comprised of R.S. 9:3391,  
3 relative to lessor's maintenance obligations; to provide for the lease of property by  
4 a political subdivision; to provide for reasonable attorney fees; to provide for a  
5 similar standard for maintenance on leased property; to provide for the enforcement  
6 of violated maintenance terms; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Chapter 5 of Code Title IX of Code Book III comprised of R.S. 9:3391  
9 is hereby enacted to read as follows:

10 CHAPTER 5. ~~REMOVAL AND PRESERVATION OF PROPERTY~~

11 ~~DURING EMERGENCIES AND DISASTERS~~

12 LEASE OF PROPERTY BY POLITICAL SUBDIVISION

13 §3391. Lessor's maintenance obligations

14 A. In any lease of property owned by a political subdivision pursuant to  
15 Article VI, Section 44 of the Louisiana Constitution where the political subdivision  
16 maintains similar facilities on the same or adjacent property, the lessor shall not  
17 enforce the maintenance obligations of the lessee if the lessor fails to maintain its  
18 own facilities on the same or adjacent property to a similar standard.

19 B. If the lessor fails to maintain its own facilities to the standard required of  
20 the lessee for a period of two years from the commencement of a noticeable violation

1        of the maintenance obligations, the lessor shall not enforce the violated maintenance  
2        term on the lessee.

3                C. If the lessor fails to comply with the provisions of this Section, the lessee  
4        may file an action against the lessor, and the lessee may be entitled to reasonable  
5        attorney fees.

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 171 Original

2024 Regular Session

Crews

**Abstract:** Provides for maintenance obligations on leases of property by political subdivisions.

Proposed law provides for the lease of property owned by a political subdivision as defined in Const. Art. VI, §44.

Proposed law provides that on properties where the political subdivision maintains similar facilities on the same or adjacent property, the lessor shall not enforce maintenance obligations on the lessee if the lessor fails to maintain its own facilities to a similar standard.

Proposed law provides that if the lessor fails to maintain its facilities to the standard required of the lessee for two years from the commencement of a noticeable violation of the maintenance obligations, the lessor shall not enforce the violated maintenance term on the lessee.

Proposed law provides for reasonable attorney fees if the lessor fails to comply with the provisions of proposed law.

(Adds R.S. 9:3391)