HLS 20RS-720 ENGROSSED

2020 Regular Session

HOUSE BILL NO. 356

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BY REPRESENTATIVE LANDRY

COURTS: Provides relative to the subject matter jurisdiction of certain courts

AN ACT

2	To amend and reenact Code of Civil Procedure Articles 4842(B) and 4843(B) and R.S.
3	13:5202(B), relative to the subject matter jurisdiction of parish, city, and small
4	claims courts; to provide for civil jurisdiction over claims brought by individuals and
5	neighborhood associations seeking enforcement of ordinances; to provide for the
6	amount in dispute; and to provide for related matters.
7	Be it enacted by the Legislature of Louisiana:
8	Section 1. Code of Civil Procedure Articles 4842(B) and 4843(B) are hereby
9	amended and reenacted to read as follows:
0	Art. 4842. Parish court jurisdiction; amount in dispute; injunctive actions by a
1	political subdivision
12	* * *
13	B.(1) The civil jurisdiction of a parish court is concurrent with the district
4	court in cases or proceedings instituted by the state, a parish, a municipality, or other
15	political subdivision of the state for injunctive relief or other civil relief for the
16	cessation or abatement of any acts or practices which may violate any parish or
17	municipal ordinance or any state law. In such case, the court shall have jurisdiction
18	irrespective of the amount in dispute or the value of the property involved.
19	(2) The civil jurisdiction of a parish court is concurrent with the district court
20	in cases or proceedings instituted by an individual or a neighborhood association or

CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

1	organization for injunctive relief or other civil relief for the cessation or abatement
2	of any acts or practices which may violate any parish or municipal ordinance. In
3	such case, the court shall have jurisdiction up to the jurisdictional limitations as
4	provided by this Article.
5	Art. 4843. City court jurisdiction; amount in dispute; injunctive actions by state or
6	political subdivision
7	* * *
8	B.(1) The civil jurisdiction of a city court in which the population of the
9	territorial jurisdiction is greater than fifty thousand is concurrent with the district
10	court in cases or proceedings instituted by the state, a parish, a municipality, or other
11	political subdivision of the state for injunctive relief or other civil relief for the
12	cessation or abatement of any acts or practices which may violate a parish or
13	municipal ordinance or state law. In such case, the court has jurisdiction regardless
14	of the amount in dispute or the value of the property involved.
15	(2) The civil jurisdiction of a city court is concurrent with the district court
16	in cases or proceedings instituted by an individual or a neighborhood association or
17	organization for injunctive relief or other civil relief for the cessation or abatement
18	of any acts or practices which may violate a parish or municipal ordinance. In such
19	case, the court has jurisdiction up to the jurisdictional limitations as provided by this
20	Article.
21	* * *
22	Section 2. R.S. 13:5202(B) is hereby amended and reenacted to read as follows:
23	§5202. Jurisdiction
24	* * *
25	B.(1) A small claims division shall have authority to grant any appropriate
26	relief, including money damages and equitable relief. Injunctions and restraining
27	orders shall not issue from a small claims division, except to arrest the execution of
28	its own writ or as provided in Paragraph (2) of this Subsection. Class actions,
29	summary proceedings, and executory proceedings shall be prohibited.

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(2) The civil jurisdiction of a small claims division is concurrent with the district court in cases or proceedings instituted by an individual or a neighborhood association or organization for injunctive relief or other civil relief for the cessation or abatement of any acts or practices which may violate a parish or municipal ordinance. In such case, the court shall have jurisdiction up to the jurisdictional limitations as provided by this Section.

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 356 Engrossed

2020 Regular Session

Landry

Abstract: Grants parish courts, city courts, and small claims divisions jurisdiction over claims to enforce parish or municipal ordinances brought by individuals and neighborhood associations.

<u>Present law</u> provides that parish courts and city courts in which the population of territorial jurisdiction is greater than 50,000 may hear claims brought by governmental entities to enforce parish or municipal ordinances or state law without limit on the amount in dispute.

<u>Proposed law</u> provides that parish and city courts may also hear claims brought by individuals or neighborhood associations seeking to enforce parish or municipal ordinances provided the jurisdiction of the court doesn't exceed the jurisdictional limitations as provided in present law.

<u>Present law</u> authorizes city courts to establish small claims divisions with civil subject matter jurisdiction in cases where the amount in dispute does not exceed \$5,000.

<u>Proposed law</u> provides that a small claims division of a city court may also hear claims brought by individuals or neighborhood associations seeking to enforce parish or municipal ordinances, subject to the \$5,000 jurisdictional limit.

(Amends C.C.P. Arts. 4842(B) and 4843(B) and R.S. 13:5202(B))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by <u>House Committee on Judiciary</u> to the <u>original</u> bill:

1. Change <u>proposed law</u> criteria that the court has jurisdiction irrespective of the amount in dispute or the value of the property involved to provide instead that the court has jurisdiction up to the jurisdictional limitations as provided in <u>present law</u>.