Apartment Association of Louisiana

2022 Legislative Recap

**HB160 – Representative Mandy Landry (Pro Temp Tanner McGee)– Provides relative to abandonment of a rental premises following the declaration of a federally declared disaster**

HB160 originally written would have prohibited landlords from taking possession of apartments without court intervention on the basis of abandonment for 30 days after a federally declared disaster that "caused the residential premises to be abandoned."  During this 30-day period, landlords will be unable to rely on the residents' "cessation of residential occupancy" as the sole basis to deem the apartment abandoned. Landlords can still rely on other indicia of abandonment, such as returning the keys or removal of furniture. Landlords who violate the law would be subject to civil damages of $500 or twice the amount of monthly rent, whichever is greater, plus any other damages permitted under the security deposit statute, including attorneys' fees and court costs.  During this 30-day period, residents wishing to get a temporary restraining order or injunction against landlords need not post a bond normally required when TROs and injunctions are requested.

AAL, had several concerns about the bill, however if amended to meet our concerns we would not oppose the bill. AAL held a meeting with the Author of the bill Rep. Mandi Landry, the bill was amended to meet our concerns and the bill passed.

**HB 160-Act 442 Amends** Louisiana Code of Civil Procedure Article 4731, which deals with abandonment of leased premises.  Under the new law, in parishes subject to a federal disaster declaration, residents’ “cessation of residential occupancy” (i.e., not living in the apartment) shall not be deemed as evidence of abandonment for 30 days following the initial federally declared disaster.  Landlords who violate the law are subject to a penalty of the greater of $500 or twice the monthly rent, plus attorneys’ fees and court costs. Residents may also obtain a restraining order to enforce the law.  **Takes effect on August 1, 2022**.

**HB257 – By Representative Mandy Landry Provides relative to lease termination in certain conditions**

HB257 Would force landlords to grant early lease termination without penalty to residents 60+ years old **or** those with a "physical or mental disability" if the residents' physical or mental "condition" (Note: not disability) requires relocation of the resident "because of a need for care or treatment that cannot be provided in the dwelling."  Residents requesting early termination must provide written documentation from their "attending physician" attesting to the need for relocation.  Mechanics of lease termination are similar to the DV statute in terms of the obligation to pay rent through the day they vacate, and choosing a mutually agreed upon termination date within 30 days.  Security deposits may be handled in per Louisiana law.  Landlords who violate the statute are subject to damages of 2x monthly rent. Protections afforded in the statute may not be waived or modified in the lease.

AAL had several concerns about this bill, call to actions were completed by members as well as lobbying at the capital and testifying before House Civil Law & Procedure. HB257 was voted unfavorable and involuntarily deferred by the committee

**SB 341 - Senator Regina Barrow – Creates the Department of Housing, consolidates the Department of Natural Resources and Department of Environmental Quality.**

The bill would have created an entirely new state agency, the Department of Housing, replacing the Louisiana Housing Corporation. Its purpose would be to administer and enforce housing laws, coordinate housing programs, and achieve an adequate supply of affordable and accessible housing. The new agency would have a secretary, undersecretary, and deputy secretaries, all of whose job duties are spelled out in the legislation. In addition, this bill would consolidate the Department of Natural Resources into the Department of Environmental Quality, making the DNR an office within the DEQ.

The bill was considered on April 20, 2022, before Senate & Government Affairs and the Legislative Fiscal Office had sent a fiscal note with concerns of what this bill would do. The bill was not voted on in committee and could reappear in the 2023 session.

**SB 249 - Requires local governing authority to implement a permitting process for individuals and businesses who open a home which serves six or more individuals.**

This bill is a repeat of Sen. Barrow’s “group home” bill of several years ago (SB 375).  It applies to “shared housing establishments,” which is defined as privately operated free-standing home, residence, or any other place where sleeping accommodations are provided for at least six unrelated adults.”  As drafted the bill would apply to most multifamily apartments since more than six unrelated adults live in our communities.  The bill would create minimum safety and buildings standards and a rental registry. It would establish a bill of rights for residents. Violators are subject to fines.

AAL met with Senator Barrow to discuss our concerns with the bill. The bill was removed from the calendar and a task force was formed to discuss. AAL has a seat on the task force.

**HB 665 (HB 1063 substitute for HB 665) – By Representative Matthew Willard Louisiana Equal Housing Opportunity Act**

H.B. 665 in its original format was an 8-page bill modeled after Rep. AOC and Sen Kamala Harris’ federal Fair Chance in Housing Act. It would have, significantly limited landlords’ ability to inquire into and consider applicants’ criminal histories before making a conditional offer. Required landlords to perform individual assessments of each applicants’ criminal histories, looking at factors such as applicants’ rehabilitation since the conviction, how the denial will affect his\her family, “risk mitigation services” the applicant will be receiving during tenancy, etc. Owners would have had to use a “model disclosure statement” in the statute and denied applicants must receive at no cost copies of all information owners consider in evaluating their criminal history. Limited how owners could advertise, making it illegal to state that they will not consider applicants who have been arrested or convicted. Owners that interfere with, restrain or deny the exercise of rights under the statute would have been subject to liability. Owners would have been able to only look back five years at violent felonies and three years at non-violent felonies. Misdemeanors could not be considered.

AAL attended several meetings with Rep. Willard, the advocate groups and other representatives that became involved. The bill continued to be problematic. Despite extensive testimony during the House Commerce Committee meeting, and AAL’s grass roots and call-to-action efforts, HB1063 passed out of House Commerce Committee. HB1063 went to the house floor. AAL and its members lobbied hard against the bill and had the votes to defeat the bill on the floor. Moments before the floor vote, a Representative brought amendments forward, causing significant confusion among other Representatives who incorrectly concluded all of AAL’s concerns had been addressed. At that point, the bill passed the House floor, and moved to Senate Commerce Committee.

Although the amended substitute Bill was less than two pages long, AAL’s biggest concern was still that if the bill had passed, it would have fallen under LA R.S. 51:2606, Louisiana’s Equal Housing Opportunity Act, allowing punitive damages and other penalties against our members.

AAL and its members lobbied, educated members of the Senate Commerce Committee and testified against the bill at the Committee hearing. The bill was voted unfavorable, defeating it during this legislative session. We expect it to return next session.

**HB 1083-Act 529**

Amends Louisiana’s Equal Housing Opportunity Act, La. R.S. 51:2601 *et seq*., to prohibit discrimination in the sale or rental of housing against “natural, protective or cultural hairstyles,” which is defined to “include but is not limited to afros, dreadlocks, twists, locks, braids, cornrow braids, Bantu knots, curls, and hair styled to protect hair texture or for cultural significance.”  In essence, hair style is now a protected class along with race, gender, national origin and the other protected classes. **Takes effect on August 1, 2022**.

**HB 28-Act 361**

Amends Louisiana Code of Civil Procedure Article 4844, which addresses jurisdictional limits of parish and city courts in eviction matters. Under the new law, City Court of Hammond now has jurisdiction over suits by owners and landlords for the possession of leased premises when the lease is by the month and the monthly rental is $5,000 or less. Prior law set a jurisdictional limit of $3,000.00 in monthly rent.  Note: This law only pertains to properties within the jurisdiction of Hammond City Court. **Takes effect on August 1, 2022**.