
DIGEST

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HB 386 Original

2018 Regular Session

Jackson

Abstract: Provides for the delay for the return of security deposits for residential leases, and provides, in part, for interest and damages related to the failure to return security deposits.

Present law (R.S. 9:3251) provides for the return of a security deposit within one month after the termination of a lease and allows for the retention of a portion of the deposit to remedy any default.

Proposed law retains these provisions but clarifies language.

Proposed law provides that if the lessee fails to provide an address for the return of the deposit, he does not forfeit his right to the return.

Present law (R.S. 9:3251) provides for the transfer of the deposit to a successor in interest of the leased premises.

Proposed law deletes these provisions.

Proposed law provides for the abandonment of the security deposit if not claimed within three years.

Proposed law (R.S. 9:3251.1) provides that a security deposit is a security interest, but the lessor is not required to hold the deposit in a separate account or pay interest to the lessee and proposed law sets forth the ranking of a claim to the deposit.

Present law (R.S. 9:3252) provides for venue and damages for the willful failure to comply with statutory requirements to return the deposit.

Proposed law retains the venue provision but moves it to R.S. 9:3253 and provides a new damage provision in R.S. 9:3253.

Proposed law provides the time period for the return of the deposit and requires a written statement accounting for the retention of any funds.

Present law (R.S. 9:3253) provides for costs and attorney fees.

Proposed law retains these provisions but moves it to R.S. 9:3254 and provides for the damages which may be awarded for a lessor's failure to comply with this Part.

Proposed law provides that damages may equal \$300 or twice the amount of the portion of the deposit wrongfully retained, whichever is greater. Proposed law also gives the court discretion in the awarding of damages for technical violations.

Present law (R.S. 9:3254) provides for the nullity of any waiver of a lessee's rights.

Proposed law retains these provisions but modernizes the terminology.

Effective on January 1, 2019.

(Amends R.S. 9:3251-3254)