
DIGEST

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HB 388 Original

2020 Regular Session

Landry

Abstract: Provides a grace period for nonpayment of rent, changes the notice requirement for month-to-month residential leases, and removes the ability for the lessee to waive their notice requirements, with exceptions.

Present law provides for the dissolution of residential leases for lessee's failure to pay.

Proposed law provides that a lessor shall not dissolve the lease for a lessee's failure to pay unless rent remains unpaid for a period of 10 days from the day payment is due.

Proposed law provides that lessor may immediately dissolve the lease by giving written notice by the 10th day if lessee fails to pay rent.

Proposed law provides that the lessor may immediately dissolve the lease by written notice of dissolution to the lessee if the lessee fails to pay rent on an additional occasion within a 6-month period after the first failure to pay rent.

Present law provides that notice of termination in a month-to-month lease shall be given on or before 10 calendar days before the end of that month.

Proposed law provides that notice of termination in a month-to-month residential lease shall be given on or before 30 calendar days before the end of that month.

Proposed law maintains present law for all other leases.

Present law provides for notice to lessee to vacate.

Present law provides that a notice to vacate may be waived by a written waiver provided in a lease.

Proposed law retains present law and further provides that written waiver of notice to vacate shall not apply in a residential lease, unless lessee's failure to perform affects the health and safety of the lessor, or any occupant of the premises or adjacent property.

(Amends C.C. Arts. 2704 and 2728(2) and C.C.P. Art. 4701)