

2020 Regular Session

SENATE BILL NO. 375

BY SENATOR CLOUD

COMMERCIAL REGULATIONS. Prohibits political subdivisions from certain regulation of property offered for long term rent or lease and the owners thereof. (8/1/20)

1 AN ACT
2 To enact Part IX of Chapter 1 of Title 51 of the Louisiana Revised Statutes of 1950, to be
3 comprised of R.S. 51:466, relative to long-term residential rental property; to
4 prohibit the requirement that owners of long-term residential rental properties
5 register with political subdivisions; to prohibit political subdivisions from requiring
6 owners of long-term residential rental property to register under certain conditions;
7 to provide for definitions; to provide for exceptions; and to provide for related
8 matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. Part IX of Chapter 1 of Title 51 of the Louisiana Revised Statutes of 1950,
11 comprised of R.S. 51:466, is hereby enacted to read as follows:

12 **PART IX. LONG-TERM RESIDENTIAL RENTAL PROPERTY**

13 **§466. Rental registry prohibition**

14 **A. For purposes of this Part, the following terms shall have the following**
15 **meanings:**

16 **(1) "Lease", "rent", or "rental" means the owner receives payment from**
17 **persons in return for allowing the occupation or utilization of the property as**

1 a residence.

2 (2) "Long-term" means thirty consecutive calendar days or longer.

3 (3) "Political subdivision" means a parish, municipality, and any other
4 unit of local government, including a school board and a special district,
5 authorized by law to perform governmental functions in the state.

6 (4) "Property" includes a single-family dwelling, duplex, triplex,
7 fourplex, apartment building, condominium, manufactured home, or mobile
8 home being used as a residence.

9 (5) "Residential" or "residence" means any property utilized for or
10 intended to be utilized for living or sleeping by human occupants and which
11 includes one or more rooms, including a bathroom and kitchen facilities.
12 Residential property shall not include a hotel, motel, or bed and breakfast.

13 B.(1) A person who offers, rents, or leases a property for long-term
14 residential purposes shall not be required to register or to register the property
15 with a political subdivision.

16 (2) A person who offers, rents, or leases a property for long-term
17 residential purposes shall not be required to obtain a license from a political
18 subdivision as a prerequisite to offering the property for long-term residential
19 rental purposes.

20 C.(1) A person who manages property offered for long-term residential
21 rental purposes shall not be required to register or to register the property with
22 a political subdivision.

23 (2) A person who manages property offered for long-term residential
24 rental purposes shall not be required to obtain a license to offer the property for
25 long-term residential rental purposes.

26 D. A political subdivision shall not do any of the following:

27 (1) Require a person who offers, rents, or leases property for long-term
28 residential purposes to register or to register the property as a condition of
29 offering the property for long-term residential rental purposes.

1 **(2) Require a person who offers, rents, or leases property for long-term**
2 **residential purposes to obtain a license as a prerequisite to or requirement of**
3 **offering the property for long-term residential rental purposes.**

4 **(3) Adopt, enforce, or amend any ordinance that requires any owner or**
5 **manager of long-term residential rental property to obtain any permit or**
6 **permission from the political subdivision to rent the property.**

7 **(4) Require that an owner or manager of long-term residential rental**
8 **property enroll or participate in any governmental program as a condition of**
9 **obtaining a certificate of occupancy.**

10 **(5) Levy a special fee or tax on long-term residential rental property that**
11 **is not also levied against other commercial or residential properties.**

12 **(6) Require that any owner or manager of long-term residential rental**
13 **property submit the property for an inspection before receiving any utility**
14 **service provided by any political subdivision of the state.**

15 **E. No political subdivision of the state shall inspect a property for a code**
16 **violation or any other purpose because it is offered or utilized as long-term**
17 **residential rental property.**

18 **F. This Section shall not relieve a person or property owner of the**
19 **following:**

20 **(1) Obtaining a building permit when required for an addition or**
21 **renovation of a property offered for long-term residential rental purposes.**

22 **(2) If acting as an adult residential care provider, obtaining a license**
23 **from the Louisiana Department of Health pursuant to R.S. 40:2166.1 et seq.**

24 **(3) If acting as a specialized provider of child-placement, maternity**
25 **home, or a residential home, obtaining a license from the Department of**
26 **Children and Family Services pursuant to R.S. 46:1401 et seq.**

27 **(4) Any requirement of the federal government to register a property**
28 **with a governmental entity as required by federal law, rule, or regulation.**

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Morgan B. Robertson.

DIGEST

SB 375 Original

2020 Regular Session

Cloud

Proposed law prohibits a person who offers, rents, or leases a property for long-term residential rental purposes from being required to register or to register the property with a political subdivision.

Proposed law prohibits a political subdivision from requiring people who offer, rent, or lease a property for long-term residential rental purposes to obtain a license as a prerequisite to offering the property.

Proposed law prohibits a person who manages a property for long-term residential rental purposes from being required to register or register the property with a political subdivision.

Proposed law prohibits a political subdivision from requiring people who manage long-term residential rental property to obtain a license as a prerequisite to offering the property.

Proposed law prohibits a political subdivision from doing any of the following:

- (1) Requiring registration as a condition of offering the property for long-term residential rental purposes.
- (2) Requiring a license as a prerequisite to or requirement of offering property for long-term residential rental purposes.
- (3) Adopting, enforcing, or amending any ordinance that requires an owner or manager of long-term residential rental property to obtain a permit or permission to rent the property.
- (4) Requiring that an owner or manager of long-term residential rental property enroll or participate in any governmental program as a condition of obtaining a certificate of occupancy.
- (5) Levying a special fee or tax on long-term residential rental property that is not also levied against other commercial or residential properties.
- (6) Requiring any owner or manager of long-term residential rental property to submit the property for an inspection before receiving any utility service provided by any political subdivision.

Proposed law prohibits a political subdivision from inspecting a property for any code violation or any other purpose because it is utilized or offered as long-term residential rental property.

Proposed law does not relieve a person or property owner of the following:

- (1) Obtaining a building permit when required for an addition or renovation of a property offered for long-term residential rental purposes.
- (2) If acting as an adult residential care provider, obtaining a license from the Louisiana Department of Health pursuant to R.S. 40:2166.1 et seq.
- (3) If acting as a specialized provider of child-placement, maternity home, or a residential home, obtaining a license from the Department of Children and Family

Services pursuant to R.S. 46:1401 et seq.

- (4) Any requirement of the federal government to register a property with a governmental entity as required by federal law, rule, or regulation.

Proposed law provides definitions and defines "political subdivision" to include parishes and municipalities.

Effective August 1, 2020.

(Adds R.S. 51:466)