

2022 Regular Session

HOUSE BILL NO. 257

BY REPRESENTATIVE LANDRY

LESSOR/LESSEE: Provides relative to lease termination in certain conditions

1 AN ACT

2 To enact R.S. 9:3261.3, relative to leases; to provide relative to residential leases; to provide
3 for early termination of lease agreement; to provide relative to certain lessees; to
4 provide for notice; to provide for damages; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 9:3261.3 is hereby enacted to read as follows:

7 §3261.3. Lease agreements for certain residential dwellings; disabled and elderly
8 persons

9 A. A lessee who is at least sixty years of age or has a physical or mental
10 disability may terminate his residential lease agreement prior to the end of the term
11 of the lease if the physical or mental condition of the lessee requires the relocation
12 of the lessee from the dwelling because of a need for care or treatment that cannot
13 be provided in the dwelling.

14 B. In order to receive early termination of the lease agreement as provided
15 in this Section, the lessee shall do all of the following:

16 (1) Serve a written notice of termination on the lessor, to be effective not less
17 than thirty days after the date the notice is served.

18 (2) Provide written documentation from an attending physician of all of the
19 following:

20 (a) The physical or mental condition of the lessee.

1 (b) The physical or mental condition of the lessee requires the relocation of
2 the lessee from the dwelling because of a need for care or treatment that cannot be
3 provided in the dwelling.

4 C. If the lessee fulfills all the requirements of Subsection B of this Section,
5 the lessor shall grant the lessee the requested early termination of the lease, as
6 provided by this Subsection.

7 (1) If the lessee requests early termination of the lease agreement, the lessor
8 shall terminate the lease agreement as a matter of law on a mutually agreed-upon
9 date within thirty days of the written request for early termination. The lessee
10 requesting the early termination shall vacate the residential dwelling by the date to
11 avoid liability for future rent.

12 (2) In such cases, the lessee requesting the early termination is liable only
13 for rent paid through the early termination date of the lease and any previous
14 obligations to the lessor outstanding on that date. The amount due from the lessee
15 shall be paid to the lessor on or before the date the lessee vacates the dwelling.

16 (3) The lessor may withhold a lessee's security deposit only for reasons
17 permitted under R.S. 9:3251.

18 D. The provisions of this Section shall not be waived or modified by the
19 agreement of the parties under any circumstances.

20 E. Failure to comply with this Section shall give a residential lessee the right
21 to recover twice the amount of the monthly rent in damages from the lessor or owner,
22 or from the lessor's successor in interest, in addition to any other damages or
23 remedies and costs to which the lessee may also be entitled.

24 F. As used in this Section, "attending physician" means the physician who
25 has primary responsibility for the treatment and care of the patient.

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 257 Original

2022 Regular Session

Landry

Abstract: Provides for early termination of lease agreements for certain lessees with physical or mental conditions that require relocation.

Present law (C.C. Art. 2678) provides that leases shall be for a term. The duration of that term may be agreed to by the parties or supplied by law. The term is fixed when the parties agree that the lease will terminate at a designated date or upon the occurrence of a designated event.

Present law (C.C. Art. 2680) provides that if the parties have not agreed on the duration of the term of the lease, the duration shall be supplied by law.

Proposed law provides that lessees who are at least 60 years old or with a physical or mental disability may terminate their residential lease agreement prior to the term of the lease if their physical or mental condition requires their relocation to a new dwelling for care or treatment.

Proposed law provides that the lessee wishing to seek early termination shall serve the lessor with notice, effective not less than 30 days after the date the notice is served.

Proposed law provides that the lessee shall provide written documentation from an attending physician of (1) the lessee's physical or mental condition, and (2) that the physical or mental condition requires the lessee to be relocated for treatment or care that cannot be provided in the dwelling.

Proposed law provides that the lease agreement shall terminate on a mutually agreed-upon date. The lessee shall vacate the dwelling by the date.

Proposed law provides that the lessee is liable for rent paid through the early termination date and any previous obligations to the lessor outstanding on that date. The amount due to the lessor shall be paid to the lessor on or before the lessee vacates the dwelling.

Present law (R.S. 9:3251) provides for circumstances when the lessor may retain a portion or all of a lessee's security deposit.

Proposed law retains present law.

Proposed law provides that proposed law shall not be waived or modified by agreement of the parties under any circumstances.

Proposed law provides that failure to comply with proposed law gives a residential lessee the right to recover twice the amount of monthly rent in damages from the lessor, in addition to other damages and costs that the lessee may also be entitled.

Proposed law provides for the definition of "attending physician".

(Adds R.S. 9:3261.3)