
DIGEST

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HB 665 Original

2022 Regular Session

Willard

Abstract: Requires a housing provider to conduct individualized assessment of an application and prohibits the consideration of certain criminal history record information for the basis of providing a conditional offer.

Present law prohibits discriminatory housing practices pursuant to the La. Equal Housing Opportunity Act.

Proposed law retains present law and adds provisions requiring a housing provider to conduct individualized assessment of an application and prohibits the housing provider from requiring an applicant to complete a housing application that inquires about the applicant's criminal history records before extending a conditional offer except for certain drug-related offenses.

Proposed law provides for the definitions of "conditional offer" and "criminal history record".

Proposed law prohibits a housing provider from making oral or written inquiries regarding an applicant's criminal history record prior to extending a conditional offer.

Proposed law authorizes an applicant to provide evidence negating the accuracy of the applicant's criminal history record, evidence of rehabilitation, or other mitigating factors.

Proposed law requires a housing provider to disclose to an applicant in writing whether the housing provider uses an applicant's criminal history record as a basis for eligibility and requires the housing provider to notify the applicant that the applicant is entitled to provide evidence to the housing provider of rehabilitation or other mitigating factors.

Proposed law prohibits a housing provider from applying the provisions of proposed law in a discriminatory manner.

Proposed law prohibits a housing provider from, at any time, evaluating an applicant based on the following:

- (1) Arrests not resulting in a conviction.
- (2) Expunged conviction.
- (3) Convictions erased by executive pardon.

- (4) Vacated and nullified convictions.
- (5) Juvenile adjudications of delinquency.
- (6) Sealed records.
- (7) Nonviolent misdemeanors.

Proposed law provides that only after extending a conditional offer may the housing provider consider the following criminal history records in the applicant's history:

- (1) Violent misdemeanor or nonviolent felony conviction within the prior three years.
- (2) Violent felony conviction within the prior five years.

Proposed law only allows a housing provider to withdraw a conditional offer based on an applicant's criminal history record if the housing provider has a substantial, legitimate, and nondiscriminatory interest in doing so.

Proposed law requires a housing provider, following withdrawal of a conditional offer, to provide written notice providing the reasons for the withdrawal and sets forth a procedure for the applicant to appeal a withdrawal based on the applicant's criminal history record.

Proposed law requires the housing provider to perform an individual assessment by considering certain factors set forth in proposed law.

Proposed law authorizes an applicant to request a copy of all information relied upon by the housing provider in considering the application and requires the housing provider to furnish the requested information within 10 days of receipt of the request.

Proposed law requires the attorney general to prepare model forms to assist housing providers and applicants in effectuating the provisions of proposed law and requires the attorney general to provide the forms on its website, at no cost, in English, Spanish, and in any other language the attorney general deems appropriate.

Proposed law prohibits a housing provider from advertising that applicants with one or more convictions will not be considered or any other unlawful limitation, specification, or discrimination as to criminal history record, except for certain drug offenses or when the applicant is subject to lifetime sex offender registration.

Proposed law prohibits a person from interfering with any right protected by proposed law and provides penalties for any unlawful retaliatory actions committed by a housing provider in response to a person filing an action against the housing provider to enforce rights protected by proposed law.

(Amends R.S. 51:2603(intro. para.); Adds R.S. 51:2603(13) and (14) and 2606.1)