

2022 Regular Session

HOUSE BILL NO. 703

BY REPRESENTATIVE GREGORY MILLER

CONTRACTS: Provides relative to repair contracts following a natural disaster

1 AN ACT

2 To enact R.S. 9:2784.1, relative to repair contracts following a natural disaster; to provide  
3 for venue for disputes arising from the contract; to provide for nullification of certain  
4 terms; to provide for rescission of the contract; to provide for notice; and to provide  
5 for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 9:2784.1 is hereby enacted to read as follows:

8 §2784.1. Repair contracts entered into during a state of emergency; venue;  
9 rescission

10 A.(1) The exclusive venue for any proceeding involving a dispute over a  
11 contract for repairs to residential property that was entered into while the property  
12 was under a federally declared state of emergency following a natural disaster shall  
13 be the parish where the residence is located. If the property is situated in more than  
14 one parish, the action may be brought in any parish where the property is situated.

15 (2) Notwithstanding any provision of the law to the contrary, any provision,  
16 clause, covenant, or agreement contained in, collateral to, or affecting a contract or  
17 subcontract for repairs on residential property entered into while the property was  
18 under a federally declared state of emergency following a natural disaster which  
19 purports to require any proceeding involving a dispute over repairs to be brought in  
20 a forum or jurisdiction other than a parish provided in Paragraph (1) of this

1        Subsection is contrary to the public policy of this state and is null, void, and  
2        unenforceable.

3                B.(1) The owner of residential property who enters into a contract or  
4        subcontract for repairs on residential property entered into while the property is  
5        under a state of emergency may cancel the contract or subcontract within ten days  
6        of entering into the contract or subcontract.

7                (2) If a homeowner elects to cancel a contract or subcontract pursuant to this  
8        Subsection, he may do so by hand-delivering notice thereof to the contractor or by  
9        mailing notice by United States mail to the contractor at his last known address, or  
10       to his agent for service of process.

11               (3) Cancellation made pursuant to this Subsection shall be without penalty  
12       and all payments made by the homeowner before cancellation shall be refunded  
13       promptly.

#### 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 703 Original

2022 Regular Session

Gregory Miller

**Abstract:** Provides for the exclusive venue for disputes regarding contracts for repairs to residential property entered into while the property was under a federally declared state of emergency following a natural disaster, nullifies any contrary venue provisions, and permits rescission of such contracts within 10 days of entering the contract.

Proposed law provides the exclusive venue for any proceeding involving a dispute over a contract for repairs to residential property that was entered into while the property was under a federally declared state of emergency following a natural disaster shall be the parish where the residence is located. If the property is situated in more than one parish, the action may be brought in any parish where the property is situated.

Proposed law further provides that any provision, clause, covenant, or agreement contained in, collateral to, or affecting a contract or subcontract for repairs on residential property entered into while the property was under a federally declared state of emergency following a natural disaster which purports to require any proceeding involving a dispute over repairs to be brought in a forum or jurisdiction other than the parish provided in proposed law is contrary to the public policy of this state and is null, void, and unenforceable.

Proposed law provides that the owner of residential property who enters into a contract or subcontract for repairs on residential property entered into while the property is under a state of emergency may cancel the contract or subcontract within 10 days of entering into the contract or subcontract.

Proposed law further provides that if a homeowner elects to cancel a contract or subcontract, he may do so by hand-delivering notice thereof to the contractor or by mailing notice by U.S. mail to the contractor at his last known address, or to his agent for service of process.

Proposed law provides that cancellation made pursuant to proposed law shall be without penalty and all payments made by the homeowner before cancellation shall be refunded promptly.

(Adds R.S. 9:2784.1)