
HOUSE COMMITTEE AMENDMENTS

2022 Regular Session

Substitute for Original House Bill No. 665 by Representative Willard as proposed by the House Committee on Commerce

This document reflects the content of a substitute bill but is not in a bill form; page numbers in this document DO NOT correspond to page numbers in the substitute bill itself.

To enact R.S. 51:2606.1, relative to housing discrimination; to provide for the Fair Chance in Housing Act; to authorize an applicant to respond to information provided in a criminal history record; to require a housing provider to make certain disclosures; to provide for the scope of criminal history records to be considered when evaluating an applicant; to require individualized assessments of applicants; to require consideration of certain criteria during an individualized assessment; to provide for certain rights of an applicant; to require notice by a housing provider in certain circumstances; to limit liability of residential landlords arising from certain circumstances; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 51:2606.1 is hereby enacted to read as follows:

§2606.1. Fair Chance in Housing Act

A.(1) An applicant may provide evidence to a housing provider demonstrating inaccuracies within the applicant's criminal history record or evidence of rehabilitation or other mitigating factors.

(2) Prior to accepting any application fee, a housing provider shall disclose the following to the applicant in writing:

(a) Whether the eligibility criteria of the housing provider include the review or consideration of an applicant's criminal history record.

(b) A statement that the applicant may provide evidence demonstrating inaccuracies within the applicant's criminal history record, evidence of rehabilitation, or other mitigating factors.

B. A housing provider shall apply the standards established by this Section to each applicant in a nondiscriminatory manner.

C. A housing provider shall not evaluate an applicant based on any of the following types of criminal history records:

- (1) Arrests or charges that have not resulted in a criminal conviction.
- (2) Expunged convictions.
- (3) Convictions erased through executive pardon.
- (4) Vacated and otherwise legally nullified convictions.
- (5) Juvenile adjudications of delinquency.
- (6) Records that have been sealed.

D.(1) When considering criminal history records, a housing provider shall perform an individualized assessment to determine, by a preponderance of the evidence, that a denial based on a criminal history record is necessary to fulfill a substantial, legitimate, and nondiscriminatory interest.

(2) When making an assessment pursuant to this Subsection, a housing provider shall consider all of the following:

- (a) The nature and severity of the criminal offense.
- (b) The time which has elapsed since the offense, conduct, or conviction.
- (c) The degree to which the criminal offense occurred on or was connected to property that was rented or leased by the applicant.
- (d) Any information produced by the applicant, or produced on the applicant's behalf, in regard to the applicant's rehabilitation and good conduct since the occurrence of the criminal offense, as provided for in Paragraph (A)(1) of this Section.

E. As provided for in the Federal Fair Credit Reporting Act, if a housing provider denies or takes any adverse action against an applicant in whole or in part on the basis of a criminal history record obtained from a consumer reporting agency, the housing provider shall provide notice to the applicant, and such notice shall include all of the following:

- (1) The name, address, and phone number of the consumer reporting agency that furnished the report.

(2) A statement that the company that supplied the report did not make the decision to take the unfavorable action.

(3) Notice of the applicant's right to dispute the accuracy or completeness of any information the consumer reporting agency furnished and the applicant's right to get a free report from the company if the applicant requests such report within sixty days.

F.(1) Within thirty days after the housing provider giving notice to the applicant of denial or adverse action, an applicant may request that the housing provider furnish to the applicant a copy of all information that the housing provider relied upon in considering the applicant, including criminal history records.

(2) A housing provider shall provide the applicant with the information requested in accordance with Paragraph (1) of this Subsection within thirty days after receipt of a timely request at no cost to the applicant.

G. To encourage residential landlords to provide housing opportunities to formerly incarcerated individuals, landlords subject to the provisions of this Section shall be immune from liability in any civil action arising as a result of the landlord's decision to rent to individuals with a criminal record or who were otherwise convicted of a criminal offense or as a result of a landlord's decision not to engage in a criminal background screening.

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 Draft

2022 Regular Session262

Abstract: Requires a housing provider to conduct individualized assessment of an application and prohibits consideration of certain criminal history record information when evaluating an application for housing.

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

Proposed law retains present law and authorizes an applicant to provide evidence of inaccuracies with 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 provider to notify the applicant that the applicant is authorized to provide evidence of inaccuracies, rehabilitation, or other mitigating factors.

Proposed law requires a housing provider to apply the provisions of proposed law in a nondiscriminatory manner.

Proposed law prohibits a housing provider from evaluating an application based on the following:

- (1) Arrests or charges not resulting in a criminal conviction.
- (2) Expunged convictions.
- (3) Convictions erased by executive pardon.
- (4) Vacated and nullified convictions.
- (5) Juvenile adjudications of delinquency.
- (6) Sealed records.

Proposed law requires a housing provider to conduct an individualized assessment of an applicant to determine, by a preponderance of the evidence, that a denial based on the applicant's criminal history record is necessary to fulfill a substantial, legitimate, and nondiscriminatory interest.

Proposed law requires a housing provider to consider the following when making its individualized assessment:

- (1) The nature and severity of the crime.
- (2) The time that has elapsed since the crime or conviction.
- (3) The degree to which the crime was on or was connected to rented or leased property of the applicant.
- (4) Information provided by the applicant, or on his behalf, to evidence rehabilitation or good conduct since the occurrence of the crime as provided for in proposed law.

Proposed law requires a housing provider, pursuant to federal present law, to notify the applicant of the following if the provider denies or takes any adverse action against the applicant on the basis of a information from a consumer reporting agency:

- (1) The name, address, and phone number of the agency that provided the report.
- (2) A statement that the agency did not make the determination regarding the application.
- (3) The applicant's right to dispute the accuracy or completeness of any information the consumer of the information provided by the consumer reporting agency and get a free report from the company, provided the applicant requests such report within 60 days.

Proposed law authorizes an applicant to request, within 30 days after notice of denial, that the provider give a copy of the information relied upon in evaluating the applicant and

requires the housing provider to provide such information within 30 days after receipt of the request.

Proposed law exempts residential landlords from liability for the landlord's decision to rent to a person with a criminal record or who was otherwise convicted of a crime or for the landlord's decision not to conduct a criminal background check.

(Adds R.S. 51:2606.1)