

2023 Regular Session

HOUSE BILL NO. 180

BY REPRESENTATIVE WILLARD

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

HOUSING: Provides relative to housing opportunities

1 AN ACT

2 To enact R.S. 9:3258.2, relative to housing discrimination; to provide for the Fair Chance
3 in Housing Act; to authorize an applicant to respond to information provided in a
4 criminal history record; to require a housing provider to make certain disclosures;
5 to limit liability of residential landlords arising from certain circumstances; to
6 provide for penalties; to provide for a definition; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 9:3258.2 is hereby enacted to read as follows:

9 §3258.2. Fair Chance in Housing Act

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

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

15 (a) Whether the eligibility criteria of the housing provider include the review
16 or consideration of criminal history records.

17 (b) If the housing provider considers criminal history records, the criminal
18 history screening or admission criteria in as much detail as is feasible.

1 (c) A statement that the applicant may provide evidence demonstrating
2 inaccuracies within the applicant's criminal record or evidence of rehabilitation or
3 other mitigating factors.

4 (3) Information authorized by this Section may be delivered, stored, and
5 presented by electronic means if the electronic means meets the requirements of the
6 Louisiana Uniform Electronic Transactions Act, as provided in R.S. 9:2601 et seq.

7 B. A housing provider shall be immune from liability in any civil action
8 arising as a result of a decision to rent to an individual with a criminal record or who
9 was otherwise charged with or convicted of a criminal offense, or a result of his
10 decision to not engage in criminal background screening.

11 C. The failure of a housing provider to comply with Subsection A of this
12 Section shall give an applicant the right to recover an amount equal to the application
13 fee from the housing provider. Failure to remit the fee within the thirty days after
14 written demand for a refund shall constitute willful failure and entitle the applicant
15 to a payment of five hundred dollars from the housing provider.

16 D. In an action brought pursuant to this Section, the court may in its
17 discretion award costs and attorney fees to the prevailing party.

18 E. For the purpose of this Section, "housing providers" means property
19 owners, lessors, and their agents and employees.

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 180 Original

2023 Regular Session

Willard

Abstract: Allows a housing applicant to provide certain information and the consideration thereof.

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 may provide evidence of inaccuracies, rehabilitation, or other mitigating factors.

Proposed law allows that all information obtained for the purpose of compliance may be stored or transferred electronically in accordance with present law (Louisiana Uniform Electronic Transactions Act).

Proposed law exempts housing providers, defined as property owners, and lessors and their agents or employees, from liability in any civil action arising from the decision to rent to a person with a criminal record or who was otherwise charged with or convicted of a crime or for the landlord's decision not to conduct a criminal background check.

(Adds R.S. 9:3258.2)