

2024 Regular Session

HOUSE BILL NO. 170

BY REPRESENTATIVE CREWS

CONTRACTS: Provides with respect to certain lease contracts between governmental entities and individuals

1 AN ACT

2 To enact Chapter 5 of Code Title IX of Code Book III to be comprised of R.S. 9:3391,
3 relative to the lessee's right to make repairs; to provide for the lease of property by
4 a political subdivision; to provide for a time in which a lessor is required to make
5 necessary repairs; to provide for reimbursement of amount expended for repairs; to
6 provide for reasonable attorney fees; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Chapter 5 of Code Title IX of Code Book III comprised of R.S. 9:3391
9 is hereby enacted to read as follows:

10 CHAPTER 5. ~~REMOVAL AND PRESERVATION OF PROPERTY~~

11 ~~DURING EMERGENCIES AND DISASTERS~~

12 LEASE OF PROPERTY BY POLITICAL SUBDIVISION

13 §3391. Lessee's right to make repairs

14 A. If the lessor of property owned by a political subdivision fails to perform
15 its obligation to make necessary repairs within thirty days of receipt of written notice
16 from the lessee informing the lessor of the need for repairs, the lessee may cause the
17 repairs to be made.

18 B. The lessee shall provide the lessor with invoices evidencing the cost of
19 repairs incurred by the lessee. The lessee may demand immediate reimbursement
20 of the amount expended for the repair or apply that amount to the payment of rent,

1 but only to the extent that the repair was necessary and the expended amount was
2 reasonable.

3 C. If the lessor fails to comply with the provisions of this Section, the lessee
4 may file an action against the lessor and the lessee may be entitled to reasonable
5 attorney fees.

6 D. The provisions of this Section shall apply to property leased by parishes,
7 municipalities, and political subdivisions as defined in Article VI, Section 44 of the
8 Louisiana Constitution, but shall not extend to the lease of state-owned property.

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 170 Original

2024 Regular Session

Crews

Abstract: Provides that the lessee may cause repairs to be made if the lessor does not make necessary repairs within 30 days of written notice.

Proposed law provides that the lessee may cause repairs to be made if the lessor fails to make necessary repairs within 30 days of receipt of written notice from the lessee informing the lessor of the need for repairs.

Proposed law provides that the lessee shall provide the lessor invoices evidencing the cost of repairs incurred by the lessee.

Proposed law provides that the lessee may demand immediate reimbursement of the amount expended for the repair or apply the amount to rent.

Proposed law provides that the reimbursement shall only be to the extent that the repair was necessary and the expended amount was reasonable.

Proposed law provides for reasonable attorney fees if the lessor fails to comply with the provisions of proposed law.

Proposed law provides for the lease of property owned by a political subdivision as defined in Const. Art. VI, §44.

(Adds R.S. 9:3391)