
The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Jeffery T. Oglesbee.

DIGEST

Proposed law provides that an unreasonable rent increase in declared disaster areas caused by hurricanes Katrina and Rita constitutes an unfair trade practice.

Proposed law provides that the attorney general will determine the reasonableness of any rent increase by reference to prevailing market rates for comparable rentals in the affected rental market before August 26, 2005.

Proposed law provides that when determining the reasonableness of a rent increase, the attorney general must consider the costs incurred by the property owner after August 26, 2005, in order to clean and repair the premises.

Proposed law provides that the attorney general will promulgate emergency and permanent regulations pursuant to the Administrative Procedure Act, R.S. 49:951 et seq., establishing procedures for the investigation and evaluation of rent increases; providing for notice of the investigation and findings to the alleged violator; protecting consumers from retaliation; and identifying circumstances in which the attorney general may issue a cease and desist order to prevent or restrain an unfair trade practice in the residential real estate market.

Proposed law provides that the attorney general may issue a cease and desist order in accordance with the criteria and procedures established by regulation in order to prevent or restrain an unfair trade practice in the residential real estate market.

Proposed law provides that a court may order additional relief, including the posting of notices and monitoring by the attorney general, when necessary to prevent or restrain an unfair trade practice in the residential real estate market.

Proposed law is null and void on August 15, 2006.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Adds R.S. 51:1425)