

New law applies to leased premises directly affected by Katrina and Rita and terminates on June 30, 2006. New law does not apply to the lease or furnishing of sleeping rooms, cottages, or cabins by hotels or motels.

New law retains existing laws authorizing the lessor to enter leased premises to make necessary repairs; requiring the lessor to preserve the lessee's property when the lessor is making necessary repairs; and authorizing the lessee to remove the lessee's property when the lessee has abandoned the premises.

New law (R.S. 9:2554(C)) requires the lessor to preserve the lessee's salvageable property and authorizes the disposal of the unsalvageable property, provided that the lessor makes a reasonable effort to notify the lessee at least 10 days before disposing of the property. Adds a procedure for storing and disposing of property, including the keeping of written records with insurance agents and others, adding guidelines for determining salvageability of property, removal of undamaged, moveable property to an available storage suite closest in proximity to the leased premises, and specifying the payment of costs of removal of the lessee's property. Provisions do not apply to any lessee who continues to occupy the premises or who has attempted to regain occupancy or remove his property within 30 days from the date the affected area has been officially declared available for inspection.

New law (R.S. 9:2554(D)) requires the lessor to document the condition of moveable property before removal by either a camera or video camera with accompanying notes or voice recordings or by causing an inventory of the property.

New law (R.S. 9:2554(E)(1)) provides for presumption of the lessee's intent to abandon the leased premises for purposes of new law. New law (R.S. 9:2554(E)(2)) provides that the lessee may rebut the presumption of abandonment by a showing of certain information.

New law (R.S. 9:2554(F)) provides that unless otherwise agreed by the parties, in the event of the total destruction of the immovable property, the lease is terminated, and the lessor is bound to reimburse the rent paid by the lessee since the time of the total destruction of the property, except that the lessor may deduct the amounts expended for the removal and preservation of the property on the leased premises, unless otherwise covered by insurance.

New law (R.S. 9:2554(G)) provides that the lessor shall not be liable to the lessee for any damage or loss for removing property of the lessee that has been abandoned or if the lessor disposes of the lessee's unsalvageable property, provided that the lessor has made every reasonable effort to notify the lessee, has been available for contact by the lessee or present at the leased premises and has complied with the provisions of new law. Provides that the lessor shall not be liable to the lessee for any damage or loss if the property is removed to make necessary repairs to the leased premises, unless the damage or loss is caused by the fault of the lessor.

New law defines "reasonable effort" and "unsalvageable property".

Effective upon signature of the governor (December 6, 2005).

(Adds R.S. 9:2554)