The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Thomas L. Tyler.

DIGEST

SB 120 Original

2017 Regular Session

Ward

Present law (C.C. Art. 2704) provides for the failure to pay rent.

Proposed law provides an exception in the form of a grace period for residential leases only.

Present law (C.C. Art. 2725) provides for the extension of the term of a lease.

<u>Proposed law</u> provides that in a residential lease, if the parties have agreed that the term will be automatically extended unless notice is given, the lessee's notice not to extend shall not be required more than 30 days prior to the expiration of the term.

<u>Present law</u> (C.C. Art. 2728(2)) provides that notice of termination of a month-to-month lease shall be given ten days before the end of the month.

<u>Proposed law</u> increases the notice from ten days to 30 days for residential leases and retains the notice period for all other leases.

Present law (C.C.P. Art. 4701) provides for the notice to vacate leased premises.

<u>Proposed law</u> provides that a notice to terminate, a written notice of dissolution, and a written notice to pay rent may all be considered a notice to vacate in certain circumstances.

<u>Proposed law</u> requires notice to be delivered no fewer than five days prior to the filing of a rule to show cause and requires the notice to state the reasons for termination of the lease.

Proposed law also prohibits the waiver of notice in residential leases.

Present law (C.C.P. Art. 4702) provides for the notice to vacate for occupants.

Proposed law makes the notice to vacate parallel for both lessees and occupants.

Present law (C.C.P. Art. 4703) provides for service when the premises are abandoned.

<u>Proposed law</u> retains these provisions but updates terminology.

Present law (C.C.P. Art. 4704) provides definitions.

Proposed law retains these provisions but updates terminology.

<u>Present law</u> (C.C.P. Art. 4731) provides for the rule to show cause why possession should not be delivered.

Proposed law retains these provisions but updates terminology.

Present law (C.C.P. Art. 4732) provides for the trial of the rule to show cause and the judgment of eviction.

<u>Proposed law</u> provides for a delay in the rendition of the judgment, not to exceed seven days, for exceptional circumstances.

Present law (C.C.P. Art. 4912) provides for eviction proceedings in the justice of the peace courts.

Proposed law retains these provisions but updates terminology.

<u>Present law</u> (R.S. 9:3251) provides for the return of a security deposit within one month after the termination of a lease and allows for the retention of a portion of the deposit to remedy any default.

Proposed law retains these provisions but clarifies language.

<u>Proposed law</u> provides that if the lessee fails to provide an address for the return of the deposit, he does not forfeit his right to the return.

<u>Present law</u> (R.S. 9:3251) provides for the transfer of the deposit to a successor in interest of the leased premises.

Proposed law deletes these provisions.

Proposed law provides for the abandonment of the security deposit if not claimed within three years.

<u>Proposed law</u> (R.S. 9:3251.1) provides that a security deposit is a security interest, but the lessor is not required to hold the deposit in a separate account or pay interest to the lessee and proposed law sets forth the ranking of a claim to the deposit.

<u>Present law</u> (R.S. 9:3252) provides for venue and damages for the willful failure to comply with statutory requirements to return the deposit.

<u>Proposed law</u> retains the venue provision but moves it to R.S. 9:3253 and provides a new damage provision in R.S. 9:3253.

<u>Proposed law</u> provides the time period for the return of the deposit and requires a written statement accounting for the retention of any funds.

Present law (R.S. 9:3253) provides for costs and attorney fees.

<u>Proposed law</u> retains these provisions but moves it to R.S. 9:3254 and provides for the damages which may be awarded for a lessor's failure to comply with this Part.

<u>Proposed law</u> provides that damages may equal \$300 or twice the amount of the portion of the deposit wrongfully retained, whichever is greater. <u>Proposed law</u> also gives the court discretion in the awarding of damages for technical violations.

Present law (R.S. 9:3254) provides for the nullity of any waiver of a lessee's rights.

Proposed law retains these provisions but modernizes the terminology.

Effective on January 1, 2018.

(Amends C.C. Arts. 2704, 2725 and 2728(2), C.C.P. Arts. 4701, 4702, 4703(section heading), 4704, 4731, 4732 and 4912, and R.S. 9:3251-3254)