

2019 Regular Session

SENATE BILL NO. 28

BY SENATOR PRICE

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

LESSOR/LESSEE. Provides relative to residential leases and eviction requirements.  
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AN ACT

To amend and reenact Civil Code Arts. 2704 and 2728(2), and Code of Civil Procedure Articles 4701 and 4732, relative to leases; to provide relative to residential leases; to provide relative to nonpayment of rent and a grace period for such nonpayment; to provide relative to eviction; to provide for notice of termination; to provide for the notice to vacate; to provide for the judgment of eviction; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Civil Code Arts. 2704 and 2728(2) are hereby amended and reenacted to read as follows:

Art. 2704. Nonpayment of rent

If the lessee fails to pay the rent when due, the lessor may, in accordance with the provisions of the Title "Conventional Obligations or Contracts", dissolve the lease and may regain possession in the manner provided by law.

**Nevertheless, a residential lease shall not be dissolved for the leesee's failure to pay the rent when due unless the rent remains unpaid for a period of at least ten days following the arrival of the term for payment. If the lessee fails**





1 effective on the day following such approval.

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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Xavier I. Alexander.

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DIGEST

SB 28 Original

2019 Regular Session

Price

Present law relative to residential leases provides for dissolution of lease for lessee's failure to pay.

Proposed law provides that a lessor shall not dissolve the lease for a lessee's failure to pay, unless rent remains unpaid for a period of ten days from the day payment is due.

Proposed law provides that lessor may immediately dissolve the lease by giving written notice, by the 10th day if lessee fails to pay rent.

Proposed law provides that if lessee fails to timely pay the rent on another occasion within a six month period, lessor may immediately dissolve the lease by providing written notice.

Present law provides that notice of termination in a month-to-month lease shall be given at or before ten calendar days before the end of that month.

Proposed law provides that notice of termination in a month-to-month residential lease shall be given at or before 30 calendar days before the end of that month.

Proposed law maintains present law for all other leases.

Present law provides for notice to lessee to vacate.

Proposed law retains present law and further provides that a notice to vacate shall state the reason for termination of lease.

Present law provides that a notice to vacate may be waived by a written waiver provided in a lease.

Proposed law retains present law and further provides that written waiver of notice to vacate shall not apply in a residential lease, unless lessee's failure to perform affects the health and safety of lessor, or any occupant of the premises or adjacent property.

Present law provides that the court shall render an immediate judgment of eviction upon showing that lessor is entitled to relief or occupant fails to answer. Provides that judgment shall be effective for not less than 90 days.

Proposed law provides that in exceptional circumstances the rendition of a judgment of eviction of a residential lessee may be delayed not to exceed seven calendar days.

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

(Amends C.C. Arts. 2704 and 2728(2) and C.C.P. Arts. 4701 and 4732)