2021 Regular Session

HOUSE BILL NO. 374

BY REPRESENTATIVE DUPLESSIS

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

LESSOR/LESSEE: Provides relative to residential lessee screening

1   AN ACT

2   To enact R.S. 9:3258.1, relative to residential leases; to provide for notice to applicants by

3   certain lessors of residential properties; to provide for exceptions; to provide for

4   personal hardship statements after a declared disaster or emergency; and to provide

5   for related matters.

6   Be it enacted by the Legislature of Louisiana:

7   Section 1. R.S. 9:3258.1 is hereby enacted to read as follows:

8   §3258.1. Residential lease application requirements

9   A. A lessor shall not require payment of an application fee unless, prior to

10   accepting the payment, the lessor gives written notice of all of the following:

11   (1) The amount of the application fee.

12   (2) Whether the lessor considers credit scores, employment history, criminal

13   history, or eviction records in deciding whether to rent or lease to the applicant.

14   (3) That the applicant may share, in good faith, a statement of two hundred

15   words or less explaining that the applicant has experienced financial hardship

16   resulting from a state or federally declared disaster or emergency and how that

17   hardship impacted the applicant's credit, employment, or rental history.

18   (4) The lessor's notice regarding the statement of financial hardship shall

19   reference the COVID-19 pandemic and hurricanes.

1   B. Notice required by this Section may be delivered, stored, and presented

2   by electronic means if the electronic means meet the requirements of the Louisiana

3   Uniform Electronic Transactions Act, as provided in R.S. 9:2601, et seq.

4   C. This Section shall apply to all lessors of property to be used as a lessee's

5   primary residence except for owner-occupied buildings consisting of no more than

6   four units.

7   D. No person shall have a cause of action against a lessor or a lessor's agents

8   or employees for any alleged violation of this Section, and a lessor and a lessor's

9   agents and employees are hereby immune from any and all causes of action for

10   alleged violations of this Section.

11   *   *   *

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 374 Reengrossed   2021 Regular Session   Duplessis

Abstract: Provides for residential lessee screening including personal hardship statements
        subsequent to a declared emergency.

Proposed law provides that a landlord may not require payment of an application fee unless
the landlord gives written notice to applicants of the following:

(1)   The application fee.

(2)   Whether the landlord considers credit scores, employment history, criminal history,
        or eviction records.

(3)   That the applicant can submit a statement to the landlord explaining, in 200 words
        or less, that the applicant has experienced financial hardship because of a state or
        federally declared disaster or emergency and how the hardship has impacted the
        applicants credit, employment, or rental history.

(4)   The landlord's notice regarding the applicant's statement of financial hardship is
        required to reference the COVID-19 pandemic and hurricanes.

Proposed law applies to all landlords of property used as a lessee's primary residence except
for owner-occupied buildings with no more than four units.

Proposed law prohibits causes of action and allows for immunity for a lessor's alleged
violation of present and proposed law.

(Adds R.S. 9:3258.1)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Commerce to the original bill:

1.   Make technical changes.

2.   Remove a provision of proposed law requiring a lessor to adopt written screening or admission criteria.

3.   Remove a provision requiring a lessor to give written notice of the lessor's screening or admission criteria used in deciding whether to rent or lease to the applicant.

4.   Add a provision requiring a lessor to give written notice as to whether the lessor's screening or admission criteria considers credit, employment history, or eviction records in rental decisions.

5.   Require a lessor to give written notice of the screening process followed including whether the lessor may rely upon a credit reporting agency.

6.   Require a lessor to give written notice of the screening process followed including whether the lessor may contact employers or prior lessors.

7.   Add a provision prohibiting a cause of action against a lessor or a lessor's agents or employees for violating proposed law and granting immunity to a lessor or a lessor's agents or employees from any cause of action for alleged violation of proposed law.

8.   Clarify that the word "resident" in proposed law refers to a "consumer".

9.   Clarify that proposed law does not conflict with a credit reporting agency's duties under the Fair Credit Reporting Act.

10.   Remove a requirement that the name and date of birth of an applicant in a court file must match the name and date of birth of the applicant in a credit report where the credit report includes information from the court file.

11.   Clarify that regulations in proposed law requiring eviction proceeding outcomes to be accurately reflected in a credit report relates to residential evictions.

The House Floor Amendments to the engrossed bill:

1.   Make technical changes.

2.   Change the notice requirements of the lessor to require the lessor to give notice of the amount of the application fee, whether the lessor considers certain criteria, that the applicant may provide the lessor with a written statement of 200 words explaining the applicant's financial hardship because of a declared disaster or emergency and how the applicant has been impacted, and that the lessor's notice regarding the applicant's statement of financial hardship is required to reference the COVID-19 pandemic and hurricanes.

3.   Clarify that proposed law applies to all lessors of property to be used as a lessee's primary residence.

4.   Remove provisions regarding credit reporting agency reports.