

SENATE RESOLUTION NO. 120

BY SENATOR BARROW

A RESOLUTION

To continue the Task Force on Prevention of Human Degradation and Exploitation of Vulnerable Individuals in Community-Based Residential Settings.

WHEREAS, through Senate Resolution No. 23 of the 2018 Second Extraordinary Session, the Senate formed a task force to study and make recommendations relative to current and proposed regulations necessary to protect nonrelated individuals residing in a single dwelling from a property owner or landlord who acts without regard to basic rights and responsibilities owed to his tenants; and

WHEREAS, after months of research and numerous public meetings, Senate Bill No. 218 of the 2019 Regular Session of the Legislature was filed to establish a minimum standard for shared housing establishments, which included certain residency prohibitions that were suggested to be in violation of the Fair Housing Act, 42 USC 3601 et seq.; and

WHEREAS, in an effort to clarify that Senate Bill No. 218 was not intended to discriminate against any resident, it was amended in the Senate Committee on Health and Welfare to establish a rental housing registry and apply to all rental properties regardless of the unique characteristics of its residents; and

WHEREAS, this equal application to all rental properties drew insurmountable opposition from landlords and property owners who would be subject to the rental housing registry; and

WHEREAS, after meeting with the opposition and sincerely attempting to address expressed concerns, Senate Bill No. 218 was amended on the Senate floor to limit the requirement of the rental housing registry to single-family dwellings that were rented to four or more unrelated adults, to exempt apartments, complexes, and residential dwellings licensed by the Louisiana Department of Health and the Louisiana Department of Children and Family Services, and to place all authority for implementation and enforcement with the parish and municipal governing bodies to be accomplished by local ordinance; and

WHEREAS, even with these significant changes to Senate Bill No. 218, the opposition was unwavering, and due to the short nature of a regular fiscal legislative session, time did not allow for further negotiation; and

WHEREAS, the Task Force on Prevention of Human Degradation and Exploitation of Vulnerable Individuals in Community-Based Residential Settings was continued and otherwise provided for by Senate Resolution No. 203 of the 2019 Regular Session of the Legislature and recreated by Senate Resolution No. 52 of the 2020 Second Extraordinary Session of the Legislature and seeks to conclude the study and make recommendations to the Senate with a legal and fair solution that works for all to the problem of unregulated rental housing.

THEREFORE, BE IT RESOLVED that the Senate of the Legislature of Louisiana does hereby continue and provide with respect to the Task Force on Prevention of Human Degradation and Exploitation of Vulnerable Individuals in Community-Based Residential Settings created by Senate Resolution No. 23 of the 2018 Second Extraordinary Session of the Legislature, continued by Senate Resolution No. 203 of the 2019 Regular Session of the Legislature, and recreated by Senate Resolution No. 52 of the 2020 Second Extraordinary Session of the Legislature.

BE IT FURTHER RESOLVED that the task force shall continue to study the following as set forth in its original charge:

(1) All present federal and state laws, rules, and regulations, as well as local ordinances in existence, to protect vulnerable individuals from degradation and exploitation by certain property owners or landowners.

(2) Any state laws, rules, and regulations or local ordinances proposed, as necessary, to protect vulnerable individuals from degradation and exploitation by certain property owners or landowners.

(3) Any proposals for regulation of community-based residential settings in which nonrelated individuals reside in a single dwelling and the rent or fees paid to the property owner or landowner are derived from government-funded assistance, such as social security payments, Supplemental Nutrition Assistance Program (SNAP) food stamps, or other federal or state stipends or subsidies.

(4) Any civil or criminal penalties to be assessed against a property owner or landowner who manipulates, scams, exploits, or stockpiles individuals in unclean, unsafe, overcrowded, and unhealthy community-based residential settings.

(5) Any transition or relocation plan for vulnerable individuals who reside in a community-based setting that is deemed unclean, unsafe, overcrowded, and unhealthy.

(6) Any other recommendation deemed important by the task force to address this matter.

BE IT FURTHER RESOLVED that the members of the task force shall continue with their service.

BE IT FURTHER RESOLVED that the task force shall meet as often as is necessary to fulfill its mission, and shall submit a report, including any legislative proposal, to the Louisiana Senate on or before March 1, 2022.

BE IT FURTHER RESOLVED that the task force shall terminate on July 1, 2022.

BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the secretary of the Louisiana Department of Health, the state health officer, the director of the health standards section within the Louisiana Department of Health, the director of the adult protective services section within the Louisiana Department of Health, the secretary of the Department of Children and Family Services, the attorney general, the state fire marshal, the executive director of the Louisiana Municipal Association, the executive director of the Police Jury Association of Louisiana, the executive director of the Advocacy Center of Louisiana, the executive director of the Louisiana Sheriffs' Association, the executive director of the Louisiana District Attorneys Association, the president of the Building Officials Association of Louisiana, the executive director of the Apartment Association of Louisiana, Inc., the executive director of the Louisiana Home Builders Association, the executive director of the Louisiana Housing Corporation, and the executive director of the Greater New Orleans Fair Housing Action Center.

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PRESIDENT OF THE SENATE