

2022 Regular Session

HOUSE BILL NO. 1063 (Substitute for House Bill No. 665 by Representative Willard)

BY REPRESENTATIVE WILLARD

HOUSING: Provides relative to the Louisiana Equal Housing Opportunity Act

1 AN ACT

2 To enact R.S. 51:2606.1, relative to housing discrimination; to provide for the Fair Chance
3 in Housing Act; to authorize an applicant to respond to information provided in a
4 criminal history record; to require a housing provider to make certain disclosures;
5 to require individualized assessments of applicants; to require consideration of
6 certain criteria during an individualized assessment; to provide for certain rights of
7 an applicant; to require notice by a housing provider in certain circumstances; to
8 limit liability of residential landlords arising from certain circumstances; and to
9 provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 51:2606.1 is hereby enacted to read as follows:

12 §2606.1. Fair Chance in Housing Act

13 A.(1) An applicant may provide evidence to a housing provider
14 demonstrating inaccuracies within the applicant's criminal history record or evidence
15 of rehabilitation or other mitigating factors.

16 (2) Prior to accepting any application fee, a housing provider shall disclose
17 the following to the applicant in writing:

18 (a) Whether the eligibility criteria of the housing provider include the review
19 or consideration of an applicant's criminal history record.

1 (b) A statement that the applicant may provide evidence demonstrating
2 inaccuracies within the applicant's criminal history record, evidence of rehabilitation,
3 or other mitigating factors.

4 (3) Disclosure required by this Paragraph may be delivered, stored, and
5 presented by electronic means if the electronic means meets the requirements of the
6 Louisiana Uniform Transactions Act, R.S. 9:2601 et seq.

7 B.(1) When considering criminal history records, a housing provider shall
8 perform an individualized assessment of the applicant's specific criminal history to
9 minimize the likelihood of assessing housing applications in a manner that would
10 have a discriminatory effect. The assessment shall determine if a denial based on a
11 criminal history record is necessary to fulfill a substantial, legitimate, and
12 nondiscriminatory interest.

13 (2) When making an assessment pursuant to this Subsection, a housing
14 provider may consider all of the following:

15 (a) The seriousness of the offense, particularly the degree to which the action
16 that was the basis of the offense could potentially affect other residents.

17 (b) The time which has elapsed since the offense, conduct, or conviction.

18 (c) Any information produced by the applicant, or produced on the
19 applicant's behalf, in regard to the applicant's rehabilitation and good conduct since
20 the occurrence of the criminal offense, as provided for in Paragraph (A)(1) of this
21 Section.

22 C. As provided for in the federal Fair Credit Reporting Act, 15 U.S.C. 1681
23 through 1681x, if a housing provider denies or takes any adverse action against an
24 applicant in whole or in part on the basis of a criminal history record obtained from
25 a consumer reporting agency, the housing provider shall provide notice to the
26 applicant, and such notice shall include all of the following:

27 (1) The name, address, and phone number of the consumer reporting agency
28 that furnished the report.

1 (2) A statement that the company that supplied the report did not make the
2 decision to take the unfavorable action.

3 (3) Notice of the applicant's right to dispute the accuracy or completeness of
4 any information the consumer reporting agency furnished and the applicant's right
5 to get a free report from the company if the applicant requests such report within
6 sixty days.

7 D.(1) If a housing provider denies or takes any adverse action against an
8 applicant, in whole or part, on the basis of a criminal history record obtained from
9 a consumer reporting agency, the applicant may submit evidence demonstrating
10 inaccuracies within the applicant's criminal record or evidence of rehabilitation or
11 other mitigating factors not submitted pursuant to Subsection A of this Section and
12 reapply for the next available unit.

13 (2) Housing providers shall not be obligated to hold, reserve, or remove from
14 commerce an apartment or rental house pending an applicant's submission of
15 additional information.

16 E. Housing providers, property owners, lessors and agents or employees of
17 housing providers, property owners, or lessors shall be immune from liability in any
18 civil action arising as a result of the decision to rent to individuals with criminal
19 records or who were otherwise charged with or convicted of a criminal offense or as
20 a result of their decision to not engage in criminal background screening.

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 1063 Engrossed

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Willard

Abstract: Requires a housing provider to conduct individualized assessment of an application and prohibits consideration of certain criminal history record information when evaluating an application for housing.

Present law prohibits discriminatory housing practices pursuant to the La. Equal Housing Opportunity Act.

Proposed law retains present law and authorizes an applicant to provide evidence of inaccuracies with the applicant's criminal history record, evidence of rehabilitation, or other mitigating factors.

Proposed law requires a housing provider to disclose to an applicant in writing whether the housing provider uses an applicant's criminal history record as a basis for eligibility and requires the provider to notify the applicant that the applicant is authorized to provide evidence of inaccuracies, rehabilitation, or other mitigating factors. Proposed law further authorizes a housing provider to provide such disclosures electronically pursuant to present law.

Proposed law requires a housing provider to conduct an individualized assessment of an applicant's criminal history record to minimize the likelihood of assessing the application in a discriminatory manner. Requires that the assessment determine whether the denial is based on a substantial, legitimate, and nondiscriminatory interest.

Proposed law authorizes a housing provider to consider the following when making its individualized assessment:

- (1) The seriousness of the offense, particularly the degree to which the action that was the basis of the offense could potentially affect other residents.
- (2) The time that has elapsed since the crime or conviction.
- (3) Information provided by the applicant, or on his behalf, to evidence rehabilitation or good conduct since the occurrence of the crime as provided for in proposed law.

Proposed law requires a housing provider, pursuant to federal present law, to notify the applicant of the following if the provider denies or takes any adverse action against the applicant on the basis of information from a consumer reporting agency:

- (1) The name, address, and phone number of the agency that provided the report.
- (2) A statement that the agency did not make the determination regarding the application.
- (3) The applicant's right to dispute the accuracy or completeness of any information the consumer of the information provided by the consumer reporting agency and get a free report from the company, provided the applicant requests such report within 60 days.

Proposed law provides that when a denial or any adverse action is based on an applicant's criminal history record obtained from a consumer reporting agency, the applicant may submit additional evidence of rehabilitation or other mitigating factors not previously submitted pursuant to proposed law and reapply for the next available housing unit.

Proposed law does not require a housing provider to hold, reserve, or remove from commerce a housing unit pending submission of an applicant's additional information authorized by proposed law.

Proposed law exempts housing providers, property owners, and lessors and their agents or employees from liability in any civil action arising from the decision to rent to a person with a criminal record or who was otherwise charged with or convicted of a crime or for the landlord's decision not to conduct a criminal background check.

(Adds R.S. 51:2606.1)