
DIGEST

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HB 1063 Engrossed

2022 Regular Session

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)