

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 consideration of certain criteria during an individualized assessment; to
6 provide for certain rights of an applicant; to limit liability of residential landlords
7 arising from certain circumstances; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

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

10 §2606.1. Fair Chance in Housing Act

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

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

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

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

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

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

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

13 C. Housing providers, property owners, lessors and agents or employees of
14 housing providers, property owners, or lessors shall be immune from liability in any
15 civil action arising as a result of the decision to rent to individuals with criminal
16 records or who were otherwise charged with or convicted of a criminal offense or as
17 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 Reengrossed

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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 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)

Summary of Amendments Adopted by House

The House Floor Amendments to the engrossed bill:

1. Remove requirement that a housing provider conduct individualized assessments of each applicant's criminal history and the criteria that a housing provider is authorized to consider in conducting such assessments.
2. Remove requirement that a housing provider provide notice, and the contents required to be included in such notice, as provided for in federal present law.