

RÉSUMÉ DIGEST

ACT 442 (HB 160)

2022 Regular Session

Landry

Existing law (C.C.P. Art. 4701) provides that when the lessor wishes to obtain possession of the premises from the lessee, the lessor or his agent shall have a written notice to vacate delivered to the lessee. The notice shall allow the lessee five days from the date of its delivery to vacate the premises. A lessee may waive the notice requirements by written waiver.

Existing law (C.C.P. Art. 4731(A)) provides that if the lessee or occupant fails to comply with or has waived the notice to vacate, the lessor or owner may cause the lessee or occupant to show cause why they should not be ordered to deliver possession of the premises to the lessor or owner.

Existing law (C.C.P. Art. 4731(B)) provides that after notice has been given, the lessor or owner may lawfully take possession of the premises without further judicial process upon the reasonable belief that the lessee or occupant has abandoned the premises.

New law provides an exception to abandonment as provided in C.C.P. Art. 4731(B), whereby cessation of residential occupancy shall not be deemed evidence of abandonment for 30 days in parishes subject to the initial declaration of a federally declared disaster.

New law provides that a residential lessee may recover the greater of \$500 or twice the amount of monthly rent from the lessor or owner for failure to comply with C.C.P. Art. 4731.

New law provides that the court may award costs and attorney fees to the prevailing party for actions brought pursuant to new law.

New law provides that a residential lessee may enforce new law by obtaining a restraining order or a preliminary injunction.

Existing law (C.C.P. Art. 3610) requires an applicant for a temporary restraining order or preliminary injunction to provide security, except where security is dispensed with by law.

New law provides that court shall not require a lessee bringing an action for a temporary restraining order or preliminary injunction to furnish security in parishes subject to a federally declared disaster for the 30 days following the declaration of the federally declared disaster.

Existing law (C.C. Art. 2693) provides for the lessor's right to make repairs.

New law provides that nothing in new law shall preempt the rights of the lessor to repair as provided in new law.

Effective August 1, 2022.

(Adds C.C.P. Art. 4731(C))