

2024 Regular Session

HOUSE BILL NO. 333

BY REPRESENTATIVE WILLARD

LEASES: Provides relative to application fees paid for leasing residential property

1 AN ACT

2 To enact R.S. 9:3258.2, relative to lease applications for residential property; to provide for  
3 certain rights for applicants; to require disclosure of certain information; to limit  
4 liability of housing providers in certain circumstances; to authorize penalties; to  
5 provide for an effective date; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 9:3258.2 is hereby enacted to read as follows:

8 §3258.2. Fair Chance in Housing Act

9 A. This Section may be cited as the "Fair Chance in Housing Act".

10 B. A housing provider that considers an applicant's criminal history for  
11 eligibility shall disclose the following information in writing to an applicant prior to  
12 accepting any application fee:

13 (1) The housing provider reviews or considers the applicant's criminal  
14 history for eligibility.

15 (2) The class of crimes and a time period examined which could result in a  
16 denial.

17 (3) A statement that the applicant may provide evidence demonstrating  
18 inaccuracies within his criminal record, proof of rehabilitation, or other mitigating  
19 factors.

20 C. Information authorized or required by this Section may be delivered,  
21 stored, and presented by electronic means in a manner consistent with the Louisiana

1 Uniform Electronic Transactions Act. A housing provider shall have no duty to  
2 safeguard, maintain, or store any information or documentation provided by an  
3 applicant. This Section does not require housing providers exclusively using  
4 electronic means for applications, payments, requests, or other necessary functions  
5 to do otherwise.

6 D. A housing provider shall not be held liable under this Section for the  
7 following:

8 (1) The acts or omissions of a lessee with a criminal record or otherwise  
9 charged or convicted of a criminal offense who properly complied with Paragraph  
10 (B)(3) of this Section which resulted in a lease.

11 (2) A housing provider's decision to rent to a lessee with a criminal record  
12 or who was otherwise charged or convicted of a criminal offense if the lessee  
13 properly complied with Paragraph (B)(3) of this Section resulting in his lease.

14 (3) A housing provider's decision not to conduct a criminal background  
15 screening.

16 (4) A housing provider's failure to safeguard, maintain, or store any  
17 information or documentation provided by an applicant in any particular manner.

18 E. Subsection D of this Section shall not create immunity for housing  
19 providers for actions arising under the Louisiana Equal Opportunity Act.

20 F.(1) A housing provider shall refund the application fee to an applicant if  
21 the housing provider is not in compliance with Subsection B of this Section, the  
22 applicant is denied based on the applicant's criminal history, and the applicant sends  
23 a written request on the earlier of the following:

24 (a) Thirty days after the applicant received written notice from the housing  
25 provider that the application was denied or not accepted.

26 (b) Ninety days after the applicant remitted application fees and an  
27 application to the housing provider.

28 (2) A housing provider shall refund an application fee within thirty days of  
29 receipt of a written request as required by Paragraph (1) of this Subsection. The

1 housing provider shall not charge the applicant any additional fee or reduce the  
2 amount of the original application fee if the refund of the application fee is required  
3 pursuant to this Section.

4 G. A court of competent jurisdiction shall award an applicant costs of  
5 application fees plus five hundred dollars upon determination that a housing provider  
6 failed to comply with Subsection F of this Section.

7 H. A court of competent jurisdiction may in its discretion award costs and  
8 reasonable attorney fees to the prevailing party in action brought pursuant to this  
9 Section.

10 I. For purposes of this Section, "housing provider" shall mean an owner,  
11 lessor, sublessor, property manger, or property management company that leases or  
12 rents residential property.

13 Section 2. This Act shall become effective on January 1, 2025.

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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)]

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HB 333 Original

2024 Regular Session

Willard

**Abstract:** Creates rights for applicants leasing residential property and protects and imposes penalties on housing providers in certain situations.

Proposed law requires housing providers to disclose certain information regarding review or consideration of an applicant's criminal background history before remittance of an application fee.

Proposed law requires housing providers to refund the application fee to the applicant when the housing provider does not provide the applicant with the necessary disclosures pursuant to this Section.

Proposed law protects housing providers from liability for a lessee's acts or omissions or ability to lease.

Proposed law protects housing providers from liability when the housing providers decide not to conduct a criminal background screening or for failure to safeguard, maintain, or store information from an applicant in any particular manner.

Proposed law imposes penalties on housing providers for violations under this Section.

Eff. Jan. 1, 2025

(Adds R.S. 9:3258.2)