

DIGEST

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SB 174 Reengrossed

2015 Regular Session

Broome

Provides that proposed law shall apply only to a lease agreement for a residential dwelling or an apartment within a building or structure consisting of four or more separate residential dwellings or apartments.

Proposed law provides for definitions of the following terms: "domestic abuse", "domestic abuse offender", "domestic abuse victim", "household member", "reasonable documentation", and "qualified third party".

Proposed law provides that no lease agreement shall: (a) limit the lessee's right to summon, or any other person's right to summon, a law enforcement officer or other emergency assistance in response to an emergency following an incident on the leased premises, or (b) assess monetary penalties or other penalties under the lease for the lessee summoning, or for any other person summoning, a law enforcement officer or other emergency assistance in response to an emergency on the leased premises.

Provides that a lease provision prohibited under proposed law shall be null, void, and unenforceable.

Proposed law provides that the lessor shall not: (1) refuse to enter into the lease agreement solely on the basis that an applicant, or that applicant's household member, is or has been a victim of domestic abuse, or on the basis of activity directly related to domestic abuse, if that applicant provides reasonable documentation and otherwise qualifies to enter into a lease agreement, or (2) terminate the lease agreement, fail to renew the lease agreement, or issue an eviction notice or notice to vacate on the basis that an act of domestic abuse or activity directly related to domestic abuse occurred on the leased premises and the victim is a lessee or a lessee's household member. Further provides that if the continued presence of a domestic abuse offender results in one or more additional disturbances or altercations which pose an imminent threat to the safety or peaceable possession of the premises by the lessee or other residents, the lessor may evict the lessee.

Requires an applicant, lessee, or household member who seeks protection pursuant to proposed law to provide to the lessor reasonable documentation of domestic abuse prior to the date of the lease application, lease termination, lease non-renewal, or before the judgment or order of eviction is rendered. Failure to do so results in a bar to a claim or cause of action against the lessor for breach of proposed law.

Proposed law provides that in order to receive an early termination, a lessee shall:

- (1) Assert in writing to the lessor that the lessee or household member is a domestic abuse victim and that the lessee seeks the particular accommodation afforded under proposed law.
- (2) Provide to the lessor reasonable documentation of domestic abuse on the leased premises within the past thirty days.
- (3) Assert in writing that the lessee will not knowingly voluntarily permit the domestic abuse offender further access to the residential dwelling unit.
- (4) Otherwise meet or agree to fulfill all requirements of a lessee under the lease agreement.

- (5) If requested by the lessor, provide in writing the name and address of the person named as the defendant, perpetrator or abuser in Uniform Abuse Prevention Order or Certification of Domestic Abuse form.

Proposed law provides for the effects of early termination of a lease pursuant to proposed law including the liability for rent and circumstances in which there are multiple lessees.

Provides that nothing in proposed law shall be construed to limit a lessor's right to refuse to enter into a lease agreement, terminate a lease agreement, fail to renew a lease agreement, or issue an eviction notice or notice to vacate to a lessee or tenants pursuant to C.C.P. Art. 4701, et seq., for actions unrelated to the act of domestic abuse, except that a lessor shall be entitled to an immediate eviction of the domestic abuse offender upon presenting the court with reasonable documentation of the abuse. Proposed law further provides that nothing in proposed law shall limit a lessee's obligation as required by a lease agreement between the lessor and lessee.

Proposed law provides for a form for a Certification of Domestic Abuse.

Proposed law provides that a civil action for enforcement of rights granted pursuant to proposed law may be commenced in state district court within one year of an alleged violation of proposed law. Provides that in the civil action, the court may only grant as relief any permanent or temporary injunction, temporary restraining order, or other similar order, as the court deems appropriate.

Provides for sanctions when the court determines an action to be frivolous, and provides that no civil action may be brought if the plaintiff or the plaintiff's household member knowingly and voluntarily permitted the domestic abuse offender access to the residential dwelling unit after requesting an accommodation pursuant to proposed law. Further provides immunity from liability for lessors or owners of residential dwellings who institute eviction proceedings pursuant to proposed law.

Proposed law will not supercede certain sections of the Code of Federal Regulations.

Effective August 1, 2015.

(Adds R.S. 9:3261.1)

Summary of Amendments Adopted by Senate

Senate Floor Amendments to engrossed bill

1. Changes the type of leased residential dwelling that will be subject to proposed law.
2. Removes from the definition of "reasonable documentation" a report, record, or protective order from a law enforcement agency, court, or state or federal agency.
3. Authorizes the lessor to extend the 30-day requirement for a lessee to submit written proof of lessee's domestic abuse victim status.
4. Removes the option to provide an oral assertion to the lessor that the person seeking an accommodation is a domestic abuse victim.
5. Reduces the time to bring a civil action for enforcement of rights from two years to one year.
6. Removes punitive damages as a form of relief.
7. Provides that proposed law will not supercede certain sections of the Code of Federal Regulations.

8. Makes technical changes.

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Civil Law and Procedure to the reengrossed bill:

1. Amend the type of residential dwellings to which proposed law applies.
2. Change the definition of "domestic abuse", "reasonable documentation", and "qualified third party".
3. Add definitions for "domestic abuse offender" and "domestic abuse victim" and remove definition of "family member".
4. Change the prohibitions and responsibilities of the lessor and lessee regarding the termination of a lease agreement, refusal to enter into a lease agreement, failure to renew a lease agreement, or the issuance of an eviction notice.
5. Delete the bifurcation provisions and provide for the effects of early termination, including the liability for rent and the effects of termination on multiple lessees.
6. Delete the in forma pauperis provisions.
7. Provide that the court may only grant as relief any permanent or temporary injunction, temporary restraining order, or other similar order, as the court deems appropriate.
8. Provide for sanctions when the court determines that an action is frivolous.
9. Prohibit an action pursuant to proposed law if the plaintiff or plaintiff's household member has knowingly voluntarily permitted the domestic abuse offender access to the dwelling unit after having requested an accommodation pursuant to proposed law.
10. Provide immunity from liability for lessors or owners of residential dwellings who institute eviction proceedings pursuant to proposed law.
11. Make technical changes.