

Regular Session, 2014

HOUSE BILL NO. 545

BY REPRESENTATIVE BARROW

LESSOR/LESSEE: Requires certification by landlords that rental properties are free of toxic mold

1 AN ACT

2 To enact R.S. 9:3222, relative to residential leases; to provide for certain certifications; to
3 provide for the duty to remediate toxic mold; to provide for delays within which to
4 remediate toxic mold; to provide for an alternate premises in certain circumstances;
5 to provide for the termination of a lease; to provide for payment of expenses; to
6 provide for applicability and waiver of obligations; and to provide for related
7 matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 9:3222 is hereby enacted to read as follows:

10 §3222. Toxic mold; certification of mold-free premises; damages

11 A. Notwithstanding the provisions of R.S. 9:3221, the lessor of any premises
12 leased for residential purposes shall certify that the premises is free of toxic mold at
13 the time of execution of the lease and shall be responsible during the term of the
14 lease for the repair, remediation, and removal of toxic mold on the premises.

15 B.(1) If at any time subsequent to executing the lease, the premises is found
16 to contain toxic mold, the lessor shall, within thirty days of notice of discovery of the
17 toxic mold, either:

18 (a) Repair and remediate the premise, removing the toxic mold.

19 (b) Provide at no charge to the lessee an equivalent alternate residence
20 certified to be free of toxic mold.

1 (2) If the lessor is unable to repair and remediate the premises within thirty
2 days as provided in Paragraph (1) of this Subsection, the lessee is authorized to
3 terminate the lease free of any charges or fees.

4 C. If the lessee is required to temporarily change residence or chooses to
5 terminate the lease as provided in Subsection B of this Section, the lessor shall be
6 liable for all expenses incurred by the lessee in moving to a temporary or permanent
7 alternate residence.

8 D. The provisions of this Section shall not limit any cause of action or
9 damages available under any other existing law, and the obligations of the lessor
10 provided by this Section shall be in addition to any existing obligations of the lessor,
11 including the obligations provided by Civil Code Article 2682.

12 E. The provisions of this Section shall not be subject to waiver.

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)]

Barrow

HB No. 545

Abstract: Provides for the certification by a lessor that the leased premises is free of toxic mold, and provides for remedies for the lessee.

Proposed law provides that the lessor of any premises leased for residential purposes shall certify that the premises is free of toxic mold at the time of execution of the lease and shall be responsible during the term of the lease for the repair, remediation, and removal of toxic mold on the premises.

Proposed law provides that if at any time subsequent to executing the lease, the premises is found to contain toxic mold, the lessor shall, within 30 days of notice of discovery of the toxic mold, either repair and remediate the premise, removing the toxic mold, or provide at no charge to the lessee an equivalent alternate residence certified to be free of toxic mold.

Proposed law provides that if the lessor is unable to repair and remediate the premises within 30 days, the lessee is authorized to terminate the lease free of any charges or fees.

Proposed law provides that if the lessee is required to temporarily change residence or chooses to terminate the lease, the lessor shall be liable for all expenses incurred by the lessee in moving to a temporary or permanent alternate residence.

Provides that the provisions of proposed law shall not limit any cause of action or damages available under any other existing law, and provides that the obligations of the lessor shall be in addition to any existing obligations of the lessor, including the obligations provided by Civil Code Article 2682.

Provides that the provisions of proposed law shall not be subject to waiver.

(Adds R.S. 9:3222)