

2020 Regular Session

HOUSE BILL NO. 388

BY REPRESENTATIVE LANDRY

LESSOR/LESSEE: Provides relative to residential leases and eviction requirements

1 AN ACT

2 To amend and reenact Civil Code Articles 2704 and 2728(2) and Code of Civil Procedure
3 Article 4701, relative to leases; to provide relative to residential leases; to provide
4 relative to nonpayment of rent and a grace period for such nonpayment; to provide
5 relative to eviction; to provide for notice of termination; to provide for the notice to
6 vacate; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Civil Code Articles 2704 and 2728(2) are hereby amended and reenacted
9 to read as follows:

10 Art. 2704. Nonpayment of rent

11 If the lessee fails to pay the rent when due, the lessor may, in accordance with
12 the provisions of the Title "Conventional Obligations or Contracts", dissolve the
13 lease and may regain possession in the manner provided by law.

14 Nevertheless, a residential lease shall not be dissolved for the lessee's failure
15 to pay the rent when due unless the rent remains unpaid for a period of at least ten
16 days following the arrival of the term for payment. If the lessee fails to pay the rent
17 by the tenth day, the lessor may immediately dissolve the lease by giving written
18 notice of dissolution to the lessee. If the lessee fails to pay the rent when due on an
19 additional occasion within a six-month period, the lessor may immediately dissolve

1 occupancy for any reason, the lessor or his agent may immediately institute eviction
 2 proceedings in accordance with Chapter 2 of Title XI of the Louisiana Code of Civil
 3 Procedure. Nevertheless, in a residential lease, the notice requirements of this
 4 Article may not be waived by the lessee unless the lessor's failure to perform
 5 seriously affects the health or safety of the lessor, or any person occupying the
 6 premises or adjacent property.

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 388 Original

2020 Regular Session

Landry

Abstract: Provides a grace period for nonpayment of rent, changes the notice requirement for month-to-month residential leases, and removes the ability for the lessee to waive their notice requirements, with exceptions.

Present law provides for the dissolution of residential leases for lessee's failure to pay.

Proposed law provides that a lessor shall not dissolve the lease for a lessee's failure to pay unless rent remains unpaid for a period of 10 days from the day payment is due.

Proposed law provides that lessor may immediately dissolve the lease by giving written notice by the 10th day if lessee fails to pay rent.

Proposed law provides that the lessor may immediately dissolve the lease by written notice of dissolution to the lessee if the lessee fails to pay rent on an additional occasion within a 6-month period after the first failure to pay rent.

Present law provides that notice of termination in a month-to-month lease shall be given on or before 10 calendar days before the end of that month.

Proposed law provides that notice of termination in a month-to-month residential lease shall be given on or before 30 calendar days before the end of that month.

Proposed law maintains present law for all other leases.

Present law provides for notice to lessee to vacate.

Present law provides that a notice to vacate may be waived by a written waiver provided in a lease.

Proposed law retains present law and further provides that written waiver of notice to vacate shall not apply in a residential lease, unless lessee's failure to perform affects the health and safety of the lessor, or any occupant of the premises or adjacent property.

(Amends C.C. Arts. 2704 and 2728(2) and C.C.P. Art. 4701)