
DIGEST

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HB 374 Engrossed

2021 Regular Session

Duplessis

Abstract: Provides for residential lessee screening including consumer credit reports and personal hardship statements subsequent to a declared emergency.

Proposed law (R.S. 9:3258.1) provides that a landlord may not require payment of an application fee unless the landlord gives written notice to applicants of the following:

- (1) The applicant screening charge amount.
- (2) Whether the landlord considers certain screening.
- (3) The landlord's process of screening the applicants, including whether the lessor may rely upon a credit reporting agency, public or criminal records, or certain references.
- (4) The applicant's right to report a financial hardship resulting from a declared disaster or emergency to a credit reporting agency prior to applying.

Proposed law (R.S. 9:3258.1) applies to all landlords of property used as a primary residence except for owner-occupied buildings of no more than four units.

Proposed law prohibits causes of action and allows for immunity for a lessor's alleged violation of present and proposed law.

Present law (R.S. 9:3571.1) provides for credit reporting agency information and reports.

Proposed law (R.S. 9:3571.1(A)(4)) requires the credit reporting agency to notify the consumer of the right to request a personal statement detailing financial hardship from a declared emergency when a consumer requests a copy of a credit report.

Proposed law does not conflict with a credit reporting agency's duties under present law.

Proposed law requires the credit report to accurately report the outcome of residential eviction proceedings. Proposed law provides that the credit reporting agency shall not be liable if it reports complete and accurate information as provided by the court.

Proposed law (R.S. 9:3571.1(C)(2)) authorizes consumers to report in good faith that they have experienced financial hardship resulting from a declared disaster or emergency pursuant to R.S.

29:724, and if so reported, requires the credit reporting agency to include the statement with any credit report provided by the agency.

Present law (R.S. 9:3571.1(H)(2)) provides that a "credit report" means the communication of any credit information by a credit reporting agency bearing on a consumer's credit worthiness, credit standing, or credit capacity.

Proposed law (R.S. 9:3571.1(H)(2)) retains present law but expands the definition to include character, general reputation, personal characteristics, or mode of living.

(Amends R.S. 9:3571.1(B), (C), and (H)(2); Adds R.S. 9:3258.1 and 3571.1(A)(4))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Commerce to the original bill:

1. Make technical changes.
2. Remove a provision of proposed law requiring a lessor to adopt written screening or admission criteria.
3. Remove a provision requiring a lessor to give written notice of the lessor's screening or admission criteria, used in deciding whether to rent or lease to the applicant.
4. Add a provision requiring a lessor to give written notice as to whether the lessor's screening or admission criteria considers credit, employment history, or eviction records in rental decisions.
5. Require a lessor to give written notice of the screening process followed including whether the lessor may rely upon a credit reporting agency.
6. Require a lessor to give written notice of the screening process followed including whether the lessor may contact employers or prior lessors.
7. Add a provision prohibiting a cause of action against a lessor or a lessor's agents or employees for violating proposed law and granting immunity to a lessor or a lessor's agents or employees from any cause of action for alleged violation of proposed law.
8. Clarify that the word "resident" in proposed law refers to a "consumer".
9. Clarify that proposed law does not conflict with a credit reporting agency's duties under the Fair Credit Reporting Act.
10. Remove a requirement that the name and date of birth of an applicant in a court file must

match the name and date of birth of the applicant in a credit report where the credit report includes information from the court file.

11. Clarify that regulations in proposed law requiring eviction proceeding outcomes to be accurately reflected in a credit report relates to residential evictions.