
DIGEST

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Gray

HB No. 149

Abstract: Provides for removal and preservation of a lessee's property during the period of 5/29/05 until 6/30/06.

Present law provides that a lessor has the right to enter leased premises to make necessary repairs.

Proposed law (R.S. 9:2554(C)(1)) does not change present law but specifies the lessor's right to inspect the premises during the period of 8/26/05 until 6/30/06.

Present law provides for the duty of the lessor to preserve the lessee's property when the lessor is making necessary repairs.

Proposed law does not change present law.

Present law does not provide for the lessor's right to dispose of unsalvageable property.

Proposed law (R.S. 9:2554(C)(1)) changes present law and allows the lessor to discard unsalvageable property and requires the lessor to make every reasonable effort to notify the lessee before discarding the unsalvageable property.

Proposed law (R.S. 9:2554(C)(2)-(5)) provides for duties of the lessor relative to keeping records and preserving the lessee's property.

Proposed law (R.S. 9:2554(D)) provides a procedure for taking evidence of the lessee's property when it is being removed.

Proposed law (R.S. 9:2554(E)) provides that unless otherwise agreed by the parties, in the event of the total destruction of the immovable property, the lease is terminated, and the lessor is bound to reimburse the rent paid by the lessee since the time of the total destruction of the property, except that the lessor may deduct the amounts expended for the removal and preservation of the property on the leased premises, unless otherwise covered by insurance.

Proposed law (R.S. 9:2554(F)) provides that if the lessor disposes of property of the lessee that is salvageable and does not comply with the provisions of proposed law, the lessor shall be liable to the lessee for the value of property.

Proposed law defines "reasonable effort" and "unsalvageable property".

Proposed law applies retroactively to August 26, 2005, and also provides that proposed law shall not affect the law governing eviction proceedings.

Proposed law terminates on June 30, 2006.

Proposed law provides that its provisions shall not apply to the lease or furnishing of sleeping rooms, cottages, or cabins by hotels or motels.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Adds R.S. 9:2554)