
DIGEST

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HB 160 Original

2022 Regular Session

Landry

Abstract: Prohibits a lessor or owner from bringing an action for possession of a residential property on the basis of abandonment for 30 days following the declaration of a federally declared disaster if the federally declared disaster caused the residential premises to be abandoned.

Present law (C.C.P. Art. 4701) provides that when the lessor wishes to obtain possession of the premises from the lessee, the lessor or his agent shall have a written notice to vacate delivered to the lessee. The notice shall allow the lessee five days from the date of its delivery to vacate the premises. A lessee may waive the notice requirements by written waiver.

Present law (C.C.P. Art. 4731(A)) provides that if the lessee or occupant fails to comply with or has waived the notice to vacate, the lessor or owner may cause the lessee or occupant to show cause why they should not be ordered to deliver possession of the premises to the lessor or owner.

Present law (C.C.P. Art. 4731(B)) provides that after notice has been given, the lessor or owner may lawfully take possession of the premises without further judicial process upon the reasonable belief that the lessee or occupant has abandoned the premises.

Proposed law provides an exception to abandonment as provided in C.C.P. Art. 4731(B), whereby C.C.P. Art. 4731(B) does not apply for the 30 days following the declaration of a federally declared disaster that caused the residential premises to be abandoned, to the extent that a lessor's or owner's belief that an occupant has abandoned the premises based on the cessation of residential occupancy.

Proposed law provides that a residential lessee may recover the greater of \$500 or twice the amount of monthly rent from the lessor or owner for failure to comply with C.C.P. Art. 4731.

Present law (R.S. 9:3252) provides that a lessee may recover any portion of a security deposit wrongfully retained and the greater of \$300 or twice the amount of the portion of the security deposit wrongfully retained by the lessor.

Proposed law provides that present law shall apply to civil actions brought pursuant to proposed law.

Present law (R.S. 9:3253) provides for the awarding of costs and attorney fees to the prevailing party for actions brought under R.S. 9:3252.

Proposed law provides that present law shall apply to civil actions brought pursuant to proposed law.

Present law (C.C.P. Art. 3610) requires an applicant for a temporary restraining order or preliminary injunction provide security, except where security is dispensed with by law.

Proposed law provides that for the 30 days following the declaration of a federally declared disaster, a court shall not require a lessee bringing an action for a temporary restraining order or preliminary injunction to furnish security.

(Adds C.C.P. Art. 4731(C))