

ACT No. 442

2022 Regular Session

HOUSE BILL NO. 160

BY REPRESENTATIVES LANDRY, AMEDEE, FONTENOT, MAGEE, ORGERON,
AND ZERINGUE

1 AN ACT

2 To enact Code of Civil Procedure Article 4731(C), relative to leases; to provide relative to
3 federally declared national disasters; to provide relative to abandonment; to provide
4 for repossession of the premises; to provide for an exception; to provide for
5 damages; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Code of Civil Procedure Article 4731(C) is hereby enacted to read as
8 follows:

9 Art. 4731. Rule to show cause why possession should not be delivered;
10 abandonment of premises; federally declared disasters

11 * * *

12 C.(1) In parishes subject to a federal disaster declaration, cessation of
13 residential occupancy shall not be deemed evidence of abandonment pursuant to
14 Paragraph B of this Article for thirty days following the initial declaration of a
15 federally declared disaster.

16 (2) Failure of the lessor to comply with this Article shall give a residential
17 lessee the right to recover five hundred dollars or twice the amount of the monthly
18 rent, whichever is greater, from the lessor or owner, or from the lessor's successor
19 in interest. A residential lessee may obtain a restraining order or a preliminary
20 injunction to enforce the provisions of this Article.

1 (3) The court may award costs and attorney fees to the prevailing party for
2 actions brought pursuant to this Article.

3 (4) In parishes subject to a federally declared disaster, a court shall not
4 require a residential lessee bringing an action for a temporary restraining order or
5 preliminary injunction under this Article to furnish security, as required by Code of
6 Civil Procedure Article 3610 for the thirty days following the initial declaration of
7 a federally declared disaster.

8 (5) Nothing in Paragraph C of this Article shall preempt the rights afforded
9 to a lessor in Civil Code Article 2693.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____