

Regular Session, 2014

SENATE CONCURRENT RESOLUTION NO. 181

BY SENATOR BROOME

COMMITTEE STUDIES. Requests joint study of legal issues involving victims of abuse and housing.

A CONCURRENT RESOLUTION

To urge and request the Senate Committee on Judiciary A and the House Committee on Civil Law and Procedure to meet and function as a study committee to study legal issues related to victims of abuse and housing.

WHEREAS, under the Louisiana Equal Housing Opportunity Act, the legislature declares that a person in this state who seeks a place to live should be able to find such housing whenever it is available and that all persons should therefore be able to compete for available housing on an open, fair, and equitable basis, regardless of race, color, religion, sex, handicap, familial status, or national origin; and

WHEREAS, Senate Bill No. 233 of the 2014 Regular Session of the Legislature of Louisiana sought to include in the protected categories of the Louisiana Equal Housing Opportunity Act, victims of domestic abuse; and

WHEREAS, as proposed in the bill:

(1) "Domestic abuse" includes but is not limited to physical or sexual abuse and any offense against the person as defined in the Criminal Code of Louisiana, except negligent injury and defamation, committed by one family or household member against another and abuse of adults as defined in R.S. 15:1503 when committed by an adult child or adult grandchild.

1 (2) "Family or household member" means a spouse, former spouse, parent, child,
2 stepparent, stepchild, foster parent, foster child, grandparent and grandchild; and

3 WHEREAS, the legislation proposed that it would be unlawful:

4 (1) To refuse to sell or rent after the making of a bona fide offer, or to refuse to
5 negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any
6 person because the person was a victim of domestic abuse.

7 (2) To discriminate against any person in the terms, conditions, or privileges of sale
8 or rental of a dwelling, or in the provision of services or facilities in connection therewith,
9 because the person was a victim of domestic abuse.

10 (3) To make, print, or publish, or cause to be made, printed, or published any notice,
11 statement, or advertisement, with respect to the sale or rental of a dwelling that indicates any
12 preference, limitation, or discrimination based on a person being a victim of domestic abuse,
13 or an intention to make any such preference, limitation, or discrimination.

14 (4) To represent to any person because the person was a victim of domestic abuse
15 that any dwelling is not available for inspection, sale, or rental when such dwelling is in fact
16 so available.

17 (5) For profit, to induce or attempt to induce any person to sell or rent any dwelling
18 by representations regarding the entry or prospective entry into the neighborhood of a person
19 or persons who was a victim of domestic abuse; and

20 WHEREAS, the bill proposed that it would be unlawful for any person or other entity
21 whose business includes engaging in residential real estate related transactions to
22 discriminate against any person in making available such a transaction, or in the terms or
23 conditions of such a transaction, because the person was a victim of domestic abuse; and

24 WHEREAS, the bill proposed that it would be unlawful to deny any person access
25 to or membership or participation in any multiple-listing service, real estate brokers'
26 organization or other service, organization, or facility relating to the business of selling or
27 renting dwellings, or to discriminate against him in the terms or conditions of such access,
28 membership, or participation, because the person was a victim of domestic abuse; and

29 WHEREAS, the interrelated nature of domestic abuse and homelessness is
30 undeniable as victims of domestic abuse struggle to find permanent housing after fleeing

1 abusive circumstances; and

2 WHEREAS, victims of domestic abuse need safe, affordable housing or are forced
3 to return to their abuser or live on the streets, and because women are more likely to be
4 victims of domestic abuse, women and their children are often forced into homelessness; and

5 WHEREAS, victims of domestic abuse often face unfair eviction and denial of
6 housing; and

7 WHEREAS, other issues that arise with victims of domestic abuse include
8 maintaining confidentiality to ensure victim safety; the landlord's duty to provide safe
9 housing; the landlord's duty to change the locks at the victim's request; the landlord's duty
10 to protect victims who are renting from dangerous tenants; the victim's right to have the
11 abusive person evicted, if they live together; and the survivor's right to break the lease
12 without penalty to escape domestic abuse.

13 THEREFORE, BE IT RESOLVED that the Legislature of Louisiana hereby urges
14 and requests that the Senate Committee on Judiciary A and the House Committee on Civil
15 Law and Procedure meet and function as a joint committee to study legal issues related to
16 victims of abuse and housing.

17 BE IT FURTHER RESOLVED that for purposes of this study the committee shall
18 have all powers otherwise provided by law and by rule of the respective houses, individual
19 and jointly, as well as all powers inherent in legislative committees and that the legislative
20 members thereof shall receive the per diem and mileage provided for committees by the
21 rules of the respective house.

22 BE IT FURTHER RESOLVED that the committee shall make a written report of its
23 findings to the legislature on or before February 1, 2015, together with any specific
24 proposals for legislation.

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Jerry J. Guillot.

DIGEST

Broome

SCR No. 181

Requests Senate Committee on Judiciary A and House Committee on Civil Law and Procedure to study legal issues jointly related to victims of abuse and housing. Requires a written report to the legislature on or before February 1, 2015.