HLS 20RS-556 ORIGINAL

2020 Regular Session

HOUSE BILL NO. 388

BY REPRESENTATIVE LANDRY

LESSOR/LESSEE: Provides relative to residential leases and eviction requirements

1 AN ACT 2 To amend and reenact Civil Code Articles 2704 and 2728(2) and Code of Civil Procedure 3 Article 4701, relative to leases; to provide relative to residential leases; to provide 4 relative to nonpayment of rent and a grace period for such nonpayment; to provide 5 relative to eviction; to provide for notice of termination; to provide for the notice to 6 vacate; and to provide for related matters. 7 Be it enacted by the Legislature of Louisiana: 8 Section 1. Civil Code Articles 2704 and 2728(2) are hereby amended and reenacted 9 to read as follows: 10 Art. 2704. Nonpayment of rent 11 If the lessee fails to pay the rent when due, the lessor may, in accordance with 12 the provisions of the Title "Conventional Obligations or Contracts", dissolve the 13 lease and may regain possession in the manner provided by law. 14 Nevertheless, a residential lease shall not be dissolved for the lessee's failure 15 to pay the rent when due unless the rent remains unpaid for a period of at least ten 16 days following the arrival of the term for payment. If the lessee fails to pay the rent 17 by the tenth day, the lessor may immediately dissolve the lease by giving written 18 notice of dissolution to the lessee. If the lessee fails to pay the rent when due on an 19 additional occasion within a six-month period, the lessor may immediately dissolve

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1	the lease by giving written notice of dissolution to the lessee.
2	* * *
3	Art. 2728. Notice of termination; timing
4	The notice of termination required by the preceding Article shall be given at
5	or before the time specified below:
6	* * *
7	(2) In a month-to-month <u>residential</u> lease, <u>thirty calendar days before the end</u>
8	of that month; in all other month-to-month leases, ten calendar days before the end
9	of that month;
10	* * *
11	Section 2. Code of Civil Procedure Article 4701 is hereby amended and reenacted
12	to read as follows:
13	TITLE XI. EVICTION OF TENANTS LESSEES AND OCCUPANTS
14	CHAPTER 1. GENERAL DISPOSITIONS
15	Art. 4701. Termination of lease; notice Notice of lessee to vacate; waiver of notice
16	When a lessee's right of occupancy has ceased because of the termination of
17	the lease by expiration of its term, action by the lessor, nonpayment of rent, or for
18	any other reason, and the lessor wishes to obtain possession of the premises, the
19	lessor or his agent shall cause written notice to vacate the premises to be delivered
20	to the lessee. The notice shall allow the lessee not less than five days from the date
21	of its delivery to vacate the leased premises.
22	If the lease has no definite term, the notice required by law for its termination
23	shall be considered as a notice to vacate under this Article. If the lease has a definite
24	term, notice to vacate may be given not more than thirty days before the expiration
25	of the term.
26	In all cases a notice to vacate shall state the reasons for termination of the
27	lease.
28	A lessee may waive the notice requirements of this Article by written waiver
29	contained in the lease, in which case, upon termination of the lessee's right of

occupancy for any reason, the lessor or his agent may immediately institute eviction
proceedings in accordance with Chapter 2 of Title XI of the Louisiana Code of Civil
Procedure. Nevertheless, in a residential lease, the notice requirements of this
Article may not be waived by the lessee unless the lessor's failure to perform
seriously affects the health or safety of the lessor, or any person occupying the
premises or adjacent property.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 388 Original

2020 Regular Session

Landry

Abstract: Provides a grace period for nonpayment of rent, changes the notice requirement for month-to-month residential leases, and removes the ability for the lessee to waive their notice requirements, with exceptions.

Present law provides for the dissolution of residential leases for lessee's failure to pay.

<u>Proposed law</u> provides that a lessor shall not dissolve the lease for a lessee's failure to pay unless rent remains unpaid for a period of 10 days from the day payment is due.

<u>Proposed law</u> provides that lessor may immediately dissolve the lease by giving written notice by the 10th day if lessee fails to pay rent.

<u>Proposed law</u> provides that the lessor may immediately dissolve the lease by written notice of dissolution to the lessee if the lessee fails to pay rent on an additional occasion within a 6-month period after the first failure to pay rent.

<u>Present law</u> provides that notice of termination in a month-to-month lease shall be given on or before 10 calendar days before the end of that month.

<u>Proposed law</u> provides that notice of termination in a month-to-month residential lease shall be given on or before 30 calendar days before the end of that month.

Proposed law maintains present law for all other leases.

<u>Present law</u> provides for notice to lessee to vacate.

<u>Present law</u> provides that a notice to vacate may be waived by a written waiver provided in a lease.

<u>Proposed law</u> retains <u>present law</u> and further provides that written waiver of notice to vacate shall not apply in a residential lease, unless lessee's failure to perform affects the health and safety of the lessor, or any occupant of the premises or adjacent property.

(Amends C.C. Arts. 2704 and 2728(2) and C.C.P. Art. 4701)

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