
HOUSE COMMITTEE AMENDMENTS

2023 Regular Session

Amendments proposed by House Committee on Commerce to Original House Bill No. 180
by Representative WillardAMENDMENT NO. 1

On page 1, line 6, after "definition;" and before "and" insert "to provide for an effective date;"

AMENDMENT NO. 2

On page 1, delete lines 10 through 18 in their entirety and insert in lieu thereof:

"A. Prior to accepting any application fee from an applicant, a housing provider shall disclose all of the following to each applicant in writing:

(1) Whether the eligibility criteria of the housing provider include the review or consideration of criminal history records of the applicant.

(2) If the eligibility criteria of the housing provider include a review or consideration of criminal history records of the applicant, the criminal history screening or admissions criteria, such as whether misdemeanors, felonies, or particular classes of misdemeanors or felonies, within certain lookback periods, will lead to an application denial."

AMENDMENT NO. 3

On page 2, line 1, change "(c)" to "(3)"

AMENDMENT NO. 4

On page 2, line 4, change "(3)" to "B." and after "authorized" and before "by" insert "or required"

AMENDMENT NO. 5

On page 2, line 6, after "et seq." insert the following: "Nothing in this Section shall require or be interpreted to require a housing provider that accepts applications, payments, requests, or other documents exclusively by electronic means to do otherwise. No housing provider shall have any duty to safeguard, maintain, store, or keep any information or documentation provided by an applicant."

AMENDMENT NO. 6

On page 2, delete lines 7 through 19 in their entirety and insert in lieu thereof:

"C. This Section shall not create liability on behalf of a housing provider in any case or civil action arising from this Section in any of the following circumstances:

(1) The acts or omissions of any individual with a criminal record or who was otherwise charged with, or convicted of, a criminal offense to whom the housing provider rented or leased a dwelling if such individual provided the housing provider evidence demonstrating inaccuracies in the individual's criminal record or evidence of rehabilitation or other mitigating factors.

1 (2) A housing provider's decision to rent to an individual with a criminal
2 record or who was otherwise charged with, or convicted of, a criminal offense if such
3 individual provided evidence demonstrating inaccuracies in the individual's criminal
4 record or evidence of rehabilitation or other mitigating factors.

5 (3) A housing provider's decision to not engage in criminal background
6 screening.

7 (4) A housing provider's failure to safeguard, maintain, store, or keep any
8 information or documentation provided by an applicant in any particular manner.

9 D. Subsection C of this Section shall not create immunity for a housing
10 provider for a claim or civil action arising pursuant to the Louisiana Equal
11 Opportunity Act.

12 E.(1) A housing provider that does not comply with Subsection A of this
13 Section prior to the remittance of an application fee to a housing provider shall
14 refund the entire application fee to an applicant with a criminal record who in good
15 faith submits an application to a housing provider to rent or lease an available
16 dwelling from a housing provider but only to the extent that such housing provider
17 has provided notice that applications are being accepted for the dwelling at such time
18 upon a written request received by the housing provider the earlier of the following:

19 (a) Thirty days after the applicant received written notice from or on behalf
20 of the housing provider that the application was denied or not accepted,

21 (b) Ninety days after the applicant remitted the application fee and a
22 complete application to the housing provider.

23 (2) A housing provider shall refund an application fee within thirty days of
24 receipt of written request required by this Subsection. The housing provider shall not
25 charge the applicant any additional fee or charge, or reduce the amount of the
26 original application fee, if the refund of such application fee is required to be made
27 pursuant to this Subsection.

28 F. If a housing provider is determined by a court of competent jurisdiction
29 to have failed to comply with Subsection E of this Section with respect to a particular
30 applicant the court shall award the applicant the cost of the application fee plus five
31 hundred dollars.

32 G. In an action brought pursuant to this Section, a court of competent
33 jurisdiction may in its discretion award costs and reasonable attorney fees to the
34 prevailing party.

35 H. For purposes of this Section the following terms shall be assigned the
36 following meanings:

37 (1) "Dwelling" means any building, structure, or portion thereof which is
38 occupied as, or designed or intended for occupancy as, a residence by one or more
39 families.

40 (2) "Housing provider" means an owner, lessor, sublessor, property manager,
41 or property management company that leases or rents dwellings.

42 Section 2. This Act shall become effective on January 1, 2024."