

## **SUMMARY OF LSA-R.S. 9:3261.1 (SB 174)**

- LSA-R.S. 9: 3261.1 takes effect on August 1, 2015.
- The law applies to lease agreements for residential dwellings within a building or structure consisting of 6 or more separate residential dwellings. It does not apply to structures with 10 or fewer units and 1 unit is owner-occupied.
- Domestic abuse must occur on the leased premises for the law to apply.
- Lease provisions are prohibited and nullified if they: (1) limit lessees', or any other persons', right to summons law enforcement or emergency assistance in response to an emergency or act of domestic abuse; or (2) penalize lessees, or any other person, for summoning law enforcement in response to an emergency or after an act of domestic abuse.
- Unless that particular lessee has been previously evicted by the lessor for any reason, a lessor may not refuse to enter a lease agreement with a domestic abuse victim or a household member solely on the basis the applicant, or her household member, is or has been a domestic abuse victim, or based on activity directly related to domestic abuse.
  - On or before submitting the application, the applicant must produce "reasonable documentation" of the abuse to be protected by this section, and must otherwise qualify for the apartment.
  - Reasonable documentation is only (1) a Uniform Order of Domestic Abuse, or (2) a Certification of Domestic Abuse Form set out in the statute.
- Lessor may not evict, not renew a lease or terminate a lease on the basis of domestic abuse that occurs on the leased premises to a lessee or household member.
  - Domestic abuse victim, or a household member, must produce reasonable documentation to lessor before the lease termination, non-renewal or before the judgment or order of eviction is rendered.
  - But if the continued presence of the domestic abuse offender on the leased premises causes one or more additional violent disturbances or altercations that threaten the safety or peaceable possession of lessees or other residents, the lessor may evict the lessee even if the offender is uninvited and unwelcomed.
  - In this situation, the lessor may allow lessee to relocate to another residential dwelling or location if she qualifies and one is available.
  - Generally, lessor may not be sued if reasonable documentation not timely given.

- But if lessor receives the reasonable documentation before the eviction is rendered, lessor shall rescind notice of eviction only if the sole reason for the eviction was a single act of domestic abuse and no breach of the lease has been alleged.
- Lessee or a household member who is a domestic abuse victim may request accommodation of early termination of lease only if they do all of these 5 things:
  - Request accommodation in writing
  - Give lessor reasonable documentation that abuse occurred within 30 days;
  - Assert in writing that lessee will not knowingly and voluntarily permit offender access or visitation to leased premises, and may be evicted if she does so.
  - Otherwise agrees to fulfill all requirements of the lease
  - If requested by lessor, provide name and address of the offender.
- If lessee meets all of the above and requests termination, the lease shall terminate as a matter of law on a mutually agreed-upon date within 30 days of the request. Lessee shall vacate by this date to avoid payment of future rent.
- Lessee requesting accommodation is only liable for rent through early termination date, plus any other monetary obligations. Amount shall be paid to lessor before lessee vacates. Lessor may withhold security deposit for otherwise valid charges.
- If the lessee or additional lessee is the domestic abuse offender, lessor is entitled to an immediate eviction upon presenting reasonable documentation to the court.
- When there are multiple lessees, and one or more requests early termination, the entire lease shall terminate and lessor is entitled to an immediate eviction of all lessees.
- Lessor may immediately evict the domestic abuse offender, and is immune from any claims or lawsuits by the offender for wrongful eviction or any other action.
- Any claims under statute must be brought in one year, and the court may only order an injunction or restraining order, not monetary damages.
- Court may award lessor sanctions against plaintiff if it is found the lawsuit is frivolous.
- No suit shall be filed if the lessee or household member has knowingly, voluntarily permitted the offender access, visitation or occupancy to the dwelling after having requested an accommodation.

<b>LOUISIANA UNIFORM ABUSE PREVENTION ORDER</b>	
COURT NAME AND PARISH/CITY: _____	DIVISION: _____ DOCKET NO. _____ FILED: _____ CLERK: _____
<b>TEMPORARY RESTRAINING ORDER</b>	
Pursuant to: <input type="checkbox"/> La. R. S. 46:2131, et seq. or La. R.S. 46:2151 <input type="checkbox"/> La. Ch. C. Art. 1564, et seq.	

<b>PETITIONER'S NAME:</b> _____		
Date of Birth _____ <small>mo. / day / yr.</small>	Sex: <input type="checkbox"/> F <input type="checkbox"/> M	Race: _____
<input type="checkbox"/> On behalf of (name, date of birth, and relationship to petitioner) _____		

V.

<b>DEFENDANT'S NAME:</b> _____					
Alias: _____	Date of Birth: _____ <small>mo. / day / yr.</small>	Sex: <input type="checkbox"/> F <input type="checkbox"/> M	Race: _____		
Address: _____					
<small>No. &amp; Street</small>	<small>Apt. No.</small>	<small>City</small>	<small>State</small>	<small>Zip Code</small>	
Social Security #: _____	Dr. Lic. # _____	State _____	Exp. ____/____/____		

<b>The protected person(s) is related to the defendant as:</b>	
<input type="checkbox"/> current or former spouse <input type="checkbox"/> current or former unmarried intimate cohabitant of opposite sex <input type="checkbox"/> child, stepchild, or foster child <input type="checkbox"/> child of defendant's current or former intimate partner	<input type="checkbox"/> current or former dating partner <input type="checkbox"/> parent, stepparent, or foster parent <input type="checkbox"/> grandparent or grandchild <input type="checkbox"/> other: _____

<input type="checkbox"/> The protected person and the defendant have a child(ren) in common.
--

**IT IS ORDERED THAT THE DEFENDANT BE SERVED WITH A COPY OF THIS ORDER.**

**THE COURT FINDS THAT THE ALLEGATIONS PRESENTED CONSTITUTE AN IMMEDIATE AND PRESENT DANGER OF ABUSE, THAT THE PETITIONER HAS GOOD AND REASONABLE GROUNDS TO FEAR FOR HER/HIS SAFETY OR THAT OF A CHILD OR ALLEGED INCOMPETENT, THUS THE COURT ISSUES THE FOLLOWING ORDERS, WITHOUT A HEARING: (only orders checked and initialed shall apply)**

- \_\_\_ ☐ 1. THE DEFENDANT IS ORDERED NOT TO abuse, harass, stalk, follow, or threaten the petitioner or person on whose behalf this petition is filed in any manner whatsoever. This prohibition includes the use, attempted use, or threatened use of force or physical violence that would reasonably be expected to cause bodily injury.
- \_\_\_ ☐ 2. THE DEFENDANT IS ORDERED NOT TO contact the petitioner, or person on whose behalf this petition is filed, personally, electronically, by phone, in writing, or through a third party, without the express written permission of this court.
- \_\_\_ ☐ 3. THE DEFENDANT IS ORDERED NOT TO go within one hundred (100) yards of the residence, apartment complex, or multiple family dwelling of the petitioner or any person on whose behalf this petition is filed located at:

\_\_\_\_\_  
No. & Street                      Apt. No.                      City                      State                      Zip Code

DOCKET No. \_\_\_\_\_

- \_\_\_ ☐ 4. THE DEFENDANT IS ORDERED TO STAY AWAY from petitioner's place of employment/school and not to interfere in any manner with such employment/school or that of any person on whose behalf this petition is filed located at:

\_\_\_\_\_  
*Employment/School                      Address                      City                      State                      Zip Code*

\_\_\_\_\_  
*Employment/School                      Address                      City                      State                      Zip Code*

- \_\_\_ ☐ 5. THE COURT GRANTS THE PETITIONER or person on whose behalf this petition is filed the use of the residence located at:

\_\_\_\_\_  
*No. & Street                      Apt. No.                      City                      State                      Zip Code*

to the exclusion of defendant by **evicting** defendant. The Court orders the defendant to surrender any keys to that residence to the petitioner.

\_\_\_\_\_ (law enforcement agency) is ordered to **evict** the defendant.

- \_\_\_ ☐ 6. THE COURT GRANTS THE PETITIONER or person on whose behalf this petition is filed the use and possession of the following property: \_\_\_\_\_

- \_\_\_ ☐ 7. THE COURT ORDERS a representative of \_\_\_\_\_ (law enforcement agency) to accompany petitioner to obtain property listed in Order No. 6 above.

- \_\_\_ ☐ 8. THE COURT PROHIBITS EITHER PARTY from transferring, encumbering, or otherwise disposing of property mutually owned or leased, except in the normal course of business or that which is necessary for the support of the petitioner and/or the minor child(ren).

- \_\_\_ ☐ 9. THE DEFENDANT IS ORDERED NOT TO damage any belongings of the petitioner, not to shut off any utilities, telephone service, or mail delivery to the petitioner, or in any way interfere with the living conditions of the petitioner or person on whose behalf this petition is filed.

- \_\_\_ ☐ 10. THE COURT GRANTS TEMPORARY CUSTODY of the following child(ren) to the petitioner: *(name, date of birth, and relationship to petitioner)*

- \_\_\_ ☐ 11. THE COURT ORDERS a representative of \_\_\_\_\_ (law enforcement agency) to accompany petitioner to where the minor child(ren) mentioned in paragraph above is/are currently, and to effect petitioner obtaining physical custody of said child(ren).

- \_\_\_ ☐ 12. THE DEFENDANT IS ORDERED NOT TO interfere with the physical custody of the minor child(ren).

- \_\_\_ ☐ 13. THE COURT WILL allow \_\_\_\_\_ to return to the residence at a date and time to be agreed upon by petitioner and law enforcement agency to recover his/her personal clothing and necessities, provided that s/he is accompanied by a law enforcement officer to ensure the protection and safety of the parties. NO FORCED ENTRY ALLOWED.

DOCKET No. \_\_\_\_\_

\_\_\_ ☐ 4. THE COURT ORDERS a representative of \_\_\_\_\_ (law enforcement agency) to accompany \_\_\_\_\_ to the residence located at \_\_\_\_\_ to recover her/his personal clothing and necessities.

\_\_\_ ☐ 5. THE COURT ORDERS THE DEFENDANT to show cause on the below hearing date why s/he should not be ordered to pay child support and/or spousal support (alimony) pursuant to Louisiana Law. **The court further orders the defendant to produce at the hearing: most recent income tax returns, AND pay stubs or an employer statement documenting gross income to date for the CURRENT year. If the defendant is self-employed, income and expense statements shall be produced.**

\_\_\_ ☐ 6. THE COURT ORDERS THE DEFENDANT to show cause on the below hearing date why s/he should not be ordered to pay the following:

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> all court costs  | <input type="checkbox"/> attorney fees       |
| <input checked="" type="checkbox"/> evaluation fees  | <input type="checkbox"/> expert witness fees |
| <input type="checkbox"/> cost of medical and/or psychological care for the petitioner, minor child(ren), and/or alleged incompetent, necessitated by the domestic violence |  |

\_\_\_ ☐ 7. THE COURT ORDERS THE DEFENDANT to show cause on the below hearing date why s/he should not be ordered to seek professional counseling.

\_\_\_ ☐ 8. Other: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

☐ IT IS FURTHER ORDERED that defendant show cause on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_ M. in Courtroom No. \_\_\_\_ of the \_\_\_\_\_ Court, located at \_\_\_\_\_, in \_\_\_\_\_, La., why above Temporary Restraining Order and other relief requested should not be made Protective Orders.

Date of Order  ____/____/____ mo./ day /yr.	Time of Order  <input type="checkbox"/> AM <input type="checkbox"/> PM	Expiration Date of Order  ____/____/____ mo./ day /yr.	SIGNATURE OF JUDGE  _____ PRINT OR STAMP JUDGE'S NAME
--	--	---	--

NOTICE: C.C.P. Art. 3603.1 - Any person against whom such an order is issued shall be entitled to a court-appointed attorney if the applicant has likewise been afforded a court-appointed attorney.

**NOTICE TO DEFENDANT:**

**PURSUANT TO LA. R.S. 14:79, A PERSON WHO VIOLATES THIS ORDER, IF ISSUED UNDER LA. R.S. 46:2131, ET SEQ. OR LA. CH. C. ART. 1564, ET SEQ., MAY BE ARRESTED, JAILED, AND PROSECUTED.**

**PURSUANT TO LA. R.S. 46:2137 AND LA. CH. C. ART. 1571, A PERSON WHO VIOLATES THIS ORDER MAY BE PUNISHED FOR CONTEMPT OF COURT BY A FINE OF NOT MORE THAN \$500 OR BY CONFINEMENT IN JAIL FOR AS LONG AS 6 MONTHS, OR BOTH, AND MAY BE FURTHER PUNISHED UNDER CRIMINAL LAWS OF THE STATE OF LOUISIANA. THIS ORDER SHALL BE ENFORCED BY ALL LAW ENFORCEMENT OFFICERS AND COURTS OF THE STATE OF LOUISIANA.**

**PURSUANT TO 18 U.S.C. § 922 [g][8], AFTER NOTICE AND OPPORTUNITY FOR A HEARING, THE DEFENDANT IN A PROTECTIVE ORDER THAT EITHER INCLUDES A FINDING BY THE JUDGE OR BY ITS TERMS EXPLICITLY PROHIBITS CERTAIN BEHAVIOR MAY BE PROHIBITED FROM RECEIVING, POSSESSING, OR TRANSPORTING FIREARMS OR AMMUNITION FOR THE DURATION OF THE ORDER.**

**FULL FAITH AND CREDIT pursuant to 18 U.S.C. § 2265**

The issuing court certifies that it had jurisdiction over the parties and the subject matter under the laws of the State of Louisiana, and although the order was issued *ex parte*, the court has ordered that the defendant be given reasonable notice and an opportunity to be heard within the time required by the laws of the State of Louisiana.

**THIS ORDER SHALL BE PRESUMED TO BE VALID AND ENFORCEABLE IN ALL 50 STATES, THE DISTRICT OF COLUMBIA, TRIBAL LANDS, U.S. TERRITORIES, AND COMMONWEALTHS.**

\_\_\_\_\_  
SIGNATURE OF JUDGE

☐ DEFENDANT WAS SERVED AT CLOSE OF HEARING.

Date \_\_\_\_\_ Clerk \_\_\_\_\_

☐ FAXED ☐ MAILED TO LOUISIANA PROTECTIVE ORDER REGISTRY

Date \_\_\_\_\_ Clerk \_\_\_\_\_

**Copies to:** 1) Court file 2) Petitioner 3) Defendant 4) Chief Law Enforcement Official of the parish where the protected person resides 5) Louisiana Protective Order Registry.

**INFORMATION FOR SERVICE OF PROCESS  
PROVIDED BY PETITIONER/PETITIONER-IN-RECONVENTION**

PLEASE PROVIDE AS MUCH INFORMATION AS POSSIBLE. THIS INFORMATION WILL HELP LAW ENFORCEMENT LOCATE DEFENDANT (or DEFENDANT-IN-RECONVENTION) TO SERVE A COPY OF THE PETITION AND TEMPORARY RESTRAINING ORDER (IF ISSUED). THE FOLLOWING INFORMATION IS NEEDED ON THE DEFENDANT (or DEFENDANT-IN-RECONVENTION).

NAME \_\_\_\_\_

OTHER NAMES USED \_\_\_\_\_

DATE OF BIRTH \_\_\_\_/\_\_\_\_/\_\_\_\_ SOCIAL SECURITY # \_\_\_\_\_

DRIVERS LICENSE # \_\_\_\_\_ STATE \_\_\_\_\_ EXP. DATE \_\_\_\_/\_\_\_\_/\_\_\_\_

HOME ADDRESS \_\_\_\_\_  
                                    *No. & Street*                                      *Apt. No.*

*City*                                      *State*                                      *Zip Code*                                      TEL. NO. \_\_\_\_\_

WORK ADDRESS \_\_\_\_\_  
                                    *Name of employer*

*No. & Street*                                      *Apt. No.*

*City*                                      *State*                                      *Zip Code*                                      DEPARTMENT \_\_\_\_\_

TEL NO. \_\_\_\_\_ WORK DAYS/HOURS \_\_\_\_\_

PHYSICAL DESCRIPTION:                      ☐ MALE    ☐ FEMALE                      RACE \_\_\_\_\_

EYE COLOR \_\_\_\_\_ HAIR COLOR \_\_\_\_\_ HEIGHT \_\_\_\_\_ WEIGHT \_\_\_\_\_

DISTINGUISHING FEATURES (scars, tattoos, facial hair, etc.) \_\_\_\_\_

**MOTOR VEHICLE:**

LICENSE PLATE # \_\_\_\_\_ YEAR \_\_\_\_\_ MAKE \_\_\_\_\_ COLOR \_\_\_\_\_

**DOES THE DEFENDANT (or DEFENDANT-IN-RECONVENTION):**

HAVE A HISTORY OF VIOLENCE TOWARDS OTHERS (OTHER THAN VICTIM)?    ☐ YES    ☐ NO

HAVE A HISTORY OF USING/ABUSING DRUGS OR ALCOHOL?    ☐ YES    ☐ NO

CARRY A WEAPON?    ☐ YES    ☐ NO

IF YES, WHAT KIND OF WEAPON? \_\_\_\_\_

**OTHER PLACES AND TIMES S/HE MAY BE FOUND: (Friends, relatives, bars, hangouts)**

\_\_\_\_\_  
\_\_\_\_\_

**ANY OTHER INFORMATION WHICH MAY BE HELPFUL: \_\_\_\_\_**

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Date

\_\_\_\_\_  
Petitioner's / Petitioner-in-Reconvention's Signature

## **Certification of Domestic Abuse Form**

(Name of qualified third party and, if applicable, the name of their shelter, office or agency):

\_\_\_\_\_  
I and/or my (family or household member) have suffered domestic abuse as defined in R.S. 9:3261.1

Briefly describe the incident giving rise to the claim of domestic abuse:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The incident(s) that I rely on in support of this declaration occurred on the following date(s) and time(s): and at the following location(s):

\_\_\_\_\_  
\_\_\_\_\_

The incident(s) that I rely on in support of this declaration was/were committed by the following person(s), if known:

\_\_\_\_\_

I state under penalty of perjury under the laws of the state of Louisiana that the foregoing is true and correct. By submitting this statement I do not waive any legally recognized privilege protecting any communications that I may have with the agency or representative whose name appears below or with any other person or entity. I understand that my obligation to pay rent does not end until the early termination date of my lease as decided by the lessor or until I vacate the premises upon receiving agreement by the lessor to terminate my obligations under the lease early. I understand that my lessor may keep my security deposit or other amounts as permitted under law.

Dated at \_\_\_\_\_, Louisiana, \_\_\_\_\_ this day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
(Signature of Lessee or Lessee's family or household member)

\_\_\_\_\_  
PRINTED NAME



I verify under penalty of perjury under the laws of the state of Louisiana that I have provided services to the person whose signature appears above and that, based on information communicated to me by the person whose signature appears above, the individual or his or her family or household member has suffered domestic abuse as defined by R.S. 9:3261.1, and that the individual informed me of the name of the alleged perpetrator of the actions, giving rise to the claim, if known. This verification does not waive any legally recognized privilege that I, my agency, or any of its representatives have with the person whose signature appears above.

Dated this \_\_\_\_\_ of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
(Signature of qualified third party)

\_\_\_\_\_  
PRINTED NAME

\_\_\_\_\_  
(License number or organizational tax identification number)

\_\_\_\_\_  
(Organization name)

\_\_\_\_\_  
(Printed address)