

ORDINANCE

AMENDING THE CODE OF
ORDINANCES OF THE CITY OF
BATON ROUGE AND PARISH OF
EAST BATON ROUGE, TITLE 15
(MISCELLANEOUS), SO AS TO
ADD CHAPTER 7. - LANDLORD
RETALIATION PROHIBITED.

BE IT ORDAINED by the Metropolitan Council of
the City of Baton Rouge and the Parish of East Baton
Rouge that:

Section 1. Title 15 of the Code of Ordinances
of the City of Baton Rouge and Parish of East Baton Rouge
is hereby amended as following:

"Chapter 7. - Landlord retaliation prohibited.

Sec. 15:345 - Rebuttable presumption; actions
deemed retaliatory; notice of complaint
required.

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.(a) There shall be a rebuttable
presumption of retaliation when a
landlord or his designee harasses,
intimidates, threatens, increases
rent, decreases services, refuses to
renew a lease agreement, or initiates
an action for eviction within six (6)
months after:

.(1) The occupant has, in good faith,
filed a written complaint
regarding any condition
constituting a violation of any
provision of the Codes referred
under Section 8:1 or any state
statute or regulation;

.(2) Any state or city agency or
official has issued a notice of
complaint regarding such
violation; or

.(3) The occupant has, in good faith,
submitted a written request to
the landlord to make repairs to

the premises for the purpose of being in compliance with a building code, state statute, or the lease agreement.

Sec. 15:346 - Penalties.

- .(a) If a landlord or his designee is found to be in violation of any provision of this chapter, the landlord or his designee may be ordered to cease and desist from increasing rent or decreasing services, or in cases involving refusal to renew a lease agreement or an action for eviction, the occupant shall be entitled to terminate the lease agreement without penalty or to recover possession of the premises.
- .(b) Upon the court finding that the landlord or his designee engaged in retaliatory action, the occupant shall be entitled to recover an amount equal to but not more than two (2) months' rent, reasonable attorney's fees, and court costs.
- .(c) The relief provided under this section is conditioned on the tenant being current on the rent due and owing to the landlord at the time of the alleged retaliatory action, unless the tenant withholds rent in accordance with the lease or pursuant to law.

Section 2. This ordinance shall become effective January 1, 2019.

Section 3. The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of this ordinance, or the invalidity of the application thereof to any person or circumstance shall not affect the validity of the remainder of this ordinance or the validity of its application to other persons or circumstances.

