

CHAPTER 30

The following Chapter 30 is hereby added to the Code of Ordinances of the Town of Blanchard:

LANDLORD-TENANT REGULATIONS

Sections:

- 01 POLICY DECLARATION.
- 02 APPLICATION.
- 03 SCOPE.
- 04 DEFINITIONS.
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- 07 MAINTENANCE OF PREMISES
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- 09 OTHER RIGHTS AND REMEDIES.
- 10 NO TRESPASS AGREEMENTS.

01 - POLICY DECLARATION.

It is the purpose of this Chapter and the policy of the Town of Blanchard to protect and promote the public health, safety and welfare of its citizens, to establish rights and obligations of the landlord and the tenant in the rental units in the Town and to encourage the landlord and the tenant to resolve disputes and to maintain and improve the quality of rental housing.

02 - APPLICATION.

The landlord and tenant may include in any rental agreement, terms and conditions not prohibited by this Chapter and other rules of law including rent, length of the agreement and other provisions governing the rights and obligation of the parties. However, terms and conditions contained in rental agreements shall not conflict with any of the provisions contained herein. All such conflicting terms and conditions shall be void as against public policy. Regardless of the enforceability of such conflicting terms, it shall be a violation of this ordinance for a landlord to propose or to enter into an agreement in violation of this Chapter (or other Town Ordinance), which violation shall be punishable by a fine for each day that such violation exists or is permitted to persist.

03 - SCOPE.

a) This Chapter applies to, regulates and determines the rights, obligations and remedies related to the operation and occupancy of residential rental units located within the Town of Blanchard. However, the following are exempt from application of this chapter:

1. Residence at an institution, public or private, if incidental to detention or the provision of medical, geriatric, counseling, religious or similar service;
2. Transient occupancy in a hotel, motel, bed and breakfast, tourist home or tourist court;
3. Residence at a property wholly owned by the state or federal government or by the local Housing Authority.

4. - DEFINITIONS.

a) Definitions as used in this Chapter

Landlord: the owner or lessor and his/her agents of the rental unit or the building of which it is a part.

Owner: one or more persons, jointly, severally or in common, or any organization, in whom is vested all or part of the legal title to property, or all or part of the beneficial ownership and a right to present use and enjoyment of the premises, including a mortgagee in possession. As used herein, an organization shall include a corporation, government, governmental subdivision or agency, trust, estate, partnership, association or any other legal or commercial entity.

Rental Agreement: all agreements concerning the use and occupancy of a rental unit. *Rental Property:* rental units and structures.

Rental Unit: one or more rooms in a structure or portion thereof arranged, designed and used as a residence or living quarters by one (1) or more persons who maintain a household.

Structure: a building which contains one (1) or more rental units, including rooming houses, single-family attached or detached dwellings, two-family attached dwellings, and multifamily dwellings.

Tenant: a person or organization entitled under a rental agreement to occupy a rental unit to the exclusion of others, or a person or organization, excluding minor children and legal dependents of the owner that reside in the home more than twenty days in a single month. For purposes of Sections 06, 07, 12 and 13, notice to one tenant is sufficient for notice to all signatories of a rental agreement.

05 - EFFECTIVE DATE.

The provisions of this Chapter shall become effective as provided by law and shall apply to all rental agreements executed on or after that date.

06 – CRIME FREE HOUSING.

The owner of the rental property shall be responsible for any nuisance activity that habitually occurs at the rental property occupied by his/her tenant.

- a. Upon the first summons or arrest for any nuisance activity as defined in this Code, including but not limited to violent or drug related criminal activity, engaged by, facilitated by or permitted by the tenant, member of the household, guest or other party under the control of the tenant, the Town shall notify the property owner of the violation.
- b. Upon the second violation, the property owner shall be cited with a civil violation by the Town in accordance with this Code of Ordinances.
- c. Upon the third violation, the property owner shall be cited with either a misdemeanor or civil violation with fine, but not both, OR Blanchard utility water service disconnection in accordance with this Code of Ordinances.

07 – MAINTENANCE OF PREMISES.

The landlord shall maintain the premises in substantial compliance with applicable codes of the Town and Louisiana State Statutes.

08 – SEVERABILITY CLAUSE.

Should any section, paragraph, sentence, clause, phrase, or word of this Chapter be declared invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining words, phrases, clauses, sentences, paragraphs, or sections of this Chapter, since the same would have been enacted by the Town Council without the incorporation in this Chapter of any such invalid or unconstitutional word, phrase, clause, sentence, paragraph or section.

09 – OTHER RIGHTS AND REMEDIES.

To the extent that this Chapter provides no right or remedy in a circumstance, the rights and remedies available to landlords and tenants under the laws of the United States, the State of Louisiana and any other local law shall remain applicable.

10 – NO TRESPASS AGREEMENTS.

The Chief of Police or his designee is and shall be authorized to enter into No Trespass Agreements with landlords, property managers or other property owners (whether of rental property or otherwise), in a form acceptable to the Chief of Police and the property owner, providing that sworn personnel from the Town's Police Department shall be authorized to give persons trespassing on private property notice to leave, and to sign complaints against such persons should they remain on or return to the private property.

Ordinance 17 of 2020 – Effective March 9, 2021

Amended by Ordinance 20 of 2021 – Effective October 13, 2021

