

Regular Session, 2007

HOUSE BILL NO. 486

BY REPRESENTATIVES FANNIN, MCDONALD, MORRIS, CHANDLER, ANDERS,
AND TOWNSEND AND SENATOR SMITH

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

BUILDING CODES: Provides for changes to the State Uniform Construction Code

1 AN ACT

2 To amend and reenact R.S. 40:1730.23(A), 1730.24(B), and 1730.34(C) and to enact R.S.
3 40:1730.28(C), relative to the state uniform construction code; to provide for
4 enforcement by plan review and inspection; to provide for alternative enforcement;
5 to provide for agreements between homeowners and third-party providers; to provide
6 for mandatory enforcement only with respect to new construction, reconstruction,
7 and additions; to provide for creation of a council web site and publishing of third-
8 party providers; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 40:1730.23(A), 1730.24(B), and 1730.34(C) are hereby amended and
11 reenacted and R.S. 40:1730.28(C) is hereby enacted to read as follows:

12 §1730.23. Enforcement of building codes by municipalities and parishes

13 A.(1) Notwithstanding any other law to the contrary relating to the authority
14 of local governments to enforce construction codes, all municipalities and parishes
15 in this state shall enforce only the construction codes provided for in this Part.

16 (2)(a) Any parish or municipality within the state may enforce the provisions
17 of the International Residential Code as adopted in this Part by certification of
18 intended compliance and certification of completion and compliance as described in
19 Subparagraph (b) of this Paragraph.

1 **(b) Certification of intended compliance with the provisions of the**
2 **International Residential Code as adopted in this Part shall be provided in the**
3 **application for a construction permit. Such application shall be approved by the**
4 **local building official prior to the issuance of a construction permit. The application**
5 **shall, at a minimum, include the following:**

6 **(i) The name, address, and daytime telephone number of the owner of the**
7 **construction.**

8 **(ii) The name, address, and daytime telephone number of any and all**
9 **contractors.**

10 **(iii) The location of the construction.**

11 **(iv) The anticipated completion date of the construction.**

12 **(v) A description of the construction, including but not limited to square**
13 **footage, type of construction, intended occupancy, and whether any electrical,**
14 **concrete or masonry, plumbing, structural, or fuel gas work will be involved.**

15 **(vi) Certification, by sworn affidavit of the contractor undertaking the**
16 **construction or a certified third-party provider conducting plan review of the**
17 **construction, that the construction will be built to the standards of the International**
18 **Residential Code as provided for in this Part.**

19 **(c) Certification of completion and compliance with the provisions of the**
20 **International Residential Code as adopted in this Part shall be provided after**
21 **completion and before any permitted structure is occupied, used, or otherwise put in**
22 **service. Certification of completion and compliance shall, at a minimum, include the**
23 **following:**

24 **(i) The name, address, and daytime telephone number of the owner of the**
25 **construction.**

26 **(ii) The name, address, and daytime telephone number of any and all**
27 **contractors.**

28 **(iii) The location of the construction.**

29 **(iv) The dates that the construction was started and completed.**

(v) A description of the construction, including but not limited to square footage, type of construction, and intended occupancy.

(vi) Certification, by sworn affidavit of the contractor who built the construction or the certified third-party provider who inspected the construction, that the construction was built to the standards of the International Residential Code as provided for in this Part.

(d) Any qualifying parish or municipality that adopts an enforcement procedure described in this Paragraph shall, by certified mail with return receipt requested, notify the code council of its decision and shall provide a copy of the local ordinance authorizing the enforcement procedure.

* * *

§1730.24. Agreements with other governmental entities for provision of services;
private agreements

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B. Commercial and residential contractors and homeowners who are excepted from the contractor licensing law under R.S. 37:2170 may establish agreements with certified third-party providers to conduct plans review and inspections and enforce the State Uniform Construction Code. ~~A third-party provider shall be a Louisiana licensed architect or engineer or certified by the International Code Council for purposes of the emergency provisions of R.S. 40:1730.27. For purposes of plans review and inspections of a residential single-family dwelling, a certified third-party provider may also be a licensed contractor for purposes of the emergency provisions of R.S. 40:1730.27, provided however that no contractor shall inspect their own work. A parish or municipality may, by local ordinance, prohibit a licensed contractor from acting as a certified third-party provider for purposes of the emergency provisions of R.S. 40:1730.27. On and after January 1, 2007, a third-party provider shall meet the requirements imposed by the council for certificates of registration. No architect, contractor, or engineer shall inspect the work of a contractor who is an "immediate family member" during the~~

1 ~~duration of the emergency provisions. For the purposes of this Section, an~~
2 ~~"immediate family member" is a parent, child, sibling, or spouse of the architect,~~
3 ~~contractor, or engineer. During the time period that the provisions of R.S.~~
4 ~~40:1730.27 of this Part are in effect, every certified third-party provider doing~~
5 ~~business within the state shall notify the Department of Public Safety and~~
6 ~~Corrections of their intention to do business within the state and the department shall~~
7 ~~maintain a listing of the name of the provider and the name and location of the~~
8 ~~person or entity with whom the provider has contracted to provide enforcement~~
9 ~~services. Once the council meets for the first time, certified third-party providers~~
10 ~~shall notify the council of their intention to do business within the state and the~~
11 ~~council shall maintain a listing of all certified third-party providers. For purposes~~
12 ~~of the emergency wind and flood provisions contained in R.S. 40:1730.27, the state~~
13 ~~fire marshal is authorized to adopt rules and regulations necessary to provide~~
14 ~~temporary additional third-party provider options for implementation of the uniform~~
15 ~~construction code by municipalities and parishes.~~

16 * * *

17 §1730.28. Mandatory adoption of certain nationally recognized codes and standards
18 as the state uniform construction code; adoption by reference

19 * * *

20 C. Enforcement of the International Residential Code, as amended in
21 Paragraph (A)(3) of this Section, by a parish or municipality shall only be mandatory
22 with respect to new construction, reconstruction, and additions that increase the
23 height or floor area of a structure. For purposes of this Subsection, "reconstruction"
24 means the reconfiguration of a space that affects an exit, a renovation or alteration
25 when the work area is not permitted to be occupied because existing means of egress
26 and fire protection systems, or their equivalent, are not in place or continuously
27 maintained, or extensive alterations when the total area of all the work areas included
28 in an alteration exceeds fifty percent of the area of the dwelling unit. For purposes

1 of this Subsection, "addition" means an extension or increase in floor area or height
2 of a building or structure.

3 * * *

4 §1730.34. Responsibility of Louisiana State Construction Code Council for
5 registration of building codes enforcement officers; record of hearings and
6 proceedings; register of applications for certificates of registration

7 * * *

C. The council shall keep a record of its hearings and proceedings and a register of applications for the certificates of registration showing the date of application, name, qualifications, and addresses of the business and residence of the applicant and whether the certificate is approved or denied. The council shall publish at least annually the applications in the register which are approved. Applicants and registrants shall notify the council of changes in required information within ten days of a change. The council shall also publish, on a web site created by the council, a listing of all third-party providers practicing in the state who have been issued a certificate of registration by the council. Such listing shall include the specialty classifications for which the third-party provider is certified. For purposes of this Part, "third-party provider" means any individual, entity, or individual employed by an entity that has entered into a contract with a municipality, parish, licensed contractor, or homeowner to act in the capacity of a building code enforcement officer.

Section 2. If any provision of this Act or the application thereof is held invalid, such invalidity shall not affect other provisions or applications of this Act which can be given effect without the invalid provisions or applications, and to this end the provisions of this Act are hereby declared severable.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument.

Fannin

HB No. 486

Abstract: Provides for means of enforcement of the International Residential Code and various other changes to the State Uniform Construction Code.

Present law provides that all municipalities and parishes in the state shall enforce only the construction codes provided for in present law.

Proposed law retains present law but provides that any parish or municipality may enforce the provisions of present law through the use of an affidavit certifying intended compliance and completion and compliance.

Proposed law provides that certification of intended compliance with the code shall be provided in the application for a construction permit. Such application shall be approved by the local building official prior to the issuance of a construction permit. The application shall, at a minimum, include the following:

- (1) The name, address, and daytime telephone number of the owner of the construction.
- (2) The name, address, and daytime telephone number of any and all contractors.
- (3) The location of the construction.
- (4) The anticipated completion date of the construction.
- (5) A description of the construction, including but not limited to square footage, type of construction, intended occupancy, and whether any electrical, concrete or masonry, plumbing, structural, or fuel gas work will be involved.
- (6) Certification, by sworn affidavit of the contractor undertaking the construction or a certified third-party provider conducting plan review of the construction, that the construction will be built to the standards of the code.

Proposed law provides that certification of completion and compliance with the code shall be provided after completion and before any permitted structure is occupied, used, or otherwise put in service. Certification of completion and compliance shall, at a minimum, include the following:

- (1) The name, address, and daytime telephone number of the owner of the construction.
- (2) The name, address, and daytime telephone number of any and all contractors.
- (3) The location of the construction.
- (4) The dates that the construction was started and completed.
- (5) A description of the construction, including but not limited to square footage, type of construction, and intended occupancy.
- (6) Certification, by sworn affidavit of the contractor who built the construction or the certified third-party provider who inspected the construction, that the construction was built to the standards of the code.

Proposed law provides that any qualifying parish or municipality that adopts an enforcement procedure described in proposed law shall notify the code council of its decision and shall provide a copy of the local ordinance authorizing the enforcement procedure.

Present law provides that commercial and residential contractors may establish agreements with certified third-party providers to conduct plans review and inspections of the code.

Proposed law retains present law but also provides that homeowners who are excepted from the contractor licensing law may establish agreements with certified third-party providers to conduct plans review and inspections.

Present law provides for various requirements that applied during the existence of the emergency provisions of present law. The emergency provisions of present law expired on January 1, 2007.

Proposed law deletes present law.

Proposed law provides that the enforcement of the International Residential Code shall only be mandatory with respect to new construction, reconstruction, and additions that increase the height or floor area of a structure. Proposed law defines "reconstruction" and "addition".

Present law provides that the council shall keep a register of applications to become code enforcement officers. Present law provides that the council shall publish at least annually the applications in the register which are approved and that applicants and registrants shall notify the council of changes in required information.

Proposed law retains present law but provides that the council shall also publish, on a web site created by the council, a listing of all third-party providers practicing in the state who have been issued a certificate of registration by the council and such listing shall include the specialty classifications for which the third-party provider is certified.

Proposed law provides that if any provisions of proposed law are held invalid, such invalid provisions are severable from other provisions or applications which can be given effect without the invalid provisions or applications.

(Amends R.S. 40:1730.23(A), 1730.24(B), and 1730.34(C); Adds R.S. 40:1730.28(C))

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Commerce to the original bill.

1. Provides that any parish or municipality in the state may use the affidavit process outlined in proposed law.