

2018 Regular Session

HOUSE BILL NO. 455

BY REPRESENTATIVES GAROFALO, CARMODY, AND MORENO

FIRE PROTECT/FIRE MARSHAL: Provides with respect to short-term rental dwellings

1 AN ACT

2 To amend and reenact R.S. 40:1573(3) and (4) and to enact R.S. 40:1573(5) and 1580.2,  
3 relative to short-term rental dwellings; to provide for definitions; to provide with  
4 respect to responsibilities of the state fire marshal and owners of short-term rental  
5 dwellings; to authorize certain investigations and inspections; to provide for certain  
6 exceptions and prohibitions; to provide for applicable fees and penalties; to authorize  
7 the adoption of administrative rules and regulations; to provide for the deposit of  
8 proceeds from fees and penalties collected into a certain state trust fund; to provide  
9 for an effective date; and to provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 40:1573(3) and (4) are hereby amended and reenacted and R.S.  
12 40:1573(5) and 1580.2 are hereby enacted to read as follows:

13 §1573. Definitions

14 For the purposes of this Part, the term:

15 \* \* \*

16 (3) "Short-term rental dwelling" means a one- or two-family dwelling which  
17 is advertised or marketed by a third party for rental for a period of time not to exceed  
18 twenty-nine consecutive days per rental transaction. The term shall not be  
19 interpreted contrary to or in contravention of the provisions set forth in R.S.  
20 40:1578.6.



1           (b) Carbon monoxide detectors.

2           (c) Unobstructed exits.

3           (d) Fire extinguishers.

4           (e) A map posted on the back of the main entry door indicating where the  
5 exits are located in case of a fire or emergency.

6           C. The state fire marshal may consider practical difficulties and unreasonable  
7 economic hardships before applying the requirements of this Section. In a case of  
8 practical difficulty or unreasonable economic hardship, the state fire marshal may,  
9 upon appeal of the owner, allow alternative arrangements provided a minimum  
10 acceptable level of life safety is achieved to the satisfaction of the state fire marshal.

11           D.(1) The state fire marshal may impose a civil penalty in accordance with  
12 R.S. 40:1563.4 to any owner who fails to register his short-term rental dwelling in  
13 accordance with this Section or corresponding administrative rule.

14           (2) All such penalties imposed by the state fire marshal may be appealed in  
15 accordance with the provisions of the Administrative Procedure Act.

16           (3) All monies collected from a fine imposed to any owner pursuant to the  
17 provisions of this Section shall be made payable to the office of state fire marshal,  
18 code enforcement and building safety.

19           E.(1) Upon complaint of any person or upon his own initiative when he  
20 deems necessary, the state fire marshal or any of his authorized representatives may  
21 conduct an investigation and inspection of a short-term rental dwelling. The scope  
22 of the state fire marshal's inspection is limited to Subsection B of this Section.

23           (2) If the inspecting officer finds the short-term rental dwelling is not in  
24 compliance with the provisions of this Section, or is especially liable to fire or  
25 dangerous to life, or is so situated as to endanger other property or the occupants  
26 thereof, he shall order the dangerous materials removed or the condition of the  
27 premises remedied. The owner shall not permit the short-term rental dwelling for  
28 use until the state fire marshal certifies the hazardous conditions have been  
29 eliminated.

1           F.(1) The provisions of this Section shall not be construed to affect or  
2           preempt any zoning ordinance of any local governmental subdivision.

3           (2) Nothing in this Section shall be construed to expand any zoning  
4           ordinance with respect to residential property.

5           G. The state fire marshal shall administer and enforce the provisions of this  
6           Section and may adopt any rule or regulation he deems necessary for administration  
7           and enforcement pursuant to the provisions of the Administrative Procedure Act.

8           H. Subject to the exceptions contained in Article VII, Section 9 of the  
9           Constitution of Louisiana, all monies received by the state fire marshal pursuant to  
10           the provisions of this Section shall be deposited immediately into the Louisiana Life  
11           Safety and Property Protection Trust Fund within the state treasury as provided for  
12           in R.S. 40:1664.9.

13           Section 2. The provisions of this Act shall become effective January 1, 2019.

#### DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 455 Engrossed

2018 Regular Session

Garofalo

**Abstract:** Provides for requirements and authorizations of the state fire marshal and owners with respect to short-term rental dwellings.

Proposed law defines a "short-term rental dwelling" as a 1- or 2-family dwelling advertised or marketed by a third party for rental for a period of time not to exceed 29 consecutive days per rental transaction. Provides the definition is not contrary to or in contravention of present law.

Proposed law requires the owner of a new or existing short-term rental dwelling to electronically register the short-term rental dwelling with the office of state fire marshal. Provides an owner may submit an initial registration with a registration renewal in 5-year intervals or make an initial registration with an annual renewal thereafter.

Proposed law provides 5-year registration costs are \$20.00 for the initial registration fee and \$20 for the renewal fee. Annual registration costs are \$5.00 for the initial registration fee and \$5 for the annual renewal fee thereafter.

Proposed law provides the owner's electronic registration includes but is not limited to the submission of the following information:

(1) The number of sleeping rooms located within the short-term rental dwelling.

(2) An attestation that the following life safety features are present within the short-term rental dwelling: (a) smoke alarms, (b) carbon monoxide detectors, (c) unobstructed exits, (d) fire extinguishers, and (e) a map posted on the back of the main entry door indicating where the exits are located in case of a fire or emergency.

Proposed law authorizes the fire marshal to consider practical difficulties and unreasonable economic hardships before applying the requirements of proposed law. When practical difficulties or unreasonable economic hardships are presented, the fire marshal may, upon appeal of the owner, allow alternative arrangements provided a minimum acceptable level of life safety is achieved to the satisfaction of the fire marshal.

Proposed law authorizes the fire marshal to impose a civil penalty in accordance with present law to any owner who fails to register his short-term rental dwelling in accordance with proposed law or corresponding administrative rule. Provides all such penalties imposed by the fire marshal may be appealed in accordance with the Administrative Procedure Act (APA).

Proposed law requires all monies collected from fines imposed to owners to be made payable to the office of state fire marshal, code enforcement and building safety.

Proposed law authorizes the fire marshal to conduct an investigation and inspection of a short-term rental dwelling upon complaint of any person or upon his own initiative when he deems necessary. Provides the scope of the fire marshal's inspection is limited to specified provisions within proposed law.

Proposed law provides if an inspecting officer finds the short-term rental dwelling is not in compliance with proposed law, or is especially liable to fire or dangerous to life, or is so situated as to endanger other property or the occupants thereof, he shall order the dangerous materials removed or the condition of the premises remedied. Prohibits the owner from permitting use of the short-term rental dwelling until the fire marshal certifies elimination of the hazardous conditions.

The provisions of proposed law are not to be construed to affect or preempt any zoning ordinance of any local governmental subdivision. Proposed law further provides for nothing in proposed law to be construed as the expansion of any zoning ordinance with respect to residential property.

Proposed law requires the fire marshal to administer and enforce the provisions of proposed law. Authorizes the fire marshal to adopt, as provided by the APA, any rule or regulation he deems necessary for administration and enforcement of proposed law.

Proposed law requires collected fees and penalties to be deposited into the La. Life Safety and Property Protection Trust Fund.

Effective Jan. 1, 2019.

(Amends R.S. 40:1573(3) and (4); Adds R.S. 40:1573(5) and 1580.2)

#### Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Commerce to the original bill:

1. Make a technical change.
2. Provide for nothing in proposed law to be construed as the expansion of any zoning ordinance with respect to residential property.