

GREEN SHEET REDIGEST

HB 455

2018 Regular Session

Garofalo

(KEYWORD, SUMMARY, AND DIGEST as amended by Senate committee amendments)

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

DIGEST

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 his own initiative when he deems necessary. An inspection shall be completed within 15 business days after it commences. 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.

Proposed law provides that the certification by the fire marshal shall be determined within 15 business days of receiving written notice from the owner that the hazardous conditions have been eliminated.

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.

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Commerce, Consumer Protection, and International Affairs to the engrossed bill

1. Eliminates provision that fire marshal may investigate and inspect a short-term rental upon the complaint of any person.
2. Provides that fire marshal shall have 15 days to conduct an inspection.
3. Provides that when the fire marshal receives notice that certain conditions have been eliminated by the owner, he shall have 15 days to determine whether to certify that such conditions have been eliminated.