
DIGEST

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Pinac

HB No. 76

Abstract: Provides for changes to the state uniform construction code and creates the Louisiana State Uniform Construction Code Council.

Proposed law provides for a public policy and legislative intent regarding the state uniform construction code.

Proposed law creates the Louisiana State Uniform Construction Code Council and provides that each member of the council shall be appointed by the Governor for a term of three years and until a successor is appointed and qualifies. The council shall consist of nineteen members composed of:

- (1) The chairperson of the House Commerce Committee or designee.
- (2) The chairperson of the Senate Commerce, Consumer Protection and International Affairs Committee or designee.
- (3) A representative of the Louisiana Chapter of the American Institute of Architects.
- (4) A representative of the Louisiana Professional Engineering and Surveying Board.
- (5) A representative of the Louisiana Home Builders Association.
- (6) The Director of the Louisiana State Hurricane Center or designee.
- (7) A representative of the Building Officials Association of Louisiana.
- (8) A representative of the Louisiana State Fire Marshal.
- (9) A representative of the Louisiana Municipal Association.
- (10) A representative of the Police Jury Association of Louisiana.
- (11) A representative of the Louisiana Department of Facility Planning.
- (12) A representative of the general public who is not in the practice of home or commercial safety inspection, construction, or building, and who does not have any financial interest in these professions, and who does not have any immediate family member in these professions to serve as an at-large consumer representative.
- (13) A disabled person.
- (14) A representative of the property, casualty insurance industry.
- (15) A representative of the electrical industry who is a master electrician.
- (16) A representative of the mechanical or gas industry who is a master mechanic.
- (17) A representative of the plumbing industry who is a master plumber.
- (18) A representative of the Manufactured Housing Association.
- (19) A representative of the Louisiana Realtors Association.

Proposed law provides that the primary function of the council is to review and adopt the state uniform construction code, provide for training and education of code officials and accept all

requests for amendments of the code, except the Louisiana State Plumbing Code.

Proposed law provides that the council shall elect from its members a chairman and vice chairman from its membership. The chairman may call a meeting and must call a meeting at the request of three or more members of the council. A majority of the members will constitute a quorum and all official decisions must be approved by a two-thirds vote of the members present at the meeting.

Present law provides that if a building code is adopted by any political subdivision of this state, it must adopt the state uniform construction code.

Proposed law changes present law by providing all municipalities and parishes in this state shall enforce the state uniform construction code provided for in proposed law.

Proposed law provides that nothing in proposed law shall conflict with the Federal Department of Housing and Urban Development's regulations regarding manufactured housing construction.

Proposed law provides that municipalities and parishes may establish agreements with other governmental entities of the state or certified third party providers to issue permits and enforce the state uniform construction code in accordance with proposed law.

Proposed law provides that each parish and municipality shall appoint a council certified building official or contract with other governmental entities or third parties in order to be under the jurisdiction of a council certified building official.

Proposed law provides that the council is authorized to review, adopt, modify, and promulgate the state uniform construction code by rules and regulations under the provisions of the Administrative Procedure Act.

Proposed law provides that state uniform construction code shall be updated every 3 years.

Proposed law provides for the adoption and enforcement of emergency wind and flood mitigation requirements in all parishes that are within gubernatorially declared emergency areas after August 31, 2005. The emergency provisions include all the wind and flood mitigation requirements prescribed by the 2003 International Building Code and the 2003 International Residential Code, as modified in Section 1730.28(A)(3), and amending Section 301.2.1.1(2) to replace "Southern Building Code Congress International Standard for Hurricane Resistant Residential Construction (SSTD 10)" with the Guidelines for Hurricane Resistant Construction as published by the Institute for Business and Home Safety, 2005.

Proposed law provides that the emergency wind and flood building requirements adopted shall remain in force until the council adopts the latest editions of both the International Building Code and the International Residential Code, as modified by proposed law, as minimum mandatory statewide codes.

Proposed law provides that if municipalities and parishes are unable to enforce the emergency wind and flood mitigation requirements prescribed in proposed law within 30 days of the effective date of proposed law, the Louisiana Department of Public Safety shall enforce them as long as they remain in effect.

Present law provides that the model codes of the International Building Code, 2000 Edition, published by the International Code Council, the National Electrical Code, published by the National Fire Protection Association, as well as Part XIV (Plumbing) of the State Sanitary Code, are designated as the state uniform construction code.

Proposed law changes present law and provides that the council shall adopt by reference and amend only the latest editions of the following as the state uniform construction code:

- (1) International Building Code and the standards referenced in that code for regulation of construction within this State. The appendices of that code may be adopted as needed, but the specific appendix or appendices must be referenced by name or letter designation at the time of adoption.
- (2) International Existing Building Code and the standards referenced in that code for regulation of construction within this State. The appendices of that code may be adopted as needed, but the specific appendix or appendices must be referenced by name or letter designation at the time of adoption.
- (3) International Residential Code, not including parts I-Administrative, IV-Energy Conservation, V-Mechanical, VII-Plumbing and VIII-Electrical. The applicable standards referenced in that code are included for regulation of construction within this State. The appendices of that code may be adopted as needed, but the specific appendix or appendices must be referenced by name or letter designation at the time of adoption, with the exception of Appendix J, Existing Buildings and Structures, which is hereby adopted by this reference. For the purposes of this Part, IRC R301.2.1.1 (Design Criteria) shall be amended as follows and shall only apply to the International Residential Code, 2003 edition:
 - (a) Item 1, the American Forest and Paper Association (AF&PA), Wood Frame Construction Manual for One- and Two-Family Dwellings (WFCM), shall be replaced by the American Forest and Paper Association (AF&PA), Wood Frame Construction Manual for One- and Two-Family Dwellings (WFCM), High Wind Edition.
 - (b) Item 2, the Southern Building Code Congress International, Standard for Hurricane Resistant Residential Construction (SSTD 10), shall be replaced by the Institute for Business & Home Safety, Guidelines for Hurricane Resistant Construction, 2005.
 - (c) Amendment of R301.2.1.1 Design Criteria
 - (d) Item 6, the American Concrete Institute, Guide to Concrete Masonry Residential

Construction in High Winds Areas, shall be added.

- (e) Item 7, Institute for Business & Home Safety, Optional Code-plus Fortified for Safer Living, shall be added.
- (f) Item 8, Federal Alliance for Same Homes, Optional Code-plus Blueprint for Safety, shall be added.
- (4) International Mechanical Code and the standards referenced in that code for regulation of construction within this State. The appendices of the code provided in this Paragraph may be adopted as needed, but the specific appendix or appendices must be referenced by name or letter designation at the time of adoption.
- (5) The Louisiana State Plumbing Code as amended by the Louisiana State Plumbing Board.
- (6) International Fuel Gas Code and the standards referenced in that code for regulation of construction within this State. The appendices of the code provided in this Paragraph may be adopted as needed, but the specific appendix or appendices must be referenced by name or letter designation at the time of adoption.
- (7) National Electric Code.

Proposed law provides that within six months of the effective date of proposed law, the council shall adopt the latest versions of the codes referenced in proposed law.

Proposed law provides that the provisions of proposed law shall not apply to the construction or improvement of the following types of industrial facilities that are engaged in activities defined or classified under one or more of the following subsectors, industry groups, or industries of the 1997 North American Industry Classification System (NAICS):

- (1) 22111 electric power generation.
- (2) 321 wood products manufacturing.
- (3) 322 paper manufacturing.
- (4) 324 petroleum and coal products manufacturing.
- (5) 325 chemical manufacturing.
- (6) 326 plastics and rubber products manufacturing.
- (7) 331 primary metals manufacturing.

Proposed law provides that the governing authority of a parish or municipality may not enforce that portion of the state uniform construction code which regulates the construction or improvement of a farm structure.

Proposed law defines "farm structure" as a structure which is constructed on a farm, other than a residence or a structure attached to it, for use on the farm including, but not limited to, barns, sheds, and poultry houses, but not public livestock areas. Proposed law provides that a "farm

structure" does not include a structure originally qualifying as a "farm structure" but later converted to another use.

Proposed law provides that for residential construction, the standards published by the Federal Emergency Management Agency for the National Flood Insurance Program shall apply.

Proposed law provides that the farm structure provisions in proposed law do not apply unless, before constructing a farm structure, the person owning the property on which the structure is to be constructed files an affidavit with the parish or municipal official responsible for enforcing the building code stating that the structure is being constructed as a farm structure. The affidavit must include a statement of purpose or intended use of the proposed structure or addition.

Proposed law provides that the farm structure provisions in proposed law shall not affect the power of the governing authority of a parish or municipality to issue building permits before the construction or improvement of a farm structure.

Proposed law provides that the local building officials, municipal, district or parish attorney, attorney general, or other appropriate authorities may apply for mandamus and injunctive relief and enjoin further construction on a project based on a violation of proposed law.

Proposed law provides that nothing in proposed law shall prohibit the governing authority of a parish or municipality from imposing fees necessary to implement and continue the provisions of proposed law.

Present law provides that in the event that the governing authority finds that the state uniform construction code does not meet its needs, the local government may provide requirements not less stringent than those specified in the state uniform construction code when such requirements are based on local climatic, geologic, topographic, or public safety factors.

Proposed law provides that provisions of proposed law are cumulative to other local ordinances and do not limit the authority of parishes or municipalities as long as they do not diminish the requirements established in proposed law.

Proposed law provides that buildings must be inspected in accordance with the codes in effect for the locality on the date of the issuance of the original building permit, except that:

- (1) If no date of issuance of original building permit can be found, the date of submission of the completed application to the local authority must be used.
- (2) If no date of application for, or date of issuance of, a building permit is available, the director of the applicable parish planning and development service or similar agency shall determine the nearest possible date by using available documents, such as transfer of property records, mortgage records, tax records, or rent records.

Proposed law provides that the Louisiana State Uniform Construction Code Council is responsible for the registration of building codes enforcement officers. Proposed law defines a "building codes enforcement officer" as a person employed by a public entity who is primarily responsible for the overall inspection or enforcement of applicable building code requirements within the jurisdiction of the employer.

Proposed law provides the council or its designated representatives may conduct hearings and

proceedings required by law or considered necessary by the council and provides that the Department of Public Safety shall employ and supervise personnel necessary for administrative duties.

Proposed law provides that the council shall keep a record of 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.

Proposed law provides that an applicant shall furnish satisfactory proof to the council of valid certification by a recognized code organization or testing agency in the general or special capacity in which he desires to be registered. Special certificates of registration authorize the registrant to practice in the named specialty only. General certificates of registration are not restricted. Proposed law provides that the council shall review the guidelines employed by the certifying organization or agency in order to determine their continued compatibility with the requirements considered by the council to be consistent with this proposed law.

Proposed law provides that certificates of registration may be issued without examination to building code enforcement officers employed in code enforcement on the effective date of proposed law only for the position and locality held at the time of registration. This registration is valid for two years and may be renewed.

Proposed law provides that upon initial employment by a parish, municipality or other political subdivision, an individual must be granted a provisional certificate of registration without examination which is valid for the time period stipulated by regulation of the council for each registration classification. The provisional certificate of registration may not be renewed.

Proposed law provides the council shall have the authority to suspend or revoke certificates of registration upon any violation of proposed law after notice and a proper hearing. The council shall implement rules for such proceedings under the Administrative Procedure Act.

Proposed law provides that no person may practice as a code enforcement officer in this state unless registered as provided in proposed law. A person violating proposed law is guilty of a misdemeanor and, upon conviction, must be fined not more than two hundred dollars or imprisoned not more than thirty days. Each day the violation continues is a separate offense.

Proposed law provides that the council may apply for an injunction against a person it believes is violating or intends to violate proposed law and no bond is required of the council by the district court as a condition to issuance of an injunction.

Proposed law provides that a certificate of registration is valid for two years and expires on the last day of the month of issuance. Renewal of all registrations is based upon a determination by the council of the applicant's participation in approved continuing education programs. Proposed law provides that a person failing to make timely renewal of his certificate is not registered

unless qualified in the manner provided for new registrants and may not practice until registered under proposed law.

Present law provides that if a political subdivision chooses not to enforce a building code on its own upon request of a local jurisdiction, the state fire marshal may enforce at his option the state uniform construction code on it behalf and charge plan reviews fees based on a schedule in present law.

Proposed law changes present law by repealing the fee schedule and by providing that the state fire marshal may establish contract agreements with municipalities and parishes in order to provide permitting and code enforcement on behalf of the municipality or parish as provided in proposed law.

Proposed law provides that nothing in proposed law shall be construed so as to prevent the state fire marshal from enforcing the fire protection, life safety, handicapped accessibility, and high rise laws of this state, or as to prevent the state fire marshal from enforcing the Commercial Building Energy Conservation Code as provided in present law.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Adds R.S. 40:1730.21-1730.39; Repeals R.S. 40:1725-1730.1)