

2021 Regular Session

HOUSE BILL NO. 372

BY REPRESENTATIVE FREEMAN

LOCAL GOVT/ORDINANCES: Provides relative to the violation of municipal building code ordinances and regulations in the city of New Orleans

1 AN ACT

2 To amend and reenact R.S. 33:1375, relative to the city of New Orleans; to provide relative
3 to the violation of municipal building code ordinances and regulations; to provide
4 relative to persons and entities who fail to obtain proper building permits; to
5 authorize the city to impose daily penalties for violations; to provide for maximum
6 penalties; to provide for an effective date; and to provide for related matters.

7 Notice of intention to introduce this Act has been published
8 as provided by Article III, Section 13 of the Constitution of
9 Louisiana.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 33:1375 is hereby amended and reenacted to read as follows:

12 §1375. Maximum penalties; city of New Orleans

13 A. Notwithstanding any other provision of law to the contrary, in the city of
14 New Orleans, the maximum penalty which may be imposed for a first offense
15 violation of any ordinance enacted by the governing authority of the city shall be a
16 fine of five hundred dollars. For the second or any subsequent offense, the
17 maximum penalty which may be imposed shall be one thousand dollars. The
18 maximum penalties established by the provisions of this Section shall not apply to
19 any penalty imposed for a non-moving or parking violation or any other traffic

1 violation, including any violation captured by an automated traffic enforcement
2 system.

3 B.(1) In addition to the penalties otherwise authorized by law, the city of
4 New Orleans may impose a daily penalty for a violation of any municipal ordinance,
5 permit, or certificate that regulates the erection, construction, alteration, extension,
6 repair, moving, removal, demolition, or occupancy of a residential building or
7 structure.

8 (2) The city of New Orleans may also impose a daily penalty on any person
9 or entity who erects, constructs, alters, extends, repairs, moves, removes, demolishes,
10 or occupies a residential building or structure prior to obtaining all proper permits
11 or certificates from the city of New Orleans.

12 (3) The penalties imposed by the city of New Orleans pursuant to the
13 provisions of this Subsection may exceed the limitations provided in Subsection A
14 of this Section but shall not exceed two thousand dollars per day for each violation.

15 (4) The city of New Orleans shall adopt rules and regulations to implement
16 the provisions of this Subsection.

17 Section 2. This Act shall become effective on July 1, 2021; if vetoed by the governor
18 and subsequently approved by the legislature, this Act shall become effective on July 1,
19 2021, or on the day following such approval by the legislature, whichever is later.

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 372 Reengrossed

2021 Regular Session

Freeman

Abstract: Authorizes the city of New Orleans to impose a daily penalty for the violation of municipal building code ordinances and regulations.

Present law provides that the maximum penalty which may be imposed for the violation of any ordinance enacted by the governing authority of the city of New Orleans is a fine of \$500 for a first offense violation and \$1,000 for the second or any subsequent offense. Further provides that the maximum penalties do not apply to penalties for non-moving or parking violations or other traffic violations, including those captured by an automated traffic enforcement system.

Proposed law retains present law and additionally authorizes the city of New Orleans to impose a daily penalty for the violation of any municipal ordinance or permit that regulates the erection, construction, alteration, extension, repair, moving, removal, demolition, or occupancy of a residential building or structure. Further authorizes the city to impose a daily penalty on any person or entity who erects, constructs, alters, extends, repairs, moves, removes, demolishes, or occupies a residential building or structure prior to obtaining proper permits and certificates from the city.

Proposed law provides that the penalties imposed pursuant to proposed law may exceed the limitations provided in present law, but the penalties cannot exceed \$2000 per day for each violation.

Effective July 1, 2021.

(Amends R.S. 33:1375)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Municipal, Parochial and Cultural Affairs to the original bill:

1. Restrict the applicability of proposed law to only residential buildings or structures.
2. Reduce the maximum penalty to be imposed for violations related to the same project if the amount owed exceeds \$5,000 from 45% to 20% of the total final development costs.
3. Require rather than authorize the city to adopt rules and regulations to implement provisions of proposed law.

The House Floor Amendments to the engrossed bill:

1. Remove the maximum penalty of 20% of the total final development costs to be imposed for violations related to the same project if the amount owed for penalties exceeds \$5000.
2. Set the maximum penalty to be imposed for each violation at \$2000 per day.