

2022 Regular Session

SENATE BILL NO. 249

BY SENATOR BARROW

HOUSING. Requires local governing authority to implement a permitting process for individuals and businesses who open a home which serves six or more individuals. (gov sig)

1 AN ACT

2 To enact Chapter 15-A of Title 33 of the Louisiana Revised Statutes of 1950, to be

3 comprised of R.S. 33:5081, relative to shared housing; to provide for legislative

4 findings; to provide for definitions; to provide relative to operating standards; to

5 provide for residency requirements and rights; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Chapter 15-A of Title 33 of the Louisiana Revised Statutes of 1950,

8 comprised of R.S. 33:5081, is hereby enacted to read as follows:

9 **CHAPTER 15-A. SHARED HOUSING**

10 **§5081. Findings; declaration of necessity and purpose**

11 **A. It is hereby found and declared that:**

12 **(1) It is the policy of the state to permit and promote the availability of**

13 **shared housing establishments based on a social model that promotes the**

14 **dignity, individuality, privacy, independence, autonomy, and decision making**

15 **of unrelated adults.**

16 **(2) It is the policy of the state to enable the governing body of parishes**

17 **and municipalities to promote the safety, health, morals, and welfare, comfort,**

1 and security of the people of the state through the provision of adequate, safe,  
2 and sanitary accommodations and facilities incidental or appurtenant thereto,  
3 for persons residing in shared housing establishment in this state.

4 (3) It is the policy of the state to promote a vigorous and growing  
5 economy, to prevent economic stagnation, and to encourage the creation of new  
6 job opportunities, to increase revenues to the state and to its parishes and  
7 municipalities, and to achieve stable and diversified local economies. In  
8 furtherance of these goals, it is the policy of the state to enable the governing  
9 authority of parishes and municipalities to assure shared housing  
10 establishments shall be operated in a manner that provides the least restrictive  
11 and most homelike environment and that promotes independence, autonomy,  
12 individuality, and dignity.

13 (4) It is not the intent of the state that shared housing establishments be  
14 used as halfway houses for alcohol and substance abusers.

15 B. For purposes of this Chapter the following terms shall have the  
16 following meanings unless the context clearly indicates otherwise:

17 (1) "Activities of daily living" means eating, dressing, bathing, toileting,  
18 and personal hygiene.

19 (2) "Severe mental illness" means a condition that is characterized by  
20 the presence of a major mental disorder as classified in the Diagnostic and  
21 Statistical Manual of Mental Disorders.

22 (3) "Shared housing establishment" means a privately operated  
23 free-standing home, residence, or any other place where sleeping  
24 accommodations are provided for at least six unrelated adults.

25 C. The minimum operating standards for shared housing establishments  
26 shall include but not be limited to:

27 (1) Compliance with the residential board and care occupancies chapter  
28 of the National Fire Protection Association's Life Safety Code, local and state  
29 building codes for the building type, and accessibility standards of the

1           Americans with Disabilities Act.

2                   (2) All sanitary conditions within the establishment and its surroundings,  
3                   including water supply, sewage disposal, food handling, infection control, and  
4                   general hygiene, which shall ensure the health and comfort of residents.

5                   D.(1) Each owner of the shared housing establishment shall furnish the  
6                   following information with the local governing authority's department that is  
7                   responsible for enforcing building codes:

8                           (a) The owner's name, address, and telephone number, or the name,  
9                           address, and telephone number of the owner's agent; and

10                           (b) The street address and unit number, as appropriate, for each shared  
11                           housing that the owner owns, leases, or subleases.

12                   (2)(a) The information required under Paragraph (D)(1) of this Section  
13                   shall be furnished on a form provided by the department of the local governing  
14                   authority responsible for enforcing building codes. The local governing  
15                   authority is authorized to collect from an owner who files the form. The fee  
16                   shall be set by ordinance and shall not exceed one hundred dollars per year.

17                           (b) Any owner who fails to register as required by this Section shall be  
18                           assessed a fine in the amount of one hundred fifty dollars per week by the  
19                           department of the local governing authority that is responsible for enforcing  
20                           building codes. Prior to the assessment of the fine, the owner shall be given an  
21                           opportunity to appear and be heard at a hearing to be held concerning the  
22                           owner's failure to register. A written notice of the date, time, and place of the  
23                           hearing shall be mailed to the owner by certified mail, return receipt requested  
24                           at least fifteen days prior to the scheduled hearing.

25                   E. The following residency requirements shall be strictly enforced:

26                           (1) No individual shall be a resident or remain in residence if the shared  
27                           housing establishment cannot provide or secure appropriate services, if the  
28                           individual requires a level of service or type of service for which the shared  
29                           housing establishment is not licensed or which the shared housing establishment



Proposed law provides for the following definitions:

- (1) "Activities of daily living" means eating, dressing, bathing, toileting, and personal hygiene.
- (2) "Severe mental illness" means a condition that is characterized by the presence of a major mental disorder as classified in the Diagnostic and Statistical Manual of Mental Disorders.
- (3) "Shared housing establishment" means a privately operated free-standing home, residence, or any other place where sleeping accommodations are provided for at least six unrelated adults.

Proposed law provides for a registration fee to be set by local ordinance, a civil fine for failing to register, and minimum operating standards for shared housing establishments.

Proposed law requires each owner of a shared housing establishment to furnish his name, address, and telephone number, or the name, address, and telephone number of his agent and the street address and unit number as appropriate, for each shared housing that the owner owns, leases, or subleases to the local governing authority's department that is responsible for enforcing building codes.

Proposed law provides for residency requirements and rights of the resident.

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

(Adds R.S. 33:5081)