

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

1 does not provide.

2 (2) Only adults may be accepted for residency.

3 (3) A person shall not be a resident in a shared housing establishment if:

4 (a) The person poses a serious threat to himself or to others.

5 (b) The person is not able to communicate his needs.

6 (c) The person requires more than minimal assistance in moving to a safe
7 area in an emergency.

8 (d) The person has severe mental illness.

9 F. No resident shall be deprived of any rights, benefits, or privileges
10 guaranteed by law, the Constitution of the United States, or the Louisiana
11 Constitution of 1974, solely on account of his status as a resident of a shared
12 housing establishment, nor shall a resident forfeit any of the following rights:

13 (1) The right to retain and use personal property and a place to store
14 personal items that is locked and secure.

15 (2) The right to respect bodily privacy and dignity at all times.

16 (3) The right to the free exercise of religion.

17 (4) The right to privacy with regard to mail, phone calls, and visitors.

18 (5) The right to be free of retaliation for criticizing the shared housing
19 establishment or making complaints to appropriate authorities.

20 Section 2. This Act shall become effective upon signature by the governor or, if not
21 signed by the governor, upon expiration of the time for bills to become law without signature
22 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
23 vetoed by the governor and subsequently approved by the legislature, this Act shall become
24 effective on the day following such approval.

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by James Benton.

Proposed law declares that the policy of the state is to permit and promote the availability of shared housing establishments based on a social model that promotes the dignity, individuality, privacy, independence, autonomy, and decision making of unrelated adults.

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)