

2022 Regular Session

HOUSE BILL NO. 598

BY REPRESENTATIVE SELDERS

BUILDING CODES: Prohibits a building inspector from using his discretion in determining the applicability of building codes

1 AN ACT

2 To amend and reenact R.S. 40:1730.33, relative to building codes and inspections; to
3 provide for the applicability of building codes; to provide for determining the
4 applicable codes; to expressly require the inspector to conduct inspections under the
5 proper codes; to provide for the resolution of ambiguity in determining the
6 applicable code; to provide for the scope of inspector authority; and to provide for
7 related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 40:1730.33 is hereby amended and reenacted to read as follows:

10 §1730.33. Codes applicable to building inspections

11 A. Buildings must be inspected in accordance with Notwithstanding any
12 other law to the contrary, an inspector shall conduct a building inspection using the
13 requirements of the codes in effect for the locality on the date of the issuance of the
14 original building permit, except that: when performing inspections on residential
15 structures for the purposes of allowing occupancy and reconnecting utilities. When
16 conducting inspections to allow occupancy or reconnecting utilities to an existing
17 residential structure, the intent of the inspection is to ascertain the general safety of
18 the structure and its appropriateness for occupancy.

19 (1) If no date of issuance of an original building permit can be found, an
20 inspector shall conduct the inspection using the requirements of the codes in effect

1 on the date of submission of the ~~completed~~ original building permit application to
 2 the local authority must be used.

3 (2) If no date of application for, or date of issuance of, the original building
 4 permit is available, the ~~director~~ building official of the applicable parish planning
 5 and development service or similar agency shall ~~determine the nearest possible date~~
 6 by using use court records and other available documents, such as transfer of
 7 property records, mortgage records, tax records, or rent records, to ascertain the
 8 nearest date possible to the issuance of the original building permit. If the building
 9 official is able to determine a date pursuant to the requirements of this Paragraph, an
 10 inspector shall conduct the inspection using the requirements of the codes in effect
 11 on the date established by the building official.

12 (3) If ambiguity exists after attempting to determine an applicable date under
 13 Paragraphs (1) and (2) of this Subsection, an inspector shall conduct an inspection
 14 using the requirements of the least restrictive codes in effect during the period of
 15 time beginning one calendar year prior to and ending one calendar year subsequent
 16 to the earliest recorded date of transfer of the property to be inspected.

17 B. Nothing in this Section shall be construed to authorize an inspector to
 18 have or use discretion in determining what codes shall apply to an inspection
 19 pursuant to this Part.

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 598 Reengrossed

2022 Regular Session

Selders

Abstract: Prohibits an inspector from using discretion in determining what codes are applicable to an inspection and provides guidelines for making a determination when doubt otherwise exists.

Present law sets forth the method of determining what building codes are applicable to a given inspection.

Under present law, buildings must be inspected using the guidelines set forth in the codes effective on the date the original building permit was issued.

Proposed law retains present law but expressly requiring an inspector to use the building inspection codes in effect on the date the original building permit was issued when inspecting residential buildings for occupancy and utility reconnection purposes. Proposed law further provides that when conducting inspections for such purposes, the intent of the inspection is to determine the general safety of the building and whether it is appropriate for occupancy.

Present law provides that in the event the issuance date of an original building permit cannot be found, the date of the completed permit application must be used for inspection.

Proposed law retains present law but expressly requires an inspector to conduct the inspection using the building inspection codes in effect on the date the original building permit application was submitted.

Present law requires the building official of the applicable parish planning authority to use property, mortgage, tax, or rent records to determine the nearest date.

Proposed law retains present law, but requires the building official of the applicable parish planning authority to use court records or other available documents to determine the nearest date to the issuance of the of the original permit. Should the building official determine a date pursuant to proposed law, proposed law expressly requires the inspector to use the codes in effect on the date determined by the building official.

Proposed law adds that if there is still a question as to which codes should be applied because a date cannot be determined under present and proposed law, an inspector shall conduct his inspection using the least restrictive codes in effect during the period of time beginning one calendar year prior to the date of the earliest recorded property transfer and ending one calendar year after the earliest date of transfer.

Proposed law prohibits an inspector from choosing what codes to use when conducting his inspection.

(Amends R.S. 40:1730.33)

Summary of Amendments Adopted by House

The House Floor Amendments to the engrossed bill:

1. Add a provision to specify the applicability of present law and proposed law.
2. Change the term "planning director" to "building official" throughout proposed law.