AN ACT

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

Be it enacted by the Legislature of Louisiana:

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

§1730.33.  Codes applicable to building inspections

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

(1)  If no date of issuance of an original building permit can be found, an inspector shall conduct the inspection using the requirements of the codes in effect on the date of submission of the completed original building permit application to the local authority must be used.
(2) If no date of application for, or date of issuance of, the original building
permit is available, the director building official of the applicable parish planning
and development service or similar agency shall determine the nearest possible date
by using use court records and other available documents, such as transfer of
property records, mortgage records, tax records, or rent records, to ascertain the
nearest date possible to the issuance of the original building permit. If the building
official is able to determine a date pursuant to the requirements of this Paragraph, an
inspector shall conduct the inspection using the requirements of the codes in effect
on the date established by the building official.

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

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

SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: ____________________

CODING: Words in struck through type are deletions from existing law; words underscored
are additions.