

2016 Regular Session

HOUSE BILL NO. 952

BY REPRESENTATIVE MORENO

FIRE PROTECT/FIRE MARSHAL: Provides with respect to short-term rental structures

1 AN ACT

2 To amend and reenact R.S. 40:1573(3) and (4) and to enact R.S. 40:1573(5), 1574.1(A)(15),
3 and 1580.2, relative to short-term rental structures; to provide with respect to the
4 responsibilities of the state fire marshal, owners of short-term rental structures, and
5 persons who rent such structures; to provide a process for the submission of certain
6 plans and specifications; to authorize certain investigations and inspections; to
7 authorize the adoption of certain administrative rules and regulations; to provide for
8 definitions; to provide for applicable fees and penalties; to provide for certain
9 exceptions and prohibitions; and to provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 40:1573(3) and (4) are hereby amended and reenacted and R.S.
12 40:1573(5), 1574.1(A)(15), and 1580.2 are hereby enacted to read as follows:

13 §1573. Definitions

14 For the purposes of this Part, the term:

15 * * *

16 (3) "Short-term rental structure" means a building which may have
17 previously been utilized as a one- or two-family dwelling, as defined in this Section,
18 but is rented from the owner of the structure by an unknown number of persons for
19 a period of time not to exceed twenty-nine days. The term is not contrary to or in
20 contravention of the provisions set forth in R.S. 40:1578.6.

1 fire marshal for review within six months from the date upon which the state fire
2 marshal promulgates rules and regulations corresponding with this Section.

3 C. The building plans and specifications submittal and review process is as
4 follows:

5 (1) Short-term rental structures shall be reviewed by the state fire marshal
6 for the continuous maintenance of all of the following life safety features:

7 (a) Fire detection and alarm system.

8 (b) Carbon monoxide detectors.

9 (c) Unobstructed exits.

10 (d) Fire extinguishers.

11 (e) A map indicating where the exits are located in case of a fire or
12 emergency that is conspicuously posted on the back of the main entry door.

13 (2) An owner or other appropriate person shall include in all plan
14 submissions the number of sleeping rooms located within the short-term rental
15 structure.

16 D.(1) The state fire marshal may deny the request of any person submitting
17 building plans and specifications for the construction of a short-term structure if the
18 state fire marshal deems the respective plans and specifications as nonconforming
19 to the provisions of this Section. However, the state fire marshal is authorized to
20 take into consideration practical difficulties and unreasonable economic hardships
21 in his application of the requirements of this Section.

22 (2) If the state fire marshal denies a request to construct a short-term rental
23 structure and when practical difficulties or unreasonable economic hardships are
24 factors in the denial, the state fire marshal may, upon the appeal of an owner or other
25 appropriate person, allow alternative arrangements provided a minimum acceptable
26 level of life safety is achieved to the satisfaction of the state fire marshal.

27 E. The state fire marshal may conduct an inspection of the short-term rental
28 structure when he deems necessary. The scope of the state fire marshal's inspection
29 is limited to the provisions of Subsection C of this Section.

1 F.(1) An owner of a short-term rental structure shall register the short-term
2 rental structure with the state fire marshal at the time of his submission of the initial
3 plans and specifications and shall renew the registration every five years thereafter.

4 (2) The cost of registration is as follows:

5 (a) Initial Registration fee: \$20.00

6 (b) Renewal fee: \$20.00

7 (3) The state fire marshal may impose a civil penalty in accordance with R.S.
8 40:1563.4 to any owner who fails to register his short-term rental structure as
9 prescribed in this Subsection or corresponding rule.

10 (4) All such penalties imposed by the state fire marshal may be appealed in
11 accordance with the provisions of the Administrative Procedure Act.

12 G.(1) All persons or business entities responsible for the booking of short-
13 term rental structures, including the responsibilities of marketing and renting such
14 structures, regardless of whether the person or business is operating through an
15 internet website, shall post a conspicuous notice setting forth the requirement that all
16 owners engaged in the activity of renting a short-term rental structure are required
17 to register with and submit building plans and specifications to the office of state fire
18 marshal.

19 (2) The state fire marshal may impose a civil penalty in accordance with R.S.
20 40:1563.4 to any person or business entity who fails to post the notice as prescribed
21 in this Subsection or corresponding rule.

22 (3) All such penalties imposed by the state fire marshal may be appealed in
23 accordance with the provisions of the Administrative Procedure Act.

24 (4) All monies collected for fines imposed pursuant to this Section are
25 intended to defray costs of employment of state fire marshal personnel and the same
26 shall be retained and disbursed by the fire marshal for this purpose.

27 H.(1) Upon complaint of any person or upon his own initiative when he
28 deems necessary, the state fire marshal or any of his authorized representatives may
29 conduct an investigation and inspection of a short-term rental structure.

1 (2) If the inspecting officer finds that the short-term rental structure is not
 2 in compliance with the provisions of this Section, or is especially liable to fire or
 3 dangerous to life or which is so situated as to endanger occupants or other property,
 4 he shall order the dangerous materials removed or the condition of the premises
 5 remedied. The owner shall not permit the structure to be used until the fire marshal
 6 certifies that the hazardous conditions have been eliminated.

7 I. The provisions of this Section shall not be construed to affect or preempt
 8 any zoning ordinance of any local governmental subdivision.

9 J. The state fire marshal shall administer and enforce the provisions of this
 10 Section and may adopt any rule or regulation he deems necessary for administration
 11 and enforcement pursuant to the provisions of the Administrative Procedure Act.

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 952 Original

2016 Regular Session

Moreno

Abstract: Provides for duties, requirements, and authorizations of the state fire marshal and other certain persons with respect to short-term rental structures.

Proposed law provides provisions necessary for the office of state fire marshal (fire marshal) to administer and regulate short-term rental structures. Further authorizes the fire marshal to adopt, as provided by the Administrative Procedure Act (APA), any rule or regulation considered necessary for the administration and enforcement of proposed law.

Proposed law defines a "short-term rental structure" as a building which may have previously been utilized as a one- or two-family dwelling, as defined in present law, but is rented from the owner of the structure by an unknown number of persons for a period of time not to exceed 29 days. Provides that the definition is not contrary to or in contravention of present law (R.S. 40:1578.6).

Present law requires certain costs assessed by the fire marshal to certain persons for plan review or document requests. Proposed law retains present law.

Proposed law adds to present law an amount of \$30.00 to be paid for a person's submission of a building plan and specifications for a short-term rental structure.

Proposed law provides that unless building plans and specifications have been submitted to and reviewed by the fire marshal and appear to him as satisfactorily compliant with proposed law or corresponding adopted rule, an owner or person is prohibited from doing any of the following: (1) Constructing a short-term rental structure, (2) Making a change in occupancy from a one-or two-family dwelling to a short-term rental structure, and (3) Repairing, remodeling, or making an addition to a short-term rental structure.

To ensure satisfactory compliance with proposed law and any related adopted rule, owners or other appropriate persons are required to submit building plans and specifications for existing short-term rental structures to the fire marshal for review within 6 months from the date of rule adoption.

Proposed law provides for the fire marshal's plan and specifications submittal and review process. Such process is as follows:

(1) The fire marshal is required to review short-term rental structures to ensure the continuous maintenance of all of the following life safety features: (a) Fire detection and alarm system, (b) Carbon monoxide detectors, (c) Unobstructed exits, (d) Fire extinguishers, and (e) A map indicating where the exits are located in case of a fire or emergency that is conspicuously posted on the back of the main entry door.

(2) An owner or respective person is required to include with all plan submissions the number of sleeping rooms located within the short-term rental structure.

Proposed law authorizes the state fire marshal to deny the request of any person submitting building plans and specifications for the construction of a short-term rental structure if the fire marshal deems the respective plans and specifications are nonconforming to proposed law. Further authorizes the fire marshal to consider practical difficulties and unreasonable economic hardships when applying the requirements of proposed law.

In the case of the fire marshal's denial for construction of a short-term rental structure and when practical difficulty or unreasonable economic hardship are factors in the denial, proposed law authorizes the fire marshal, upon appeal of an owner or other appropriate person, to allow alternative arrangements provided a minimum acceptable level of life safety is achieved to the fire marshal's satisfaction.

Proposed law authorizes the fire marshal to inspect a short-term rental structure when he deems necessary and limits the scope of inspection to certain provisions of proposed law.

Proposed law requires all owners of short-term rental structures to register any respective structure with the fire marshal at the time of the initial plan submission and requires the owner to renew the registration every 5 years. Registration costs are \$20.00 for the initial registration fee and \$20.00 for the renewal fee.

Proposed law authorizes the fire marshal to impose civil penalties as provided in present law (R.S. 40:1563.4) to any owner who fails to register a short-term rental structure. Provides that all imposed penalties may be appealed in accordance with the APA.

Proposed law requires all persons or business entities responsible for the booking of short-term rental structures, including the responsibilities of marketing and renting such structures, regardless of whether the person or business is operating through an Internet website, to post a conspicuous notice detailing that all owners or respective persons engaged in the activity of renting a short-term rental structure are required to register with and submit building plans and specifications to the office of state fire marshal.

Proposed law authorizes the fire marshal to impose a civil penalty as provided in present law (R.S. 40:1563.4) to any person or business entity failing to post the required notice. Provides that all imposed penalties may be appealed in accordance with the APA. Requires all monetary penalties to be paid to the fire marshal. Authorizes the fire marshal to retain and disburse collected fines to defray costs of employment of fire marshal personnel.

Proposed law provides that upon complaint of any person or upon his own initiative, the fire marshal or his respective officer are authorized to investigate and inspect short-term rental structures. If the short-term rental structure is found to be noncompliant with the provisions of proposed law, or is especially liable to fire or dangerous to life, occupants, or other

property, the fire marshal or respective officer is required to order removal of dangerous materials or the remediation of hazardous conditions. Prohibits the owner from permitting use of the structure until the fire marshal certifies the elimination of hazardous conditions.

The provisions of proposed law are not to be construed to affect or preempt any zoning ordinance of any local governmental subdivision.

(Amends R.S. 40:1573(3) and (4); Adds R.S. 40:1573(5), 1574.1(A)(15), and 1580.2)