
DIGEST

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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)