

2020 Regular Session

SENATE BILL NO. 179

BY SENATOR JOHNS

HOUSING. Provides for the registration and regulation of short-term rental dwellings by the state fire marshal. (1/1/21)

1 AN ACT

2 To amend and reenact R.S. 40:1573(3) and (4) and to enact R.S. 40:1573(5) and 1580.2,
3 relative to the state fire marshal's office; to provide for short-term rental dwellings;
4 to provide for registration; to provide for requirements; to provide for penalties; to
5 provide for inspections; to provide for enforcement; and to provide for related
6 matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 40:1573(3) and (4) are hereby amended and reenacted and R.S.
9 40:1573(5) and 1580.2 are hereby enacted to read as follows:

10 §1573. Definitions

11 For the purposes of this Part, the term:

12 * * *

13 (3) **"Short-term rental dwelling" means a one- or two-family dwelling**
14 **that is available for rental for a period of not more than twenty-nine consecutive**
15 **days per rental transaction, and is marketed by a third party paid to advertise**
16 **the rental of such dwelling.**

17 (4) "Structure" means any building or structure of any nature or kind

1 unreasonable economic hardships before applying the requirements of this
2 Section. In a case of practical difficulty or unreasonable economic hardship, the
3 state fire marshal may, upon appeal of the owner, allow alternative
4 arrangements provided a minimum acceptable level of life safety is achieved to
5 the satisfaction of the state fire marshal.

6 D.(1) An owner who fails to register his short-term rental dwelling shall
7 be subject to the following penalties:

8 (a) For the first violation, a warning letter.

9 (b) For a second violation, a civil penalty not to exceed five hundred
10 dollars.

11 (c) For a third and each subsequent violation, a civil penalty not to
12 exceed one thousand dollars.

13 (2) All such penalties imposed by the state fire marshal may be appealed
14 in accordance with the provisions of the Administrative Procedure Act.

15 (3) All monies collected from a fine imposed to any owner pursuant to
16 the provisions of this Section shall be made payable to the office of state fire
17 marshal, code enforcement and building safety.

18 E.(1) Upon complaint of any person or upon his own initiative when he
19 deems necessary, the state fire marshal or any of his authorized representatives
20 may conduct an investigation and inspection of a short-term rental dwelling. An
21 inspection shall be completed within fifteen business days after it commences.
22 The scope of the state fire marshal's inspection is limited to Subsection B of this
23 Section.

24 (2) If the inspecting officer finds the short-term rental dwelling is not in
25 compliance with the provisions of this Section, or is especially liable to fire or
26 dangerous to life, or is so situated as to endanger other property or the
27 occupants thereof, he shall order the dangerous materials removed or the
28 condition of the premises remedied. The owner shall not permit the short-term
29 rental dwelling for use until the state fire marshal certifies the hazardous

1 conditions have been eliminated. Such certification shall be determined within
 2 fifteen business days after receiving written notice from the owner that the
 3 hazardous conditions have been eliminated.

4 F.(1) The provisions of this Section shall not be construed to affect or
 5 preempt any zoning ordinance of any local governmental subdivision.

6 (2) Nothing in this Section shall be construed to expand any zoning
 7 ordinance with respect to residential property.

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

12 H. The provisions of this Section shall not be construed as an exception
 13 to compliance with the applicable building and safety codes as set forth in R.S.
 14 40:1578.6.

15 Section 2. This Act shall become effective on January 1, 2021.

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

DIGEST

SB 179 Original

2020 Regular Session

Johns

Proposed law defines a "short-term rental dwelling" as a one- or two-family dwelling that is available for rental for a period of not more than 29 consecutive days per rental transaction, and is marketed by a 3rd party paid to advertise the rental of such dwelling.

Proposed law requires an owner of a new or existing short-term rental dwelling to electronically register the short-term rental dwelling with the office of state fire marshal.

Proposed law authorizes the owner to submit an initial registration with a repeating registration renewal in five-year intervals or make an initial registration with an annual renewal thereafter.

Proposed law requires the electronic registration to take place within 15 days of the short-term rental dwelling being advertised or marketed for rental, with the registration including but not limited to the owner's submission of information with respect to the following:

- (1) The number of sleeping rooms located within the short-term rental dwelling.
- (2) An attestation that the following life safety features are present within the short-term rental dwelling:

- (a) Smoke alarms.
- (b) Carbon monoxide detectors.
- (c) Unobstructed exits.
- (d) Fire extinguishers.
- (e) A map posted on the back of the main entry door indicating where the exits are located in case of a fire or emergency.

Proposed law authorizes the state fire marshal to consider practical difficulties and unreasonable economic hardships before applying the requirements of proposed law. In a case of practical difficulty or unreasonable economic hardship, the state fire marshal may, upon appeal of the owner, allow alternative arrangements provided a minimum acceptable level of life safety is achieved to the satisfaction of the state fire marshal.

Proposed law provides that an owner who fails to register his short-term rental dwelling shall be subject to the following penalties:

- (1) For the first violation, a warning letter.
- (2) For a second violation, a civil penalty not to exceed five hundred dollars.
- (3) For a third and each subsequent violation, a civil penalty not to exceed one thousand dollars.

Proposed law provides that such penalties imposed by the state fire marshal may be appealed in accordance within the provisions of the APA.

Proposed law requires that all monies collected from a fine imposed upon any owner pursuant to the provisions of proposed law be made payable to the office of state fire marshal, code enforcement and building safety.

Proposed law provides that upon a complaint of any person or upon his own initiative when he deems necessary, the state fire marshal or any of his authorized representatives may conduct an investigation and inspection of a short-term rental dwelling with the inspection being completed within 15 business days after it commences.

Proposed law requires the inspecting officer, if he finds the short-term rental dwelling is not in compliance, to order the dangerous materials removed or the condition of the premises remedied.

Proposed law prohibits the owner from renting the short-term rental dwelling for use until the state fire marshal certifies the hazardous conditions have been eliminated.

Proposed law requires the certification to be determined within 15 business days after receiving written notice from the owner that the hazardous conditions have been eliminated.

Proposed law does not affect or preempt any zoning ordinance of any local governmental subdivision, expand any zoning ordinance with respect to residential property, or preempt any existing safety code.

Proposed law requires the state fire marshal to administer and enforce proposed law and authorizes him to adopt any rule or regulation deemed necessary for administration and enforcement pursuant to the APA.

Effective January 1, 2021.

(Amends R.S. 40:1573(3) and (4); adds R.S. 40:1573(5) and 1580.2)