

ACT No. 705

2022 Regular Session

HOUSE BILL NO. 598

BY REPRESENTATIVES SELDERS, BOYD, AND FISHER

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

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

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

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

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____