

2016 Regular Session

SENATE BILL NO. 237

BY SENATOR ALLAIN

GOVERNMENTAL REGULATIONS. Provides relative to the State Uniform Construction Code. (8/1/16)

1 AN ACT

2 To enact R.S. 40:1730.23(J) and (K), relative to the State Uniform Construction Code; to  
3 provide for enforcement of building codes by municipalities and parishes; to  
4 authorize municipalities and parishes to modify or approve alternatives to provisions  
5 of certain building codes; to provide for certain terms, conditions, and procedures;  
6 and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 40:1730.23(J) and (K) are hereby enacted to read as follows:

9 §1730.23. Enforcement of building codes by municipalities and parishes

10 \* \* \*

11 **J. Notwithstanding the provisions of Subsection A of this Section and any**  
12 **other law to the contrary, all municipalities and parishes in this state may**  
13 **modify or approve alternatives, in whole or in part, to any provision or**  
14 **requirement of the International Building Code and the International**  
15 **Mechanical Code if strict compliance with such provision or requirement will**  
16 **create practical difficulties, unnecessary hardships, or will otherwise be**  
17 **unwarranted. However, no such modification or approved alternative shall be**

1 allowed if it substantially adversely affects provisions for health, safety, and  
2 security.

3 K.(1) Notwithstanding the provisions of Subsection A of this Section and  
4 any other law to the contrary, all municipalities and parishes in this state may  
5 modify or approve alternatives, in whole or in part, to any provision or  
6 requirement of the International Building Code or the International Mechanical  
7 Code, if the party seeking the modification or approved alternative shows, by  
8 the weight of the evidence, that compliance with such provision or requirement  
9 of the code would do any of the following:

10 (a) Fail to achieve the intended objective of the code.

11 (b) Inhibit achievement of some other important public policy.

12 (c) Be physically or legally impracticable.

13 (d) Be unnecessary in light of equally safe and proper alternatives or  
14 alternatives that, without the loss in the level of safety, achieve the intended  
15 objective of the code more efficiently or effectively.

16 (e) Create a change so slight as to produce a negligible additional benefit  
17 consonant with the purposes of the code.

18 (2) The permitting department or equivalent in each municipality or  
19 parish shall be responsible for the issuance of the modification or approved  
20 alternative based on the criteria provided in Paragraph (1) of this Subsection.

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

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DIGEST

SB 237 Original

2016 Regular Session

Allain

Present law provides that the primary functions of the La. State Uniform Construction Code Council are to review and adopt the State Uniform Construction Code, provide for training and education of code officials, and accept all requests for amendments of the code.

Present law provides that notwithstanding any provision of law to the contrary relating to the authority of local governments to enforce construction codes, all municipalities and parishes in this state shall enforce only the construction codes provided for in present law.

Proposed law retains present law and provides that all municipalities and parishes in this state may modify or approve alternatives, in whole or in part, to any provision or requirement of the International Building Code and the International Mechanical Code if

strict compliance with such provision or requirement will create practical difficulties, unnecessary hardships, or will otherwise be unwarranted. However, no such modification or approved alternative will be allowed if it substantially adversely affects provisions for health, safety, and security.

Proposed law provides that all municipalities and parishes in this state may modify or approve alternatives, in whole or in part, to any provision or requirement of the International Building Code or the International Mechanical Code, if the party seeking the modification or approved alternative shows by the weight of the evidence that compliance with such provision or requirement of the code would do any of the following:

- (1) Fail to achieve the intended objective of the code.
- (2) Inhibit achievement of some other important public policy.
- (3) Be physically or legally impracticable.
- (4) Be unnecessary in light of equally safe and proper alternatives or alternatives that, without the loss in the level of safety, achieve the intended objective of the code more efficiently or effectively.
- (5) Create a change so slight as to produce a negligible additional benefit consonant with the purposes of the code.

Proposed law provides that the permitting department or equivalent in each municipality or parish shall be responsible for the issuance of the modification or approved alternative based on the criteria in proposed law.

Effective August 1, 2016.

(Adds R.S. 40:1730.23(J) and (K))