



# The Presidents' Forum

## on Meeting Coastal Challenges

### Implications of Federal and State Legislation and Regulation

- *Cindy O'Neal, Certified Floodplain Manager, Louisiana National Flood Insurance Program State Coordinator, Louisiana Department of Transportation and Development*
- *Rod Emmer, Executive Director, Louisiana Floodplain Management Association*
- *Henry Fry, Deputy Assistant Secretary/Acting State Fire Marshal, Office of the State Fire Marshal*
- *Wayne Berggren, Certified Floodplain Manager and Building Inspector, City of Mandeville*
- *Clay Menard, Secretary-Treasurer, Vermilion Parish Police Jury*
- *Moderator: Patricia Skinner, Disaster Programs Coordinator, LSU AgCenter and Louisiana Sea Grant*

# Act 12

A New Building Code for Louisiana

# Florida Hurricanes

- On August 24, 1992, Hurricane Andrew seriously impacted Homestead, Florida City, and parts of Miami
- 250,000 people were left homeless
- 82,000 businesses were destroyed

# Hurricane Andrew

- More than 600,000 insurance claims were filed
- 11 insurance companies went bankrupt
- 930,000 policy holders were left with no coverage

# Hurricane Andrew & Louisiana

- Andrew served as a wake-up call
- Experts have long noted that New Orleans was ripe as a potential major disaster
- The Uniform Building Code Task Force (HCR 135, Regular Session) met on October 4, 2005, and heard key testimony from Dr. Mark Levitan

# Pre-Katrina Legislation

- The Standard Building Code was adopted in 1991 and the IBC was established in 2003 as the state's Uniform Construction Code.
- If a jurisdiction chose to enforce a code, it was required to enforce the State Uniform Construction Code.

# 1<sup>st</sup> Special Session

## Act 12

- October 18, 2005 – Testimony began on House Bill 76, legislation to create a statewide Building Code
- HB 76 eventually merged with Senate Bill 44 to become Act 12 of the 1<sup>st</sup> Extraordinary Session of 2005

# Act 12

- Established the IBC and the IRC (et. al.) as the Statewide Uniform Construction Code
- Established a 19 Member Code Council to Administer the New Code

# January 1, 2006

- Statewide Enforcement Mandatory
- Exceptions
  - Recreational Facilities
  - Farm Structures
  - Industrial Structures

# Uniform Construction Code Council

Appointed By the Governor to 3 year terms

- Adopt Rules
- Amendments
- Certify Building Officials and Other Enforcers
- Provide for Training & Education of Code Officials
- Administered by
- Executive Director and Staff
- Assigned to DPS

# Emergency Provisions

- Act 12 requires emergency enforcement of the wind and flood requirements of the 2003 International Building Code (IBC) and the 2003 International Residential Code (IRC).

# Emergency Provisions

- The affected parishes and municipalities are given a choice of one of three methods to provide code enforcement:
- Continue or establish a method of plan review and inspections. (Local gov't's may contract with another local gov't).
- Through contracts with third-party providers
- Contract with the State Fire Marshal to provide review and inspection services.

# 3<sup>rd</sup> Party Providers

## Third Party Qualification Requirements

- LA. Licensed Architects
- LA. Licensed Engineers
- ICC Certified (Wind & Flood)
- Licensed Contractors (Allowed by 2<sup>nd</sup> Special Session of 2006)

# Deadlines for Emergency Provisions

- November 29 - Governor signed Act 12
- December 29 – Emergency Wind and Flood Provisions became mandatory for Jurisdictions with Regulatory Processes (30 days later)
- February 27 - Emergency Wind and Flood Provisions became mandatory for Jurisdictions without Regulatory Processes (90 days)

# Role of the Fire Marshal

- The responsibility for implementation and enforcement of the emergency provisions of Act 12 falls to the municipalities and jurisdictions throughout the eleven affected parishes.
- The reputation of the Fire Marshal as the state agent responsible for code enforcement continues to keep the office in focus and results in calls and questions about the new building code from a variety of sources.
- In appreciation of its position and out of concern for the jurisdictions, the Fire Marshal will continue to provide guidance and assistance until the Code Council is established.

# Role of the Fire Marshal

The State Fire Marshal assumed a pro-active role

- Five educational sessions were conducted to educate the construction community about the emergency provisions
- Notice was issued to architects and engineers to solicit 3<sup>rd</sup> Party providers
- Every jurisdiction was contacted (at least twice) to offer the Fire Marshal's office as a resource
- Presentations were made in different areas of the state to help understanding

# Role of the Fire Marshal

- LMA and PJA were asked to notify jurisdictions directly that the Fire Marshal was available for assistance
- Legal opinions have been requested of the State Attorney General's Office to help clarify the law
- Compile and maintain list of 3<sup>rd</sup> Party Providers
- Compiled documentation of referenced standards
- Established staff liaison to assist with questions
- Promote better definition wind speed map

# A Significant Accomplishment

- Florida took 7 years to accomplish its code.
- Louisiana processed legislation for its building code in about 7 weeks – a tremendous achievement.

# Questions