

## DECLARATION OF EMERGENCY

### Department of Public Safety and Corrections Uniform Construction Code Council

#### Storm Shelters (LAC 17:I.101)

The Department of Public Safety and Corrections, Office of State Fire Marshal, Louisiana State Uniform Construction Code Council (LSUCCC) has exercised the emergency provision in accordance with R.S. 49:953(B) of the Administrative Procedure Act, to amend portions of and readopt LAC 17:I.Chapter 1 in the state Uniform Construction Code as authorized by R.S. 40:1730.26 and R.S. 40:1730.28. Furthermore, the LSUCCC has found an immediate need to amend the current building provisions in the *International Building Code* regarding health and safety for the public.

The LSUCCC is promulgating this Emergency Rule to amend the current rule so as to provide greater health and safety for the public and those providing installation of storm shelters. This Rule was first adopted and published in the January 2018 edition of the *Louisiana Register* (Vol. 44, No. 01). The Rule became effective on February 1, 2018. To amend those provisions and by the signature of the agency head, the Emergency Rule was adopted and became effective on September 2, 2020. To continue those provisions, this Emergency Rule shall be in effect until promulgation of the final Rule on January 20, 2021. This Emergency Rule was adopted and became effective on December 29, 2020 by the signature of the agency head, Chief H. "Butch" Browning, Jr., State Fire Marshal.

The adoption of the 2015 *International Building Code*, Section 423, provides for storm shelter requirements in specific parishes in the northern region of the state. These requirements include the construction of new, or the construction of additions to, facilities for schools and essential services such as fire, police, EMS and 911 call centers. Many design professionals, school boards and essential services agencies were unaware of this requirement. They secured funding in their proposed budgets without this requirement being addressed in the plans and specifications. Bonds were secured for funding based on the older edition of the code, without the increased cost for storm shelters factored into the cost projections. Due to the increased cost not being provided for in the budgeting of new schools, essential services projects were being canceled or placed on indefinite hold until new funding could be secured. This Emergency Rule addresses this requirement by providing for a delay in the effective date for enforcement. This delay also allows for more public input into the implementation timeline and any needed amendments to this section of the *International Building Code*.

The public welfare dictates that these changes be implemented immediately through the adoption of the Emergency Rule to promote greater safety to existing facilities undergoing renovations and for new proposed facilities to include these storm shelter requirements in securing funding. The public welfare further dictates that these changes are implemented immediately through the adoption of the Emergency Rule because of the health risks these amendments address. Adoption of this Emergency Rule will allow owners and developers to immediately use these new standards in expanding existing facilities or

constructing new facilities. Adoption of this Emergency Rule will also provide proven methods for storm shelters and new technology which will ensure the health, safety and welfare of not only school age children but for the public as well.

#### Title 17

#### CONSTRUCTION

#### Part I. Uniform Construction Code

#### Chapter 1. Uniform Construction Code

#### §101. Louisiana State Uniform Construction Code

#### (Formerly LAC 55:VI.301.A)

A. In accordance with the requirements set forth in R.S. 40:1730.28, effective February 1, 2018 the following is hereby adopted as an amendment to the *Louisiana State Uniform Construction Code*.

1. Projects submitted for permitting prior to January 1, 2020 shall not be required to comply with the 2015 IBC Section 423, Storm Shelters.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1730.22(C) and (D) and 40:1730.26(1).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, State Uniform Construction Code Council, LR 33:291 (February 2007), amended LR 34:93 (January 2008), LR 34:883 (May 2008), LR 34:2205 (October 2008), LR 35:1904 (September 2009), LR 36:2574 (November 2010), effective January 1, 2011, LR 37:601 (February 2011), LR 37:913 (March 2011), repromulgated LR 37:2187 (July 2011), repromulgated LR 37:2726 (September 2011), LR 37:3065 (October 2011), LR 38:1994 (August 2012), amended by the Department of Public Safety and Corrections, Uniform Construction Code Council, LR 39:1825 (July 2013), LR 39:2512 (September 2013), LR 40:2609 (December 2014), amended by the Department of Public Safety and Corrections, Office of State Fire Marshal, LR 41:2380 (November 2015), amended by the Department of Public Safety and Corrections, Office of the State Fire Marshal, Uniform Construction Code Council, LR 42:1672 (October 2016), LR 44:75 (January 2018), LR 47:

Chief H. "Butch" Browning, Jr.  
State Fire Marshal

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