

DEPARTMENT OF SAFETY AND PERMITS
CITY OF NEW ORLEANS

LATOYA CANTRELL
MAYOR

TAMMIE JACKSON
DIRECTOR

DEPARTMENT MEMORANDUM

Memorandum B-23-01

DATE: **February 24th, 2023**
FROM: **Tammie Jackson, Director**
BY: Jay P Dufour, Chief Building Official
RE: Building Code Requirements for Short Term Rental (STR) or Bed & Breakfast (B&B) Use

General Summary:

STR and B&B with more than 5 bedrooms overall will require a change of use building permit for compliance with the International Building Code (IBC) 2021 and require approval from the Louisiana Office of State Fire Marshal.

Background Information:

The Department of Safety and Permits enforces the International Residential Code as well as the International Building Code. Based on informed interpretation of these code, a residential property is not automatically considered to be a commercial use under the International Building Code, when used as rental property. This is applicable to standard rental (more than 30 days) or STR or B&B (less than 30 days).

In addition, for STR properties, there are Permit-Holder Duties and Responsibilities that afford a higher degree of safety through licensing requirements such as evacuation diagrams, fire extinguishers and fire/smoke alarms. In a B&B, the owner is required to live on the property. These conditions and requirements serve to offset the concerns that are associated with tenants that may not be as familiar with their surroundings in an emergency.

Once the occupant load reaches a higher number, the level of risk increases to enough degree to warrant more measures to increase safety. To deal with this, cases where the number of overall bedrooms used for STR or B&B is more than five (5), the property will require a “change of use” to an applicable occupancy type under the International Building Code when pursuing a STR or B&B license. The change of use will also require a review and approval by the Louisiana Office of State Fire Marshal.

If an applicant is renovating or building with the intent for STR or B&B with more than five (5) bedrooms, it is recommended that they indicate this on their building permit submittal so that the change of use can be addressed at that time, rather than postpone it for licensing when changes will be required.

