

# **BUILDING A PRIVATE OUTDOOR RECREATIONAL STRUCTURE**

## **(A Private Recreational Camp)**

### **STATE BUILDING CODE EXEMPTION**

**Louisiana State Law Exemption:** Since the adoption of Act 12 in 2005, any property owner who wishes to apply for exemption from the requirements of the State Building Code, in order to build a **Recreational Camp** must execute, and file at the courthouse, an affidavit that attests to entitlement for the exemption.

To qualify for that exemption, the proposed structure **MUST** meet ALL 8 conditions which are listed in the Louisiana Administrative Code as follows:

A hunting or fishing camp, or other recreational structure that is:

- i. **Not** used as a residence, or used, intended to be used, or occupied for permanent living purposes;
- ii. **Not** attached to a residence;
- iii. **Not** utilizing the same physical address of a residence;
- iv. **Not** located on the same property as a residence;
- v. **Not** capable of qualifying for a homestead exemption;
- vi. **Not** used for commercial purposes;
- vii. **Not** located within the corporate limits of a municipality; and
- viii. **Not** located in an approved subdivision within a jurisdiction.

*State Law Reference: Louisiana Administrative Code, Title 55 Public Safety, Part VI Uniform Construction Code Enforcement, Chapter 5, Section 503.A.1 & Section 503.B.1*

**You should NOT apply for exemption:** if you do not meet ALL of the above criteria; or if you, or any future owner, might ever want to use this structure as anything other than a private weekend or holiday retreat. Building codes exist, in the body of public safety law, to protect owners and other occupants (present and future) from danger and harm. If you build under an exemption, the structure cannot be given a Certificate of Occupancy as a residence. This may not seem important to you now, but it could become very important to you in the future:

- If you are thinking of moving into the structure and living there once you retire – that will not be possible.
- If you intend to insure the structure, talk with your insurance company. A structure that was not built to code may not be insurable.
- If you might want to build a home on the property at some future date, you may not be able to, since a camp and a residence cannot be on the same piece of property; and your lot may not be large enough to subdivide.
- If you intend to rent out the structure to other people when you are not using it, or might wish to use it for any other business related purpose, whether for payment in money or in kind, or in exchange for services, you would not be allowed to do so.
- If you intend to sell or deed the property to someone else, since people who are looking for a retirement home will not be able to use it for that purpose and you will have reduced the number of potential buyers. If you wish to avoid potential after-sale legal action, you will also have to disclose these restrictions to potential buyers,

**This Affidavit is NOT a blanket exemption from all legal and regulatory controls:** it ONLY provides exemption from the State Building Code; it does NOT grant exemption from any other laws, codes or regulations that apply to either the proposed structure, or the land on which it will be built. So, where they apply, you will still have to comply with all applicable Federal, State and Local requirements, such as Floodplain Construction Regulations, Land Use and Zoning Regulations, Environmental Regulations, and various State Public Safety and Health Regulations such as the State Sanitary Code, Fire Code, and others, so you will need a building permit.

**To apply for a local building permit, to construct your Camp under an affidavit of exemption, you will need to provide:** construction documentation to support that application. At a minimum, these will include:

- a court receipted copy of your filed affidavit;
- if you do not own the land, a copy of your lease and/or a letter of consent, from the landowner of record, to evidence your right to build
- a fully detailed set of construction plans, covering all aspects of the structure;

**NOTE:** If your Camp is in a V or in a Coastal A flood zone, your construction plans must be stamped by a Louisiana licensed engineer, who must also complete a FEMA design certificate to accompany those plans and construction data.

- if your camp is to be constructed 5 or more feet above ground, a FEMA Non-conversion Agreement will be required;

**NOTE:** This document is provided by the Permit Office and must also be recorded at the Courthouse with the property deed and a receipted copy provided to the Permit Office at the time of permit application.

- an initial elevation certificate and Coastal Zoning approval, if your Camp will be in a flood zone;
- a site plan showing placement of the structure and all setback distances to the lot lines;
- Department of Health approval (Pink Slip) for your intended sewage treatment plant;
- payment of the permit application fee at the current rate per square foot of intended construction as shown on your plans.

**You must not start any construction work** until your application has been approved and the permit is in your possession for posting at the work site. Once construction commences, it will be your responsibility to call for inspections at various stages in the building process, as detailed in your permit. It will also be your responsibility to notify the parish permit office of any changes you decide to make to the structure during the course of construction, or after it is built.

**You should NOT apply for a permit to construct your Camp under an affidavit of exemption if:** you do not meet ALL of the State criteria for exemption, or if you are not happy about any of the current or future use restrictions that will apply if you build under an affidavit. In this case, you should apply for a permit to construct a NEW residence. There is no difference in the permit fee whichever way you choose to proceed.

#### **REMEMBER:**

**The exemption provision was originally intended, by State Legislators, to be for low cost camps that were small, simple, isolated and generally regarded as “disposable.”**

**Building your Camp WITHOUT EXEMPTION offers you long term structure life, greatest flexibility of use, best insurability, broadest future sale prospects, highest future sale or investment value for your property, and the safest environment for those who use it.**

**AFFIDAVIT OF EXEMPTION TO ACT 12 REQUIREMENTS**

**PARISH OF TERREBONNE  
STATE OF LOUISIANA**

**AFFIDAVIT**

BEFORE ME, undersigned notary, came and appeared:

\_\_\_\_\_  
Name (Affiant)

Who did depose and swear the following:

Affiant is the owner of record for the following property/structure:

\_\_\_\_\_  
\_\_\_\_\_

Affiant understands that Act 12 of the 2005 First Extraordinary Session (La. R.S. 1730.21 et seq.) mandates that, after January 1, 2007, any construction, reconstruction, alteration, repair of buildings and other structures, and the installation of mechanical devices and equipment therein be in compliance with the Louisiana State Uniform Construction Code.

Affiant further understands that pursuant to La. R.S. 1730.30, certain farm structures and private outdoor recreational structures (including hunting and fishing camps) are exempt from regulation by the Louisiana State Uniform Construction Code.

Affiant attests that the above referenced property, which is subject to the building permit he/she is applying for, qualifies as an exemption under state law and is not subject to regulation by the Louisiana State Uniform Construction Code.

Affiant further attests that the subject property is not a primary place of residence.

Affiant agrees that the subject property will not be leased or rented for any other purpose other than one qualifying the property as an exemption to Act 12.

Affiant acknowledges that should the subject property be converted to any use other than an exempted use, that the property/structure may be subject to regulation by and compliance with the Louisiana State Uniform Construction Code.

Affiant acknowledges that he must file a copy of this affidavit into the parish conveyance records and provide proof of filing to the building official before a permit is issued.

**SWORN AND SUBSCRIBED, before undersigned Notary, on the \_\_\_\_\_ day**

**of \_\_\_\_\_, 20\_\_\_\_\_.**

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Affiant

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Notary Public

Printed Name \_\_\_\_\_

Commission Expires \_\_\_\_\_

Notary Number \_\_\_\_\_