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PROPOSED SENATE COMMITTEE SUBSTITUTE H675-PCS10668-BBf-21

Short Title: 2019 Building Code Regulatory Reform.

(Public)

Sponsors:

Referred to:

April 11, 2019

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE VARIOUS CHANGES AND CLARIFICATIONS TO THE STATUTES
3 GOVERNING THE CREATION AND ENFORCEMENT OF BUILDING CODES.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** G.S. 160A-413.5 reads as rewritten:

6 "(a) Notwithstanding the requirements of this Article, a city shall accept, without further
7 responsibility to inspect, a design or other proposal for a component or element in the
8 construction of buildings from a licensed architect or licensed engineer provided all of the
9 following apply:

10 (1) The design or other proposal is completed under valid seal of the licensed
11 architect or licensed engineer.

12 (2) Field inspection of the installation or completion of the component or element
13 of the building is performed by a licensed architect or licensed engineer or a
14 person under the direct supervisory control of the licensed architect or licensed
15 engineer.

16 (3) The licensed architect or licensed engineer provides the city with a signed
17 written document ~~stating~~ certifying that the component or element of the
18 building so inspected under subdivision (2) of this subsection is in compliance
19 with the North Carolina State Building Code or the North Carolina Residential
20 Code for One- and Two-Family Dwellings. The ~~inspection~~ certification
21 required under this subdivision shall be provided by electronic or physical
22 ~~delivery and~~ delivery, its receipt shall be promptly acknowledged by the city
23 through reciprocal ~~means~~ means and shall be made on a form created by the
24 North Carolina Building Code Council which shall include at least the
25 following:

26 a. Permit number.

27 b. Date of inspection.

28 c. Type of inspection.

29 d. Contractor's name and license number.

30 e. Street address of the job location.

31 f. Name, address, and telephone number of the person responsible for
32 the inspection.



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1 (a1) In accepting certifications of inspections under subsection (a) of this section, a city
2 shall not require information other than that specified in this section.

3 ...

4 (d) As used in this section, the following definitions shall apply:

5 (1) Component. – Any assembly, subassembly, or combination of elements
6 designed to be combined with other components to form part of a building or
7 structure. Examples of a component include an excavated footing trench
8 containing no ~~concrete~~-concrete, a foundation, and a prepared underslab with
9 slab-related materials without concrete.

10 (2) Element. – A combination of products designed to be combined with other
11 elements to form all or part of a building component.

12 Components and elements are not systems."

13 **SECTION 2.** G.S. 143-151.13(b) reads as rewritten:

14 "(b) The Board shall issue one or more standard certificates to each Code-enforcement
15 official demonstrating the qualifications set forth in subsection (b1) of this section. Standard
16 certificates are available for each of the following types of qualified Code-enforcement officials:

17 (1) Building inspector.

18 (2) Electrical inspector.

19 (3) Mechanical inspector.

20 (4) Plumbing inspector.

21 (5) Fire inspector.

22 (6) Residential changeout inspector."

23 **SECTION 3.(a)** G.S. 160A-372 is amended by adding two new subsections to read:

24 "(f1) The ordinance shall not require a developer or builder to bury power lines meeting all
25 of the following criteria:

26 (1) The power lines existed above ground at the time of first approval of a plat or
27 development plan by the city, whether or not the power lines are subsequently
28 relocated during construction of the subdivision or development plan.

29 (2) The power lines are located outside the boundaries of the parcel of land that
30 contains the subdivision or the property covered by the development plan.

31 "(f2) The ordinance shall not set a minimum square footage of any structures subject to
32 regulation under the North Carolina Residential Code for One- and Two-Family Dwellings."

33 **SECTION 3.(b)** G.S. 160A-381 reads as rewritten:

34 "(a) For the purpose of promoting health, safety, morals, or the general welfare of the
35 community, any city may adopt zoning and development regulation ordinances. These
36 ordinances may be adopted as part of a unified development ordinance or as a separate ordinance.
37 ~~A-Except as provided in subsection (a1) of this section, a zoning ordinance may regulate and~~
38 restrict the height, number of stories and size of buildings and other structures, the percentage of
39 lots that may be occupied, the size of yards, courts and other open spaces, the density of
40 population, the location and use of buildings, structures and land. The ordinance shall provide
41 density credits or severable development rights for dedicated rights of way pursuant to
42 G.S. 136-66.10 or G.S. 136-66.11.

43 "(a1) A zoning ordinance shall not set a minimum square footage of any structures subject
44 to regulation under the North Carolina Residential Code for One- and Two-Family Dwellings.

45 "

46 **SECTION 3.(c)** G.S. 153A-331 is amended by adding two new subsections to read:

47 "(f1) The ordinance shall not require a developer or builder to bury power lines meeting all
48 of the following criteria:

49 (1) The power lines existed above ground at the time of first approval of a plat or
50 development plan by the city, whether or not the power lines are subsequently
51 relocated during construction of the subdivision or development plan.

1 (2) The power lines are located outside the boundaries of the parcel of land that
2 contains the subdivision or the property covered by the development plan.
3 (f2) The ordinance may not set a minimum square footage of any structures subject to
4 regulation under the North Carolina Residential Code for One- and Two-Family Dwellings."

5 **SECTION 3.(d)** G.S. 153A-340 reads as rewritten:

6 (a) For the purpose of promoting health, safety, morals, or the general welfare, a county
7 may adopt zoning and development regulation ordinances. These ordinances may be adopted as
8 part of a unified development ordinance or as a separate ordinance. ~~A~~Except as provided in
9 subsection (a1) of this section, a zoning ordinance may regulate and restrict the height, number
10 of stories and size of buildings and other structures, the percentage of lots that may be occupied,
11 the size of yards, courts and other open spaces, the density of population, and the location and
12 use of buildings, structures, and land for trade, industry, residence, or other purposes. The
13 ordinance may provide density credits or severable development rights for dedicated
14 rights-of-way pursuant to G.S. 136-66.10 or G.S. 136-66.11.

15 (a1) A zoning ordinance shall not set a minimum square footage of any structures subject
16 to regulation under the North Carolina Residential Code for One- and Two-Family Dwellings.

17 "

18 **SECTION 3.(e)** This section becomes effective July 1, 2019, and applies to existing
19 municipal or county ordinances. Any municipal or county ordinance inconsistent with this
20 section is void and unenforceable.

21 **SECTION 4.** G.S. 143-138 reads as rewritten:

22 "**§ 143-138. North Carolina State Building Code.**

23 (a) Preparation and Adoption. – The Building Code Council may prepare and adopt, in
24 accordance with the provisions of this Article, a North Carolina State Building Code. Before the
25 adoption of the Code, or any part of the Code, the Council shall hold at least one public hearing.
26 A notice of the public hearing shall be published in the North Carolina Register at least 15 days
27 before the date of the hearing. Notwithstanding G.S. 150B-2(8a)h., the North Carolina State
28 Building Code as adopted by the Building Code Council is a rule within the meaning of
29 G.S. 150B-2(8a) and shall be adopted in accordance with the procedural requirements of Article
30 2A of Chapter 150B of the General Statutes.

31 (a1) Additional Adoption Requirements. –

32 (1) The Council shall request the Office of State Budget and Management to
33 prepare a fiscal note for a proposed Code change that has a substantial
34 economic impact, as defined in G.S. 150B-21.4(b1), or that increases the cost
35 of residential housing by eighty dollars (\$80.00) or more per housing unit. The
36 change can become effective only in accordance with G.S. 143-138(d).
37 Neither the Department of Insurance nor the Council shall be required to
38 expend any monies to pay for the preparation of any fiscal note under this
39 section by any person outside of the Department or Council unless the
40 Department or Council contracts with a third-party vendor to prepare the fiscal
41 note.

42 (2) The Council shall conduct a cost-benefit analysis for all proposed changes
43 considered after January 1, 2018, to the North Carolina Energy Conservation
44 Code.

45 ...

46 (b20) Exclusion for Temporary Motion Picture, Television, and Theater Stage Sets and
47 Scenery. – No permit shall be required under the North Carolina State Building Code or any local
48 variant approved under subsection (e) of this section for any construction, installation, repair,
49 replacement, or alteration of temporary motion picture, television, and theater stage sets and
50 scenery that are being used for less than one year in one location and are inspected by the assigned

1 fire code inspector. The Building Code Council shall create a fire code inspection checklist that
2 shall be used for inspections under this subsection.

3"

4 **SECTION 5.(a)** G.S. 160A-423 reads as rewritten:

5 **"§ 160A-423. Certificates of ~~compliance~~; temporary certificates of occupancy.**

6 (a) At the conclusion of all work done under a permit, the appropriate inspector shall
7 make a final inspection, and if ~~he finds that~~ the completed work complies with all applicable
8 State and local laws and with the terms of the permit, ~~he~~ the inspector shall issue a certificate of
9 compliance. No new building or part thereof may be occupied, and no addition or enlargement
10 of an existing building may be occupied, and no existing building that has been altered or moved
11 may be occupied, until the inspection department has issued a certificate of compliance. A
12 temporary certificate of compliance may be issued permitting occupancy for a stated period of
13 specified portions of the building that the inspector finds may safely be occupied prior to final
14 completion of the entire building. Violation of this section shall constitute a Class 1
15 misdemeanor.

16 (b) A permit holder may request and be issued a temporary certificate of occupancy if the
17 conditions and requirements of the North Carolina State Building Code are met."

18 **SECTION 5.(b)** G.S. 153A-363 reads as rewritten:

19 **"§ 153A-363. Certificates of ~~compliance~~; temporary certificates of occupancy.**

20 (a) At the conclusion of all work done under a permit, the appropriate inspector shall
21 make a final ~~inspection. If he finds that~~ inspection, and if the completed work complies with all
22 applicable State and local laws and local ordinances and regulations and with the terms of the
23 permit, ~~he~~ the inspector shall issue a certificate of compliance. No new building or part thereof
24 may be occupied, no addition or enlargement of an existing building may be occupied, and no
25 existing building that has been altered or removed may be occupied until the inspection
26 department has issued a certificate of compliance. A temporary certificate of compliance may be
27 issued permitting occupancy for a stated period of specified portions of the building that the
28 inspector finds may safely be occupied before completion of the entire building. Violation of this
29 section constitutes a Class 1 misdemeanor.

30 (b) A permit holder may request and be issued a temporary certificate of occupancy if the
31 conditions and requirements of the North Carolina State Building Code are met."

32 **SECTION 6.** G.S. 87-13 reads as rewritten:

33 **"§ 87-13. Unauthorized practice of contracting; impersonating contractor; false certificate;**
34 **giving false evidence to Board; penalties.**

35 Any person, firm, or corporation not being duly authorized who shall contract for or bid upon
36 the construction of any of the projects or works enumerated in G.S. 87-1, without having first
37 complied with the provisions hereof, or who shall attempt to practice general contracting in the
38 State, except as provided for in this Article, and any person, firm, or corporation presenting or
39 attempting to file as his own the licensed certificate of another or who shall give false or forged
40 evidence of any kind to the Board or to any member thereof in maintaining a certificate of license
41 or who falsely shall impersonate another or who shall use an expired or revoked certificate of
42 license, or who falsely claims or suggests in connection with any business activities regulated by
43 the Board that a person, firm, or corporation is licensed under this Chapter, and any architect or
44 engineer who recommends to any project owner the award of a contract to anyone not properly
45 licensed under this Article, shall be deemed guilty of a Class 2 misdemeanor. And the Board
46 may, in its discretion, use its funds to defray the expense, legal or otherwise, in the prosecution
47 of any violations of this Article. No architect or engineer shall be guilty of a violation of this
48 section if his recommendation to award a contract is made in reliance upon current written
49 information received by him from the appropriate Contractor Licensing Board of this State which
50 information erroneously indicates that the contractor being recommended for contract award is
51 properly licensed."

1 **SECTION 7.(a)** G.S. 160A-417(a1) reads as rewritten:

2 "(a1) A permit shall be in writing and shall contain a provision that the work done shall
3 comply with the North Carolina State Building Code and all other applicable State and local laws.
4 Nothing in this section shall require a city to review and approve residential building plans
5 submitted to the city pursuant to ~~Section R-110 of Volume VII of the North Carolina State~~
6 ~~Building Code~~; provided that the city may review and approve such residential building plans as
7 it deems necessary. If a city chooses to review residential building plans for any structures subject
8 to regulation under the North Carolina Residential Code for One- and Two-Family Dwellings,
9 all initial reviews must be performed within 15 business days of submission of the plans. A city
10 shall not require residential building plans for one- and two-family dwellings to be sealed by a
11 licensed engineer or licensed architect unless required by the North Carolina State Building Code.
12 No permits shall be issued unless the plans and specifications are identified by the name and
13 address of the author thereof, and if the General Statutes of North Carolina require that plans for
14 certain types of work be prepared only by a licensed architect or licensed engineer, no permit
15 shall be issued unless the plans and specifications bear the North Carolina seal of a licensed
16 architect or of a licensed engineer. When any provision of the General Statutes of North Carolina
17 or of any ordinance requires that work be done by a licensed specialty contractor of any kind, no
18 permit for the work shall be issued unless the work is to be performed by such a duly licensed
19 contractor."

20 **SECTION 7.(b)** G.S. 153A-357(a1) reads as rewritten:

21 "(a1) A permit shall be in writing and shall contain a provision that the work done shall
22 comply with the North Carolina State Building Code and all other applicable State and local laws
23 and local ordinances and regulations. Nothing in this section shall require a county to review and
24 approve residential building plans submitted to the county pursuant to ~~Section R-110 of Volume~~
25 ~~VII of the North Carolina State Building Code~~; provided that the county may review and approve
26 such residential building plans as it deems necessary. If a county chooses to review residential
27 building plans for any structures subject to regulation under the North Carolina Residential Code
28 for One- and Two-Family Dwellings, all initial reviews must be performed within 15 business
29 days of submission of the plans. A county shall not require residential building plans for one- and
30 two-family dwellings to be sealed by a licensed engineer or licensed architect unless required by
31 the North Carolina State Building Code. No permit may be issued unless the plans and
32 specifications are identified by the name and address of the author thereof; and if the General
33 Statutes of North Carolina require that plans for certain types of work be prepared only by a
34 licensed architect or licensed engineer, no permit may be issued unless the plans and
35 specifications bear the North Carolina seal of a licensed architect or of a licensed engineer. If a
36 provision of the General Statutes of North Carolina or of any ordinance requires that work be
37 done by a licensed specialty contractor of any kind, no permit for the work may be issued unless
38 the work is to be performed by such a duly licensed contractor."

39 **SECTION 8.** G.S. 87-21(b)(2) is amended by adding a new sub-subdivision to read:

40 "e. The Board shall establish and issue a Residential Fire Sprinkler Design
41 license for use by persons who hold the appropriate Residential Fire
42 Sprinkler Contractor license to design and install the proper
43 multipurpose fire sprinkler system required by the North Carolina
44 Building Code."

45 **SECTION 9.** Section 6(c) of S.L. 2018-29 reads as rewritten:

46 **"SECTION 6.(c)** This section becomes effective July 1, 2018. G.S. 153A-352(g) and
47 G.S. 160A-412(g), as enacted by this section, expire on October 1, ~~2019~~2021."

48 **SECTION 10.** To promote uniformity in plan review and interpretation of the North
49 Carolina State Building Code among those cities and counties that require review of building
50 plans for structures subject to regulation under North Carolina Residential Code for One- and

1 Two-Family Dwellings, the North Carolina Department of Insurance shall issue a guidance paper
2 by October 1, 2019.

3 **SECTION 11.** The North Carolina Building Code Council shall consult with the
4 Department of Environmental Quality to study options for the use by builders of debris, such as
5 dirt, sand, gravel, rock, concrete, or similar nonhazardous material for additional uses at the site
6 of construction, including fill under porches, driveways, and other options that will decrease the
7 volume of demolition debris sent to solid waste disposal facilities. The Council shall report its
8 findings and recommendations, including any proposed legislative changes, to the 2020 Regular
9 Session of the 2019 General Assembly when it convenes.

10 **SECTION 12.** Section 1, Section 2, Section 4, Section 5, Section 6, Section 7, and
11 Section 8 become effective October 1, 2019. Except as otherwise provided, this act is effective
12 when it becomes law.