

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2021

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HOUSE BILL 853  
Committee Substitute Favorable 5/11/21  
PROPOSED COMMITTEE SUBSTITUTE H853-PCS10527-BVa-31

Short Title: Plan Review & Cert. of Occup. Scope Changes.

(Public)

Sponsors:

Referred to:

May 5, 2021

1 A BILL TO BE ENTITLED  
2 AN ACT TO LIMIT THE SCOPE OF REQUIREMENTS FOR CERTIFICATES OF  
3 OCCUPANCY FOR COMMERCIAL BUILDINGS, TO CLARIFY PROCEDURES FOR  
4 ADMINISTRATIVE REVIEW BY LOCAL GOVERNMENTS OF APPLICATIONS FOR  
5 DEVELOPMENT APPROVALS, AND TO APPROPRIATE FUNDS TO THE NORTH  
6 CAROLINA BUILDING CODE COUNCIL TO CONDUCT CERTAIN COST-BENEFIT  
7 ANALYSES.

8 The General Assembly of North Carolina enacts:

9 **SECTION 1.** G.S. 160D-403(g) reads as rewritten:

10 "(g) Certificate of Occupancy. –

11 (1) A local government may, upon completion of work or activity undertaken  
12 pursuant to a development approval, make final inspections and issue a  
13 certificate of compliance or occupancy if staff finds that the completed work  
14 complies with all applicable State and local laws and with the terms of the  
15 approval. No building, structure, or use of land that is subject to a building  
16 permit required by Article 11 of this Chapter shall be occupied or used until a  
17 certificate of occupancy or temporary certificate pursuant to G.S. 160D-1116  
18 has been issued.

19 (2) When plans for commercial buildings are submitted under the seal of any  
20 design professional licensed under Chapter 83A, 89A, or 89C of the General  
21 Statutes and those plans are reviewed by the local government with  
22 development approval authority or, if authorized by statute, by a private  
23 engineering or architectural firm under contract with that local government to  
24 review commercial plans, that local government shall not condition the  
25 issuance of a certificate of occupancy on the imposition of any additional  
26 requirement unless that additional requirement is required by an applicable  
27 code. For purposes of this subdivision, "applicable code" has the same  
28 meaning as in G.S. 160D-931."

29 **SECTION 2.** Article 4 of Chapter 160D of the General Statutes is amended by  
30 adding a new section to read:

31 **"§ 160D-402.1. Administrative review of applications for development approvals.**

32 (a) Within 30 days of a local government's receipt of an application for development  
33 approval, the local government shall complete an administrative review of the application and  
34 any supporting documents and make an administrative decision that does one of the following:



\* H 8 5 3 - P C S 1 0 5 2 7 - B V A - 3 1 \*

- 1           (1)   Notifies the developer in writing that the application is complete and no  
2           further information is required for the local government to make a  
3           development approval determination.
- 4           (2)   Notifies the developer in writing that the application is deficient and provides  
5           the developer with a deficiency list, in writing, that identifies all of the  
6           following:
- 7           a.     Each deficiency.
- 8           b.     The specific law, ordinance, policy, or procedure used as the basis for  
9           each deficiency.
- 10          c.     A description of the action the local government would deem  
11          corrective for each deficiency identified.
- 12          (b)   The notice under subdivision (2) of subsection (a) of this section may include local  
13          government recommendations pertaining to the development project but any recommendations  
14          must be clearly designated as recommended or advisory only and shall not be required as a  
15          condition for a development approval determination.
- 16          (c)   Upon a developer's receipt of a notice of a deficient application and a deficiency list  
17          under subdivision (2) of subsection (a) of this section, the developer may do any of the following:
- 18               (1)   Correct the deficient application and resubmit a corrected application to the  
19               local government.
- 20               (2)   Submit a written explanation for each deficiency and request another  
21               administrative review under this section that shall be completed by the local  
22               government within 10 business days and takes into consideration the written  
23               explanation.
- 24               (3)   Appeal the administrative decision as provided in G.S. 160D-405.
- 25          (d)   Within 10 business days of a local government's receipt of a corrected application  
26          under subdivision (1) of subsection (c) of this section, the local government shall notify the  
27          developer in writing whether the application is complete or does not correct all the deficiencies  
28          identified in accordance with subdivision (2) of subsection (a) of this section. If the developer  
29          amended or altered the application with respect to matters that are unrelated to the deficiencies  
30          identified in accordance with subdivision (2) of subsection (a) of this section, the local  
31          government shall consider the corrected application a new application to be processed in  
32          accordance with subsection (a) of this section."

33           **SECTION 3.** If G.S. 143-138, as amended by Section 2 of House Bill 489 of the  
34           2021 Regular Session of the General Assembly, becomes law, there is appropriated from the  
35           General Fund of the State to the North Carolina Building Code Council the sum of twenty  
36           thousand dollars (\$20,000) in nonrecurring funds for the 2021-2022 fiscal year to be used by the  
37           North Carolina Building Code Council to implement the provisions of that section.

38           **SECTION 4.** Sections 1 and 2 of this act become effective January 1, 2022, and  
39           apply to applications for development approvals submitted on or after that date. The remainder  
40           of this act is effective when it becomes law.