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LEGISLATIVE RESEARCH COMMISSION

REPORT
TO THE
1977

GENERAL ASSEMBLY OF NORTH CAROLINA



LOCAL BUILDING INSPECTORS

RALEIGH, NORTH CAROLINA

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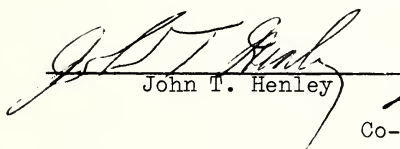
JANUARY 12, 1977

TO THE MEMBERS OF THE 1977 GENERAL ASSEMBLY:

The Legislative Research Commission herewith reports to the 1977 General Assembly of North Carolina on the matter of Local Building Inspectors. The report is made pursuant to House Bill 296 of the 1975 General Assembly.

This report was prepared by the Legislative Research Commission Committee on Local Building Inspectors, and it is transmitted by the Legislative Research Commission to the members of the 1977 General Assembly for their consideration.

Respectfully submitted,


John T. Henley


James C. Green

Co-Chairmen

Legislative Research Commission

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INTRODUCTION

The Legislative Research Commission, established by Article 6B of Chapter 120 of the General Statutes of North Carolina (G.S.), is a general purpose study group composed of legislators. The 1975 General Assembly directed the Legislative Research Commission to study various issues, including three topics related to local government: local mass transit, intergovernmental relations, and - the subject of this report - local building inspectors.

Representative Hector Ray, a Legislative Research Commission member, was appointed Chairman of the three local government studies. In accordance with G.S. 120-30.10(b), several additional legislators were selected to perform these studies. Representative Thomas W. Ellis, Jr., and Senator Lynwood Smith were appointed Co-Chairmen of the Committee on Local Building Inspectors. Also appointed to that Committee were Representatives

Allen Adams, Cass Ballenger, and David Diamont; and Senators Fred Alexander and Bobby Lee Combs. To broaden the Committee's composition, three non-legislative members were appointed (as authorized in G.S. 120-30.10(c)): Messrs. Emory Albritton, North Carolina Building Inspectors Association; John Parham, North Carolina Council of Code Officials; and Andrew Roth, Consulting Engineers Council.*

In an effort to further expand the Committee's perspective, the Chairman invited interested organizations each to nominate a representative to serve on a special advisory subcommittee. It was stipulated that these representatives would serve without compensation and without formal voting privileges during Committee deliberations. The individuals appointed to the special advisory subcommittee were: George R. Goodwin, North Carolina Association of County Commissioners; Albert L. Haskins, Jr., American Institute of Architects; Benny R. Hockaday, North Carolina Association of Plumbing, Heating & Cooling Contractors; Thomas Osborne, North Carolina League of Municipalities; Ray Sparrow, North Carolina Home Builders Association; Hal A. Thompson, Associated General Contractors of America; and Larry Woodall, North Carolina Association of Electrical Contractors.*

Staff assistance was provided to the Committee through the Legislative Services Office. The Committee also obtained the

* Appendix A contains the full membership list including the members of the special advisory subcommittee.

professional services of Mr. Philip Green, an Assistant Director at the Institute of Government, University of North Carolina at Chapel Hill.

Chapter 851 of the 1975 Session Laws, First Session 1975, Section 10, contains the guidelines for the local building inspectors study:

In its study of means to increase the professionalism and efficiency of local building inspectors the Legislative Research Commission shall include an examination of training opportunities, expanded technical assistance from State agencies, improved compensation, joint organizational arrangements, advisory services, and intergovernmental grant programs.

This report summarizes the Committee's work in response to the directive given by the 1975 General Assembly. It is divided into five parts: COMMITTEE PROCEEDINGS,* FINDINGS, RECOMMENDATIONS, COMMENTARY ON PROPOSED LEGISLATION, AND PROPOSED LEGISLATION.

Finally, it should be observed at the outset that the subject matter of this report has received a great deal of thoughtful attention at the national level in recent years. The Advisory Commission on Intergovernmental Relations issued a report in 1966 entitled, Building Codes: A Program for Intergovernmental Reform, which recognized the need for qualified personnel to meet the demands presented by modern performance-type building codes and by advances in building technology. The ACIR recommended that

* One complete set of Committee Minutes (prepared in summary form) and other resource materials are on file in the Legislative Library.

professional qualifications be established for building inspectors and that they be licensed by the State; it also recommended that the State be empowered (through its appropriate state agency) to provide assistance to local governments for building inspection. Excerpts from the ACIR report appear as Appendix C at the conclusion of this report.

COMMITTEE PROCEEDINGS

Six regular meetings were held to consider means to increase the professionalism and efficiency of local building inspectors. At the initial meeting on October 16, 1975, Mr. Philip Green, Assistant Director of the Institute of Government, presented a history of the development of the State Building Code (hereinafter also referred to as "Code") in North Carolina. He identified the governmental entities responsible for Code enforcement at both the local and state levels, and he noted the several legal methods for local governmental units to combine their inspection programs in enforcing the Code. Finally, Mr. Green indicated that the local building inspector is the individual in each community most directly responsible for enforcing the Code; and that generally the job has not been held in high regard primarily because of the community's failure to recognize the need to assure that buildings are erected or significantly altered in compliance with at least minimally acceptable standards.

Mr. Kern Church, Deputy Commissioner of Insurance, discussed the role of his agency, the Division of Engineering and Building Codes Regulation (hereinafter referred to as "Engineering Division"), in assisting local government units in Code enforcement. He showed the committee the several volumes that comprise the State

Building Code as an illustration of the substantial body of law which building inspectors are supposed to know and enforce. And, he spoke about the variety of functions in addition to Code enforcement which a local inspector is often required to perform.

The second meeting was held on November 12, 1975. The special advisory subcommittee, which was selected after the committee's first meeting to provide direct input from representatives of organizations in the building profession, was introduced and informed about matters raised at the first meeting. In addition, Mr. Cecil Hargett, Director of the Criminal Justice Training and Standards Council, commented about North Carolina's recent experience in developing a plan for training and certifying law enforcement officers. His testimony allowed the committee to anticipate whether major obstacles might arise if a similar plan is adopted for local building inspector personnel.

Also participating at the meeting were Mr. Ron Aycock of the North Carolina County Commissioners Association and Mr. Ernie Ball of the North Carolina League of Municipalities. Each man explained his organization's interest and concern in the committee's inquiry. Mr. Aycock stressed that cooperation in building inspection should be encouraged because smaller communities frequently cannot afford the services of a full-time

inspector. He also noted that county commissioners throughout the State view with concern the concept of state-mandated salaries for local building inspectors and the local government employees. Mr. Ball identified three points which the committee might consider in its investigation: (1) the responsibility for day-to-day building inspection should be kept at the local level; (2) there should be some requirement that enforcement actually be carried out; and (3) the Engineering Division, presently located in Raleigh, should be regionalized throughout the State to provide technical assistance to local inspection departments.

The committee met again on January 15, 1976, to examine programs currently available to train building inspectors in North Carolina. Mr. Phil Green of the Institute of Government and Mr. Ray DeBruhl of the Civil Engineering Department at North Carolina State University explained that the only courses now offered on Code enforcement are through the Institute of Government and North Carolina State University. The Institute courses generally teach inspectors about the specific requirements contained in the Code. North Carolina State University offers four programs (for building inspectors, electrical inspectors, plumbing inspectors, and heating and air conditioning inspectors) which teach inspectors "why" the Code requires what it does.

Additionally, Co-Chairman Ellis reported the results of a survey that the Association of County Commissioners conducted among its 100 members. These results are as follows:

	<u>Yes</u>	<u>No</u>	<u>No Opinion</u>
1. Should inspection programs be required for every local government unit throughout the State?	23	18	6
2. Should the State establish minimum training and qualifications for local building inspectors?	39	6	2
3. Should the Legislature set minimum salaries for local building inspectors?	3	38	6

Several members of the "special advisory subcommittee" spoke on behalf of organizations which they had been selected to represent. Each speaker acknowledged that stronger, more even code enforcement was of distinct concern.

On March 25, 1976, the committee held its fourth regular meeting to receive input from representatives of lending institutions concerning whether their lending practices would be affected as a result of more even code enforcement. Mr. L. P. McLendon, representing the Savings and Loan League, stated that savings and loan associations lend 60% to 80% of all the home construction money in the State. He offered to contact individual League members on behalf of the Study Committee to find out if lending

practices tend to vary between communities that do provide adequate Code enforcement and those that do not.

The staff summarized comments received from other lending institutions: the North Carolina Mortgage Bankers Association; the Veterans's Administration office; and the U. S. Department of Housing and Urban Development. There is general agreement that lending practices would not be appreciably changed by mandated Code enforcement, at least not at the outset; however, the lending institutions apparently support efforts toward improved Code enforcement. It was noted that the federal approach to uniform enforcement has changed in recent years: during the days of urban renewal projects, funds were allocated for specific projects and code enforcement was mandated in connection with construction of these projects; now money is received from the federal government in the form of bloc grants and each local government unit determines the extent of Code compliance. The Committee noted that in looking at the subject of improving building inspection it is important to keep in mind the matter of federal involvement. One member suggested that the trend may again be moving towards increased federal intervention because local jurisdictions are failing in their responsibility.

The Committee met for the fifth time on October 14, 1976, to obtain input from the Department of Community Colleges about the

possibility of using its resources to develop a curriculum for pre-training courses for prospective building inspectors. Dr. Reid Parrot, representing the Department of Community Colleges, stated that the 57 technical institutes and community colleges in North Carolina reach 95% of the population within 30 minutes. These facilities are accessible and could easily be used to develop a curriculum course and also re-training for officials already working. Dr. Parrot indicated that most new courses start in a given technical institute or community college in response to local need. This suggests the flexibility of the Department of Community Colleges' concept which seems to be a very positive factor. It is hoped that any council or board proposed by the Committee to develop minimum standards and courses for code officials would give general guidance as to course content, standards for instructors, and physical location of courses. Dr. Parrot indicated a willingness to work further with either the study committee or other appropriate group to develop such courses through the Department of Community Colleges.

The Committee also reviewed its work to date and developed its basic findings and recommendations (they can be found in the next two succeeding sections of the report). Further, the Committee decided that its recommendations should be reduced to draft legislation for presentation to the Legislative Research Commission, and possibly to the 1977 General Assembly. Members discussed several

aspects of the legislation and requested the staff to prepare a tentative draft for review by the chairman and co-chairman.

The final committee meeting was held on December 6, 1976, to examine the tentative draft legislation and make necessary changes. (Members had received a copy of the draft ten days in advance of the meeting.) After much deliberation, including a line-by-line analysis of the tentative draft, the members agreed upon a final version of the proposed legislation. This proposal is presented, along with a brief commentary, separately in the final two sections of the report.

In addition to these six regular meetings, the Local Building Inspectors Study Committee (after three regular meetings) sent several representatives to participate at the City-County Managers Seminar at the Institute of Government in Chapel Hill, on February 12, 1976. Committee members welcomed this opportunity to discuss directly with local officials the problems of uneven Code enforcement and inadequate salaries and job opportunities for local building inspectors. Spokesmen for the Study Committee summarized the information and testimony received during the first three meetings, including the following specific matters: creation of the State Building Code and the Building Code Council; how to

develop an inspection department within a local unit of government; treating Code enforcement as a distinct profession; and, training programs for building inspectors available through the Institute of Government and North Carolina State University. The Committee then sought and received comments from the managers about how to assure adequate Code enforcement throughout the State, how to upgrade salaries and working conditions for local building inspectors, and how to maximize the efficiency of State agency technical assistance to local governments without unduly encroaching upon local jurisdiction.

FINDINGS

The Local Building Inspectors Study Committee, after considering the testimony and information received from outside sources and its own members, finds as facts the following:

1. Adequate enforcement of building regulations is of direct and immediate concern to the State of North Carolina in its responsible exercise of the police power to protect the health and safety of its citizens.
2. North Carolina has one body of laws - the North Carolina State Building Code - which regulates new construction and major modification for substantially all types of buildings in the State. The Code applies to every locality throughout North Carolina. Although local modification of the Code is permitted, it occurs only in rare circumstances. The Code was prepared and adopted by the State Building Code Council; and the Council is authorized to revise and amend it as necessary to keep up with technological advances. The Division of Engineering and Building Codes Regulation in the Department of Insurance is given the main responsibility for the administration and enforcement of the Code at the State level. However, the Engineering Division is not authorized to provide for Code enforcement at the local level except in a cooperative capacity. If a local jurisdiction

fails to take an active interest in enforcement, no meaningful protection is assured for its citizens. (See finding "3".)

The Code establishes the minimum requirements for lawful compliance but is not intended to represent a "designer's standard". The Code closely follows the standards and requirements contained in the various national codes (see G.S. 143-138(c)).

3. Enforcement of the Building Code is not uniform throughout North Carolina. Local governments - through elected local officials and local building inspectors - have the primary responsibility for enforcement. But Code enforcement varies from one locality to another depending upon the amount of resources which the local governing authority is willing to commit to this function. Many communities provide none; densely populated areas appear more likely to have at least some enforcement. The State, through the Division of Engineering and Building Codes Regulation (Department of Insurance), cooperates with local governments in Code enforcement; but the State is not legally authorized to step in and administer the law in a community that does not provide for enforcement.

4. The State Building Code is a significant asset even though it has not been consistently enforced. The Code presents a single set of minimum lawful standards applying throughout the State which honest builders will attempt to follow, even in communities that do not provide for inspection. The presence of

a uniform Code also permits mobility within the State for builders and building inspection personnel; and significantly, it stands as a basic tool to promote coordination in developing training programs for building inspection personnel.

5. The State's policy of relying primarily on local enforcement of the Building Code creates a special burden for less populous communities which do not have a large enough inspection demand to justify employing a full-time building inspection department or even a single full-time building inspector. In these instances, it would seem practical for these communities to consider establishing joint inspection departments or some other cooperative arrangement to serve related jurisdictions. Through this pooling of financial resources it would appear local governmental units could offer the competitive wages and working conditions necessary to attract competent, well-trained building inspection personnel. To achieve this result under current law, the governing bodies of many communities must voluntarily relinquish part or all of their authority relating to Code enforcement. Such decision is not easily made. The current law does provide adequate statutory authorization for these cooperative arrangements to be made in a variety of ways. (See, for example, G.S. Ch. 160A, Article 20, Part 1. See also Commentary on proposed legislation in this report, discussing section 2 of the proposal.)

6. The local building inspector is the individual primarily responsible for enforcing the Code in a fair and regular manner on a daily basis. The job of building inspector is not highly regarded in many communities. Inadequate salaries are provided, technical training is not encouraged, and the inspector may be called upon to perform duties unrelated to building inspection. In many communities inspectors are not required to demonstrate even minimal skills in order to obtain or maintain their jobs. (Only county electrical inspectors are legally required to pass a State-administered exam and be certified for their job.) Appendix D contains statistical data related to Code enforcement in each local jurisdiction.

7. Education is needed at three distinct levels in order to improve the building inspection profession. These levels are:

(a) the public sector. The State Building Code is designed to protect citizens throughout North Carolina from unsafe, hazardous conditions. Citizens are largely unaware of whether their community has excellent, fair, poor, or no Code enforcement until a catastrophe occurs or they undertake a project that comes under the legal jurisdiction of the Code. The public needs to be informed about the reasons for building regulations and the extent to which the Code is actually enforced in each community.

(b) the private sector. This includes professional designers, architects, engineers, planners, builders, financial

institutions and realtors. This group is generally the most knowledgeable concerning the specifics of the Building Code and should play a leadership role in seeking active, impartial enforcement. (In fact, professional organizations and associations representing the various building trades have been significant in this study effort.) This group needs to be aware that the building inspection profession itself must be improved in order to foster more even Code enforcement.

(c) The government sector. One focus in this category is on elected State and local officials. Without their understanding and leadership, there will be no substantial improvement in the quality of building inspection. A separate focus in the government sector is on the building inspection personnel at the local level; and, here the term "education" is used more narrowly to mean providing technical training to inspectors both before and after they have been hired.

There are only limited training opportunities now available in North Carolina for building inspection personnel. North Carolina State University and the Institute of Government in Chapel Hill offer short term in-service training courses for inspectors. These programs offer practically the only source of training for inspectors but are limited for several reasons, including low funding support and the fact that inspectors cannot leave their jobs for extended time periods. Several technical

institutes and community colleges have begun to develop pre-service training programs relating to specific features of the construction industry, but there is no uniform educational program to enhance the growth of Code administration as a unique and distinct profession. Students graduating from the community college courses are being attracted by the building professions; pre-service training programs are not producing building inspectors.

8. The State agency authorized to assist local Code enforcement, the Department of Insurance's Engineering Division, operates with a staff of ten qualified professionals from its central office located in Raleigh. In 1949, there were seven qualified professionals in the Division. By statute, the Engineering Division personnel serve as the staff for the North Carolina Building Code Council. Most man-hours are spent approving plans for major buildings in the State and providing technical assistance and advice to local inspectors, but not every request can be handled. Larger cities are expected to provide their own technical experts, but many smaller communities have no personnel with technical expertise and must call on the State for help. Anyone who objects to a ruling or interpretation of the Code by the local inspector is entitled to appeal to the Insurance Department and to the courts or to the Building Code Council. In fact most appeals are settled informally by the Engineering Division. (The Deputy Commissioner

of Insurance in charge of the Engineering Division reported that records recently kept for a period of two weeks indicated an average of 100 telephone calls were received each day requesting an opinion or interpretation of a Code provision.)

9. Inspection programs should be almost entirely self-supporting. Testimony from representatives of the various building trades suggests that they would not object to paying higher inspection fees if accompanied by a higher quality inspection program. Local governments that choose to provide their own inspection should re-evaluate the fees being charged in connection with code enforcement. The first step, however, is to establish training programs to assure that all code officials are qualified. Then higher inspection fees and the development of a better overall inspection department should follow. At the same time, this means local government will be able to offer competitive salaries to attract qualified personnel.

10. Statistical data compiled by the Engineering Division (Department of Insurance) at the request of the Study Committee indicates the extent to which code enforcement is being carried out in regions throughout the State. This data does not attempt to evaluate the quality of code enforcement but only to identify whether or not a given county or city is officially enforcing the Code in each of the four major areas of inspection--building, plumbing, heating, and electrical. The data indicates, for

example, that 46 counties have building inspection, 32 have plumbing inspection, 20 have heating inspection, and 85 have electrical inspection. In terms of population, the data on population takes into consideration the jurisdiction of each county that has inspection plus the distinct jurisdiction of each city or town that has separate inspection. 75% of the State's population resides within a jurisdiction that enforces the building code, 66% has plumbing inspection, 52% has heating inspection, and 95% has electrical inspection. One general observation from the data presented is that predominantly rural areas of the State appear less likely to have inspection.

RECOMMENDATIONS

The Local Building Inspectors Study Committee makes the following recommendations:

1. Additional programs must be developed as soon as possible to train building inspection personnel prior to job placement. The present in-service training courses offered at North Carolina State University and the Institute of Government are valuable components of the education process, but they are not designed to train an individual who is unfamiliar with the Code. The addition of a pre-service program will serve to complement in-service training: it will give all prospective Code officials a better basic understanding of the Code and its administration at the outset, leaving in-service courses to focus attention on more difficult, technical matters.

Community colleges and technical institutes appear to be appropriate resources to facilitate the development of pre-service training programs. The Community College system offers a regional approach to teaching code enforcement. In one sense this regional approach is desirable, because building construction standards vary among geographical areas. On the other hand, a certain amount of coordination should be provided in the development of these courses in order to offer all prospective code officials the same basic educational opportunity.

The Department of Community Colleges will undoubtedly need some additional funds to develop courses for training building inspectors. The Committee supports the Department of Community Colleges' effort in this area and respectfully requests that the 1977 General Assembly give such budget request the most careful and thoughtful consideration. Building inspection will not improve until and unless the State takes an active interest in developing well-trained code enforcement officials.

2. In conjunction with improving educational opportunities for inspection personnel, the General Assembly should require minimum qualifications for all local building inspectors. Under present North Carolina law, county electrical inspectors must pass a State-administered exam and be certified for their job (G.S. § 153A-351(b)). This requirement should be extended and made uniform, but it should be "phased in" along in the establishment of a coordinated pre-service training program.

The Committee recommends the establishment of a Board authorized to develop minimum qualifications for all code enforcement officials. The Board should be empowered to prepare and administer an examination, on behalf of the State, based on the State Building Code and code enforcement administration. The Board should also be authorized to develop basic standards and course outlines for programs of instruction discussed in "recommendation one". To implement this recommendation, the

Committee has drafted specific legislation creating a North Carolina Code Officials Qualification Board. (See "Proposed legislation", Sec. 1.)

3. Uneven enforcement of the statewide Building Code is a major problem. The State has for a long time recognized the importance of a comprehensive body of laws setting minimum standards for building construction. The Committee believes it is now appropriate for the State to become actively concerned in the proper enforcement of the Code. To implement this recommendation, the Committee has drafted specific legislation which will require each unit of local government to provide for enforcement of the State Building Code in one of a variety of ways. However, the Committee recognizes that such requirement should not be imposed "overnight", and has proposed a time schedule (based on population) within which each jurisdiction should be providing inspection. For example, local governments 25,000 population and under are not required to be in compliance until July 1, 1985. The Committee believes that in order for the State to provide adequate protection to all its citizens, there must be statewide enforcement of the Building Code. (See "Proposed legislation", Secs. 2-5.)

4. The Engineering Division in the Insurance Department should be enlarged and regionalized in order to improve the State's capacity for providing technical assistance and advice

to local inspection officials. Regionalization will improve communications and working relationships between the state agency and local inspectors. The Department of Insurance has already presented recommendations to the General Assembly in the past and those same recommendations are still valid. The Department of Insurance is encouraged to present its regionalization concept as part of its budget request to the 1977 General Assembly.

Commentary on Proposed Legislation

Section 1 of the proposed bill creates the North Carolina Code Officials Qualification Board with certain powers, including the authority to establish minimum standards for employment as a code enforcement official and to cooperate with educational institutions and governmental jurisdictions to develop code enforcement training schools and programs or courses of instruction. Additionally, the Board is empowered to establish minimum standards and levels of education for code enforcement instructors. (§143-151.9)

The Board, which is established in the Department of Insurance, is comprised of seventeen (17) members who are all appointed by the Governor. The composition of the Board is intended to produce a representative cross-section of the interests that need to be involved in developing an effective program for providing qualified inspectors. The Board contains local elected officials and local appointed officials, and specifically includes building officials who are responsible for directing an inspection department. The Board also contains representation from the various professional building trades that are policed by code enforcement officials; and, it contains representation from the educational field, including two institutions that are already experienced in developing training courses for building inspectors (North Carolina State University School of Engineering and the Institute of Government in Chapel Hill), as well as the Department of Community Colleges, which appears to

be a fertile source for developing pre-service training courses that can be made accessible to prospective officials throughout the State. (§143-151.6) The legislation provides for staggered terms for original appointees to the Board, and thereafter regular four-year terms for each appointee.

One of the key dates in the proposed legislation is July 1, 1979. On and after that date, a code enforcement official must possess a valid certificate in one of three types: (1) a standard certificate; (2) a limited certificate, available to any code enforcement official holding office as of July 1, 1978 note that this is another key date spelled out in the legislation ; or (3) a probationary certificate. (§143-151.10) One of the main duties of the Board is to prescribe an examination based on the State Building Code and administrative procedures required to enforce the Code, which must be taken by each applicant for a standard certificate. Upon successful completion, the applicant receives a certificate of qualification. The standard certificate is renewable annually, but no further examination is required.

The limited certificate is available only to a code enforcement official holding office as of July 1, 1978. Such official is not required to take an examination to continue in employment at his current performance level on that date, but is required to complete an in-service short course prescribed by the Board. Section 143-151.10 sets out the timetable for completion of the short course: for example, in counties or cities with 25,000 population and under, the in-service short course must be completed by July 1, 1986. This does not mean that an

inspector in such jurisdiction must wait until the appointed time to take the course; rather, the date is intended to provide maximum latitude, particularly with respect to the less populous jurisdictions. In order for an inspector holding a limited certificate to move into a position requiring a higher level certificate, he must obtain either a standard or probationary certificate appropriate for the new position. With regard to probationary certificates, they are authorized at a given level for one year only. (§143-151.10(d))

The proposal takes into account county electrical inspectors who have already been certified pursuant to present G.S. 153A-351. The Board will issue them a certificate appropriate for their current electrical inspector level. (§143-151.10(e)) Also, licensed architects, general contractors, plumbing or heating contractors, electrical contractors, and professional engineers can obtain a standard certificate if they successfully complete a short course, prescribed by the Board, relating to the State Building Code and code enforcement administration. (§143-151.10(f))

The legislation further provides that any code enforcement official who leaves employment as a public official must turn in his certificate to the Board, but the Board will reissue the certificate to him upon his return to such employment. (§143-151.12) The Board is also authorized to establish a schedule of fees for applicants and for renewal of certificates. (§143-151.13) The Board can suspend, revoke, or refuse to grant a certificate if a person has committed one of the improper actions specified in §143-151.15.

Staff assistance to the Board is provided through the Division of Engineering and Building Codes in the Department of Insurance. (143-151.16)

Sections 2 through 6 of the proposed legislation are regarded by the committee as necessary provisions if enforcement of the State Building Code is to be carried out on a more even basis throughout North Carolina. Sections 2 and 3 of the draft will amend G.S. Chapter 153A relating to counties, and sections 4 and 5 of the draft will make substantially similar amendments in G.S. Chapter 160A relating to cities and towns.

Specifically with regard to Section 2 of the draft, it amends G.S. 153A-351 to make it clear that every county shall perform its duties and responsibilities of code enforcement within its jurisdiction through one of several alternative methods. The county may create its own inspection department, cooperate with other units of local government in creating a joint inspection department, or contract with another unit of local government for the provision of inspection services by that other unit. Counties are required to take such action based on a time schedule which has been developed in accordance with the county's population. For example, counties over 75,000 population must take such action by July 1, 1979. On the other hand, counties 25,000 population and under have until July 1, 1985 to take such action. If a county fails to take such action by the applicable date, the legislation requires the Commissioner of Insurance to arrange for the provision of such services, either through

personnel employed in his department or through an arrangement with other units of government. If such action is taken by the Commissioner, the county may still assume provision of inspection services within a specified time after giving written notice of its intention to do so.

Section 3 of the proposed bill creates a new G.S. section in Chapter 153A dealing with qualifications of inspections. It makes clear that on and after the applicable date set forth in the time schedule in G.S. 153A-351, every inspector employed by a county to enforce the State Building Code must have one of the three types of certificates issued by the North Carolina Code of Officials Qualification Board. The new G.S. section also spells out that an official holding office as of July 1, 1978, who has obtained a limited certificate is not required to complete the in-service short course until one year following the date upon which the county is required to have its inspection program in operation.

Sections 4 and 5 of the proposed legislation make the same changes outlined above, with respect to cities. There is only one difference and it relates to the alternative courses of action which a city may take to perform the duties and responsibilities of code enforcement. In addition to the three possible methods summarized in the preceding paragraph which are available to counties, a city has a fourth option: it may arrange for the county in which it is located to perform inspection within the city's jurisdiction. Except for this point, the proposed legislation makes exactly the same provisions for cities and counties.

Section 6 of the bill makes the act effective upon ratification.

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INTRODUCED BY:

PROPOSED LEGISLATION

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO ESTABLISH THE NORTH CAROLINA CODE OFFICIALS
3 QUALIFICATION BOARD AND TO PROVIDE FOR MORE EVEN ENFORCE-
4 MENT OF THE STATE BUILDING CODE THROUGHOUT NORTH CAROLINA.
5 The General Assembly of North Carolina enacts:
6 Section 1. G.S. Chapter 143 is amended by adding
7 a new article to be numbered 9B and to read as follows:
8 "Article 9B.
9 North Carolina Code Officials Qualification Board.
10 § 143-151.5. Definitions.--(a) As used in this Article,
11 unless the context otherwise requires:
12 (1) 'Board' means the North Carolina Code Officials
13 Qualification Board.
14 (2) 'Code' means the North Carolina State Building
15 Code and related local building rules and
16 regulations approved by the Building Code
17 Council heretofore or hereinafter enacted,
18 adopted or approved pursuant to § 143-138.
19 (3) 'Code enforcement' means the examination and
20 approval of plans and specifications, or the
21 inspection of the manner of construction, work-
22 manship, and materials for construction of
23 buildings and structures and components thereof
24 as an employee of the State or local government,

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1 to assure compliance with the State Building
2 Code and related local building rules and
3 regulations.

4 (4) 'Local inspection department' means the agency
5 or agencies of local government with authority
6 to make inspections of buildings and to enforce
7 the Code and other laws, ordinances, and regula-
8 tions enacted by the State and the local govern-
9 ment which establish standards and requirements
10 applicable to the construction, alteration,
11 repair, or demolition of buildings.

12 (5) 'Qualified Code Enforcement Official' means a
13 person qualified under this Article to engage
14 in the practice of code enforcement.

15 (b) For purposes of this Article, the population of a
16 city or county shall be determined according to the most current
17 federal census, unless otherwise specified.

18 § 143-151.6. North Carolina Code Officials Qualification
19 Board established; members; terms; vacancies.--(a) There is
20 hereby established the North Carolina Code Officials Qualifica-
21 tion Board in the Department of Insurance. The Board shall be
22 composed of 17 members appointed by the Governor as follows:

- 23 (1) One member who is a city or county manager.
24 (2) Two members, one of whom is an elected official
25 representing a city over 5,000 population and
26 one of whom is an elected official representing
27 a city under 5,000 population.
28 (3) Two members, one of whom is an elected official

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- 1 representing a county over 40,000 population
2 and one of whom is an elected official repre-
3 senting a county under 40,000 population.
- 4 (4) Two members serving as building officials with
5 the responsibility for administering building,
6 plumbing, electrical and heating codes, one
7 of whom serves a county and one of whom serves
8 a city.
- 9 (5) One member who is a registered architect.
- 10 (6) One member who is a registered engineer.
- 11 (7) Two members who are licensed general contractors,
12 at least one of whom specializes in residential
13 construction.
- 14 (8) One member who is a licensed electrical con-
15 tractor.
- (9) One member who is a licensed plumbing or heating
contractor.
- (10) One member selected from the faculty of the North
Carolina State University School of Engineering.
- 20 (11) One member selected from the faculty of the
21 Institute of Government.
- 22 (12) One member selected from the Department of
23 Community Colleges.
- 24 (13) One member selected from the Division of
25 Engineering and Building Codes in the Department
26 of Insurance.
- (14) Two members who are citizens of the State.
- 27 (b) The members shall be appointed for staggered terms
28 and the initial appointments shall be made prior to September 1,

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1 1977, and the appointees shall hold office until July 1 of the
2 year in which their respective terms expire and until their
3 successors are appointed and qualified as provided hereafter:

4 For the terms of one year: the members from sub-
5 divisions (1), (6) and (10) of subsection (a), and one member
6 from subdivision (3).

7 For the terms of two years: the member from sub-
8 division (11) of subsection (a), one member from subdivision
9 (2), one member from subdivision (4), .. one member from
10 subdivision (7), and one member from subdivision (14).

11 For the terms of three years: the members from sub-
12 divisions (8) and (12) of subsection (a), one member from sub-
13 division (2), one member from subdivision (4), and one member
14 from subdivision (14).

15 For the terms of four years: the members from sub-
16 divisions (5), (9) and (13) of subsection (a), one member
17 from subdivision (3), and one member from subdivision (7).

18 Thereafter, as the term of each member expires, his
19 successor shall be appointed for a term of four years. Not-
20 withstanding the appointments for a term of years, each member
21 shall serve at the will of the Governor.

22 Members of the Board who are public officers shall
23 serve ex officio and shall perform their duties on the Board
24 in addition to the duties of their office.

25 (c) Vacancies in the Board occurring for any reason
26 shall be filled for the unexpired term by the Governor.

27 § 143-151.7. Compensation.--Members of the Board who are
28 State officers or employees shall receive no salary for
serving on the Board, but shall be reimbursed for their

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1 expenses in accordance with G.S. 138-6. Members of the Board
2 who are full-time salaried public officers or employees other
3 than State officers or employees shall receive no salary
4 for serving on the Board, but shall be reimbursed for subsis-
5 tence and travel expenses in accordance with G.S. 138-5(a)(2)
6 and (3). All other members of the Board shall receive compen-
7 sation and reimbursement for expenses in accordance with G.S.
8 138-5(a).

9 § 143-151.8. Chairman; vice-chairman; other officers;
10 meetings; reports.--(a) The Governor shall designate one
11 of the members of the Board as chairman upon its creation, and
12 shall appoint or reappoint the chairman each July 1 thereafter.

13 (b) The Board shall select a vice-chairman and such other
14 officers and committee chairmen from among its members, as it
15 deems desirable, at the first regular meeting of the Board
16 after its creation and at the first regular meeting after
17 July 1 of each year thereafter. Provided, nothing in this
18 subsection shall prevent the creation or abolition of committees
19 or offices of the Board, other than the office of vice-chairman,
20 as the need may arise at any time during the year.

21 (c) The Board shall hold at least four regular meetings
22 per year upon the call of the chairman. Special meetings shall
23 be held upon the call of the chairman or the vice-chairman,
24 or upon the written request of four members of the Board.

25 (d) The activities and recommendations of the Board
26 with respect to standards for code officials training and
27 certification shall be set forth in regular and special reports
28 made by the Board. Additionally, the Board shall present

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1 special reports and recommendations to the Governor or the
2 General Assembly, or both, as the need may arise or as the
3 Governor or the General Assembly may request.

4 § 143-151.9. Powers.--In addition to powers conferred
5 upon the Board elsewhere in this Article, the Board shall
6 have the power to:

- 7 (1) Promulgate rules and regulations for the admin-
8 istration of this Article including the authority
9 to require the submission of reports and infor-
10 mation by State agencies, local inspection
11 departments, and local governing bodies within
12 this State relating to the employment, educa-
13 tion and training of code enforcement officials.
- 14 (2) Establish minimum standards for employment
15 as a code enforcement official: (i) in proba-
16 tionary or temporary status, and (ii) in
17 permanent positions.
- 18 (3) Certify persons as being qualified under the pro-
19 visions of this Article to be code enforcement
20 officials.
- 21 (4) Consult and cooperate with counties, municipalities,
22 agencies of this State, other governmental
23 agencies, and with universities, colleges,
24 junior colleges, community colleges, technical
25 institutes, and other institutions concerning
26 the development of code enforcement training
27 schools and programs or courses of instruction.
- 28 (5) Establish minimum standards and levels of

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1 education or equivalent experience for all
2 code enforcement instructors, teachers or
3 professors.

4 (6) Conduct and encourage research by public and
5 private agencies which shall be designed to
6 improve education and training in the administra-
7 tion of code enforcement.

8 (7) Adopt and amend bylaws, consistent with law,
9 for its internal management and control; appoint
10 such advisory committees as it may deem neces-
11 sary; and enter into contracts and do such
12 other things as may be necessary and incidental
13 to the exercise of its authority pursuant to
14 this Article.

15 (8) Make recommendations concerning any matters
16 within its purview pursuant to this Article.

17 § 143-151.10. Required standards.--(a) The Board shall
18 provide by regulation that on and after July 1, 1979, no
19 person may engage in code enforcement pursuant to this Article
20 unless he possesses one of the following types of certificates,
21 currently valid, issued by the Board attesting to his qualifi-
22 cations to hold such position: (i) a standard certificate;
23 (ii) a limited certificate provided for in subsection (c);
24 or (iii) a probationary certificate, valid for one year only,
25 provided for in subsection (d). To obtain a standard certifi-
26 cate, a person must pass an examination, as prescribed by the
27 Board, which is based on the North Carolina State Building Code
28 and administrative procedures required to enforce said Code.

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1 The Board shall issue a standard certificate of qualification
2 to each person who successfully completes the examination
3 authorizing the person named therein to practice as a Qualified
4 Code Enforcement Official in North Carolina. The certificate
5 of qualification shall bear the signatures of the chairman
6 and secretary of the Board.

7 (b) The Board shall establish by regulation appropriate
8 performance levels, including designation of territory and type
9 and size of buildings and structures, and classes of qualified
10 code enforcement officials and may develop examinations and
11 prescribe courses of instruction for the various levels and
12 classes. The certificate of qualification shall set forth the
13 performance level for which the code enforcement official is
14 qualified. The Board may by regulation limit the jurisdiction
15 of code enforcement officials based on the performance level
16 for which they have qualified; provided, a person who receives
17 a certificate of qualification at the highest performance level
18 established by the Board shall be entitled to serve anywhere in
19 North Carolina.

20 (c) A code enforcement official holding office as of
21 July 1, 1978, shall not be required to possess a standard
22 certificate as a condition of tenure or continued employment
23 but shall be required to successfully complete an in-service
24 short course as prescribed by the Board. At the earliest
25 practicable date, such official shall receive from the Board
26 a limited certificate qualifying him to engage in code enforce-
27 ment at the performance level and within the governmental
28 jurisdiction in which he is employed as of July 1, 1978. The

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1 limited certificate shall be valid only as an authorization
2 for the official to continue in the position held on such date
3 and shall become invalid if he does not successfully complete
4 the in-service short course no later than the applicable date
5 in the schedule below, according to the governmental jurisdic-
6 tion's population as published in the 1970 U. S. Census:

7	Counties & municipalities over 75,000 population-	July 1, 1980
8	" " " between 50,001 & 75,000	- July 1, 1982
9	" " " between 25,001 & 50,000	- July 1, 1984
10	" " " 25,000 and under	- July 1, 1986.

11 An official holding a limited certificate can be promoted to a
12 position requiring a higher level certificate only upon issuance
13 by the Board of a standard certificate or probationary certifi-
14 cate appropriate for such new position.

15 (d) The Board may provide for the issuance of probationary
16 or temporary certificates valid for one year to any code enforce-
17 ment official newly employed or newly promoted who lacks the
18 qualifications prescribed by the Board as prerequisite to apply-
19 ing for a standard certificate under subsection (a). No
20 official may have his probationary or temporary certificate
21 extended beyond one year by renewal or otherwise. The Board
22 may by regulation provide for appropriate levels of probationary
23 or temporary certificates and may issue these certificates with
24 such special conditions or requirements relating to the place
25 of employment of the person holding the certificate, his
26 supervision on a consulting or advisory basis, or other
27 matters as the Board may deem necessary to protect the public
28 safety and health.

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1 (e) The Board shall, without requiring an examination,
2 issue a standard certificate to any person who is currently
3 certified as a county electrical inspector pursuant to G.S.
4 153A-351. The certificate issued by the Board shall authorize
5 the person to serve at the electrical inspector level approved
6 by the Commissioner of Insurance in G.S. 153A-351.

7 (f) The Board shall issue a standard certificate to any
8 person who is currently licensed to practice as a(n):

- 9 (1) Architect, registered pursuant to G.S. Chapter
10 83;
- 11 (2) General Contractor, licensed pursuant to Article
12 1 of G.S. Chapter 87;
- 13 (3) Plumbing or Heating Contractor, licensed pursuant
14 to Article 2 of G.S. Chapter 87;
- 15 (4) Electrical Contractor, licensed pursuant to
16 Article 4 of G.S. Chapter 87; or,
- 17 (5) Professional Engineer, registered pursuant to
18 G.S. Chapter 89;

19 provided the person successfully completes a short course, as
20 prescribed by the Board, relating to the State Building Code
21 regulations and code enforcement administration. The standard
22 certificate shall authorize the person to practice as a Quali-
23 fied Code Enforcement Official at the performance level
24 determined by the Board, based on the type of license or
25 registration held in any profession specified above.

26 § 143-151.11. Comity.--The Board may, without requiring
27 an examination, grant a standard certificate as a Qualified
28 Code Enforcement Official to any person who, at the time of

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1 application, is certified as a qualified code enforcement
2 official by a similar board of another state, district or
3 territory where standards are acceptable to the Board and not
4 lower than those required by this Article. A fee of not more
5 than twenty dollars (\$20,00), as determined by the Board, must
6 be paid by the applicant to the Board for the issuance of a
7 certificate under the provisions of this section.

8 §143-151.12. Return of certificate to Board; reissuance
9 by Board.--A certificate issued by the Board pursuant to this
10 Article shall remain valid only so long as the person certified
11 is employed by the State of North Carolina or any political
12 subdivision thereof as a Code Enforcement Official. When the
13 person certified leaves such employment for any reason, he shall
14 return the certificate to the Board. If the person subsequent-
15 ly obtains employment as a Code Enforcement Official in any
16 governmental jurisdiction described above, the Board shall
17 reissue the certificate to him. The provisions of G.S.
18 143-151.13(b) relating to renewal fees and late renewals shall
19 apply, if appropriate. The provisions of G.S. 143-151.13(c)
20 shall not apply. The provisions of this section shall not
21 affect the Board's power to suspend or revoke any certificate
22 pursuant to G.S. 143-151.14.

23 § 143-151.13. Certification fees; renewal of certificates.--
24 (a) The Board shall establish a schedule of fees to be paid by
25 each applicant for certification as a Qualified Code Enforcement
26 Official. Such fee shall not exceed twenty dollars (\$20.00)
27 for each applicant.
28 (b) A certificate, other than a probationary certificate,

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1 as a Qualified Code Enforcement Official issued pursuant to
2 the provisions of this Article must be renewed annually on
3 or before the first day of July. Each application for renewal
4 must be accompanied by a renewal fee to be determined by the
5 Board, but not to exceed ten dollars (\$10.00). The Board
6 is authorized to charge an extra two dollar (\$2.00) late
7 renewal fee for renewals made after the first day of July each
8 year.

9 (c) Any person who fails to renew his certificate for a
10 period of two consecutive years may be required by the Board
11 to take and pass the same examination as unlicensed applicants
12 before allowing such person to renew his certificate.

13 § 143-151.14. Grounds for disciplinary actions; investiga-
14 tion; administrative procedures.--(a) The Board shall have
15 the power to suspend, revoke or refuse to grant any certificate
16 issued under the provisions of this Article to any person who:

- 17 (1) has been convicted of a felony;
- 18 (2) has obtained certification through fraud, deceit,
19 or perjury;
- 20 (3) has knowingly aided or abetted any person
21 practicing contrary to the provisions of this
22 Article or the State Building Code;
- 23 (4) has defrauded the public or attempted to do so;
- 24 (5) has affixed his signature to a report of inspec-
25 tion or other instrument of service if no
26 inspection has been made by him or under his
27 immediate and responsible direction; or,
- 28 (6) has been guilty of willful misconduct, gross

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1 negligence or gross incompetence.

2 (b) The Board may investigate the actions of any
3 Qualified Code Enforcement Official or applicant upon the
4 verified complaint in writing of any person alleging a viola-
5 tion of subsection (a). The Board may suspend or revoke the
6 certification of any Qualified Code Enforcement Official and
7 refuse to grant a certificate to any applicant, who it finds
8 to have been guilty of one or more of the actions set out in
9 subsection (a) as grounds for disciplinary action.

10 (c) The Board shall establish administrative rules and
11 regulations for actions under this section which shall be
12 in accordance with the requirements of G.S. Chapter 150A.
13 Such rules and regulations shall include provisions for the
14 removal of suspensions, the reissuance of certificates, and
15 the conditions for these actions.

16 § 143-151.15. Violations; penalty; injunction.--On and
17 after July 1, 1979, it shall be unlawful for any person to
18 represent himself as a Qualified Code Enforcement Official who
19 does not hold a currently valid certificate of qualification
20 issued by the Board. Any person violating any of the provisions
21 of this Article shall be guilty of a misdemeanor and punish-
22 able in the discretion of the court. The Board is authorized
23 to apply to any judge of the superior court for an injunction
24 in order to prevent any violation or threatened violation of
25 the provisions of this Article.

26 § 143-151.16. Administration.--(a) The Division of Engineer-
27 ing and Building Codes in the Department of Insurance shall
28 provide clerical and other staff services required by the

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1 Board, and shall administer and enforce all provisions of
2 this Article and all rules and regulations promulgated pur-
3 suant to this Article, subject to the direction of the Board,
4 except as delegated by this Article to local units of govern-
5 ment, other State agencies, corporations, or individuals.

6 (b) A certified copy of this Article and all rules and
7 regulations promulgated pursuant thereto shall be filed with
8 the Attorney General in accordance with Article 5 of G.S.
9 Chapter 150A. The Board shall have printed additional copies
10 of this Article and all rules and regulations promulgated
11 pursuant thereto which shall be available to the public at a
12 price determined by the Board.

13 (c) The Board shall keep current a record of the names
14 and addresses of all Qualified Code Enforcement Officials and
15 additional personal data as the Board deems necessary. The
16 Board annually shall publish a list of all currently certified
17 code enforcement officials.

18 (d) Each certificate issued by the Board shall contain
19 such identifying information as the Board requires.

20 (e) The Board shall issue a duplicate certificate to
21 practice as a Qualified Code Enforcement Official in place of
22 one which has been lost, destroyed, or mutilated upon proper
23 application and payment of a fee to be determined by the Board.

24 § 143-151.17. Donations and appropriations.--(a) In
25 addition to appropriations made by the General Assembly, the
26 Board may accept for any of its purposes and functions under
27 this Article any and all donations, both real and personal, and
28 grants of money from any governmental unit or public agency, or

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1 from any institution, person, firm or corporation, and may
2 receive, utilize, disperse and transfer the same, subject to
3 the approval of the Council of State. Any arrangements
4 pursuant to this section shall be detailed in the next regular
5 report of the Board. Such report shall include the identity
6 of the donor, the nature of the transaction, and the conditions,
7 if any. Any moneys received by the Board pursuant to this
8 section shall be deposited in the State treasury to the account
9 of the Board.

10 (d) The Board may provide grants as a reimbursement for
11 actual expenses incurred by the State or political subdivision
12 thereof for the provisions of training programs of officials
13 from other jurisdictions within the State. The Board, by rules
14 and regulations, shall provide for the administration of the
15 grant program authorized herein. In promulgating such rules,
16 the Board shall promote the most efficient and economical
17 program of code enforcement training, including the maximum
18 utilization of existing facilities and programs for the
19 purpose of avoiding duplication."

20 Sec. 2. G.S. 153A-351 as it appears in 1974 Replace-
21 ment Volume 3C of the General Statutes of North Carolina is
22 amended by renumbering subsection (b) as subsection (c), and
23 by inserting a new subsection (b) to read as follows:

24 "(b) Every county shall perform the duties and responsi-
25 bilities set forth in G.S. 153A-352 either by: (1) creating
26 its own inspection department; (2) creating a joint inspection
27 department in cooperation with one or more other units of local
28 government, pursuant to G.S. 153A-353 or Article 20, Part 1,

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1 of G.S. Chapter 160A; or, (3) contracting with another unit
2 of local government for the provision of inspection services
3 pursuant to Article 20, Part 1, of G.S. Chapter 160A. Such
4 action shall be taken no later than the applicable date in
5 the schedule below, according to the county's population as
6 published in the 1970 U.S. Census:

7 Counties over 75,000 population - July 1, 1979
8 Counties between 50,001 and 75,000 - July 1, 1981
9 Counties between 25,001 and 50,000 - July 1, 1983
10 Counties 25,000 and under - July 1, 1985.

11 In the event that any county shall fail to provide inspec-
12 tion services by the date specified above or shall cease to
13 provide such services at any time thereafter, the Commissioner
14 of Insurance shall arrange for the provision of such services,
15 either through personnel employed by his department or through
16 an arrangement with other units of government. In either
17 event, the Commissioner shall have and may exercise within
18 the county's jurisdiction all powers made available to the
19 board of county commissioners with respect to building inspec-
20 tion under Article 18, Part 4 of this Chapter and Article 20,
21 Part 1 of G.S. Chapter 160A. Whenever the Commissioner has
22 intervened in this manner, the county may assume provision
23 of inspection services only after giving the Commissioner two
24 years' written notice of its intention to do so; provided,
25 however, that the Commissioner may waive this requirement or
26 permit assumption at an earlier date if he finds that such
27 earlier assumption will not unduly interfere with arrangements
28 he has made for the provision of those services."

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1 Further, G.S. 153A-351 is amended in subsection (c)
2 by adding new language at the end of the subsection to read
3 as follows:

4 "The provisions of this subsection shall become void and
5 ineffective on such date as the North Carolina Code Officials
6 Qualification Board certifies to the Secretary of State that
7 it has placed in effect a certification system for electrical
8 inspectors pursuant to its authority granted by Article 9B of
9 G.S. Chapter 143."

10 Sec. 3. G.S. Chapter 153A is amended immediately
11 after G.S. 153A-351 by inserting a new section to be numbered
12 G.S. 153A-351.1 and to read as follows:

13 "§ 153A-351.1. Qualifications of inspectors.--On and after
14 the applicable date set forth in the schedule in G.S. 153A-351,
15 no county shall employ an inspector to enforce the State Build-
16 ing Code as a member of a county or joint inspection department
17 who does not have one of the following types of certificates
18 issued by the North Carolina Code Officials Qualification Board
19 attesting to his qualifications to hold such position: (a) a
20 probationary certificate, valid for one year only; (b) a
21 standard certificate; or (c) a limited certificate issued to
22 an inspector occupying a position on July 1, 1978, which shall
23 be valid only as an authorization for him to continue in the
24 position held on such date and which shall become invalid if
25 he does not successfully complete an in-service short course
26 prescribed by such Qualification Board within the period from
27 July 1, 1978, to July 1 of the year following the applicable
28 date set forth in the G.S. 153A-351 schedule. An inspector

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1 holding one of the above certificates can be promoted to a
2 position requiring a higher level certificate only upon
3 issuance by the Board of a standard certificate or probationary
4 certificate appropriate for such new position."

5 Sec. 4. G.S. 160A-411 as it appears in 1972 Replace-
6 ment Volume 3D is amended in line two by changing the word
7 "shall" to the word "may"; and, is further amended by adding
8 the following new language at the end of the section:

9 "Every city shall perform the duties and responsibilities
10 set forth in G.S. 160A-412 either by: (1) creating its own
11 inspection department; (2) creating a joint inspection depart-
12 ment in cooperation with one or more other units of local
13 government, pursuant to G.S. 160A-413 or Article 20, Part 1
14 of this Chapter; (3) contracting with another unit of local
15 government for the provision of inspection services pursuant
16 to Article 20, Part 1 of this Chapter; or (4) arranging for
17 the county in which it is located to perform inspection services
18 within the city's jurisdiction as authorized by G.S. 160A-413
19 and 160A-360. Such action shall be taken no later than the
20 applicable date in the schedule below, according to the city's
21 population as published in the 1970 U.S. Census:

22 Cities over 75,000 population - July 1, 1979

23 Cities between 50,001 and 75,000 - July 1, 1981

24 Cities between 25,001 and 50,000 - July 1, 1983

25 Cities 25,000 and under - July 1, 1985.

26 In the event that any city shall fail to provide inspection
27 services by the date specified above or shall cease to provide
28 such services at any time thereafter, the Commissioner of

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1 Insurance shall arrange for the provision of such services,
2 either through personnel employed by his department or through
3 an arrangement with other units of government. In either event,
4 the Commissioner shall have and may exercise within the city's
5 jurisdiction all powers made available to the city council
6 with respect to building inspection under Article 19, Part 5
7 and Article 20, Part 1 of this Chapter. Whenever the Commissioner
8 has intervened in this manner, the city may assume provision of
9 inspection services only after giving the Commissioner two
10 years' written notice of its intention to do so; provided,
11 however, that the Commissioner may waive this requirement or
12 permit assumption at an earlier date if he finds that such
13 earlier assumption will not unduly interfere with arrangements
14 he has made for the provision of those services."

15 Sec. 5. G.S. Chapter 160A is amended immediately
16 after G.S. 160A-411 by inserting a new section to be numbered
17 G.S. 160A-411.1 and to read as follows:

18 "§ 160A-411.1. Qualifications of inspectors.--On and after
19 the applicable date set forth in the schedule in G.S. 160A-411,
20 no city shall employ an inspector to enforce the State Building
21 Code as a member of a city or joint inspection department who
22 does not have one of the following types of certificates issued
23 by the North Carolina Code Officials Qualification Board
24 attesting to his qualifications to hold such position: (a) a
25 probationary certificate, valid for one year only; (b) a
26 standard certificate; or (c) a limited certificate issued to
27 an inspector occupying a position on July 1, 1978, which
28 shall be valid only as an authorization for him to continue in

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1 the position held on such date and which shall become invalid
2 if he does not successfully complete an in-service short course
3 specified by such Qualification Board within the period from
4 July 1, 1978, to July 1 of the year following the applicable
5 date set forth in the G.S. 160A-411 schedule. An inspector
6 holding one of the above certificates can be promoted to a
7 position requiring a higher level certificate only upon issuance
8 by the Board of a standard certificate or probationary certifi-
9 cate appropriate for such new position."

10 Sec. 6. This act shall become effective upon
11 ratification.

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APPENDIX A

List of Committee Members
and
Special Advisory Subcommittee Members

APPENDIX A

LEGISLATIVE RESEARCH COMMISSION

Study Committee on

LOCAL BUILDING INSPECTORS

Representative Hector E. Ray, Chairman
310 Green Street, Fayetteville, North Carolina 28303

Representative Thomas W. Ellis, Jr., Co-Chairman
P. O. Box 456, Henderson, North Carolina 27536

Senator Lynwood Smith, Co-Chairman
1031 Rockford Road, High Point, North Carolina 27262

Representative Allen Adams
P. O. Box 389, Raleigh, North Carolina 27602

Mr. Emory C. Albritton
P. O. Box 1846, Fayetteville, North Carolina 28302

Senator Fred D. Alexander
2623 Double Oaks Road, Charlotte, North Carolina 28200

Representative Cass Ballenger
P. O. Box 2029, Hickory, North Carolina 28601

Senator Bobby Lee Combs
P. O. Box 1003, Hickory, North Carolina 28601

Representative David H. Diamont
1011 N. South Street, Mt. Airy, North Carolina 27030

Mr. John Parham
P. O. Box 1026, Durham, North Carolina 27702

Mr. Andrew W. Roth
P. O. Box 12725, Charlotte, North Carolina 28205

ADVISORY SUBCOMMITTEE
on
LOCAL BUILDING INSPECTORS

George R. Goodwin, Sr.
P. O. Box 2364
Raleigh, North Carolina 27602

Albert L. Haskins, Jr., F.A.I.A.
P. O. Box 6398
Raleigh, North Carolina 27608

Benny R. Hockaday, Vice President
Bullock Plumbing and Heating Company, Inc.
P. O. Box 17247
Raleigh, North Carolina 27609

Thomas Osborne
City Manager, City of Greensboro
Greensboro, North Carolina 27401

Ray Sparrow
Sparrow Construction Company
743 Johnson Street
Raleigh, North Carolina 27603

Hal.A. Thompson, President
J. M. Thompson Construction Company
P. O. Box 26086
Raleigh, North Carolina 27611

Larry Woodall
Modern Electric Company
P. O. Box 128
Durham, North Carolina 27702

APPENDIX B

List of Participants
at
Committee Meetings

APPENDIX B

Aycock, Ronald	Counsel, North Carolina Association of County Commissioners
Ball, Ernest	Counsel, North Carolina League of Municipalities
Church, Kern E.	Deputy Commissioner, Department of Insurance, State of North Carolina
DeBruhl, Ray	Civil Engineering Extension Specialist, Civil Engineering Department, North Carolina State University
Green, Philip P.	Professor, Institute of Government
Hargett, Cecil	Director, Criminal Justice Training and Standards Council
McLendon, L. P.	Counsel, North Carolina Savings & Loan League
Mullins, Thomas	Code Consultant, Engineering Division, Department of Insurance, State of North Carolina
Parrot, Reid	Vice President for Educational Programs, Department of Community Colleges

APPENDIX C

Excerpt from report by the Advisory
Commission on Intergovernmental Relations entitled,
Building Codes: A Program for Intergovernmental Reform

Chapter I

THE SETTING OF THE PROBLEM

Thousands of local jurisdictions in the United States administer and enforce building regulations designed (1) to establish minimum safeguards in the construction of buildings, (2) to protect occupants from fire hazards or the collapse of a structure, and (3) to prohibit unhealthy or unsanitary conditions.

During the past decade, impressive gains have been made providing housing for our growing population and facilities for business and industry. The building industry has changed during this period through introduction of many important innovations covering areas ranging from finance to technology.

Much has been written about the impact of local building code restrictions upon building technology and economics. Most of it has been critical. It is alleged that incentives to advance new building materials and construction methods are thwarted because codes vary so widely from place to place and because many local jurisdictions are enforcing obsolete requirements. The mere existence of more than 5,000 different local codes presents a formidable barrier to the development of a broadly based building industry.¹ Under such circumstances, it is difficult for any building organization or manufacturer of building products to take advantage of the economics of mass production that have contributed so significantly to other sectors of our economy.

The purpose of this study is to identify and analyze intergovernmental problems of building code preparation and administration, including maintaining up-to-date code provisions and uniformity of requirements among code jurisdictions. In a broad sense, the basic problem is to determine the proper role of local, State, and Federal governments and the building industry and ways in which they can more effectively deal with problems of building regulation.

Traditionally, building code preparation, administration, and enforcement has been delegated to local government by the State as an exercise of State police powers. State governments, however, are also involved in administering their own building and mechanical codes and several Federal government agencies have established building standards for their construction and financing programs, such as the Federal Housing Administration, the Department of Defense, the General Services Administration, and the Farmers Home Administration. In many instances, the requirements established at all three levels of government differ, adding to duplication and overlapping authority.

The building industry itself has a major role in the development of testing procedures and standards that may be incorporated in government regulations and codes applying to materials and construction methods. A high degree of

cooperation, therefore, must exist between public authorities and private industry in the development of controls.

Questions illustrating some of the intergovernmental issues are: Should building codes remain the sole or primary responsibility of local governments at the possible expense of wider uniformity? Should code requirements go beyond those considered essential for public health and safety? Should the States assume a more active role in building code preparation, administration, and enforcement? What is the proper relationship between governments and industry in encouraging research in building? Should the Federal Government take action to remove barriers to the free movement in interstate commerce of building products and components? What is the role of the Federal Government in encouraging and assisting State and local building code activities? Is the general public interest adequately represented in the present process by which codes are developed? How can national building standards for use by all levels of government best be developed? Does the severity of the problem in metropolitan areas justify establishment of a single areawide code?

Background

Problems of uniformity and modernization of local building codes have been recognized for nearly half a century. Immediately after World War II, the post-War depression stimulated Congress to hold hearings on ways to invigorate the building industry. In 1920, the Senate Select Committee on Reconstruction and Production concluded that:

The building codes of the country have not been developed upon scientific data, but rather on compromises; they are not uniform in principle and in many instances involve an additional cost of construction without assuring most useful or more durable buildings.²

It is an insult to the ingenuity and enterprise of the American people to assume that structural...costs cannot be satisfactorily reduced. If there is anything in which the American people have confidence, it has been their own ingenuity and low-cost quantity production. Why is it, then, that the ingenuity which has reduced the costs of all mechanical appliances has not functioned during the past two years and has not manifested itself to such an extent in structural development as it formerly did in mechanical development?³

In 1922, Herbert Hoover, then Secretary of Commerce, reported to Congress that conflicting and antiquated building codes were increasing building costs in the United States between 10 and 20 percent.

In more recent years, building industry trade magazines have contended regularly that local building codes are obsolete or arbitrary. Probably the most celebrated--and most controversial--contemporary statement about code waste was reported by House and Home magazine on its two-day conference of nearly 70 home building experts. The conferees agreed that "Today's (1958) chaos and confusion of hundreds of conflicting local building codes is costing home buyers an average of at least \$1,000 a house." This figure has been widely quoted. Many vigorously support the findings of the conferees, contending that, taken as a

national average, the figure is a reasonably accurate portrayal of unnecessary requirements in poorly drafted building codes. Others, just as vigorously, have assailed the findings of the conference. While agreeing that excessive code requirements do raise the cost of construction, they claim the estimate is greatly overdrawn. They point out that local codes calling for more than the minimum standards usually have only a few of these higher requirements but that no code is completely composed of them. The costs of such excessive requirements, therefore, are limited to a few code provisions. The conferees, however, were quick to point out that the \$1,000 per house waste is a compound of unnecessary requirements and the higher, but harder to measure, cost of code diversity.

Obstacles to Production and Construction Progress. Code diversity is undoubtedly one of several factors contributing to lack of progress by the construction industry in exploiting mass production techniques such as prefabrication, use of components, mechanical cores, prefinished materials, and modular construction. Diversity blocks nationwide use of standard components, discourages efforts by architects and builders to introduce new ways to build better for less, and discourages materials' manufacturers from introducing innovations because of the time and difficulty it takes to get code clearance to market.

The impact and accomplishments of the mobile home industry--an often overlooked competitor of conventional housing--may indicate the feasibility of development of uniform standards by the residential construction industry and show the future of mass production techniques. Construction of mobile homes is, of course, not regulated by local governments, although local sanitary and land use regulations may be imposed by local officials. In 1964, production of mobile homes reached about 18 percent of private, one-family house starts. Yet, something close to 85 percent of the mobile homes are fixed in place as permanent dwellings. Owners mount them on foundations, skirt them with shrubbery, and locate them in planned trailer parks which qualify for insured mortgage loans from the Federal Housing Administration. Manufacturers actually sell a prefabricated, delivered-to-the-site house that has an added advantage in that it can be easily relocated. While the mobile home escapes local building restrictions, costly site construction, and craft organization of labor--all of which boost the cost of traditional housing--the mobile homes industry has established standards for electrical work, plumbing, and heating that have been accepted by the American Standards Association. Industry officials stated that a uniform performance-type construction code, also being prepared under ASA procedures, would be completed by the end of 1965.

The significance of future mobile home sales for conventional home construction is considerable. At the present time, mobile homes have already absorbed about one-third of the market for homes under \$10,000 and are expected to take one-half by 1970.⁴

The problems of builders operating in some metropolitan areas who want to operate in more than one locality provide a contrast to the national uniformity found in the mobile homes industry:

A contractor who wants to operate in every part of the Cleveland metropolitan area may have to contend with no less than 50 different building codes.

Builders operating in all parts of the Minneapolis metropolitan area must deal with 30 different codes.

Builders in metropolitan Chicago face at least 50 different codes.

Lack of uniformity in building codes has worked a hardship on the distribution of factory-made homes. Prefabricated home manufacturers must depend upon standardization to overcome costs that are higher for shipping finished or partly finished houses than for shipping raw materials. The problem is not that local codes necessarily prohibit prefabricated homes, but that differences in local codes prevent their general use.

For example, one home manufacturer comparing requirements on floor construction in 12 of his market areas found that he had to design for a floor load variation of 33 percent; a span variation from 11 feet 4 inches to 14 feet for two-by-eights, and from 14 feet 4 inches to 17 feet for two-by-tens; and a difference in width for plywood slab floors from three-eighths of an inch to five-eighths of an inch. If the manufacturer intends to produce a low-priced house, he has no alternative but to design his product to meet the requirements of the municipality with the maximum specifications. Home manufacturers also point to many other varying requirements that obstruct economies of production, such as window size, room size, plumbing, and so forth.

Factory-made single-family homes--a prefabricated building package consisting, at a minimum, of roof trusses, gable ends, exterior walls, interior partitions, and factory installed windows and doors--are now over a billion dollar a year industry. They account for more than 20 percent of the single-family housing starts. Industry officials feel that if changes could be achieved in the existing code situation, factory-made homes could increase to 55 or 60 percent by 1975.⁵ These figures do not include housing starts where other prefabrication construction techniques are used such as shell or pre-cut construction, prefabrication plants servicing a single large housing development, building operations that utilize prefabricated components ordered from several different manufacturers, and, of course, mobile homes.

Two other construction techniques--mechanical cores and modular construction--hold promise for reducing costs of housing. In recent years, about 25 percent of the cost of a house is represented by equipment that can be assembled in cores to hasten installation and reduce labor costs. For example, all the kitchen and bathroom fixtures, lighting, heating, and cooling units and central wiring may be prefabricated. One home manufacturer, however, points out that a "core house" can be used only in 1 out of 100 towns of over 3,000 population in his market area. Labor unions and some contractors have resisted more extensive use of cores. Modular construction advocates agree that much more research, experimentation, and compromise within the building industry must first be achieved before the cost advantages of this construction technique are passed along to the general public. If some general consensus can be reached on the performance concept of building, progress in modular construction would likely be substantially accelerated.

Individual architects have also been vocal in pointing out code waste in the cost of house building, but many contend the problem is far more serious and costly in commercial and industrial construction. One critic points out that the common practice under which local architects are retained by the out-of-town firm selected to design any large construction project has evolved because of the need for someone to be associated with the project who knows the building code. Under such arrangements, the client will encounter less delay and trouble

with local official red tape. General contractors who erect commercial and industrial buildings have little profit incentive to fight against code waste. Since the architect has already designed what they must put up, with or without waste, before they bid on a job, the winning bid takes actual specifications into account at the outset.

Home builders, on the other hand, are competing in the market place for customers who have a number of alternative demands on their incomes for other services. These may not only be other buildings, but also such items as education, vacations, and a host of the more expensive commodities.

Finally, the importance of reductions in the cost of a house to lower-income families cannot be overlooked. Any restrictions, especially those established in public regulatory measures, denying opportunities to the building industry to reduce production and construction costs should be examined critically. One keystone of U. S. social objectives is to provide safe, economical housing to the largest possible number of families.

Problems in Using New Materials. Difficult enough as they are, problems that confront a building materials producer who wants to introduce a new idea, material, or system, are exacerbated by the baffling array of provisions written into building codes by local jurisdictions.

In the first place, the merits of an idea are hard to gauge because the success of a new material often depends on a complex interaction with other parts of a building. It is difficult to determine the behavior of composite materials in the presence of heat, cold, moisture, ultra-violet, and many other natural causes of aging. For example, skin panels with faces of known, predictable properties, such as aluminum and asbestos, may behave completely differently if a plastic foam core is inserted between them.

Innovations in building techniques are also difficult to measure. When trusses were developed about 20 years ago, for example, they could not be sold purely as a substitute for roof rafters since they were (and are) more expensive to buy. Today, however, trusses are popular because builders have saved on labor, time, and cost at the construction site to more than offset their higher first-cost. Furthermore, trusses permit desirable flexibility in interior room layout because the need for interior walls to help support the roof is eliminated.

Probably an even more important retardant to the introduction of new ideas and new technology is that a decision to adopt or use a new material or system must be made thousands of times by thousands of individual architects and builders before the material is likely to be profitable to the manufacturer. Usually an innovation must prove itself a good performer over a fairly long span of time before it will be widely used. Finally, a new idea that catches on in one part of the Nation may fail to gain much of a market elsewhere, not only because of backward local building codes blocking access to markets, but also because of consumer preferences. Research and production costs, availability of raw materials, and distribution problems also contribute to inertia.

The building material manufacturer who wants to market his products on a national scale is also confronted by a bewildering multiplicity of requirements. Acceptance of a new material for use in FHA insured housing obtained in Washington must still be endorsed and supported locally. Approval by any one of

the national model code organizations must still be supplemented by specific approval from local building inspectors in hundreds of different localities. Even if the new material is familiar and readily understood by local authorities, the task of obtaining approvals requires much time and effort. If a product is unusual in design or application, the problem of approval is formidable.

There is, therefore, a temptation to stay with standard materials which are already accepted. Obstacles to obtaining required approvals or to gaining market acceptance reinforce the status quo for well-known materials and tend to limit changes to items which generally conform with existing practice. Test results can be more reliably predicted and thus approvals more readily granted. Changes, if any, are usually in small steps.

Problems of change in materials and building systems are often so troublesome and costly that only the richest producer dares innovate at all--and even the boldest will usually find that he must innovate moderately or risk financial disaster. Although local code agencies are aware of the problem and are trying to cope with it, they often lack personnel, facilities, and, in some instances, specialized technological competence to judge and pass upon new materials.

Building materials' suppliers are, for the most part, spending their available research funds on the actual development of materials and material systems and cannot be expected to carry the burden of developing basic test criteria. Some authorities argue that the product-by-product approach of existing test procedures in evaluating the performance of a new material is wholly inadequate. They contend that the problem is too big for any segment of the building industry and too big even for the building industry as a whole. Acceptance of innovations utilizing traditional materials such as lumber, gypsum, steel, and brick is much easier than it is with those using newer products such as plastics. Not only must manufacturers of some of the new materials overcome restrictive building code requirements, they must also devise better performance standards, better tests, and quality control production techniques to prove their durability over the passage of time.

Obstacles to Local Code Uniformity. Many building codes call for exaggerated standards of public safety reflecting a natural and understandable tendency of many local officials to favor the most conservative practices of a conventional system under which they have developed their experience. Exaggerated standards also result from the very real difficulty of defining public safety so as to assure production without penalizing innovation and advance. Some argue that technical requirements should vary according to locality because of climate, wind, and earthquake hazards. Buildings in the northern part of the United States must be designed for heavier snow loads than in the South. Buildings in southern Florida must be built to withstand hurricanes and those in California must be more quake resistant than those in Chicago. Such differences, however, can be resolved within a single code. The statewide building code of New York State makes allowances for the substantial differences in snow loads in various parts of the State. Local climatic variances have been recognized by the Federal Housing Administration for its minimum property standards by designating special regions or zones where differences are likely. Canada has developed a national building code which can be adopted by reference by any community and includes allowances for local and regional variations.

The autonomy of local government also tends to preclude building code

uniformity. Building regulation is traditionally considered a local police power function with the construction standards to be determined by the communities themselves.

It is about time the critics of the codes recalled a fundamental of government. Building regulations are a legislative problem subject to local legislative choice. City councils are free to choose a building code consistent with their ideas of local needs. If they wish, they are free to provide protection ranging from no code at all to one that is highly restrictive and which would provide complete protection. Most cities select a reasonable building code which will provide a reasonable degree of protection.⁶

The level or quality of services--water, sewer, public education--is customarily left for localities to decide for themselves, so long as they meet or exceed minimum State requirements. Why should they not establish their own levels for building construction?

...New elements of public policy must enter the picture when the question is one of encouraging the rational development of a top national industry supplying the most expensive product purchased by the average family. Clearly building regulation requires a broader view, but as clearly, this is hard to obtain. The average voter is no more aware of the potential benefits to him of a modernized building industry than the average builder is aware of the long-range effect on the community of the subdivision and construction decisions he makes on the basis of small points of convenience and profit.

Code diversity continues also partly because of selfish and parochial interests. Drywall construction was not permitted in one major city until local plasterers withdrew their objections after conceding that insistence on wet plaster was reducing the amount of work for their trade as designers turned to other materials. In another city, plumbers opposed amendments to the building code that would permit use of plastic pipe. Scarcity of woodframe construction in brickmaking areas, or of masonry in lumber centers, may be a result of materials availability and prices. On the other hand, it also may be a form of favoritism entrenched within a local building code. Some municipalities have inserted such excessive demands in the requirements of their building codes that in effect they are discriminatory, limiting the purchase of new homes to persons of high income. Even Federal agencies are not immune from special interest groups pressuring for, or resisting, change. Recently, a segment of the lumber industry perfected machine stress grading of its product to improve its competitive position and conform to certain codes and standards for use of work as an engineered product. New standards were submitted to the Federal Housing Administration for inclusion in its minimum property standards, but immediately another segment of the lumber industry blocked approval by taking the fight to Congress. In spite of verification by independent and private laboratories asked by FHA and proponents of the standards, the proposed standards have not yet received FHA approval.⁸ Mortgage companies and savings and loan institutions also tend to restrict innovation as they cling to tried and conservative building methods, designs, and materials.

The four codes sponsored by national organizations--International Conference of Building Officials, Building Officials Conference of America, Southern Building Code Congress, and the American Insurance Association (formerly known as the National Board of Fire Underwriters)--are well drafted and flexible. All of them avoid as far as possible the use of specification standards and rely instead on performance criteria to make it easier for new materials and construction methods to qualify for use under their provisions.

In spite of the large number of communities adopting these model proprietary codes, an illusion rather than a reality of uniformity may exist. Local communities that adopt them often change the model provisions. Some changes, of course, are of an administrative nature and are necessary, but many concern technical matters that should not be altered.

Finally, the future administration of building codes will require an increasing emphasis on the professionalization of enforcement officials through good personnel management. As codes specify more and more performance provisions and the pace accelerates in the introduction of new materials and construction innovations, building officials will be hard-pressed to keep up with building technology. Building inspection should be recognized by local and State requirements as a technical administrative function that can be performed competently only by well trained specialists. Programs to assure high quality performance and control are just as essential in building inspection departments as they are in other well organized, professionally staffed administrative agencies of State and local government.

Organization of the Report

In this report the Commission examines the problems of building code modernization, uniformity, and administration. It seeks to identify and analyze intergovernmental problems of building code administration and suggests the possible role in which local, State, and Federal governments can more effectively deal with them. The use of the term "building code" refers to codes regulating the structural aspects of a building, and the construction aspects of plumbing, electrical, and similar mechanical codes. Finally, the impact of building codes on dwellings, rather than on commercial and industrial structures, receives major emphasis because of the broad, general interest in the availability of housing for all economic and social groups. The provisions of building codes can significantly affect such availability.

In Chapter I, the intergovernmental issues in building code modernization and uniformity have been examined and a background provided for the scope and complexity of the problem. The results of code diversity and the impact of codes on the building industry have been sketched.

In Chapter II, the purpose, content, and scope of building codes are examined, the practices of local jurisdictions in administering code requirements, and the machinery for appeal from decisions of the building inspector are described.

In Chapter III, State and Federal activities related to building codes are described. A number of State building codes, including mandatory statewide codes, mandatory codes applicable to buildings constructed with public funds, optional model codes for adoption by local jurisdictions and enabling legislation

for local adoption of building codes are examined in turn. Statewide mechanical codes are considered briefly. Finally, Federal involvement in programs of building code enactment and enforcement is discussed. Emphasis is given to programs concerned with research in building, standards in building products, various loan and grant programs affecting building code preparation, administration and enforcement, and loan guarantee programs.

In Chapter IV, the role and characteristics of industry in building innovation and the requirements for modern building codes are examined. First considered is the significance of the building industry in the country's economy and the unique problems characteristic of industry organization that tend to hinder rapid growth in technology and innovation. The complex system required for approval of new building materials and components is described. The need for research in building to develop performance criteria for building codes and the necessity for appropriate code provisions to take advantage of such research are discussed.

In Chapter V, the extent of local code diversity and efforts to achieve code uniformity are explored. Examples of attempts to achieve areawide uniformity are discussed. Programs in several metropolitan areas to obtain adoption of a single code are described. Finally, a detailed description of the history of endeavors to achieve national uniformity of the model codes sponsored by building officials' organizations and the efforts of governmental groups to encourage code uniformity are presented.

In Chapter VI major findings are summarized and a number of recommendations presented for action by Federal, State, and local governments designed to (a) promote building research necessary for development of modern building codes, (b) achieve reasonable uniformity in building code requirements and administration, and (c) establish steps to encourage professionalization in building inspection personnel.

Footnotes for Chapter I

1. Panel on Civilian Technology, Office of Science and Technology, Better Housing For the Future, (Washington, D. C., 1963), p. 10.
2. U. S., Congress, Senate, Report No. 829, Select Committee on Reconstruction and Production, 66th Congress, 3rd Session, March 2, 1921, p. 2.
3. Ibid., p. 4.
4. A client confidential report prepared by Stanford Research Institute.
5. Ibid.
6. International Conference of Building Officials, Building Standards Monthly, March, 1957.
7. Burnham Kelly and Associates, Design and Production of Houses, (New York: McGraw-Hill Book Company, Inc., 1959), p. 305.
8. Mortimer B. Doyle, (remarks) Proceedings of the Construction Industry on the LaQue Report, (Washington, D. C.: U. S. Chamber of Commerce, June 29, 1965), pp. 49-50.

Chapter II

LOCAL BUILDING CODE PRACTICES

Regulation of building construction in the United States by local governments dates back to early colonial times. For many years only the larger cities adopted and enforced building regulations, but today it has been estimated that as many as 12,000 individual communities in the United States are issuing building permits on the basis of authorizing construction within their corporate boundaries.¹ Many jurisdictions have adopted rules and regulations related to buildings, but most prescribe elementary regulatory measures that cannot be considered as comprehensive building regulations. Some may have adopted building codes, electrical codes, or plumbing codes. Others may have adopted only a fire prevention code. Only about half, or 5,000 may have building codes that are sets of legal requirements having to do with the physical structure of buildings.

The Purpose, Scope, and Content of Building Regulations

The object of building codes is to protect the public against faulty design or construction of buildings. The building code must insure that occupants, adjoining properties and neighbors, and passers-by are protected from the erection of structures that are likely to collapse or lead to unhealthy or unsanitary conditions. Building codes must also prohibit conditions conducive to both individual and collective fire hazards.

The police power of the State is today the source of all legal authority to enact building codes. Most States have chosen to delegate a portion of this police power to local governmental units. Laws enabling municipalities to enact building codes may be limited in any way by the legislature, or they may be extremely broad giving the municipality "blanket authority to promote by ordinance the public health, safety, and general welfare."² Any restrictions or conditions established by the State enabling act are controlling.

The form and content of building codes vary widely from municipality to municipality, from State to State. While generally the requirements deal with the physical structure of the building, they are not always limited to new buildings; frequently they apply to repairs and alterations of existing buildings. Components of construction that may be regulated by building codes include: structural and foundation loads and stresses, construction materials, fireproofing, building heights, ventilation, reference to plumbing installation, heating system construction and equipment, electrical installation, elevator and escalator construction, and safety devices. The substantive provisions of codes vary broadly from city to city. Wide variance also exists with reference to code

coverage, inspection procedures, enforcement, and procedures involving appeals from the decisions of the building inspector to an administrative board or to the courts.

Related Laws. Many other laws and regulations relate closely to building codes. Local jurisdictions impose regulations called mechanical codes affecting plumbing, electricity, elevators, and boilers; they adopt fire codes controlling the uses of inflammable materials and requiring fire prevention devices in certain types of structures. All or part of these regulations and codes may or may not be incorporated in building codes. States, as well as local jurisdictions, prepare, administer, and enforce such construction controls.

Other laws related to building codes are:

- (a) Set-back Ordinances--establishing requirements for minimum distances between buildings and property lines.
- (b) Housing Codes--primarily used to maintain minimum standards of living in existing structures, although such codes also cover new residential structures. They establish maintenance standards, number of people that may occupy a building, and minimum standards related to facilities and equipment (bathrooms, heating, hot running water, etc.) of a residence.
- (c) Multiple Dwelling Laws--similar to housing codes, except that they apply to apartment houses, boarding houses, and any other residential buildings occupied by more than one family.
- (d) Zoning Ordinances--regulate the use of land and buildings. Often the building department is responsible for enforcing the zoning ordinance in addition to the building code.
- (e) Health Codes--regulatory measures aimed at establishing health and sanitation standards for the community as to plumbing, sewage, drainage, light and ventilation of a building.
- (f) House Trailer Codes--special laws governing house trailers and mobile home subdivisions. Most communities, however, rely on other codes and ordinances to establish standards over trailer and mobile homes.
- (g) Business and Professional Codes--most States by statute require licensing of architects, construction contractors, electricians, engineers, plumbers, and other persons who do work in building construction. Sometimes the State code provides for revocation of the licenses for willful violation of the municipal building code. Often municipal building codes require that construction work must be done by a person licensed under the State law.

Reasonableness. Setting standards in building codes to insure the basic objectives of public health and safety is difficult and necessarily involves some compromise between what would be perfect and what is practicable. Consideration must also be given to such factors as the state of development of building and design techniques, and matters of administrative efficiency. Building requirements should also provide sufficient safeguards to insure that buildings

have a reasonably long life. On the other hand, restraint must be exercised lest standards result in building costs disproportionate to the advantage gained. No advantage ensues if the price of assuring absolute safety from fire in a single-family house is so high that the cost of the structure cannot be economically justified. Public interest is a qualifying consideration when setting mandatory building requirements. Persons should not be discouraged from using higher standards than those prescribed if they so wish.

Provisions Beyond the Scope of a Building Code. Several provisions commonly found in many building codes are generally considered beyond the proper scope and purpose of such controls. For example, a building code is not designed to protect an owner against a builder. Their relationship is a matter of contract. If the owner specifies a higher standard for his building than would be required to meet the law, he must take steps himself to insure that this standard is achieved by the builder. Again, concerns about the location of the structure relative to other buildings or other kinds of developments are usually a matter for local planning ordinances designed specifically to deal with land use and land development problems. For example, building codes may require rooms in a new structure to have a certain amount of window area to permit adequate lighting and ventilation, but only local zoning ordinances properly should establish lot area or setback requirements on a new building to protect light, air, and space for adjacent existing buildings. Thirdly, local building codes may impose some requirements that are primarily aesthetic. Such provisions that refer to elevation or design, or require different facing materials to be used, are basically controls over the appearance of buildings and their effect on the amenity of the neighborhood. Local codes containing provisions of this nature are often restrictive in that many tend to increase the cost of construction.

This is not to question the need for some control over the appearance of buildings--indeed, much of today's residential construction seems to be more technically sound than aesthetically satisfactory. Good aesthetic standards should be encouraged but preservation of amenity is not a suitable function for building code regulations. The appeals machinery provided in local architectural ordinances is well adapted to the application of subjective standards. To permit codes to work equitably and satisfactorily, requirements should consist only of such structural and mechanical standards as may be demanded in the interest of public health and safety. The building code should not prescribe for buildings in general any mandatory standards that exceed those which could not be justified under the State police power.

Administration of Building Departments

A comprehensive and highly useful survey of municipal building inspection practices was undertaken in 1963 by the International City Managers' Association. Questionnaires were mailed to 1,762 cities and towns over 10,000 population, and information from 1,013 municipalities responding was summarized in the 1964 edition of the Municipal Yearbook and in a special report published by the Association.³

Traditionally, local building departments have been concerned with new construction. Their functions have included (1) issuance of building permits, (2) plan inspection and approval, (3) zoning code enforcement, and (4) inspection of the work. A department may or may not have responsibility for enforcement of plumbing, heating, electrical, and housing codes. There is, how-

ever, a trend to bring these other code inspection requirements within the administrative structure of a single building department. The ICMA survey revealed that more than 40 percent of all cities over 100,000 population answering the questionnaire indicated that six types of regulation (building, plumbing, heating, electrical, and housing codes, and zoning ordinances) are administered under one department. Almost 40 percent of the cities between 50,000 and 100,000 population combined code inspection services and, among the smaller cities, from 10,000 to 50,000 population, only 34 percent indicated that all six types of regulation are administered by a single department.

In large cities, inspectional services are often centralized within one department. In Detroit, for example, the department of building and safety engineering is composed of bureaus of safety engineering, building, electrical inspection, plumbing, and smoke abatement, plus sections for administrative services, code enforcement, structural engineering, licenses and permits, and a laboratory service. In Philadelphia, the department of licenses and inspections consists of four divisions--field operations, housing, building, and administrative services and license issuance. The building division is further divided into a mechanical services section, a zoning section, and a construction section.

Often, in smaller cities, such as Santa Rosa, California, the building official serves also as zoning coordinator. The Santa Rosa building department is divided into a building section, a plumbing section, and an electrical section.

Administrative consolidation of all code inspection activities under a single department should improve coordination of required municipal inspections. Among the advantages are improved public convenience since the citizen contacts only one department and deals with fewer inspectors on the job. Furthermore, much duplication of clerical work is eliminated, and a more economical field inspection is possible since one inspector may visit a construction project and do the same work which theretofore might have required several different municipal departments.

The number of inspectors working in building inspection departments and the various inspection fields varies, of course, according to the size of the city and the kind of building going on. The ICMA survey revealed that the median number of inspectors for cities over 100,000 population is 29; for cities of 50,000 to 100,000, 8; and for cities of 10,000 to 50,000, 3. The survey further breaks down local practices into four regions of the United States and indicates that the number of inspectors within each region is fairly constant, except that in cities over 100,000 population in the Northeast the figure drops to 21 inspectors.

A recent Housing and Home Finance Agency demonstration grant study indicates that a full-time building inspector will likely be needed on new construction when the rate of residential construction reaches approximately 100 single-family dwelling units per year.⁴ Residential construction may be used as an index for all classifications as it usually represents about 60 to 70 percent of the total value of new construction in a small community. If the inspector is also charged with responsibility for enforcing the housing code and the zoning and subdivision regulations, the study suggests a full-time person will be needed when new construction starts reach about 65 single-family dwelling units per year.

Combining duties so that one person inspects two or more inspectional fields is gaining favor in local building departments. Some municipalities simply combine two or more inspection duties, such as building and plumbing inspection, or have a more inclusive arrangement where one inspector inspects in almost all fields. In the ICMA survey, 827 localities reported their inspectors responsible for all types of construction, with only 36 cities limiting them to residential housing. In the larger cities over 100,000 population, slightly more than 50 percent combined inspectional duties. In those cities, from 50,000 to 100,000 population, 87 percent combined such duties while in the smaller cities of 10,000 to 50,000 population, 84 percent combined two or more inspection duties.

Regardless of the size of the city, public administration authorities have encouraged consolidation of inspection functions to avoid, as much as possible, internal overlapping and duplication. Local authorities have been urged to:

- (a) Divide the inspection function within the department into as few specializations as possible. In most cities, it will be necessary to recognize at least three inspection categories: (1) general building inspections, including carpentry, masonry, plastering, etc.; (2) electrical inspections; and (3) plumbing inspections.
- (b) Establish as part of the general building inspection division a residential and small buildings unit. This unit will bring together the largest volume of plumbing, electrical, and general building inspections, but the inspections involved are the most routine from the standpoint of technical difficulties.
- (c) Train and assign individual inspectors to perform all the required inspections in the residential and small buildings unit. The greatest controversy on any consolidation of building inspections will occur here. Opinions of craft unions and tradition in the field will tend to oppose this arrangement, especially in larger cities. The fundamental which should not be overlooked is that this inspector is not intended to be competent in all phases of these various craft fields. He is to be competent in only the small phase of each field where the work involved is of a repetitive and not unusual nature. He should be an inspector and not a mechanic. The chief difficulty is in obtaining qualified men and training them.
- (d) Assign the inspectors in the various divisions to work in districts or areas to the extent possible. In making this assignment and the decision as to number of districts needed, consideration should be given to the tempo of construction activities, number of average inspections required in the districts, type of transportation needed, and average number of daily inspections possible.
- (e) Establish adequate supervision in each inspection division to assure proper staff control and to provide prompt

assistance on difficult problems encountered. In a relatively small division, such as the plumbing inspection division, one supervisory position should be sufficient to the comparatively small number of inspectors assigned. Special technical problems encountered in the residential and small buildings inspections unit should be referred to the specialized inspection division technically concerned, such as the division of electrical inspections.⁵

The number of cities reporting in the ICMA survey, employing full-time engineers or architects for plan examination, is distressingly small. Of the 1,013 cities reporting, only 215 employ full-time engineers for plan examination; 28 others employ full-time architects. Of the cities over 100,000 population, 59 employ full-time engineers.

The survey indicates that higher salaries in all inspection fields were paid by cities over 100,000 population. Generally higher median salaries prevail in the West in all population groups, and lower in the South. The Northeast and the North Central regions run fairly close to the national figure reported. Among chief inspectors, the highest median salary is paid to chief building inspectors. The median for other chief inspectors is fairly constant--about \$500 less than the chief building inspector.

The most popular basis for establishing permit fees is through estimates of the cost of construction. The survey revealed that 490 cities used this method. A flat fee appears to be the least popular basis with only 38 cities in the 10,000 to 50,000 population bracket establishing fees by this method. The second most popular method, reported by 176 cities, used the square foot of floor area as the fee base. Sixty-six cities base fees on the cubic feet of building volume and 198 cities on a combination of the methods cited above. Only 12 cities reported that no fee was charged for permits.

The survey reported that 223 cities received more than 100 percent of the building departments' operating budgets from permit fees. An additional 121 cities reported that 100 percent of the operating budget is derived from these fees. More than half of the operating budget is derived from permit fees in 69 percent of the cities reporting (699). However, more than two-thirds of those cities reporting stated that they subsidize the activities of the building department from some other source of revenue.

In cities where inspections are performed by different departments or bureaus to enforce the several codes (housing, fire, zoning, building, etc.), coordination is a problem. Many cities must structure a system of coordination among the fire department, the health department, the housing department, and the building department where these departments administer parts or all of the fire, building, and housing codes. Some cities establish a special division or committee whose primary responsibility is to coordinate plan review, inspection, and permit issuance activities. In Rochester, New York, such coordination is accomplished through a compliance division, and in Portsmouth, Virginia, a coordinating committee composed of various department heads meets periodically.

The ICMA survey revealed that in cities of 50,000 to 100,000 population, inspection coordination is generally handled on an informal basis. The most common method amounts to a cross-referral system between departments--sometimes oral, sometimes written. As in the larger jurisdictions, cities in this

population group appear to be moving toward a more formal arrangement where the building department serves as a clearinghouse. For example, in Livonia, Michigan, all reports and requests are cleared through the building division of the bureau of inspection for enforcement. Other cities in this population group have adopted a plan-checking system where all plans are checked by each department or division involved before the permit is issued. Joint or task-force inspections are also used by many of these cities to effect a degree of coordination.

Administrative Appeals from Actions of Building Officials

Most local building codes provide some type of machinery for appeal from decisions of the building official--most commonly, a board composed of experts in the field of construction appointed by the municipality's chief executive or legislative body. For example, the Basic Building Code promulgated by the Building Officials Conference of America, specifies the qualifications of members of the board of appeals as follows:

..each member shall be a licensed professional engineer or architect, or a builder or superintendent of building construction; each of at least ten (10) years' experience, for five (5) years of which he shall have been in responsible charge of work; and at no time shall there be more than two (2) members of the board selected from the same profession or business; and at least one (1) of the professional engineers shall be a licensed structural or civil engineer of architectural engineering experience.⁶

Terms of board members usually overlap.

Well drafted codes specify procedures to be followed by the board in reviewing cases or inquiries and provide for court review from a decision of the building official or from the decision of the appeals board.⁷ The local board of appeals may also be delegated authority to review proposed changes to the code and make recommendations to the legislative body for their disposition.⁸ The board may also be granted authority to approve rules and regulations that might be issued by the building official.

A few cities have established an arbitration system to pass judgment upon actions of the building official. It consists of a temporary group of three people--one chosen by the building official, another by the aggrieved party, and the third by the first two. This procedure is used exclusively by the Baltimore Building Department.⁹

Appeals generally may be classified into three categories:

(1) That the building official has incorrectly interpreted the provisions of the code;

(2) That the building official was in error in not holding that an equally good or better form of construction could be used; and

(3) That there are practical difficulties involved in carrying out structural or mechanical requirements of the code and the building

official should vary or modify such requirements, assuming that the spirit and intent of the law are observed and public welfare and safety are assured.

As building codes are being drafted more in terms of technical performance standards, it may be expected that the technical findings of the appeals board will be as important as its findings concerning matters of law. To provide complete and adequate legal remedies, the State enabling legislation, or perhaps the building code itself, should allow for interested persons other than the owner or contractor of a particular building to challenge the code in the courts. In the administration of the code, action by the building official or the appeals board may arbitrarily discriminate against certain materials or methods of construction. Manufacturers and architects should not be precluded from recourse to judicial review as they, of course, have a vital interest in codes.

The administrative appeals procedure of municipalities adopting the New York State Building Construction Code is noteworthy in that the owner, builder, architect, or producer may appeal from the decisions of the local inspector directly to the State Building Construction Board of Review. While the local building official is the judge of whether a given material or technique satisfies State Building Construction Codes, any aggrieved person may appeal to the State Board of Review. In order to assure a reasonable degree of uniformity of interpretation of the State code provisions, appeal is directly to the Board with no provision for local review. The State Review Board's decision is final unless either party--the aggrieved person or the municipality--takes the case to court.

County Building Code Administration

Typically, county adoption, administration, and enforcement of building regulations applies the same general types of regulations already described for municipalities to unincorporated areas. Much of the general discussion regarding municipal building codes and their administration applies to county programs. However, the extent to which counties are authorized to exercise this function, the extent to which they have actually adopted codes, and their geographical jurisdiction over code enforcement vary considerably among the 50 States. For example, in California only four rural counties have not established building code regulations and an enforcement program. In several States, such as Texas and New York, counties do not have building code jurisdiction. In most States, counties can adopt building regulations and establish a building code enforcement program. However, this is usually done only in urban and metropolitan areas.

Where programs are established, counties frequently undertake significant programs, including the provision of cooperative and contract services for smaller local governments. This is particularly true in metropolitan areas where counties provide a number of municipal-type services. In fact, urban counties can become a very significant element in building code enforcement, either by participating in voluntary cooperative areawide efforts, by entering into inter-local agreements for providing inspection and enforcement services, or through the direct assumption of urban powers under various reorganization approaches creating "urban" counties.

There is no recent survey of county building code activity in the United States similar to the International City Managers' Association survey of municipal

practices. In order to provide illustrative examples of county activity, county officials in several counties in different States were asked to describe their building regulation program and indicate the extent to which it was similar to those of other counties within the State.

In King County, Washington (Seattle), the county code (based on the Uniform Building Code) applies only in the unincorporated area. Most municipalities in the county have adopted some version of the same code. In addition to the building construction code, there is a county plumbing code and a county fire code. The county building construction code is administered by the Building Department, a division of the County Road Engineers Office, which handles zoning and building codes. The staff consists of a supervisor, an assistant supervisor, who is also the zoning code enforcement officer, three plan examiners, and six building inspectors, two of whom concentrate on commercial buildings, churches, schools, and other similar structures, and the others on residential buildings. The staff participates in the week-long workshops of the International Conference of Building Officials to provide in-service training opportunities. The plumbing code is administered by the County Health Department and the fire code by the County Fire Marshal working with local fire chiefs and fire districts. Recently, a Building Code Advisory Committee composed of representatives from industry has been appointed to study and make recommendations regarding building inspection. So far, it has been primarily concerned with considering amendments to the 1964 edition of the Uniform Building Code prior to their adoption by the county. Since King County is one of the largest and oldest counties in the State, its program, while similar to others in the State, is no doubt more advanced. Some smaller rural counties have no county codes. In the unincorporated areas of those counties, only the State mechanical codes would be applicable.

In Prince Georges County, Maryland, the county building code (based on the Basic Building Code) applies to both incorporated and unincorporated areas, with the town of Laurel the only exception. The code is administered by the Department of Inspections and Permits with a code enforcement staff consisting of a contract administrator, a chief building inspector, two deputy chief inspectors, a plan examiner, nineteen building inspectors, a building inspector technician, and three engineers. An in-service training program provides an opportunity for instruction in the use of the code and in the legal basis of building regulations, safety requirements, design and material requirements, plan examination, and field inspection procedures. The County Plumbing Code is administered by the County Health Department outside the jurisdiction of the (neighboring) Washington (D. C.) Suburban Sanitary Commission, which is responsible for inspection within its area.

In Fairfax County, Virginia, the code is based on the Basic Building Code and administered through the Office of Director of Inspections Division of the Department of Public Works. The staff for general building code inspection consists of the director of inspections, a chief building inspector, three structural engineers, five senior building inspectors, a supervisory field inspector, and nine field inspectors. Code provisions apply to unincorporated areas and are also applicable to the towns of Clifton and Herndon through an agreement with the county to issue permits and make related inspections. In-service programs are provided. In addition to the building inspectors, an electrical inspector, plumbing inspector, and mechanical inspector, are under the jurisdiction of the County Director of Inspections. This general pattern of organization and enforcement is similar to that in other counties in the State, although, of course, Fairfax County, largest in Virginia, has a more highly developed program than

most counties.

The Multnomah County, Oregon, building code applies only in the unincorporated area. The County has adopted the 1964 edition of the Uniform Building Code. The Code is administered by the Building Department, a division of the Planning Department, and enforced by ten field inspectors, five plan examiners, and a supervisor directly responsible to the planning director. Although none of the staff are registered engineers or architects, the Department contracts on a part-time basis with a local engineer for detailed plan checking. Two or three members of the staff attend the annual training program for inspectors sponsored by the International Conference of Building Officials. The County plumbing code is administered by a division of the County Health Department which is also responsible for sanitation inspection. The State electrical and fire regulations are administered and enforced within the County by State inspectors. Building department organization of two other counties in the Portland metropolitan area is similar to Multnomah County. Other counties throughout the State usually establish separate building departments or locate the building inspection function within the office of the county engineer.

Code enforcement programs of Dade County, Florida, and the Metropolitan Government of Nashville and Davidson County, Tennessee, provide interesting examples from reorganized urban counties. The Metropolitan Nashville and Davidson County Code is based on the Southern Standard Building Code. It is administered by the Department of Codes Administration and applies throughout the Nashville and Davidson County area, except for six small incorporated areas. The Department of Enforcement staff consists of a director, a plan examiner, two administrative positions, and nine building inspectors. The Metropolitan Nashville and Davidson County plumbing and electrical codes, also administered through the Codes Administration Department, apply to the total area, including the six incorporated areas. In Dade County (referred to in Chapter V under the discussion on areawide efforts toward code uniformity) the County Building and Zoning Department enforces the South Florida Building Code and issues permits in unincorporated areas. Enforcement of the code is the responsibility of municipalities in incorporated areas. A single countywide appeal board hears appeals from both incorporated and unincorporated places.

Counties frequently provide building inspection service for municipalities too small to maintain their own departments--Fairfax County, mentioned above, is illustrative. This is a common practice in California where virtually all of the municipalities of Los Angeles County have adopted the Uniform Building Code, but approximately one-fifth rely on the county for inspection services. On a smaller scale, 12 townships, mostly rural, and one incorporated village in Washtenaw County, Michigan, have devolved their building regulation authority to the County. The staff of the County Building Inspector's office approves building plans and makes all field inspections in these localities. Formal appeals against their rulings are heard by a county-level Board of Appeals.

Footnotes for Chapter II

1. U. S. Bureau of the Census, Construction Reports - Building Permits, Housing Authorized in Individual Permit-Issuing Places 1964, (Washington, D. C.: Government Printing Office, 1964).
2. For an excellent general guide to the law of building codes, see Charles S. Rhyne, Survey of the Law of Building Codes, published cooperatively by the American Institute of Architects and the National Association of Home Builders, (Washington, D. C.: 1960).
3. This discussion is drawn from material in International City Managers' Association, Municipal Building Inspection Practices, Management Information Report No. 241, (Chicago: February 1964).
4. See New York State Division of Housing, Bureau of Urban Renewal and Community Services, Housing Codes, the Key to Housing Conservation, Vol. III, Administration Guide, (New York), and Urban Renewal Administration, Code Administration for Small Communities, Technical Guide 19, (Washington, D. C.: Government Printing Office, 1965), pp. 8-9.
5. Management Information Service Report No. 95, The Administration of Regulatory Inspectional Activities, International City Managers' Association, (Chicago: December 1951), pp. 596-597.
6. Building Officials, Conference of America, Inc., BOCA Basic Building Code, 3rd Edition, (Chicago: 1960), Section 128.22, p. 17.
7. For a full discussion of the procedures and remedies which an individual has in challenging decisions of the building official, the appeals board, or the validity of a building ordinance, see Rhyne, op. cit., pp. 19-24.
8. Management Information Service Report No. 208, Revision and Administration of the Building Code, International City Managers' Association, (Chicago: May 1961), p. 6.
9. Rhyne, op. cit., p. 20.

markets with sufficient volume to encourage industry to free itself from local building code restrictions.

Because of the potential importance of the Federal role in stimulating building technology, the Commission suggests the President direct appropriate Federal agencies to cooperate in the development of knowledge applicable to the solution of building problems.

Recommendation No. 3. State Research and Information Efforts in Building Construction

The Commission urges that programs for research in building construction be established by appropriate State agencies and institutions of higher education and that appropriate technical information services be established for the dissemination of research findings to public officials and private businesses. Such research and information programs should be carried on within the context of a continuing national research effort recommended above.

The States and academic institutions should be encouraged to establish programs for research in building construction and to provide for appropriate technical information services for public officials and private business. Such programs should complement and be coordinated with the continuing national research effort.

The university has a special position and responsibility to encourage research in building construction. It is ideally suited to bring together government, industry, labor, and community groups to focus on problems of building technology.

Some States, including Kentucky, Mississippi, North Carolina, and Texas, have budgeted funds in support of university research centers to encourage efficient utilization of the State's economic resources. Such programs might also include research to advance building technology. Areas of research particularly appropriate for agencies of the States would likely be those of a more localized character arising from the geographic, climatic, and economic characteristics peculiar to the region. There is, furthermore, another advantage to encouraging research efforts at the local level. The concept of local and State governments as "laboratories of experimentation" would provide substantial gains in achieving a total national effort to broaden research in building.

UNIFORMITY

There are many thousands of local jurisdictions in the United States administering and enforcing building codes. It has been found that many of these codes vary greatly from place to place thereby resulting in burdens on the building industry that limit initiative and innovation in the development of new construction materials and techniques. Such diversity also results in excessive

are enforcing outdated municipal building codes. Any unnecessary lag by municipal legislative bodies in incorporating changes may result in an unnecessary increase in building costs and even a decrease in health and safety protection.

Authorization of adoption by reference of codes prepared by county, metropolitan, and regional agencies is of particular significance. Uniform code committees, representing local governments within the metropolitan area, have been established in several places in the country. In Denver, the surrounding counties and incorporated municipalities formed the Metro Building Code Committee to prepare a comprehensive uniform building code for adoption by the local governments within the metropolitan area. The uniform code developed by the committee has been adopted by Denver and the other participating governments intend to adopt the Denver code by reference. In Atlanta, the Metropolitan Planning Commission is undertaking preparation of uniform housing, plumbing, and building codes for adoption throughout the five-county planning area. Uniform code committees have also been established in San Francisco and Detroit to develop uniform standards and in the Washington, D. C., metropolitan area, a committee of the Council of Governments, representing the local governments in Virginia and Maryland, is preparing a uniform plumbing code for adoption by reference. State enabling legislation, therefore, should authorize municipalities to adopt by reference codes prepared by such county or metropolitan committees where such codes are readily available to the general public.

The enabling acts of a few States expressly permit local governments to adopt model codes by reference, including, prospectively, amendments as may be subsequently made. A few other States authorize approval by administrative action of amendments made by the model code promulgating group. However, in some States this would create a legal problem involving delegation of legislative power by the municipal law-making body. While the attempt to keep the building code current is commendable, caution must be exercised. A possible method of avoiding the legal objection to either of the approaches for incorporating amendments is to permit localities to state the general standards of health and safety in building construction in the local ordinance and give to an administrative agency the right to promulgate regulations consistent with those standards. The agency is then free to adopt as regulations the current edition of the model code, and any subsequent amendments. It could be required that administrative regulations incorporating a model code and amendments be laid before the local legislative body for a stated number of days subject to veto, before they become effective.

PROFESSIONALIZATION OF PERSONNEL AND IMPROVEMENT OF ADMINISTRATION

Administering and enforcing building regulations efficiently and equitably is primarily a matter of personnel and organization. Once there is recognition that building inspection requires technical competence, certain prerequisites for a successful enforcement program become clear. The following recommendations, directed to the States, are concerned with the need for professionalizing and up-grading local and State building inspection practices, including the licensing of building inspectors, conduct of training programs, and establishment of minimum staffing requirements.

Recommendation No. 9. State Licensing of Building Inspectors*

The Commission recommends that a State supervisory agency be empowered to establish professional qualifications for building inspectors and license candidates as to their fitness for employment on the basis of examinations given by it, or of examination satisfactory to it given by a State or local agency. The State agency should be able to revoke licenses for good and sufficient cause.

States may wish to provide a State salary supplement for local building code inspectors to compensate for the higher salary requirements that would result from the licensing program.

The qualifications possessed by many building officials are inadequate to properly advise on the administration of modern performance-type building codes. While it is possible that these officials can deal competently with the ordinary run of traditional buildings, the advances expected in building technology will demand a more expert knowledge of a wide variety of building practices and materials. As building codes are drafted to cope with these new trends in building, the capabilities of the officials must be adequate for administering codes incorporating performance standards.

It should be noted that professionalization means more than requiring qualifying examinations and certification. To challenge persons of ability, to recruit and hold such people, the work must be made professionally attractive by adequate salaries and provision of opportunities for advancement in compensation and responsibilities.

It can be expected that under a State licensing program, salaries of local building inspectors would have to be increased to attract candidates with necessary qualifications. States may wish to consider a program of State salary supplements to accompany the adoption of licensing. Recent examples of State salary supplement programs can be cited for tax assessors in Maryland and for sewage treatment plant operators who meet State technical qualifications in New York. Availability of State money could be related to minimum staffing requirements as suggested in the following recommendation and also related to available local financial resources, including income from building permit fees.

* State Senator DeStefano and Mayor Goldner dissent from this recommendation and state:

"We oppose this recommendation as an unnecessary and unwarranted extension of State government in local affairs. If local government officials are to be held responsible for the quality of public services, they should retain the right of determining the qualifications of their public employees who perform such services."

Recommendation No. 10. Training Programs for Building Inspectors

The Commission recommends the enactment of State legislation authorizing and supporting the training of building inspectors including provision for cooperative arrangements among State agencies, educational institutions and the appropriate building officials organizations in planning and conducting pre-entry courses of study, and providing or arranging for regular internship training programs.

The Commission recommends that grants to States and local governments available under Title VIII of the Housing Act of 1964 be utilized by State and local governments to develop training programs for building inspectors.

This recommendation has been derived in large part from the programs of the Building Officials Conference of America, the International Building Officials Conference, and the Southern Building Code Congress. The objectives of these three building officials' organizations to increase the competence of their individual members constitute a major part of their efforts. This activity should be encouraged and supported. It represents a most important present and potential contribution to the improvement and modernization of building construction regulation throughout the country.

Technical services to member municipalities by the code groups fill a vital need. They should continue to be expanded and strengthened, and utilized by all local governments. Organizations, such as the International City Managers' Association, the American Society of Planning Officials, the National Association of Housing and Redevelopment Officials, and others, also have strong technical information services widely used by professional administrators to support and strengthen their own resources. Professional associations of building officials have a similar role to perform that should be fully developed and supported by government at all levels.

Pre-entry and in-service training of building inspectors is an indispensable prerequisite for a code enforcement program. Competent, knowledgeable inspectors, with an established reputation for honesty and sound judgment are a priceless asset and should be considered the pre-condition for the ideal development of building code enforcement programs. Because so many inspectors, especially in building safety inspection, are "second-career" men who enter code enforcement after years of tutelage in the crafts and trades, some attention must be directed to assuring that public service values are instilled and maintained.

The true function of in-service training is to advance the professional capabilities of building inspectors who, through appointment, are career public employees. Extension courses, correspondence courses, and seminars conducted by universities have been undertaken in a few States, such as Connecticut, New York, New Jersey, Pennsylvania, and North Carolina. These courses are usually joint undertakings of a college or university and one of the national or State building

officials organizations. The training programs of the Building Officials Conference of America, the International Conference of Building Officials, and the Southern Building Code Congress have had an influential role in the advancement of professional training. These programs should be encouraged and expanded.

The Housing Act of 1964 authorizes matching grants to States to assist in establishing and expanding training programs for technical and professional people employed by a governmental or public body responsible for community development. Training programs for building officials would undoubtedly qualify under the provisions of the Act. Unfortunately, no appropriations have been made to date by the Congress pursuant to the authorization. The Commission hopes that adequate appropriations will be made for the initiation of this program.

Recommendation No. 11. Provision of Local Building Inspection Services*

The Commission recommends that the State legislature establish, or authorize the State supervisory agency to establish minimum staffing requirements for building inspection in all local government jurisdictions, authorize local governments to enter into interlocal agreements for building inspection services to meet such minimum requirements, and empower a State agency to provide both direct and reimbursable building inspection services to local governments.

In order to achieve the most efficient use of available trained and qualified manpower, on-site construction inspection services should be centralized to the extent feasible among the various State and local agencies administering any of the building construction and mechanical or special codes.

This recommendation is designed to advance the level of competence of local inspection practices. Minimum staffing requirements established by a State agency would undoubtedly be expected to lead to some difficulties for the smaller jurisdictions if they are required to employ full-time officials. There are, however, ways in which this difficulty may be overcome. Two or more small municipalities may jointly employ a single building inspector, enter into an agreement

* Mayor Goldner dissents from a portion of this recommendation and states:

"I oppose the provision of this recommendation authorizing 'the State supervisory agency to establish minimum staff requirements for building inspection in all local government jurisdictions...' on the same basis that I dissent from Recommendation No. 9. While I am in sympathy with the need to advance the level of competence of local inspection practices, I believe that the responsibility for establishing staffing requirements should rest with the code enforcing jurisdiction."

with the county for part-time employment of an inspector, employ a professional consultant, or join with several other jurisdictions for the purpose of building code administration. Under certain circumstances State governments may want to consider salary supplements, as mentioned in an earlier recommendation, to assist local governments in meeting their staffing requirements with qualified personnel.

In order to avoid overlapping and duplication of inspections with the attendant waste of manpower, inspectional duties can frequently be combined. The flexibility introduced by using as broadly qualified inspectors as possible with a minimum of specialization, allows the most efficient use of available inspectors' time and keeps staff needs at a minimum. It may then prove unnecessary to maintain separate on-site inspection services for all of the various mechanical and special-use codes.

CONCLUDING OBSERVATIONS

Repeatedly throughout this report the Commission has emphasized that the intergovernmental problems of building code preparation and administration are incredibly complex. The recommendations in this report are designed to deal with these problems in urging: modernizing and updating building codes through establishment of a national program for performance standards development and building research; reducing housing costs through greater uniformity of building codes and regulations; and improving the quality of personnel and administrative practices of enforcement agencies.

In the Commission's report on Metropolitan Social and Economic Disparities: Implications for Intergovernmental Relations in Central Cities and Suburbs, a number of actions were recommended to all levels of government that would tend to increase freedom of choice in housing for all income groups in metropolitan areas and would tend to make available more housing, particularly for persons who are economically and socially disadvantaged. Among these were measures to use zoning as a means to permit a wider range of housing prices, amendments to Federal and State housing statutes to diversify and disperse low-income housing, and encouragement of State-Federal cooperation in administering laws banning discrimination in housing. In a more recent report, Relocation: Unequal Treatment of People and Businesses Displaced by Governments, the Commission stated that the most difficult problem in relocating people is finding adequate housing for low-income groups and recommended that assurance of availability of housing be required prior to dislocation.

This report is pointed toward certain building regulatory practices of a governmental nature that tend to inhibit advancement of housing and building technology and thereby delay developments that could make housing more widely available at a broader range of prices. The existence of many thousands of different local codes imposes burdens on the building industry that limit initiative and innovation in the development of new construction materials and techniques and result in excessive requirements adding to the cost of construction. Nothing short of a major overhaul and restructuring of intergovernmental responsibilities for building codes will suffice to meet the housing and commercial construction needs of late twentieth century America. In addition, the building industry, its unions, its suppliers, the mortgage bankers, and consumers must share responsibilities in creating the best possible environment achievable in an age of advanced technology. Finally, new creative combinations of public and private initiative must be found to explore and develop more meaningful, rather than merely more productive technologies.

The Commission believes that a sound intergovernmental framework can assist in meeting the social and economic problems of housing within metropolitan areas through technological advancement and sound regulatory practices. The foregoing recommendations, involving complementary actions by local, State, and Federal governments, should stimulate the application of constantly advancing technology to housing problems. With responsible public leadership this can result in the creation of better housing and a better living environment for all its citizens.

APPENDIX D

Statistical Data on Code Enforcement
in Counties and Cities (based on population)

Following is a copy of statistical data, collected by the Engineering Division, which identifies the extent to which individual counties and cities provide code enforcement. The data includes a breakdown into specific areas of code enforcement - building, plumbing, heating and electrical - as well as a breakdown based on population of the individual unit of local government.

The Engineering Division is currently collecting information about individual building inspectors: educational background, salary range, years of experience, additional job responsibilities unrelated to code enforcement, etc. This material was not compiled in final form at the time this report was printed.

NORTH CAROLINA COUNTIES WITH CODE ENFORCEMENT BY POPULATION

UNDER 5,000 (42)					UNDER 25,000				
	B	P	H	E		B	P	H	E
Alexander				X	Swain				
Alleghany				X	Transylvania				X
Anson	X	X		X	Tyrrell	X			
Ashe	X	X		X	Warren				X
Avery	X	X		X	Washington				X
Bertie				X	Watauga	X	X	X	X
Brunswick		X		X	Yadkin	X			X
Camden				X	Yancey				X
Caswell				X					
Cherokee				X	TOTAL	13	8	3	33
Chowan				X					
Clay				X					
Currituck				X					
Dare	X	X		X					
Davie				X					
Gates				X					
Graham				X					
Greene				X					
Hertford	X	X	X	X					
Hoke	X	X	X	X					
Hyde				X					
Jackson				X					
Jones				X					
Macon				X					
Madison	X	X		X					
Martin				X					
Mitchell				X					
Montgomery	X			X					
North Hampton	X			X					
Pamlico	X			X					
Pender				X					
Perquimans				X					
Polk				X					
Stokes				X					

NORTH CAROLINA CITIES WITH COCE ENFORCEMENT BY POPULATION

OVER 150,000	B P H E	OVER 125,000	B P H E	OVER 75,000	B P H E	OVER 50,000	B P H E	OVER 25,000	B P H E
Charlotte	X X X X	Winston/S Greensboro	X X X X	Durham Raleigh	X X X X	Asheville Fayetteville Gastonia High Point	X X X X	Burlington Rocky Mount Wilmington Chapel Hill Goldsboro Greenville Wilson	X X X X X X X X
TOTAL	1 1 1 1 1		2 2 2 2 2		2 2 2 2 2		4 4 4 4 4		7 7 6 7 1
GRAND TOTAL	286	286	122	45	262				

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NORTH CAROLINA CITIES WITH CODE ENFORCEMENT BY POPULATION

UNDER 25,000 (289)	B	P	H	E	UNDER 25,000	B	P	H	E	UNDER 25,000	B	P	H	E
Asheville	X				Valdese	X			X	Tabor City	X			X
Graham	X	X	X		Concord	X	X	X	X	Whiteville	X	X		X
Law River	X				Kannapolis	X				Bridgeton				X
Mebane	X	X	X		Mt. Pleasant	X				Havelock	X	X	X	
Taylorsville	X				Granite Falls	X			X	New Bern	X	X		X
Sparta	X				Hudson	X				Hope Mills	X	X		X
Wesleyville	X			X	Lenoir	X	X	X	X	Spring Lake	X	X		
Wadesboro	X			X	Cambden					Currituck				
Jefferson	X				Beaufort	X	X		X	Kill Devil Hills	X			
W. Jefferson	X			X	Atlantic Beach	X			X	Manteo	X			
Newland	X				Cape Carteret	X				Nags Head	X			X
Aurora	X				Emerald Isle	X			X	Denton	X			X
Belhaven	X			X	Morehead City	X	X		X	Lexington	X	X	X	
Washington	X	X	X		Newport	X			X	Thomasville	X	X	X	
Aulander	X				Pine Knoll Shores	X				Mocksville	X	X		X
Belford	X				Yanceyville	X			X	Beaulaville	X			X
Lewiston	X			X	Catawba	X			X	Calypso				
Windsor	X			X	Clairmont	X			X	Faison	X			X
Bladenboro	X			X	Conover	X			X	Kenansville	X			X
Clarkton	X	X	X		Hickory	X	X	X		Magnolia	X	X		X
Elizabethtown	X	X			LongView	X				Rose Hill	X	X		X
White Lake	X			X	Maiden	X			X	Wallace	X	X		X
Holden Beach	X				Newton	X	X		X	Warsaw	X			X
Long Beach	X	X	X		Pittsboro	X				Pine Tops	X	X	X	
Ocean Isle	X	X			Siler City	X			X	Sharpsburg	X			X
Shalotte	X			X	Andrews	X			X	Tarboro	X	X	X	
Southport	X	X			Murphy	X	X			Whitakers	X			X
Yaupon Beach	X				Edenton	X			X	Kernersville	X			X
Biltmore Forest	X			X	Hayesville	X			X	Franklinton	X			
Black Mountain	X				Boiling Springs	X				Louisburg	X			X
Montreat	X	X	X		Grover	X				Youngsville	X			X
Leavesville	X			X	Kings Mountain	X	X			Belmont	X			X
Draxel	X			X	Shelby	X	X	X		Bessemer City	X	X		X
High Alpine	X				Chadbourn	X	X		X	Cherryville	X			X
Morganton	X	X	X		Fair Bluff	X	X		X	Dallas	X			X
	33	11	4	30		32	14	4	28		33	15	5	28

NORTH CAROLINA CITIES WITH CODE ENFORCEMENT BY POPULATION

OVER 5,000	B	P	H	F	UNDER 25,000	B	P	H	E	UNDER 25,000	B	P	H	E
Dowell	X			X	Benson	X			X	Carthage	X			X
Holly	X				Clayton	X				Pine Bluff	X			X
Stanley					Four Oaks	X			X	Robbins				X
Robbinsonville	X			X	Princeton	X				Southern Pines	X	X		
Putner	X				Selma		X		X	Vass				X
Reedmoor	X			X	Smithfield	X			X	Battleboro	X			
Waxford	X	X	X	X	Maysville	X			X	Nashville				
Bookerton	X			X	Trenton	X			X	Sharpsburg	X			X
Lawson Hill					Sanford	X			X	Spring Hope				
Alstonburg		X		X	Kinston		X	X		Carolina Beach				
Libbsonville		X		X	LaGrange	X	X		X	Kure Beach				X
Amestown	X	X		X	Boger City				X	Wrightsville B.		X		
Wentfield	X	X		X	Lincolnton	X	X		X	Conway				X
Salifax					Franklin	X			X	Gaston	X			X
Littleton	X				Highlands	X			X	Jackson				X
Watauga Rapids	X	X	X	X	Hot Springs	X	X		X	Rich Square	X	X		X
Scotland Neck					Marshall	X			X	Swansboro				X
Weldon	X	X			Mars Hill	X			X	Carrboro		X		X
Angier	X				Robersonville	X			X	Hillsborough				X
Watts	X				Williamston	X			X	Bayboro	X			X
Winn	X	X	X	X	Marion	X	X		X	Oriental				X
Wilmington	X			X	Old Fort	X	X		X	Elizabeth City		X	X	X
Winton	X			X	Cornelius	X			X	Burgaw		X		X
Wlyde	X				Davidson	X			X	Surf City				X
Wazlewood					Huntersville	X			X	Hertford				X
Waynesville					Matthews	X			X	Roxboro				X
Wendersonville					Pineville	X			X	Ayden	X			X
Woskie		X			Bakersville	X	X		X	Bethel	X	X		X
Wurfeesboro					Spruce Pines	X	X		X	Farmville	X	X		X
Winston					Biscoe	X			X	Fountain				X
Waxford	X	X	X	X	Candor	X			X	Grifton	X	X		X
Wax Quarter					Mt. Gilliad	X			X	Winterville				X
Waxboro	X			X	Star	X	X		X	Richlands				X
Waxton	X			X	Troy	X			X	Jacksonville	X	X		X
Waxton					Aberdeen	X			X	Pine Hurst				X
TOTAL	31	11	4	27		34	12	1	32		32	11	2	30

NORTH CAROLINA CITIES WITH CODE ENFORCEMENT BY POPULATION

UNDER 25,000	B	P	H	E	UNDER 25,000	B	P	H	E	UNDER 25,000	B	P	H	E
Blumbus	X			X	Spindale	X			X	Boone	X	X	X	X
Clyon	X			X	Clinton	X	X	X	X	Fremont	X	X	X	X
Sheboro	X	X	X	X	Garland	X				Mt. Olive	X			
Archdale	X	X			Roseboro	X				N. Wilkesboro	X	X		
Liberty	X	X		X	Gibson	X			X	Wilkesboro	X			X
Lawseur	X	X			Laurinburg	X			X	Elm City	X	X		
Handelman	X	X			Wagram	X				Stantonsburg	X			X
Millerbe				X	Albemarle	X	X	X		Yadkinville	X			
Hamlet	X			X	Walnut Cove	X	X	X		Burnsville	X			X
Rockingham	X	X	X	X	Danbury	X								
Fairmont	X	X			Dobson	X								
Lumberton	X	X	X		Elkin	X	X							
Saxton	X			X	Mt. Airy	X	X	X	X					
Markton	X				Pilot Mt.	X	X							
Embroke	X	X			Bryson Cty.	X								
Red Springs	X	X		X	Brevard	X			X					
Rowland	X			X	Columbia	X			X					
St. Pauls	X	X		X	Marshville	X								
Eden	X			X	Monroe	X			X					
Madison	X	X			Wingate	X								
Mayodan	X			X	Hendersonville	X			X					
Reidsville	X	X		X	Apex	X	X	X	X					
Stoneville	X	X		X	Cary	X		X	X					
Wentworth	X	X		X	Fuquay Var.	X								
China Grove	X			X	Garner	X	X							
East Spencer	X			X	Knightdale	X	X							
Faith	X			X	Wake Forest	X			X					
Granite Quarry	X			X	Wendell	X			X					
Landis	X			X	Zebulon	X	X	X						
Rockwell	X	X		X	Norlina	X			X					
Salisbury	X	X	X	X	Warrenton	X			X					
Spencer	X	X		X	Creswell	X			X					
Forest City	X			X	Plymouth	X	X		X					
Lutherfordton	X			X	Blowing Rock	X								
TOTAL	33	14	4	32		33	14	4	31		9	4	2	8

APPENDIX E

Letter to Committee

from

North Carolina Council of Code Officials

January 13, 1976

TO: Members of LRC Committee on Local Building Inspectors

FROM: John A. Parham, President, N.C. Council of Code Officials

The North Carolina Council of Code Officials was formed almost five years ago and is composed of representatives from each of the four statewide inspectors associations. These associations are the N.C. Building Inspectors' Association; the Ellis Cannady Chapter of the International Association of Electrical Inspectors; The N.C. Association of Plumbing Inspectors; and the N.C. Heating, Air Conditioning and Gas Inspectors' Association. These organizations are composed of the various municipal and county codes officials and inspectors from throughout the state.

In the area of protecting its citizens through the regulation of building construction, the State of North Carolina has long been a pioneer, and today is in a unique and enviable position among the fifty states of this nation. Long ago the General Assembly recognized this need, and as far back as 1903 certain laws were established to regulate construction throughout the state. In later years the legislature took an even greater step by establishing a State Building Code Council which was authorized to prepare and adopt a State Building Code. In still later years the legislature revised the law dealing with the creation of the Building Code Council by enlarging the Council and broadening the authority of the Council generally to what it is today. Our state not only has seen for a long time the necessity to protect its citizens through proper building regulations, but has created a situation of having a uniform set of building regulations which are applicable statewide.

Although we have established a good method of writing and updating the various codes that form the State Building Code and regulate the construction throughout the state, it is the belief of many people in the code enforcement field that we have not done as good a job with respect to the capabilities, qualifications or importance of the inspectors at the city and county levels who have the ultimate responsibility of enforcing building regulations. At one time, a person with some experience in building construction or electrical work or plumbing work would be qualified and capable of enforcing the various codes. However construction has become much more complex and complicated in recent years with the introduction of new methods, techniques, and materials, and the various codes have had to be expanded substantially in order to keep step with the changes. These changing times and the complexities of the modern codes have generated the absolute necessity that code enforcement personnel be more capable, better trained, and more highly professional in carrying out their responsibilities.

There are at least two situations that exist which result in uneven code enforcement and inadequate protection for the citizens. The first is the situation where the governing body, for whatever reason, does not provide the personnel to make inspections and enforce the codes. The second situation is the one in which some personnel are provided, but the activity carries such a low priority of importance that the result is inadequate number of personnel, low pay resulting in unqualified personnel, inadequate facilities and equipment to carry out the job, and inadequate budgets for code enforcement. In the latter situation there also exists a complete lack of any incentive on the part of the governing body or the inspectors to improve this situation by educating themselves, or in any way trying to do a better job of protecting the citizens. Code enforcement merely takes a back seat to many of the other governmental activities and often is treated as the necessary evil of the various local government functions.

These situations could be corrected if local governing bodies were convinced of the importance of adequate code enforcement by properly trained and qualified personnel. Therefore, two levels of education need to be carried on; educating the governing bodies, and training the inspection personnel. When training facilities become such that the inspectors have easily available all the information necessary to become capable and well informed, enforcement will become a much more uniform activity. Likewise, when governing bodies are convinced of the importance and necessity of this activity, they will insist on personnel taking advantage of training opportunities which in turn results in more uniform enforcement.

