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Short Title: 2019 Building Code Regulatory Reform.

(Public)

Sponsors:

Referred to:

April 11, 2019

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

4 The General Assembly of North Carolina enacts:

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

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

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

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

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

26 a. Permit number.

27 b. Date of inspection.

28 c. Type of inspection.

29 d. Contractor's name and license number.

30 e. Street address of the job location.

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

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



- 1 ...
- 2 (d) As used in this section, the following definitions shall apply:
- 3 (1) Component. – Any assembly, subassembly, or combination of elements
- 4 designed to be combined with other components to form part of a building or
- 5 structure. Examples of a component include an excavated footing trench
- 6 containing no ~~concrete~~-concrete, a foundation, and a prepared underslab with
- 7 slab-related materials without concrete.
- 8 (2) Element. – A combination of products designed to be combined with other
- 9 elements to form all or part of a building component.

10 Components and elements are not systems."

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

12 "(b) The Board shall issue one or more standard certificates to each Code-enforcement

13 official demonstrating the qualifications set forth in subsection (b1) of this section. Standard

14 certificates are available for each of the following types of qualified Code-enforcement officials:

- 15 (1) Building inspector.
- 16 (2) Electrical inspector.
- 17 (3) Mechanical inspector.
- 18 (4) Plumbing inspector.
- 19 (5) Fire inspector.
- 20 (6) Residential changeout inspector."

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

22 "(f1) The ordinance shall not require a developer or builder to bury power lines meeting all

23 of the following criteria:

- 24 (1) The power lines existed above ground at the time of first approval of a plat or
- 25 development plan by the city, whether or not the power lines are subsequently
- 26 relocated during construction of the subdivision or development plan.
- 27 (2) The power lines are located outside the boundaries of the parcel of land that
- 28 contains the subdivision or the property covered by the development plan.

29 (f2) The ordinance shall not set a minimum square footage of any structures subject to

30 regulation under the North Carolina Residential Code for One- and Two-Family Dwellings."

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

32 "(a) For the purpose of promoting health, safety, morals, or the general welfare of the

33 community, any city may adopt zoning and development regulation ordinances. These

34 ordinances may be adopted as part of a unified development ordinance or as a separate ordinance.

35 ~~A-Except as provided in subsection (a1) of this section, a zoning ordinance may regulate and~~

36 restrict the height, number of stories and size of buildings and other structures, the percentage of

37 lots that may be occupied, the size of yards, courts and other open spaces, the density of

38 population, the location and use of buildings, structures and land. The ordinance shall provide

39 density credits or severable development rights for dedicated rights of way pursuant to

40 G.S. 136-66.10 or G.S. 136-66.11.

41 (a1) A zoning ordinance shall not set a minimum square footage of any structures subject

42 to regulation under the North Carolina Residential Code for One- and Two-Family Dwellings.

43"

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

45 "(f1) The ordinance shall not require a developer or builder to bury power lines meeting all

46 of the following criteria:

- 47 (1) The power lines existed above ground at the time of first approval of a plat or
- 48 development plan by the city, whether or not the power lines are subsequently
- 49 relocated during construction of the subdivision or development plan.
- 50 (2) The power lines are located outside the boundaries of the parcel of land that
- 51 contains the subdivision or the property covered by the development plan.

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

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

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

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

15 "

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

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

20 "**§ 143-138. North Carolina State Building Code.**

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

29 (a1) Additional Adoption Requirements. –

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

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

43 ...

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

51 "

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

2 "**§ 160A-423. Certificates of ~~compliance~~compliance; temporary certificates of occupancy.**

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

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

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

16 "**§ 153A-363. Certificates of ~~compliance~~compliance; temporary certificates of occupancy.**

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

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

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

30 "**§ 87-13. Unauthorized practice of contracting; impersonating contractor; false certificate;**
31 **giving false evidence to Board; penalties.**

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

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

50 "(a1) A permit shall be in writing and shall contain a provision that the work done shall
51 comply with the North Carolina State Building Code and all other applicable State and local laws.

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

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

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

36 **SECTION 8.(a)** G.S. 143-355.4(a) reads as rewritten:

37 "(a) Local government water systems and large community water systems shall require
38 separate meters for new in-ground irrigation systems on lots platted and recorded in the office of
39 the register of deeds in the county or counties in which the real property is located after July 1,
40 2009, that are connected to their systems. If a testable backflow preventer is required as part of
41 the separate meter required by this subsection, the property owner or their designee shall select
42 and install any testable backflow preventer that is appropriate for the level of risk associated with
43 the irrigation system and that meets the requirements of the North Carolina Plumbing Code. This
44 section shall not apply to lots with privately owned septic tanks systems or other types of
45 privately owned innovative on-site wastewater systems if a lockable cutoff valve approved by
46 the water system and a testable backflow ~~prevention device approved by the water system~~
47 ~~preventer selected and installed by the property owner or their designee and meeting the~~
48 requirements of the North Carolina Plumbing Code for the appropriate level of risk associated
49 with the irrigation system or other identified risk are installed on the water supply line for the
50 irrigation system. The lockable cutoff value shall be installed on the water supply line for the

1 irrigation system within 24 inches of the water meter and the testable backflow ~~device-preventer~~
2 shall be installed on the water supply line for the irrigation system."

3 **SECTION 8.(b)** This section becomes effective July 1, 2019, and applies to existing
4 municipal or county ordinances. Any municipal or county ordinance inconsistent with this
5 section is void and unenforceable.

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

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

9 **SECTION 10.** To promote uniformity in plan review and interpretation of the North
10 Carolina State Building Code among those cities and counties that require review of building
11 plans for structures subject to regulation under North Carolina Residential Code for One- and
12 Two-Family Dwellings, the North Carolina Department of Insurance shall issue a guidance paper
13 by October 1, 2019.

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

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