

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

SESSION LAW 2019-174
HOUSE BILL 675

AN ACT TO MAKE VARIOUS CHANGES AND CLARIFICATIONS TO THE STATUTES
GOVERNING THE CREATION AND ENFORCEMENT OF BUILDING CODES.

The General Assembly of North Carolina enacts:

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

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

- (1) The design or other proposal is completed under valid seal of the licensed architect or licensed engineer.
- (2) Field inspection of the installation or completion of the component or element of the building is performed by a licensed architect or licensed engineer or a person under the direct supervisory control of the licensed architect or licensed engineer.
- (3) The licensed architect or licensed engineer provides the city with a signed written document ~~stating~~ certifying that the component or element of the building so inspected under subdivision (2) of this subsection is in compliance with the North Carolina State Building Code or the North Carolina Residential Code for One- and Two-Family Dwellings. The ~~inspection~~ certification required under this subdivision shall be provided by electronic or physical ~~delivery and delivery~~, its receipt shall be promptly acknowledged by the city through reciprocal ~~means~~ means and shall be made on a form created by the North Carolina Building Code Council which shall include at least the following:
 - a. Permit number.
 - b. Date of inspection.
 - c. Type of inspection.
 - d. Contractor's name and license number.
 - e. Street address of the job location.
 - f. Name, address, and telephone number of the person responsible for the inspection.

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

...

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

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



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

Components and elements are not systems."

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

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

- (1) Building inspector.
- (2) Electrical inspector.
- (3) Mechanical inspector.
- (4) Plumbing inspector.
- (5) Fire inspector.
- (6) Residential changeout inspector."

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

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

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

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

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

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

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

...."

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

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

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

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

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

"(a) For the purpose of promoting health, safety, morals, or the general welfare, a county may adopt zoning and development regulation ordinances. These ordinances may be adopted as part of a unified development ordinance or as a separate ordinance. ~~A-Except as provided in subsection (a1) of this section, a zoning ordinance may regulate and restrict the height, number~~

of stories and size of buildings and other structures, the percentage of lots that may be occupied, the size of yards, courts and other open spaces, the density of population, and the location and use of buildings, structures, and land for trade, industry, residence, or other purposes. The ordinance may provide density credits or severable development rights for dedicated rights-of-way pursuant to G.S. 136-66.10 or G.S. 136-66.11.

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

...."

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

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

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

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

(a1) Additional Adoption Requirements. –

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

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

...

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

...."

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

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

(a) At the conclusion of all work done under a permit, the appropriate inspector shall make a final inspection, and if ~~he finds that~~ the completed work complies with all applicable State and local laws and with the terms of the permit, ~~he~~ the inspector shall issue a certificate of compliance. No new building or part thereof may be occupied, and no addition or enlargement of an existing building may be occupied, and no existing building that has been altered or moved

may be occupied, until the inspection department has issued a certificate of compliance. A temporary certificate of compliance may be issued permitting occupancy for a stated period of specified portions of the building that the inspector finds may safely be occupied prior to final completion of the entire building. Violation of this section shall constitute a Class 1 misdemeanor.

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

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

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

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

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

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

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

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

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

"(a1) A permit shall be in writing and shall contain a provision that the work done shall comply with the North Carolina State Building Code and all other applicable State and local laws. Nothing in this section shall require a city to review and approve residential building plans submitted to the city pursuant to ~~Section R-110 of Volume VII of the~~ North Carolina State Building Code; provided that the city may review and approve such residential building plans as it deems necessary. If a city chooses to review residential building plans for any structures subject to regulation under the North Carolina Residential Code for One- and Two-Family Dwellings, all initial reviews must be performed within 15 business days of submission of the plans. A city shall not require residential building plans for one- and two-family dwellings to be sealed by a

licensed engineer or licensed architect unless required by the North Carolina State Building Code. No permits shall be issued unless the plans and specifications are identified by the name and address of the author thereof, and if the General Statutes of North Carolina require that plans for certain types of work be prepared only by a licensed architect or licensed engineer, no permit shall be issued unless the plans and specifications bear the North Carolina seal of a licensed architect or of a licensed engineer. When any provision of the General Statutes of North Carolina or of any ordinance requires that work be done by a licensed specialty contractor of any kind, no permit for the work shall be issued unless the work is to be performed by such a duly licensed contractor."

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

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

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

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

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

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

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

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

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

In the General Assembly read three times and ratified this the 15th day of July, 2019.

s/ Daniel J. Forest
President of the Senate

s/ Tim Moore
Speaker of the House of Representatives

s/ Roy Cooper
Governor

Approved 12:11 p.m. this 26th day of July, 2019